

<u>MEETING</u>
CHIPPING BARNET AREA PLANNING COMMITTEE
<u>DATE AND TIME</u>
TUESDAY 9TH MAY, 2017
AT 7.00 PM
<u>VENUE</u>
HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius	Laurie Williams	Kathy Levine
Tim Roberts	Reema Patel	

Substitute Members

Philip Cohen	Caroline Stock	Paul Edwards
David Longstaff	Pauline Coakley Webb	Brian Salinger
Andreas Ioannidis		

Please note that the below agenda may not reflect the order in which items will be heard at the meeting

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

Andrew Charlwood – Head of Governance

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ASSURANCE GROUP

ORDER OF BUSINESS

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3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
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Decisions of the Chipping Barnet Area Planning Committee

9 March 2017

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts

Councillor Laurie Williams
Councillor Reema Patel

Apologies for Absence

Councillor Kathy Levine

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 9 February 2017, be agreed as a correct record, subject to the following amendments:

Minute 3 – Declarations of Members’ Disclosable Pecuniary Interests and Non Pecuniary Interests (if any)

Hayloft Cottage – delete Councillor Levine’s declaration.

Fairlawn – Add this item to the list of declarations, noting that all Members present at the meeting declared a non-pecuniary interest as they were familiar with at least one objector.

49 Greenway in relation to Councillor Cornelius – amend to read “That her father in law used to live at 61, Greenway and she had inherited a share of that property”.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Levine had sent her apology.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained in the addendum were dealt with under individual agenda items.

6. SIR THOMAS LIPTON MEMORIAL HOSPITAL OSIDGE 151 CHASE SIDE

SOUTHGATE LONDON N14 5HE (BRUNSWICK PARK WARD)

The Committee received the report.

Representations were heard from Charlotte Chin, Mr Makhija and the Applicant.

RESOLVED that the application be approved, subject to S106 and including amendments to Recommendation 1, amendments and additional conditions and informatives and additional Recommendation III as set out in the addendum.

For	4
Against	2
Abstained	0

7. SIR THOMAS LIPTON MEMORIAL HOSPITAL OSIDGE 151 CHASE SIDE SOUTHGATE N14 5HE (BRUNSWICK PARK WARD)

The Committee received the report.

RESOLVED that the application be approved, subject to the conditions detailed in the report and the additional conditions set out in the addendum.

For	4
Against	1
Abstained	1

8. UNIT 3 PEMBROKE STUDIOS PEMBROKE ROAD LONDON N10 2JE (COPPETTS WARD)

The Committee received the report.

A representation was heard from the Applicant's agent.

RESOLVED that the application be approved, subject to the conditions detailed in the report and amended condition 2:

a) Within 2 months of the date of this permission, details of how windows would be kept shut and satisfactory ventilation maintained when each room is in use and how provision would be made for 'purge' ventilation for each room by opening windows only when it is not in use, shall be submitted for approval by the Local Planning Authority.

b) The permission shall be implemented in accordance with the approved details within 1 month of the approval of the details, and maintained as such thereafter.

Reason: To safeguard the 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).

For	6
Against	0

Abstained	0
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9. 112C PARK ROAD BARNET EN4 9QS (EAST BARNET)

The Committee received the report.

A representation was heard by Councillor Salinger.

RESOLVED that the application be approved, subject to the conditions detailed in the report and amendment to condition 17:

- 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) The details provided under (a) shall include the felling of the line of Leyland cypress trees adjacent to the boundary with 19 Mount Road, and these shall be removed before the commencement of any works in connection with the development.
- c) All other 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.
- d) 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 and protect the amenities enjoyed by neighbouring residents, 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.

For	4
Against	0
Abstained	2

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

The meeting finished at 8pm

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Location **Hadley Green Garage Victors Way Barnet EN5 5TZ**

Reference: **17/0653/FUL**

Received: 3rd February 2017

Accepted: 8th February 2017

Ward: High Barnet

Expiry 5th April 2017

Applicant: Mr J Button

Proposal: Provision of a substation, and relocation of waste area to south-east of site with new 2.4m high palisade fence enclosure. Provision of car valeting area, relocation of cycle storage structure and installation of air condensers behind new wall-enclosure to north of site. New lighting details

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

Drawing No. 515C, 516B, 540, 537 and 539 (3 February 2017).

Drawing 517 and EDS 07-0102.01 Sheets 1-3 of 3 (received 16 February 2017).

Drawing 518 (received 22 February 2017).

Lighting Column Drawing BH36 and BH58.

JLR Barnet External Rev B dated 22.03.2017 (lighting design document).

JLR Barnet External 16-06-15 Proposed external lighting Revision B dated 22-03-17 (received 28 March 2017).

Specification of Air Conditioning unit PURY-P550YSLM-A1, PURY-P450YLM-A1, PURY-P500YLM-A1.

Drawing No. 540 (with annotations of external condensor units).

Drawing No. 541B (received 26 April 2017).

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 car valet building and its associated equipment shall not be used before 08:00 or after 18:00 on weekdays, before 09:00 or after 15:00 on Saturdays, or at any time on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

4 a) Notwithstanding the submitted details, prior to the first use of the car valet building hereby approved a scheme of hard and soft landscaping for the area immediately to the rear of that building, 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.

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 2016) and 7.21 of the London Plan 2015.

5 The level of noise emitted from the air conditioning units and pressure washing equipment hereby approved 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

6 The lighting hereby permitted shall not be illuminated before 07:00 or after 20:00 on weekdays, before 08:00 or after 18:00 on Saturdays or before 10:00 or after 16:00 on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

7 The materials to be used in the external surfaces of the building shall match those set out in the application documents submitted.

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.

Officer's Assessment

1. Site Description

The application site is a plot of land approximately 0.7ha in area, located to the east of the Chipping Barnet Town Centre. The site contains a car dealership, and at present construction works are progressing in respect of planning permission 15/01638/FUL.

The site is accessed via Victors Way. The original front forecourt area of the site (making up the majority of the site) contained three buildings of approximately 1.5 storeys in height. The showroom to the north was approximately 5 metres high with a flat roof. The first showroom to the south was approximately 6.5 metres high, with the workshop beyond approximately 4 metres high. The second workshop, which was between Hadley House and No. 15 Park Road, and accessed via Park Road, was approximately 7 metres tall to the ridge of its pitched roof.

The site slopes down from front to rear (ie from west to east). The first part of the site has a gentle slope, but further rear slopes down considerably to a lower level some 5 metres below the main site level. The lower area was used generally for washing and parking of cars.

The site is bound by residential dwellings and some office space to the southern boundary (Park Road). To the east are four storey high residential apartment buildings. To the north are a mixture of residential and industrial buildings (at Moxon Street) and to the west are residential and office buildings fronting Victors Way.

2. Site History

17/0919/S73: Variation of condition 1 (Approved Plans) of planning permission 15/01638/FUL dated 15/03/2015 for 'Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping.' Amendments include increase to building height, insertion of new external door, alterations to site levels. Application under consideration.

15/01638/FUL: Demolition of existing buildings and erection of new three storey building (comprising lower ground, ground floor and first floor levels) to provide a new car showroom and workshop facilities, with provision of parking spaces to side and front forecourt. Associated refuse and recycle facilities, cycle storage and alterations to hard and soft landscaping. Approved July 2016.

3. Proposal

This application relates to the construction of an electricity substation, the relocation of the waste area to south-east of site with new 2.4m high palisade fence enclosure, the provision of car valeting area, relocation of the cycle storage structure and the installation of air condensers behind new wall-enclosure to north of site. It also includes new lighting details.

New substation, waste area and palisade fence

The proposed substation building would have a maximum height of 2.4 metres, and would measure 3m in width and depth. It would be located toward the end of the access drive from Park Road, adjacent to Hadley House and would be finished in a dark green colour.

The waste storage area would be located to the west of the approved location, but in generally the same part of the site - to the south close to the access road from Park Road. It would be to the rear of No. 15 Park Road.

The waste storage area would be enclosed by 2.4m high palisade fencing, painted silver. The storage area would contain two flat roofed structures. One would measure 5m by 4m and 2.2m high. The second would be for hazardous waste and would measure 2.1m by 3.2m, and 2.2m high. Both structures would be finished with a vertical hardwood cladding. The applicant has confirmed that the hazardous waste store would contain old car batteries, and empty oil/lubricant containers. It would be emptied once a week.

Car valeting area

The car valeting area would be located to the north of the site, to the rear of the gardens to Nos. 36, 38 and 40 Moxon Street. It would measure 14.4 metres in width by 7 metres in depth. It would have a maximum height of 3.5 metres, and would be sited on a raised platform up to 1m in height. It would be 1.5 metres from the boundary with the garden of the Moxon Street properties at its closest point, and have a height of 3.5 metres at this point. The valeting area would be sited on a concrete base, and would be clad in metal cladding panels, metallic silver in colour.

Relocated cycle store

The cycle shelter would be adjacent to the ramp to/from the basement level. It would measure 5.5m by 3m and would have a height of 2.3m.

Installation of air condensers

The air condenser units would be installed in two locations. Three of the units would be constructed against a new brick wall (between 1.7m and 2.2m high), to the north-eastern part of the site (adjacent to the boundary with the commercial building at 50 Moxon Street). The fourth would be located to the south-eastern part of the site, close to the boundary with Hadley House, Park Road. Those to the north would be enclosed with an acoustic enclosure.

New lighting details

This application includes details of lighting for the entire site. To the sides and rear of the building, lighting is proposed in the form of wall-mounted lights. They are mounted approximately 2m from the ground level immediately outside the building, and include integral shields to ensure the light emitted is directed down toward the footpath rather than a wider spread. This lighting is low level, and intended to illuminate the emergency exit routes rather than provide specific directional illumination.

Within the car park area, a total of 17 lighting columns are proposed.

The submitted drawings detail three different lighting types for the columns. The applicant has confirmed that type BH58 P1 has an output of 11260 luminaire, whilst PH58 P3 has an output of 13100 luminaire. The brighter light would be used to the main display parking area, with the lower brightness used closer to the perimeter of the site. The lights would be mounted on 6m high columns.

4. Public Consultation

Consultation letters were sent to 175 neighbouring properties. A site notice was also displayed. 11 responses have been received, comprising 10 letters of objection and one representation.

The objections received can be summarised as follows:

- The new position of the waste area has done nothing to solve concerns with vehicles manoeuvring to the collection area.
- Waste collection area would increase noise and pollution to neighbouring residential units.
- Proximity of substation to hazardous and general waste is of concern as collection of both will be in front of substation.
- Valeting area would be 1m from the boundary of private gardens to numbers 36-40 Moxon Street, and it is unclear how high this structure will be relative to the existing fencing. It may overshadow south facing private gardens.
- High pressure water hoses at the valeting area will produce considerable noise disturbance and fumes
- Location of valeting area is where a copse of mature trees were removed, and replacements should be provided.
- Neighbours have already lost privacy, natural light, tranquillity and views from the on-going works.
- Proposed lighting would cause light pollution

The representation received can be summarised as follows:

- Archaeological works should be carried out in line with the previously approved scheme.

Environmental Health - Scientific Services

Initially, the Scientific Services team advised that insufficient information had been submitted with the application in respect of background noise levels and how the proposal would impact on neighbouring residential properties. It was recommended that a noise report be submitted. Following receipt of this feedback, the applicant commissioned a Noise Assessment. The content of this has been reviewed by the Scientific Services team and they advise that it demonstrates the resultant noise levels arising from the car valet area, air-conditioning units and substation would be acceptable.

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 2016

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, CS8 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM04, DM14 and DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

- 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

Background to this application

Planning permission 15/01638/FUL related to the redevelopment of the existing site, comprising the demolition of all buildings and the construction of one replacement building. The approved replacement building would contain three floors of accommodation. The basement level would have contained 20 service bays, one MOT bay, storage for tools and parts, and an area for washing, drying and preparing vehicles. The ground floor would have contained a showroom and offices, and the first floor would also have contained offices. The building would measure approximately 45 metres in width, 29.8 metres in depth, 7.2 metres high when measured from the front and 13.8 metres high from the rear.

The approved building would be sited approximately 13.3 metres from Clementine Court and approximately 22.5 metres from Hornbeam Court to the east, 28.5 metres from Hadley House and over 35 metres from Nos. 11 and 15 Park Road to the south, over 60 metres from the nearest neighbouring residential buildings fronting Victors Way and over 41 metres from the nearest residential properties at Moxon Street (No. 46 and 48).

As noted in the proposals section above, this current application seeks planning permission for other alterations within the application site, not directly related to or impacting upon the approved building. The impact of each will be assessed in the appraisal below.

New substation, waste area and palisade fence

In its previous site layout prior to the implementation of the recent planning permission, the garage included a workshop to the rear of Nos. 15 and 17 (Hadley House), Park Road. There were no specific planning restrictions on the use of this workshop. The approved scheme included the demolition of the workshop, and the use of this part of the site to store refuse and recycling containers.

The current application seeks to formalise the location of those containers, and provide for a substation. The structures to contain the waste containers are detailed in the Proposal section above. The structures are considered to be appropriate in scale and design relative to their intended function. The stores would be close to neighbouring buildings but in the location of approved stores, and in the location previously occupied by a workshop. They would be enclosed by a fence, and would be set far enough back from Park Road that they are not considered to be detrimental to the character and appearance of the street scene or wider area.

The new substation is required to provide the power for the electric car charging points. Those are a requirement of the previous planning permission, and it is recognised that due to an increase in availability of electric cars such points would have wider uses. The substation would be finished in GRP (Glass-reinforced plastic) and would be functional in design, and dark green in colour. It would not sit within the fenced enclosure, as access is required by the utility provider.

17 Park Road (Hadley House) contains office accommodation, whilst 13 and 15 are residential properties. Having regard to the previous use and approved use of this part of the site, and the size of the proposed structures relative to the boundary fence, it is not considered that this part of the proposal would result in any harm to the amenities of occupants of the neighbouring properties.

Car valeting area

Prior to the redevelopment works, the original garage on the site included a car washing and valeting area to the eastern, and lowest part of the site. It was close to the boundary with the properties at Laburnham Close. The area included tents, within which the valeting activities took place. That part of the site is now part of the new showroom building, and the current application proposes the construction of a valet building area to the north of the site, beyond the rear gardens of Nos. 36-46 Moxon Street.

The proposed building would be a single storey structure, constructed on a concrete base. It would contain pressure washing equipment and would be used to clean and prepare cars.

The use of a building for cleaning operations rather than a tent or other open structure would be beneficial acoustically, as the structure of the building would contain more noise than would otherwise be contained by a tent. The content of the submitted acoustic report is noted, and the council's scientific services team confirm that the resultant noise levels would be acceptable.

Notwithstanding this, the LPA considers it reasonable and necessary to restrict the hours of use of the car washing area, to ensure the amenities of neighbouring residents are protected. A condition is therefore attached restricting the use of the washing area to enable it to be used only between 8am and 6pm Monday to Friday, 9am to 3pm Saturdays and not at all on Sundays, or Bank or Public holidays. Subject to this, it is not considered that the building would result in demonstrable harm to the amenities of neighbours as a result of noise and disturbance.

In terms of the visual impact of the valet building on the amenities of neighbours, since this application was submitted, the roof to the building has been reversed to ensure the lowest part of the roof is closest to the neighbouring dwellings

In addition, the applicant has proposed to include additional soft planting along the rear of the building. This planting, along with the amendments to the building's roof form, would act to reduce the visual impact of the proposed building when viewed from the neighbouring properties fronting Moxon Street. It is considered that the proposed building would have an acceptable visual impact when viewed from these properties, and due to its height and distance from these properties would not appear overbearing or visually intrusive. The proposed planting would be secured by condition.

Relocated cycle store

The cycle shelter is located to the north of the approved showroom building, adjacent to the entrance ramp to the basement level. The shelter is small in size and scale, set well within the site confines, and is not considered to cause any harm to the character or appearance of the locality or amenities of neighbours.

Installation of air condensers

Three air conditioning condenser units have been installed to the north of the site, between the main showroom building and the boundary with the commercial building at 50 Moxon Street. As a result of the site's topography, the units are at a lower level to the neighbouring building. In addition, they do not project above the boundary fence. Given this siting, the three units to the north are not considered to be detrimental to the character or appearance of the locality. Given their distance from neighbouring properties, these are not considered to be harmful to the visual amenities of neighbours, or likely to cause levels of noise harmful to the wider amenity of neighbouring occupiers.

One unit is installed to the south of the site, close to the boundary with Hadley House, Park Road. The unit is small in size and scale, set back from and below the height of the boundary fence, and is not considered to result in any harm to the character and appearance of the locality or the amenities of neighbours.

Lighting

The application is accompanied by a lighting design report. This acknowledges that some light from the columns would spill onto the neighbouring gardens. However the levels of light spillage would be low, with the lights directed within the site toward the ground and primarily illuminating the ground around them. The hours of illumination will be controlled by condition, to limit the impact on the surrounding area and subject to this it is considered that the lighting details are acceptable.

The lighting to the building has been designed to reduce any outward-glare, and will focus the lighting downward toward the flank walls and pathways. Its purpose is to illuminate the emergency exit routes. The lighting is installed approximately 2m above the finished floor level, and would be well-screened by the site boundary treatments.

5.4 Response to Public Consultation

The objections raised have been responded to within the main body of this report above. In respect of the archaeological works, the application site was subject of an archaeological condition when the full redevelopment was approved, and the requirements of that condition have been approved in conjunction with advice from Historic England.

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.



AGENDA ITEM 7

Location	100/102 & 104 Lancaster Road Barnet EN4 8AL	
Reference:	17/0521/FUL	Received: 30th January 2017 Accepted: 30th January 2017
Ward:	East Barnet	Expiry 27th March 2017
Applicant:	Mr B Hoffman	
Proposal:	Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. Alterations to fenestration including retention of 4no. additional windows in the side elevations of no.104	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 16-1235-01B, 16-1235-02B, 16-1235-03, Planning, 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) 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 the rear terrace balcony screening 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 and details as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and the amenities of future occupiers 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 additional window(s) in the north and south flank elevations of no. 104 Lancaster Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 Other than the terrace shown on the approved plans, 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 comprises two buildings located on the western side of Lancaster Road. The street is primarily residential in character with commercial premises at No.100-102, 104 and 106-108. The area is primarily characterised by brown brick buildings or buildings finished in a mixture of brown brick and render.

Both properties the subject of this application are part single/ part two storey flat roofed buildings and are former commercial premises which have the benefit of prior approval for conversion to residential use.

2. Site History

104 Lancaster Road

15/02662/PNO: 104 Lancaster Road, Barnet, EN4 8AL. Change of use from Class B1 (Office) to Class C3 (Residential) (6 Units).

Decision: Prior approval required and approved.

Decision Date: 16 July 2015.

15/05804/FUL: 104 Lancaster Road, Barnet, EN4 8AL. Installation of additional windows to an existing building and the removal of some existing windows.

Decision: Approved subject to conditions.

Decision Date: 9 November 2015.

16/5007/RCU: 104 Lancaster Road, Barnet, EN4 8AL. Demolition and rebuild of single storey rear projection. Installation of additional windows to an existing building and the removal of some existing windows (retrospective application).

Decision: Approved subject to conditions.

Decision Date: 22 September 2016.

100-102 Lancaster Road

15/07008/PNP: 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use from (Class B8) to (Class C3) Residential, to provide 7no. units, including alterations to fenestration.

Decision: Prior Approval Required and Refused.

Decision Date: 7 January 2016. **Appeal allowed.**

15/04450/PNO: First Floor 100-102 Lancaster Road, Barnet, EN4 8AL. Change of use of front section of the first floor from Use Class B1 (office) to Use Class C3 (residential) to provide (2 Units)

Decision: Prior approval required and approved.

Decision Date: 27 August 2015.

100-102 and 104 Lancaster Road

16/7260/FUL: 100/102 and 104 Lancaster Road, Barnet, EN4 8AL. Overcladding to both buildings. First floor rear extension to no. 104. Creation of roof terrace and new glazed stairwell at rear. alterations to fenestration including insertion of 4no. additional windows in the side elevations of no.104.

Decision: Refused (The proposed cladding by reason of its design and materials would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and wider street scene).

Decision Date: 10 January 2017.

3. Proposal

This proposal is for:

- overcladding to No.100, 102 and 104 using brick slip overcladding and infill panels.
- A first floor rear extension of 2.6m to no. 104 with a roof terrace projecting 2.7m further and new glazed stairwell at rear.
- Alterations to fenestration of No.104 including insertion of 2 additional windows in each of the north and south side elevations of no.104 at first floor level.
- A terrace area at first floor level between the existing rear elevation of no. 104 and the proposed staircase enclosure, to provide external amenity space for the occupiers of the first floor flats.

4. Public Consultation

Consultation letters were sent to 82 neighbouring properties. 6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Loss of light, privacy and creates overlooking issues
- Balcony out of character
- New windows creating privacy issues
- Noise and increased rubbish from balcony use

- Traffic and Parking issues in road already
- Health and safety concerns about current building works. Site not screened
- Previous applications refused

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 2016

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 October 2016)

- 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

First floor rear extension and balcony at No.104

The proposed first floor extension will measure 2.6m in depth and 6.4m in width and the balcony will project a further 2.7m with a glazed staircase beyond. It is noted that the adjoining neighbour at No.106-108 projects the full depth of the property at first floor with no windows on this side of the building. It is further noted that the building at 106-108 is not residential and is currently being used as a commercial garage. The extension will match the depth of No.100-102's first floor and will not project further than the rear elevation of that property. It is considered that this extension will not cause demonstrable harm to the character of the dwelling or the character of the surrounding area or to the amenity of neighbouring properties.

Concerns have been raised about the balcony appearing out of character with the area. It is noted that the balcony would be sited to the rear of the property at no. 104 only and would not be visible from the streetscene or from the commercial neighbour at No. 106-108. It is considered that due to the proposed location of the balcony and the external staircase it will not have an adverse impact on the character of the building or the character of the surrounding area.

Concerns have been raised regarding the balcony creating issues of overlooking and privacy. It is noted that the balcony is proposed to the rear of the building at no. 104 and faces onto railway tracks, the Southern elevation looks onto the blank wall of No.106-108 (commercial) and the Northern elevation faces onto the roof of No.100-102. No. 104 does not adjoin the existing residential dwellings in Lancaster Road which lie to the north of no.100 to 102. It is further noted No.100-102 and 106-108 have no outdoor amenity space to be overlooked by the balcony. It is therefore considered that the balcony will not cause demonstrable harm to the residential amenities as a result of the developments proposed in this application to such an extent that would warrant a reason for refusal due to its location.

Windows

The proposed new windows to the side of No.104 are not considered to materially alter the character and appearance of the host property, given that the majority of the changes are to the side and rear elevations that are not highly visible from the streetscene. As such, they are not considered to have a detrimental impact upon the character and appearance of the host property or the area. Given that the adjoining property to the south (no. 106) is commercial, there will be no undue overlooking from the additional windows on this side. The new windows at no. 104 will look onto the existing side elevation of nos. 100-102. It is considered that the new windows will not impact detrimentally on the amenity of the future occupiers of that property, provided that they are obscure glazed.

Overcladding

The previous application 16/7260/FUL was similar to the current proposal except that the cladding proposed was to be grey rainscreen cladding panels with PPC aluminium capping to the roof. That application was refused as it was considered that the proposed cladding by reason of its design and materials would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host property and wider street scene. The current application has therefore replaced the cladding panels with brick slip overcladding and infill panels. These are considered to be more appropriate within the streetscene, particularly given that the buildings are to be in residential use. Subject to appropriate conditions, it is considered that the use of such detailing will not be harmful to the appearance of the buildings or this part of the streetscene.

5.4 Response to Public Consultation

- The concerns regarding loss of light, overlooking, privacy and character have been addressed in the report above.
- As prior approval has already been granted for the use, parking matters were taken into consideration at that time. The extension currently proposed does not increase the number of residential units, but provides enlarged living rooms for some of the flats.
- The objections regarding noise and rubbish arising from building works are not planning considerations in the context of this application.

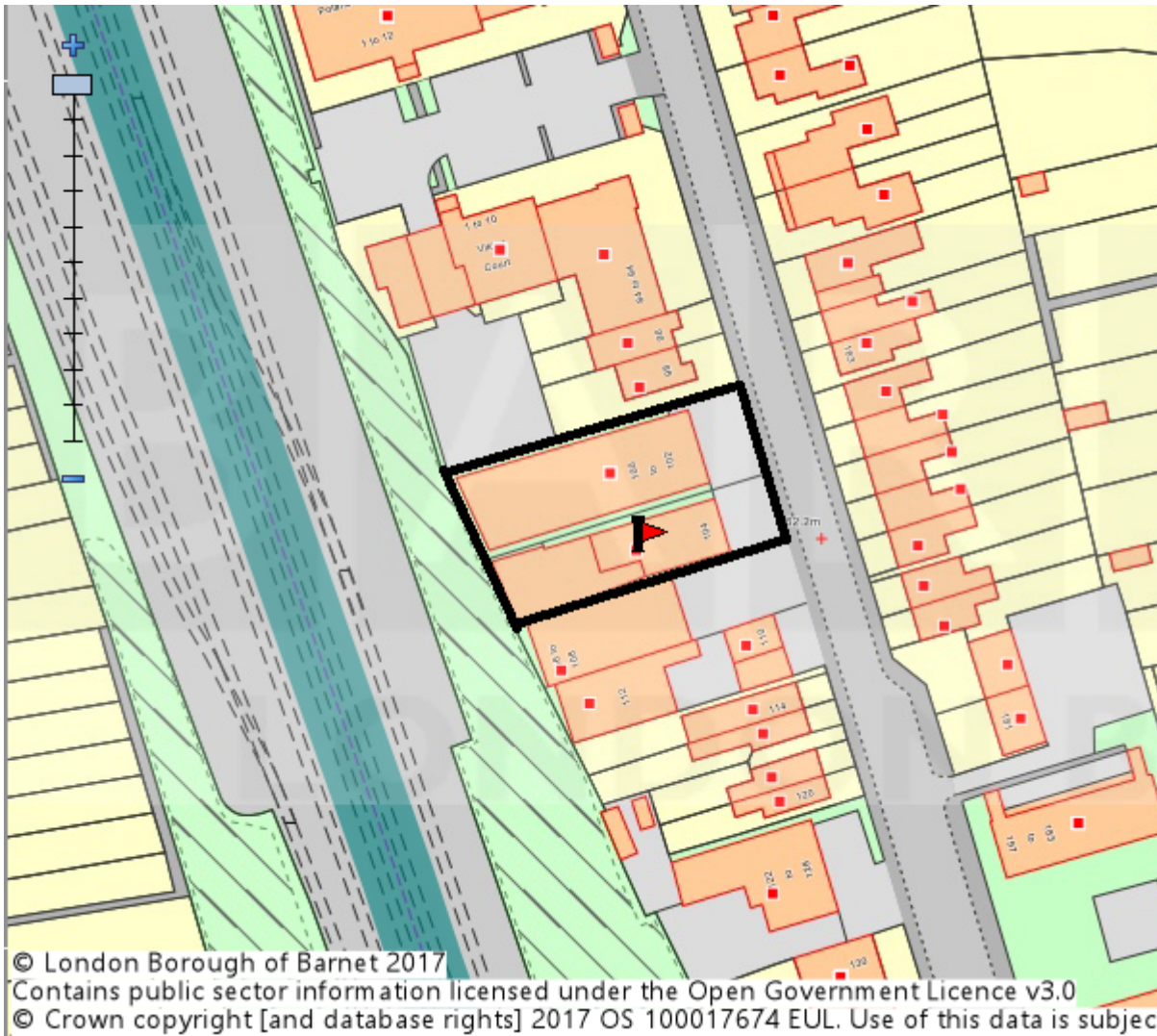
6. Equality and Diversity Issues

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

The proposal is recommended for approval, subject to conditions.

8. Site Map



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Location	Holly Lodge 189 Barnet Road Barnet EN5 3JZ	
Reference:	17/0881/FUL	Received: 14th February 2017 Accepted: 21st February 2017
Ward:	High Barnet	Expiry 18th April 2017
Applicant:	Mr Sam Bwalya	
Proposal:	Demolition of existing bungalow and erection of 2no. two storey semi-detached dwellinghouses. Associated amenity space, refuse and cycle storage. Provision of 4no. off-street parking spaces	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 554.PL.01; Drawing no. 554.PL.02; Drawing no. 554.PL.03; Drawing no. 554.PL.04; Drawing no. 554.PL.05 Rev A; Drawing no. 554.PL.06 Rev A; Drawing no. 554.PL.07 Rev A; Drawing no. 554.PL.08 Rev A; Drawing no. 554.PL.09 Rev A; Drawing no. 554.PL.10; Drawing no. 554.PL.11 Rev A; Drawing no. 554.PL.12; Sustainability Statement by IPT Architects; Planning Statement by Knights 1759 dated 10th February 2017; Arboricultural Impact Analysis by Skerratt dated 8th November 2016.

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

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

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

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

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

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

- 4 a) No development 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.

- 5 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) including planting and fencing to screen 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).

- 6 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 an arboricultural method statement detailing precautions to minimise damage to trees and providing details of how retained trees will be protected throughout all phases of development, 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.

- 7
- a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

- 8
- a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.
 - b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.
 - c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).
 - d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

- 9
- Before the building hereby permitted is first occupied the proposed windows including rooflights in the rear elevation facing High Point on Barnet Gate Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 10 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 3 Hawthorn Grove on Barnet Road or the rear elevation facing High Point on Barnet Gate Lane.

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).

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

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

- 12 The rooms labelled as studies indicated on the hereby approved plans shall be implemented and shall not be used as bedrooms.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or neighbouring residents in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (2016).

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

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

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

- 14 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).

- 15 Before the development hereby permitted is first occupied turning space and parking spaces shall be marked out within the site and any changes to vehicular access constructed in accordance with the details indicated on Drawing no. 554.PL.03 and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 16 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 17 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 18 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.

- 19 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).

- 20 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 21 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 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 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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 £2,429.70 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 £11,589.11 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 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines for Archaeological Projects in Greater London. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches.

The results of the archaeological evaluation will advise on the requirement, or not, of any future archaeological work.

- 5 The plans and particulars submitted in accordance with Condition 6; above shall include:

- (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree and which trees are to be removed;

- (b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each

retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site accommodates a bungalow and a single storey detached double garage fronting Barnet Road within the High Barnet Ward, at the junction with Barnet Gate Lane.

The property is not listed nor does it lie within a conservation area.

There is TPO covering the trees fronting Barnet Gate Lane. The site also falls within an area of special archaeological interest.

It is not identified as being within a Flood Risk Area, or subject to any other known planning restrictions.

The site is located on a corner plot, on a wide but shallow site. To the northeast of the site, lies a two storey property known as a 3 Hawthorn Grove on Barnet Road. The property is set further back from the host site and has a long projecting single storey wing at the front, on the boundary with the host site.

To the south east of the site, is a modest bungalow known as High Point, fronting Barnet Gate Lane. The property recently benefitted from planning consent for a creation of a first floor and two storey side extensions.

2. Site History

Reference: 16/4788/FUL

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Refused

Reasons for refusal:

1. The proposed dwellings would by reason of the number of dwellings proposed and by virtue of their design, size, siting and height would cumulatively appear bulky, and out of scale with the prevailing character and constitute overdevelopment of the site resulting in a cramped form of development, detrimental to the character and appearance of the site of which it forms part and the wider area, in addition the proposal would be overbearing and visually obtrusive detrimental to the visual amenities of neighbouring residents at High Point, Barnet Gate Lane

2. Insufficient information has been submitted with the application such that the Local Planning Authority is unable to assess the impact of the proposed development on the Atlantic Cedar, which is a tree of special amenity value and the subject of a Tree Preservation Order.

3. The proposal fails to provide adequate outdoor amenity space for the occupiers of units 1 and 2. As such, the proposal would fail to provide a satisfactory standard of accommodation for the existing and the future occupiers of these units

4. The proposed windows in the rear of the properties will result in overlooking and a loss of privacy to neighbouring residents at High Point, Barnet Gate Lane

Decision Date: 23rd September 2016

Description: Demolition of the existing dwelling and erection of three two storey terrace family dwellings. Associated parking and amenity space

Reference: 15/06579/192

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Unlawful

Decision Date: 11 November 2015

Description: Single storey side extension following demolition of existing detached garage

Reference: N10755E/07

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Approved subject to conditions

Decision Date: 23 January 2008

Description: Creation of additional vehicular access, front, side & rear extensions and reduction in existing garage from triple to double.

Reference: N10755D/07

Reference: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Refused

Decision Date: 8 May 2007

Description: Proposed two bedroom detached bungalow.

Reference: N10755C/06

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Approved subject to conditions

Decision Date: 13 July 2006

Description: Erection of side extension. Creation of new vehicular access and erection of 2 metre high front wall.

Other relevant history:

Planning approval at High Point, Barnet Gate Lane (under reference 16/7335/HSE) for the following development:

"Creation of first floor level. Two storey side and rear extension following demolition of existing garage. New roof including 2no dormer windows and 4no rooflights to Holly Lodge elevation, 1no dormer window and 5no rooflights to La Croisette elevation. Changes and relocation of front entrance door. Changes to fenestration to all elevations."

This scheme was approved on the 11th January 2017 and at the time of the site visit had not been implemented.

3. Proposal

The application relates to the demolition of the existing dwelling and erection of a pair of two storey family dwellings with associated parking and amenity space. The units would be 3 bedrooms (5 occupiers) plus each with a study room.

The proposed buildings would be set 7.8m away from the boundary with 3 Hawthorn Grove on Barnet Road and 3.2m from the boundary with High Point on Barnet Gate Lane; the existing building is set 10m from Hawthorn Grove although there is a garage that will be removed set on the boundary, and between 1m and 2.5m from the boundary with High Point. The edifice would be set 6m from the front of the site on Barnet Road and 16.2m from the boundary with Barnet Gate Lane; the existing building is closer to both boundaries, and set between 5.2 and 5.8m from the Barnet Road, and 13.4m from Barnet Gate Lane.

The proposed buildings would have a length of 19.8m and depth of 8.2m. There would be dormers located at the front and rear of the site. The eaves would be irregular in height at the front compared to the rear, with the former being 4.5m and the latter 3.3m from ground level. The buildings would have a ridge height of 8m to match the ridge height of High Point.

The application follows on from a refused scheme on the site comprised of three dwellings on the site under reference 16/4788/FUL. This application was refused on four grounds, which were:

1. The buildings by virtue of their design, size, siting and height would cumulatively appear bulky, and out of scale with the prevailing character and constitute overdevelopment of the site resulting in a cramped form of development, in addition the

proposal would be overbearing and visually obtrusive detrimental to the visual amenities of neighbouring residents at High Point, Barnet Gate Lane

2. Insufficient information to assess the impact on the tree covered by a TPO

3. Inadequate outdoor amenity space for the occupiers of units 1 and 2.

4. Overlooking and a loss of privacy to neighbouring residents at High Point, Barnet Gate Lane

4. Public Consultation

Consultation letters were sent to 16 neighbouring properties.

6 responses have been received, comprising 5 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Impact on traffic
- Insufficient parking provision
- Access so close to junction should not be permitted/ object to new access
- Overdevelopment of the site
- Out-of-character
- Enclosure of garden
- Loss of outlook to High Point
- Overshadowing to High Point
- Loss of views
- New homes described as 3 bedroom but room labelled as study will be used as bedroom
- Noise
- Loss of privacy to High Point
- Small amenity space/ poor quality
- Amenity space for unit 2 is close to busy road
- Windows look directly to fence

The representations received can be summarised as follows:

- Site lies in an area of special archaeological significance

Historic England has commented on the scheme and consider that certain conditions would be required to be added to the recommendation.

A site notice was erected on the 2nd March 2017.

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 2016

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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- 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 occupiers;
- Impact on trees;
- Impact on archaeology in the area;
- Impact on Highways;

- Accessibility and Sustainability

5.3 Assessment of proposals

Principle of development and Impact on the character of the area

The proposal would replace an existing residential use and two dwellings; the principle of demolition and erection of two replacement dwellings is considered suitable in this locale.

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The properties on this section of the road vary in character and there is no defined building line; however they all generally lie on generous plots. The host property, as existing, is set closer to the road than the properties to the north-east, which are predominantly obscured by the vegetation fronting the road.

The proposed scheme, as submitted, has been reduced to two dwellings (from the refused scheme involving three) and is two storeys in height (from the previous three storeys) although the top storey is confined to a steeper roof at the front and shallower form at the rear. The proposed new dwelling notably presents a modern building, particularly with the contemporary interpretation at roof level of a traditional roof form. The proposed dormers are considered to be subordinate to the roof form. Development, whether a modern or traditional in style, should be harmonious and sympathetic to its setting; in this case, officers consider that the reduction in the bulk, massing and scale of the structures in addition to a simplified design have addressed previous objections and are reflective of other properties in the vicinity.

The reduction in the proposed height, changes to the siting on the plot and simplified roof form result in the building sitting more comfortably on the plot. The proposed footprint is comparable to the existing building and the scheme is not considered to constitute an overdevelopment of the site.

It is not uncommon for properties in the vicinity to benefit from side gardens, such as at Pasadena House on Rockways, to the northeast of the host site.

Overall, the proposal is considered to have an acceptable impact on the character of the area and the scheme is considered to have addressed the previous reason for refusal on character grounds.

Impact on the amenities of neighbouring occupiers

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The previous application for three units was refused on the design, size, siting and height which was considered to result in a bulky and out-of-scale structure and therefore deemed overbearing and visually obtrusive to neighbouring occupiers. The proposed buildings have been reduced in height, width and set further away from the boundary with High Point. Whilst the eaves height has been increased at the rear and dormers added, it is considered that the distance and reduction in the height and width have reduced the prominence of the structure. In addition, although the approved development at High Point has not been implemented, weight has been given to the extant approval which would be comparable in bulk and massing to the proposed dwellings.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres. No windows are proposed in the rear of the ground floor level of the buildings but dormers are proposed in the slope of the roof to serve habitable rooms, which would be conditioned to be obscure glazed to prevent overlooking. Although windows at roof level have been introduced facing High Point where at present there are none, consideration has been given to the approval at High Point itself which also introduced windows facing the host site.

The reduction in the height, scale and length of the dwellings in addition to increasing the distance from the boundary beyond the existing building, is considered to have addressed the previous objections to the impact on High Point.

Consideration has also been given to the siting of the existing building. Although, the proposed buildings would be taller (although not bigger than neighbouring buildings), the buildings' combined sloping roof and greater distance from the garden of High Point than the existing, is not considered to have a greater impact in terms of enclosure or loss of light to the garden of High Point than the existing circumstances. It is therefore not considered that this warrants refusal of the application.

Similarly, at present there are no habitable windows at High Point fronting the host site. Although the approved extensions at High Point would involve fenestration front Holly Lodge, this has been conditioned to be obscured glazed. In either scenario, it is not considered that the development would result in loss of outlook to this property.

On the other boundary, it is acknowledged that the window to the rear double bedroom of Unit 1 would face the entrance of 3 Hawthorn Grove, which itself also benefits from a recessed clear glazed window along the common boundary. Nonetheless, due to the distance between both properties and acute angle between the windows, it is not considered that there would be any direct overlooking to warrant refusal.

The environmental health team reviewed the previously refused application and were satisfied with the proposal subject to conditions to secure further details in respect of a construction method statement and noise mitigations measures.

In conclusion, the scheme is considered to have an acceptable impact on the visual amenities of neighbouring occupiers and have addressed the previous objections .

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. A 3 bedroom house over two storeys would be expected to provide a minimum floor area of 93sqm; the proposed dwellings would both comply with this minimum space standard.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

In addition, the room labelled as a study falls below the standard for a single bedroom and is therefore not considered as such.

All proposed residential development should provide suitable outlook and daylight for future units; the proposal would provide suitable outlook and dual aspect to all habitable rooms on both units and in this regard is considered to be acceptable. The windows at the rear would be conditioned to be obscured glazed, however the bedrooms would benefit from outlook from the side elevations.

At ground floor, although the open planned kitchen/ living rooms have windows fronting the existing fence, adjacent to High Point, these rooms also benefit from other windows. It is therefore considered that the proximity of the fence, at a greater distance than the existing building, would not prejudice the outlook or light to future occupiers.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units; the SPD specifies that for dwellings of 5 habitable rooms, a garden with an area of at least 55sqm would be required. Both units would benefit from side and rear gardens. Due to the constraints of the side, there is difficulty siting the gardens to the rear in the traditional format; to provide private outdoor amenity space the applicant proposed planting and screening. These details have been indicated on the plans submitted however further details including the screening and planting would be secured by an attached condition.

Unit 1 would benefit from a side garden adjacent to 3 Hawthorn Grove with an area of 47sqm, and a connecting section of garden at the rear of 32sqm; this exceeds the

minimum standard and is considered to be useable due to its shape. The front garden has not been included in this calculation, although it would provide additional space.

Unit 2 would benefit from a side garden of approximately 77sqm and a connecting rear garden of 48sqm; again the front garden (beyond the proposed front elevation) has not been calculated.

On balance, it is considered that the additional rear garden by virtue of the building being moved away from the rear boundary and reduction in the number of units now warrants each unit sufficient outdoor amenity space and has therefore addressed the previous reason for refusal.

Impact on trees

The Council's tree specialist has reviewed the information provided and considers that the scheme is acceptable subject to conditions.

The arboricultural report identifies 15 trees and groups of trees on the perimeter of the site. The proposed new buildings are located on the footprint of the existing bungalow. Therefore it should be reasonably practical to construct this proposal without significant impact on trees and visual tree amenity.

A cedar, T4 on applicant's plan, is protected by a tree preservation order the development does not encroach into the root protection area of this tree.

A magnolia (T13 applicants plan) is located close to the entrance and proposed new property. This tree will be impacted by the development. The arboricultural impact assessment states that this can be managed, and tree officers agreed however would require that this will need to be demonstrated within an arboricultural method statement. A cypress tree (T14 applicants plan) will be removed due to condition; this is acceptable if replaced.

The proposal is considered to be acceptable subject to a condition.

Archaeology

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.

Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Barnet Gate and Totteridge Fields. Historic maps indicate that the site is located within a late 19th century industrial rural landscape, with a 'TileWorks' recorded to the immediate south-east. Development and use of the land prior to this time is unattested, however it is possible that archaeological evidence pertaining to earlier activity may be present.

Historic England has reviewed the information submitted with the application and using the Greater London Historic Environment Record, indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding; there would be a requirement for a field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that Historic England consider a condition could provide an acceptable safeguard.

The archaeological interest is considered to be therefore be conserved by attaching the recommended condition. This condition would require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Highways

As part of the previous application, the Council's Highways team as consulted and there was no highway objection.

There are as existing 4 car parking spaces and 4 car parking spaces are proposed, which is in accordance with LBB parking standards. Vehicle crossovers exist for both units and these are not different to the ones previously considered to be acceptable by the Highways team.

In accordance with the London Plan, 2 cycle spaces are required for each 4+ bedroom dwelling; this would be conditioned.

It is not considered that there are material considerations that now warrant refusal on impact to the highway, and therefore, as previous, the application is considered to be acceptable on highways grounds, subject to conditions.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £11,589.11 of Barnet CIL and £2,429.70 of Mayor's CIL.

5.4 Response to Public Consultation

The comments raised by objectors have generally been addressed in the report above.

With regards to the comments relating to the use of the rooms labelled as studies, a condition has been added to ensure that these are not used as bedrooms. Furthermore, these rooms fall below the standard for a single bedroom and would be served by a rooflight, which has been conditioned to be obscured glazed.

Amenity space for unit 2 being too close to busy road- the siting of the amenity space is not different to the current circumstances and there is vegetation that is proposed to be retained. It is therefore not considered that this warrants refusal. Furthermore, this unit also benefits from a small area of garden to the rear, where it is much quieter.

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	Land Adjacent To 23 Hampden Road London N10 2HP	
Reference:	17/0562/FUL	Received: 31st January 2017 Accepted: 10th February 2017
Ward:	Coppetts	Expiry 7th April 2017
Applicant:	Mrs Carolyn Thompson	
Proposal:	Demolition of existing buildings and the erection of a single storey dwelling	

Recommendation: Approve subject to conditions

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

372.(1).0.101 Rev B (Existing Plan and Demolitions), 372.(1).0.102 Rev A (Existing Front Elevation and Section AA), 372.(1).0.103 Rev A (OS Map), 372.(1).1.101 Rev C (Proposed Ground Floor Plan), 372.(1).1.102 Rev D (Proposed Roof Plan), 372.(1).1.103 Rev B (Existing and Proposed Roof Plan Superimposed), 372.(1).2.101 Rev K (Proposed Elevations, Front and Rear), 372.(1).3.101 Rev G (Proposed Sections. Section AA and BB), 372.(1).2.102 Rev I (Proposed Side Elevations. Elevations BB and CC), 372.(1).2.103 Rev D (Proposed Elevations. Front Elevation), 372.(1).3.101 (Proposed Sections), 372-HAM-018-Design and Access_Rev B (Design and Access Statement prepared by Lipton Plan Architects. January 2017), Sustainability Statement prepared by Lipton Plan Architects. February 2017.

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 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.

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

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

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

5 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

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

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

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

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

8 Notwithstanding the 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, C, D, E or F of Part 1 to Schedule 2 of that Order shall be carried out within the area of the curtilage 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).

- 9 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

- 10 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank walls.

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).

- 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which complies 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 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 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 5 Any alteration if required to the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Reinstatement of any redundant crossovers, removal or relocation of any existing street furniture or alteration to road markings would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works. You may obtain an estimate for this work from the Crossover Team in Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The site lies within a predominantly residential area which consists of a range of building styles and designs. The site sits next to a row of locally listed terraced properties. The adjoining side boundary abuts the rear garden boundaries of a row of terraced houses in Pembroke Road. These terraced houses sit at right angles to the site. The site is long and narrow and it currently accommodates one small storage building previously used as a builder's yard. The site is currently derelict and vacant.

The site is not located in a conservation area and is not Statutory or locally listed.

2. Site History

N14513/05: Erection of two-storey detached house with hardstanding for one car. Refused March 2005.

N14513A/05: Construction of two-storey detached house with hardstanding for one car. Refused September 2005.

N14513B/06: Construction of a two-storey detached house with hardstanding for one car. Refused March 2006.

N14513D/07: Formation of new dwelling house. Refused December 2008.

B/03659/10: Part single, part two-storey building fronting Hampden Way to be used in conjunction with existing builders yard. Refused November 2010. Appeal Dismissed September 2011.

B/04477/11: Demolition of existing building and erection of two storey detached dwelling at land adjoining 23 Hampden Road. Refused January 2012. Appeal Dismissed October 2012.

B/04360/13: Demolition of existing storage buildings and erection of 1no. two storey family dwelling including 1no. off street parking, refuse/cycle store and hard and soft landscaping. Refused 18 November 2013, dismissed at appeal on 2 April 2014.

B/00442/14/ENQ: Proposal for a single storey new build dwelling including change of use from builders yard to residential use.
Application type: Pre-application advice

15/08406/ENQ: Proposal for a single storey new build dwelling including change of use from builders yard to residential use.
Application type: Pre-application advice

16/1753/FUL: Demolition of existing buildings and erection of single storey dwelling.
Decision: Withdrawn. Decision Date: 1 February 2017

3. Proposal

The applicant seeks planning permission for the demolition of existing structures on site and the erection of a single storey dwelling with one off street car parking space at front with access from Hampden Road. The proposed building would have a width of 3.5m at the front with the entrance to the front door recessed by approximately 2.6m. The width of the entrance is approx. 1.35m. The full width of the property at the rear is approx. 4.3m. The depth of the proposed building is approx. 18.2m along the boundary with No 23 Hampden Road. It would be set back approximately 1.5m from the front building line of this property maintaining a gap of approximately 1m between the flank wall of no23 and the flank wall of the proposed building. Along the rear garden boundaries of properties in Pembroke Road the proposed building would be set to the rear of the large garage and set back approximately 4m from the frontage of this garage for a total depth of 15.58 m. The building would have a pitch roof which is angled off centre, and sunken into the ground.

The proposed dwelling would be single storey consisting of 1 bedroom for up to 2 people.

4. Public Consultation

A site notice was erected on the 23 February 2017.

Consultation letters were sent to 104 neighbouring properties.
14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- o The proposal would look cramped and contrived
- o Overdevelopment of the site
- o Out of keeping with the surrounding area. It fails to reflect the more spacious character of adjacent buildings
- o The proposal doesn't fit the urban context or setting of the Listed Buildings on Hampden Road character and setting.
- o The land is extremely narrow and is not suitable for a dwelling
- o Land should be conserved and made into gardens and returned to the rightful owners on Pembroke Road
- o There are no levels indicated to understand its full impact on the adjoining boundaries
- o Should the proposal be permitted a caveat should be placed to prevent further increase in size
- o Loss of historic open space and biodiversity
- o Poor outlook for future occupiers
- o It will cause disruption to local communities
- o Loss of amenity and intrusive for the Pembroke Road properties
- o The plans are inaccurate
- o overlooking of small rear gardens and kitchens/ living areas
- o light pollution, Loss of privacy and light
- o Noise and disturbance to adjoining neighbours and future occupiers
- o The height of the building would be visually intrusive and overpowering when at the rear of or in the very small garden of 21 Pembroke Road due to its size, position and proximity to the rear boundary of the property.
- o Flood Risk to neighbouring properties.
- o Impracticality of building what is "drawn" - ie (drainage etc) can't be made to work given the lie of the land and can't be built without encroaching on neighbour's land.
- o Digging deep will cause subsidence to houses in the surrounding areas
- o The proposed car parking space would further clutter the existing street scene
- o Increase in traffic, danger to pedestrians, cyclist and motorists. It should be noted that Hollickwood Primary School is less than 100 yards
- o A new road access will have negative effect on local road safety
- o Steep gradient between street and dwelling will make parking off-street difficult and put further pressure on street

A request that the planning department should ensure that this application is :-

- o Compliant with planning guidelines.
- o Mandate that all councillors and other council employees involved with the above planning declare if they have a conflict of interest and voluntarily exclude themselves from this planning process.
- o Mandate that the Council designate the site as "un suitable for residential development" on account of the XII previously failed applications and because the site it sits within a mature "green" space
- o Ensure formally discipline of all employees found to be in breach of the Councils code of conduct.

Representation from Cllr Barry Rawlings

- o The site is too narrow for development
- o The proposed built would be out of character with both the listed buildings on Hampden Road and the homogenous building on Pembroke Road
- o Amenity space is cramped

- o No space for bins
- o Evidence to show that the proposed development can be constructed within building controls and will not interfere with any utilities that may run under the site will be required

Representation from Local MP - Rt Hon Mrs Theresa Villiers MP

- o Opposes the application and stated that objections of neighbour should be taken into account.

The applicant's agent's response to some of the issues raised.

Drainage

- o Rainwater will not be discharged into neighbouring property. A concealed gutter will run internally and connect to mains drain.
- o Slot drains will be provided in the front and rear. These will be specified by a specialist to ensure there is no flood or health and safety risk.

Levels

- o No spot levels shown on neighbouring properties because the survey was only carried out on the client's land.
- o Ridge heights on section AA and BB are correct. These are sections taken through the building as per the section lines on the plans. The drawn heights therefore correspond to the height of the roof at the section line. Section BB accurately shows the correct ridge height which can be seen behind the section line.
- o The fence heights have been drawn in accordance with spot levels from our survey and from site measurements taken by the client. Furthermore, the fences to the rear of the site are as existing heights. As existing, the existing fences are an appropriate height to provide adequate privacy. Our proposed building is substantially lower, therefore the privacy from the existing fences will be enhanced.
- o The fence height shown to the front of the building is new to match the existing.

Health and Safety

- o In accordance with CDM 2015, a Principal Designer will be appointed to manage the Pre-Construction Health and Safety File.

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 2016

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, CS4, CS5, CS9, CS15.

- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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 local highway
- Sustainability measures

5.3 Assessment of proposals

Principle of building and impact on character of the area

Given the predominant character of the area the principle of residential accommodation in this locality is considered acceptable.

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

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

A number of applications have been made in the past to construct a detached dwelling at this site. The last two applications were refused by the Council and dismissed at appeal. The latest application (B/04360/13) was refused on the grounds that the proposal, by reason of its size, scale, siting and design would result in a cramped form of development, be out of character and keeping with the pattern of development in the surrounding locality. During the most recent appeal regarding a part two, part single storey structure, the Inspector noted:

- With built development across the whole plot width, the proposal would appear cramped and contrived in the existing gap.
- With no space on either side of the proposed dwelling to provide a setting, it would fail to reflect the spacious character of development locally.
- There would be insufficient space around the dwelling to integrate it in views from neighbouring properties.'

No objection has been raised previously with the principle of the use of the site for residential purposes, and since the last refused application, the applicant has engaged in extensive pre-application advice with the Council.

The proposed development would extend to both site boundaries, and would be recessed approximately 1.5m from the front elevation of no.23 Hampden Road. The roof would have a dual pitched roof with a height that is 0.8m lower than the adjacent garage at rear of no.27 Pembroke Road with a maximum height of 2.06m. Furthermore the maximum eaves height adjacent to garage would be 1.3m high and 1.17m along the boundary with no 23 Hampden Road. It is important to note the proposed building would have a subordinate and discrete appearance as viewed from the streetscene given its height and position on the site.

The proposal would be of modern design however this modern design would not detract from the architectural features of the adjacent locally listed buildings, and stand as a bespoke, sympathetic piece within the street which is considered to be a positive feature in the road as opposed to the redundant derelict vacant buildings existing on site which relates more sympathetically to the adjacent listed buildings. Therefore, the resultant building is considered to respect the character of the area and the setting of the Locally Listed terrace located at No's 19-23 Hampden Road.

Paragraph 60 of the NPPF states that "planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness. The proposal is considered to respect the character and appearance of the general area and streetscene, and as such it would be acceptable on character grounds

Impact on the amenities of neighbours

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

There are no windows to the side elevations of the proposed development, furthermore the building is set lower into the ground and due to the change in ground levels the proposed development would not affect the light or privacy of occupiers of the adjoining properties on Hampden Road and Pembroke Road. The highest part of the pitch of the proposed building would only be 0.75m higher than the height of the 2m high neighbouring boundary fence

On the other side it is proposed to grow a mature hedge to the boundary with No 23 Hampden Road. The hedge would exceed the height of the existing garden fence, providing natural screening.

It is not considered that the siting of the building would be detrimental on the visual amenities of neighbouring occupiers and as such it is considered the proposal would have acceptable impact on these grounds.

The proposed glazed window would not cause overlooking and light pollution as the proposed building is set lower than the adjoining properties and would be approximately 13m away from the nearest habitable window on Pembroke Road. The size of the proposed window would be approx. 2sqm and the potential light source would not cause light spillage nor would cause harm than that of an internal light source from a window or a light in the garden of an adjoining property.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. In addition, all residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers.

The proposed dwelling would comply with the minimum space standards in this regard and the proposal would provide adequate accommodation for future occupiers. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm; the bedroom measures approximately 14sqm and would comply with the standards. The unit would offer dual aspect views which would provide adequate levels of outlook from the front and the rear.

Residential development is expected to provide direct access to outdoor amenity. The property would have a suitable size garden (approx. 48sqm) for future occupiers, which would exceed the minimum requirement of 40sqm of outdoor amenity space for a dwelling with up to 4 habitable rooms.

The proposal is considered to provide high quality accommodation for future occupiers and as such approval is recommended accordingly.

Highways

Officers have consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways.

The site benefits from a relatively low PTAL score of 2, however officers consider that given the size of the unit and that this is a single family unit, there would be no additional parking pressures to warrant refusal and as such the proposal would have an acceptable impact on highways.

The applicant is advised that any alterations that may be required to the existing crossover will be subject to consultation with the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980.

The proposed development is acceptable on highways grounds subject to the above comment.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme "emission rate (DER) will meet the targets set out within Building Regulations. To demonstrate

compliance full SAP calculations will be carried out by an accredited SAP assessor prior to construction. The SAP calculations will be approved by an accredited building inspector to ensure they satisfy requirements". This is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

It is considered that all planning related comments have been addressed in the report above. However the following comments can also be made.

The area is not within a flood risk area, and as such the application has not been assessed in terms of potential to cause / increase flooding in the area.

The site is not designated open space or biodiversity area and it is not considered to be of any particular ecological merit.

With regards to objection relating to levels a condition has been added to provide levels prior to construction.

In addition a condition requiring a construction method statement prior to construction in order to restrict the hours of construction and minimise disturbance would be attached to the permission.

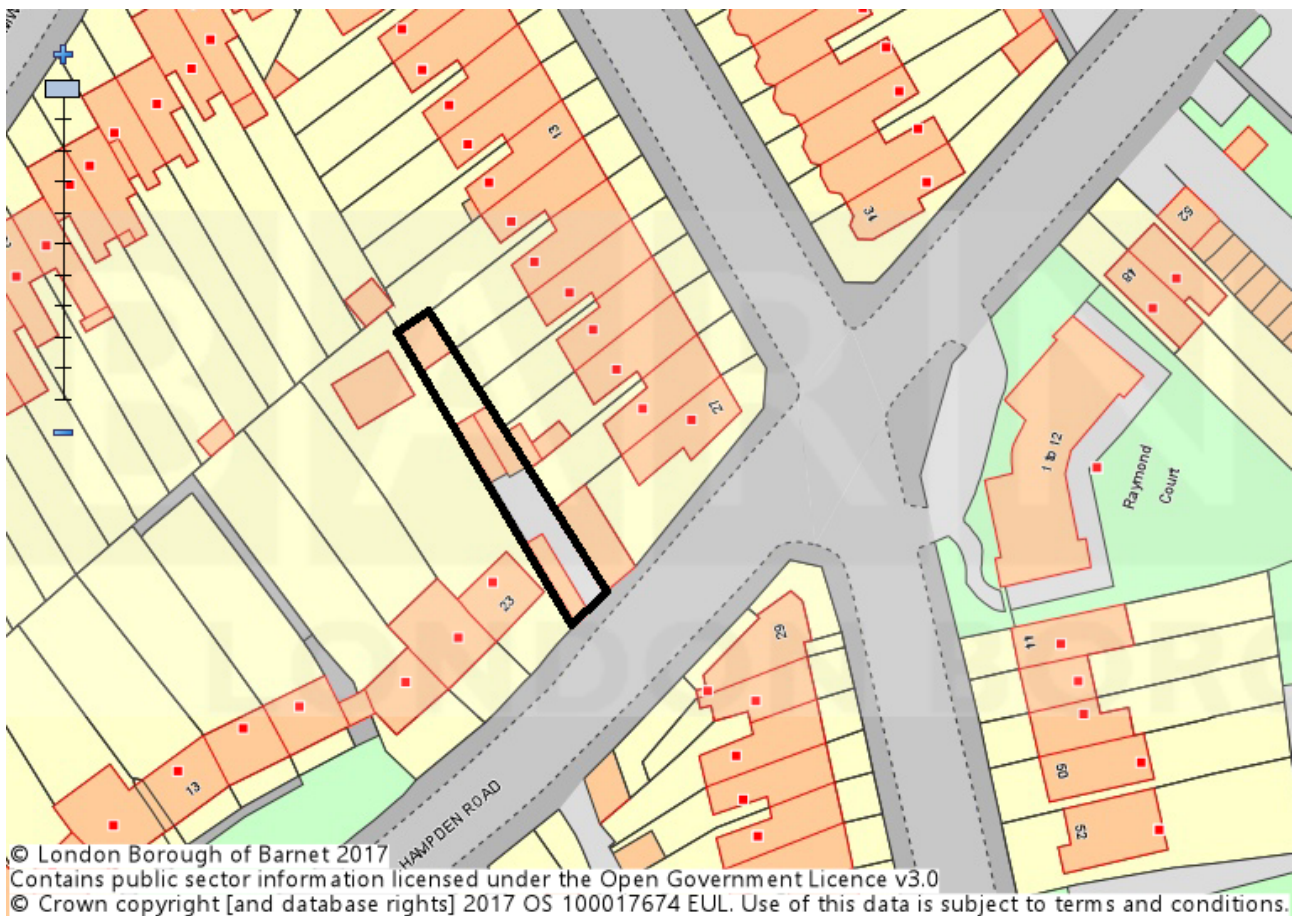
Further comments can be made that this application is compliant with local and national policies; the site is privately owned therefore there would be no conflict of interest.

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	Wessex Court 51 West End Lane Barnet EN5 2RA	
Reference:	17/0453/FUL	Received: 26th January 2017 Accepted: 26th January 2017
Ward:	Underhill	Expiry 23rd March 2017
Applicant:	Mr M BISHOP	
Proposal:	Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces	

Recommendation: Refuse

- 1 The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to 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 (2016).

- 2 Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016)

- 3 No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Informative(s):

- 1 423714-1: Existing Site Plan, 423714-2 Rev A: Existing and Proposed Plan, Section and Elevations, 423714-3: Proposed Site Plan, 423714-4 Rev B: Proposed Plans, 423714-5 Rev B: Proposed Elevations and Sections.
- 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 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £73845 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £19145 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability

Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development plus mansard fronting Bells Hill.

2. Site History

N02251K - Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces. Approved 24.05.1984

16/3985/FUL - Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Withdrawn, 22 August 2016.

3. Proposal

The proposal is for the creation of a new mansard roof to provide 8 additional flats at second floor level. Addition of 18 off street parking spaces.

4. Public Consultation

213 consultation letters were sent to neighbouring properties.

88 responses have been received, comprising 43 letters of objection, 45 letters of support (including a joint letter from 22 occupiers in Bells Hill).

The objections received were mainly from residents of Wessex Court and West End Lane.

The responses can be summarised as follows:

- The proposal will be out of keeping with the architectural character of the rest of West End Lane, namely Victorian two-storey cottages.
- Over development of an already densely populated area
- Overlooking and loss of privacy of residents living opposite, including sheltered gardens which are currently private.
- It will overshadow the houses of residents living opposite, leading to a further decrease in light
- Noise pollution
- The potential removal of green space such as trees and grass for additional parking is not environmental and demoralising for residents.
- The current landscaping of trees and grass is important to the local landscape character and is important to balance the already huge quantity of vehicles accessing and parking in the area.
- The tight-knit community will be disrupted by the great increase in residents
- Increase in traffic, worsening highway safety for residents, especially children who walk, cycle and play in the cul-de-sac.
- Proposal does not comply with parking standards.
- Parking will be totally insufficient for the 24 flats in Wessex Court as well as the Bells Hill block.
- In reality only 3 additional spaces are being proposed as most of the spaces already used for parking.
- The addition of 8 new flats will only add to the existing pressures on parking and will increase congestion.
- Turning space is already minimal with frequent damage done to parked vehicles. Concerned as to how the parking spaces will function and would expect a swept path analysis to demonstrate that the proposed spaces would function acceptably.
- Proposal should also provide a transport statement and parking count to demonstrate that the proposal will not adversely impact residents by increasing conflicting movements on the road network or increase the risk to vulnerable users.
- The proposed location of the barrier will impact on the usage of the road, as this location allows for cars to turn around in a very congested area. If the barrier is installed in the proposed location, at the end of the road, it will be difficult for

cars to turn around and so add to the congestion problems within West End Lane.

- The disruption caused will be extensive and difficult to live through.
- Profit motivated development with no consideration to the people who live in the immediate proximity
- The works to the roof should be covered by the service charge and should not cost residents significant additional funds
- Not interested in the minor benefits that the builders are offering, prepared to contribute to the costs of the works to keep position of being on the top floor.
- Demand for more housing has to be tempered with environmental concerns.
- Covenant on property is for quiet enjoyment
- Bought property because it was the top flat.

The support was mainly from Bells Hill residents. The comments received can be summarised as follows

- It is in desperate need of an update.
- The added security gates will help ensure parking is used by residents.
- Proposal will improve the aesthetics of the flats and surrounding area
- The roof will be replaced, so there will be some disruption
- The whole look of the area isn't just Victorian cottages, so the look of the area will not be drastically changed.
- Parking problem isn't caused by the residents of Wessex Court, but by the visitors to the hospital, the pub and people who commute to London on a daily basis.
- The mansard roof will not raise the current height of the building therefore having no impact on neighbours.
- Environmental benefits to the heating and mechanical services to be welcomed
- Not much choice available for leasehold properties
- Applicant should make provision for residents during the period of works by limiting hours of access for construction and delivery vehicles.
- Parking space underutilised, non-residents take up parking spaces.
- Do not want to pay £6000 for the works when it could be done for free with added benefits.

Representation from Local MP - The Rt. Hon Mrs Theresa Villiers MP opposing the application on basis of constituent's primary concerns relating to:

- Removal of tree and large areas of green space
- Little or no additional parking being provided
- Proposed parking would compromise the safety of residents, many of whom are children
- Traffic impact on West End Lane due to narrowness of the road
- Parking problems and access

Representation from Cllr Wendy Prentice

- Call in to committee if application is to be refused.

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 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

The main issues are considered to be:

Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

The existing block is two storeys high and the overall height is very similar to the height of the adjacent Victorian houses. The flats are seen within the context of the Victorian houses in West End Lane as the property facing Bells Hill has a different setting and context. Considering the block and the Victorian houses differ markedly in terms of their elevational treatment, the consistency in their height together with their roof form and alignment helps to assimilate the block of flats into the area. The creation of a mansard roof with 12 dormer windows would affect the way the flats are currently integrated into the area and the increase in bulk would change the scale of the building. This would appear incongruous when viewing the site from both directions on West End Lane, as it would no longer relate to the Victorian housing. Furthermore the mansard roof and high volume of dormers would be extremely prominent in the streetscape, there being no other similar development.

It is considered that the proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to 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 (2016).

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

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings.

Concern has been raised that the proposed mansard roof would have an impact on the front windows of the properties on West End Lane. These are located to the north-west of the building and due to the distance between the application site and the terrace properties, it is considered that no harm would arise in terms of loss of light and outlook.

Living conditions of future occupiers

It is considered that the application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space. However it does not meet the requirement for storage space as none is shown on the plans. The proposed units include 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However 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). The applicant would have been required to achieve the required sound insulation levels and an appropriate condition would have been attached to the decision if the recommendation was for grant of approval.

While the amenity space indicated on the plan shows that 332sqm of amenity space is provided for the existing residents, no additional amenity space is provided to serve the 8 new units. This will put pressure on the use of the existing space to the detriment of the existing and future occupiers. The proposal would not provide an adequate amenity space for existing and future occupiers contrary to policy DM02 of the Development Management Policies DPD and SPD Sustainable Design and Construction (October 2016).

Additional refuse and recycling storage facilities and cycle parking would be required in the event that the proposal was considered to be otherwise acceptable. No cycle parking is shown to serve the new units and inadequate information provided as to whether the existing refuse/ recycling facilities can be extended appropriately to serve the new units. Without further details, officers are unable to establish whether the provision of these facilities would result in further reduction to the existing amenity space.

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

The proposals involve the addition of 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats. The site is located outside of a controlled parking area. The application form suggests that there are currently 22 spaces and 40 spaces will be created. However it is not clear if the parking spaces referred to are for the sole use of the occupiers of Wessex Court. Secondly there is no indication on the plans to show the location of the existing 22 spaces and the proposed 18 additional parking spaces. It was observed during the site visit, that vehicles are already parked in the areas shown as proposed, which possibly led to many of the objection comments on where the additional spaces would be created.

Comments from the Highways officer states that "The proposed provision of 40 car parking spaces would be an over provision of parking according to parking standards as set out on the 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. According to adopted parking standards, parking provision for this site should be between 12-30 car parking spaces. Given that the site lies with a PTAL of 2, which is low, parking provision on the higher end would be acceptable on highways grounds. The applicant will need to provide plans demonstrating that parking provision will be in accordance with the standards". "In addition Electric Vehicle Charging Points must be provided in accordance with the London Plan."

Were the application to be otherwise acceptable, further information on the layout of the additional parking proposed would be required. However, the level of parking overall would appear to exceed the minimum standards and would not justify a reason for refusal.

5.4 Response to Public Consultation

The supports and objections are noted and taken into account in the sections above. In relation to the letters of support, it should be noted that there is no reason why the

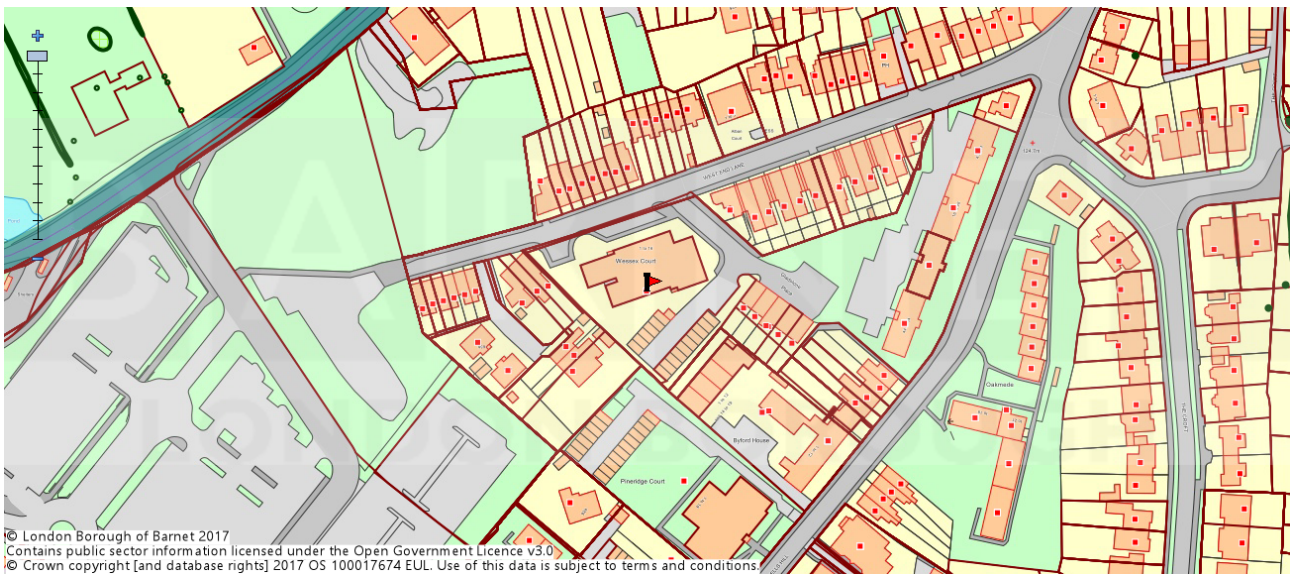
proposals are necessary to enable improvements to the existing roof structure. This is not a reason to justify granting planning permission.

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

For the reasons above it is considered that planning permission should be refused.



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Location **236 East Barnet Road Barnet EN4 8TF**

Reference: **17/1765/FUL** Received: 20th March 2017
Accepted: 21st March 2017

Ward: East Barnet Expiry 16th May 2017

Applicant: Mr Felix Gonzalez

Proposal: Demolition of existing building and erection of a new building comprising of 5no self contained flats including associated car parking, bike store, refuse and recycling store and amenity space

Recommendation: Approve subject to conditions

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

P/900 (Location Plan), P/901/A (Proposed and Existing Overlaid Site Block Plan), P/902 (Existing Elevations), P/903 (Proposed Plans), P/904 (Proposed Elevations), P/905 (Proposed Elevations), P/906 (Proposed Ground Floor Plan), P/907 (Proposed First Floor Plan), P/908 (Proposed Loft & Roof Plan), P/909/A (Proposed Section Across C/I Front Gable Bay), P/910/A (Proposed Section Across C/I Set Back @ Welbeck Road), P/911/A (Proposed section Across C/I Side Gable Bay @ Welbeck Road), P/912/A (Proposed Elevations), P/913/A (Proposed Axo View at Corner Junction), P/914/A (Proposed Flank Wall Details), P/915 (Comparative Flank Wall Details), 006 Rev A01 (Proposed layout large car tracking manoeuvres), CIV17314/TR001/A01 (Highways Statement prepared by Waterman Infrastructure & Environment Limited dated 17 March 2016), Planning, Design & Access Statement prepared by Magenta Planning dated March 2017 .

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 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.

5 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.

6 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing Nos. 0006 Rev. A01, P/906 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved 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 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.

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

8 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

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

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

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

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

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

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

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 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

12 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).

- 13 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 238 East Barnet 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).

- 14 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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 £787 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 £3,037 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 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.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant must enter a Section 278 Agreement with the Highways Authority, for any works required on the public highways as a result of the proposal.
- 7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

- 8 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 9 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP

- 10 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary
- 11 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The site is located on the corner with East Barnet Road and Welbeck Road. The side of the property is sited next to Welbeck Road, a small cul-de-sac. The site is currently occupied as a restaurant at ground floor level and residential above. To the rear of the building is a large flue. A garage currently exists at the rear of the site which backs on to the access road off Welbeck Road. The site is located just outside the local centre of East Barnet.

2. Site History

16/7732/FUL:

Demolition of existing building and redevelopment to comprise 5 residential flats, together with associated car parking, bike store, refuse store and amenity space.

Decision: Withdrawn.

Decision Date: 1 March 2017

15/07285/FUL:

Demolition of existing building and redevelopment to comprise 7 residential flats, together with associated car parking, amenity space, refuse and bike store.

Decision: Refused. Decision Date: 1 February 2016

Appeal - APP/N5090/W/16/3147366 - dismissed - 29 June 2016

3. Proposal

The application relates to the demolition of existing building and erection of a new building comprising of 5no self-contained flats including associated car parking, bike store, refuse and recycling store and amenity space.

4. Public Consultation

Consultation letters were sent to 115 neighbouring properties.

12 responses have been received, comprising 6 letters of objections and 6 letters of support

The objections received can be summarised as follows:

- o Inaccuracies in plans and documents submitted
- o 3 parking spaces not adequate for 5 flats
- o Pressure on parking and traffic in Welbeck Road
- o Maximum development should be 3 flats which would result in less parking requirement and cramped space for future occupier.
- o Heavy vehicles will cause distress for neighbouring properties on Welbeck Road
- o One parking space should be for a disabled person

The support received can be summarised as follows:

- o Will bring much needed housing to the area
- o It is a smart and compact design that will fit into the area
- o Will benefit the local community
- o The corner building is an eyesore and makes East Barnet look scruffy
- o Supports the creation of more housing and generating a well-designed building for village
- o Parking not an issue as there is plenty of parking in adjacent roads
- o There is so much local transport in the immediate area may reduce the need for car ownership

- o The application has provision for parking
- o New Barnet has recently undergone a bit of a regeneration of late and the building on the corner of East Barnet Road and Victoria Road would be a good example.

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 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

-Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

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

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

5.3 Assessment of proposals

The principle of the proposed development

The application site currently features a building with hipped roof used as a restaurant at ground floor and residential above. The area surrounding the application site features a mixture of residential buildings. The principle of C3 residential flats on the site in itself is considered to be acceptable. Furthermore a number of properties along East Barnet Road have been converted into self contained flats. Most notably the neighbouring property no.238 has recently been redeveloped as flats.

In regards to the demolition of the existing building it is not considered that the existing building is of any particular architectural merit to warrant its retention.

The impact on the character and appearance of the property and surrounding area

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

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

The proposed building has been revised substantially following extensive negotiations with the applicant. The issues raised in the reasons for the previous refusal and appeal decisions have been addressed. The proposed development is a two storey development with accommodation incorporated within the roof space. The architectural design has a traditional approach and would closely reflect the local distinctiveness and character of East Barnet Road and Welbeck Road.

The proposal would extend to the rear at two storeys for a depth of approx. 19m; it would have a width of 7m and be set back from the adjoining property by approx. 1m. In addition the building has been set back from the edge of the pavement on East Barnet Road by at least 2m and from Welbeck Road by approx. 1m. The proposal would be of comparable height to no.238.

The proposal would be an enhancement at the visually prominent corner and would comply with National Planning Policy Framework 2012 and Development Management policy DM01.

The impact on the amenity of future and neighbouring residents

Policy DM02 of the Council's Development Management Policies requires new development to comply with minimum floor space standards. The Council's Sustainable Design and Construction SPD replicates these standards. The proposal will comprise of 1x 1 bed units and 4 x 2 bed units. Accordingly, the London Plan and the Council's Sustainable Design and Construction SPD require a minimum gross internal floor area of 50sqm and 70sqm respectively. All the flats would meet the minimum space and room standards required.

The outlook from the rooms and accessible daylight to the rooms would comply with Council's Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

In regards to amenity space, a 60sqm communal space would be provided in addition to private balconies which will provide external outdoor space for the units. It is considered that the proposed development would provide a satisfactory level of amenity for future occupiers.

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

The proposal has been designed to splay the rear building line in away from the neighbouring building no.238 East Barnet Road.

Building 238 East Barnet Road, has recently been redeveloped comprising of flats on each floor. Given the proposed splay to the rear building line of the property, it is not considered that the proposal will have a harmful impact on the neighbouring windows as a result of the projection.

The proposal will be set approx. 20m from the side building line of Nos 1 and 3 Welbeck Road separated by the existing access road to the rear. Although there are windows to the flank wall of Nos 1 & 3 Welbeck Road, they are obscure glazed and the insertion of windows and doors at the rear of the proposed development would not result in a loss of amenity to the neighbouring residential occupiers due to the setback between both properties.

The impact on highway safety and whether there would be a sufficient parking allocation

According to the Highways Authority, a parking provision of between 4 and 7 parking spaces would need to be provided for the proposed residential development. The site is located within PTAL rating of 2/3, approximately 6 parking spaces would be required, therefore parking provision of 3 parking spaces will result in a shortfall of 3 parking spaces.

The applicant has therefore undertaken a parking beat survey to assess the existing parking demand on roads in the vicinity of the site. The survey has demonstrated that there are approximately 36 parking spaces available on public highway in the vicinity of the site to accommodate any overspill parking resulting from the proposed development.

Also the consultants Waterman appointed by the applicant has undertaken the car ownership assessment for flats in the local area which indicated that the proposed flats could attract a car ownership ratio of 0.65 cars per household resulting in parking demand of approximately 3 to 4 parking spaces.

Taking the above into consideration on balance the proposed development with 3 parking spaces is acceptable on highway grounds subject to conditions.

5 Cycle parking spaces are proposed as per the drawing No P/906 in accordance with the London Plan Cycle Parking Standards.

There is new vehicular and pedestrian access proposed for the development, any works proposed on public highway to facilitate the development would need to be undertaken under S278 of the Highways Act. A separate application to be made to the Highway Authority for works under S278 of the Highways Act would be required.

Other material planning considerations

The proposals would provide covered refuse and recycling storage in accordance with the Council's standards. Conditions have been attached requiring full details of the refuse store to be submitted to and agreed by the local planning authority.

In regards to sustainability, the Agent has set out that "it is the applicant's intention to provide a sustainable and energy efficient new development with a number of features incorporated into the scheme design, such as:- Passive Infrared sensor (PIR) on outside lights; Grade A windows; Grade A boilers; 750L water butt; disabled access; recycle bins; leaflets for each flat listing local services; manuals on all appliances detailing most economical useage; bus & train timetables; and local community centres/libraries; all flats fitted with LED energy saving bulbs; entry timer on communal areas; dual flush on all toilets; bicycle store; and communal landscaping".

The success of any new building on such a prominent corner plot would require high quality materials and appropriate detailing. The planning statement indicates that traditional bricks and tiles responding to the local character of the area will be used. A condition has been attached requesting details.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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 **Land Adjacent To 1 Kendal Close London N20 0SU**

Reference: **17/1706/FUL** Received: 16th March 2017
Accepted: 17th March 2017

Ward: Oakleigh Expiry 12th May 2017

Applicant: Mr Robert Young

Proposal: Single storey dwelling house with associated parking and landscape works

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 2014-0868; Supporting Statement; Sustainability 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) 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.

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

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

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

5 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 1 Kendal Close.

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD

(adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

- 9 Before the development hereby permitted is first occupied parking spaces shall be marked out within the site in accordance with the details indicated on drawing no. 2014-0868 and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

- 10 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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.

- 11 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 12 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).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 15 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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 £1,774.50 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 £8,463.96 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 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site comprises an undeveloped plot of land of unusual form, located to the north east elevation of No. 1 Kendal Close and to the rear of the rear gardens of No. 5 & No. 7 Loring Road. To the north, the site abuts Chiltern Court and 144 Oakleigh Road North. The site is within the Oakleigh Ward.

The site is not located within a Conservation Area or any other area of special control.

The surrounding area along Loring Road, Kendal Close & Oakleigh Road North are characterised by a mixture of detached and semi-detached properties and purpose built flatted development.

2. Site History

Reference: B/03940/14

Address: Land Adjoining NO1 Kendal Close, London, N20 0UJ

Decision: Withdrawn

Decision Date: 16.09.2014

Description: Creation of a new single storey dwelling

Reference: 14/07058/FUL

Address: Land Adjoining 1 Kendal Close, London, N20 0UJ

Decision: Refused

Decision Date: 29.12.2014

Description: Construction of two-bedroom bungalow on land adjacent to 1 Kendal Close

Reasons for refusal:

1. The proposed dwelling by reason of its size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development on a restricted site to the detriment of the character and appearance of the surrounding area as well as detracting from the residential and visual amenities of the neighbouring occupiers.
2. The proposal by virtue of providing poor quality outlook from the proposed bedrooms, a lack of privacy to the proposed bedrooms and the resulting noise and disturbance from the levels of activity in close proximity to those bedrooms, would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers.

Reference: 15/01861/HSE

Address: Land Adjoining 1 Kendal Close, London, N20 0UJ

Decision: Refused

Decision Date: 19.05.2015

Description: Erection of a detached garage block

Reasons for refusal:

1. The proposed garage block by reason of its size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development to the detriment of the character and appearance of the surrounding area as well as detracting from the residential and visual amenities of the neighbouring occupiers.

3. Proposal

The application seeks permission for the construction of a single storey, one bedroom detached dwellinghouse with associated amenity space and two off-street parking spaces.

The proposed building would have a T-shape form, with the widest section sited to the north east, along the boundary with properties in Oakleigh Road North. The building would be set 1.06m away from this boundary. At the other side, the building would be set 3.3m measured at the front, and 3m measured at the rear from the south-western boundary, adjacent to no.1 Kendal Close. The building would be recessed a minimum of 1.5m from the highway at the front of the site

The proposed building would have a maximum depth of 8.4m, and 5.57m at the narrowest section, spanning a width of 8.8m. The building would have a hipped roof with a maximum height of 4.8m and eaves height of 2.5m. The roof of the projecting wings to the front and rear of the site would be set approximately 0.7m lower than the main ridge height.

The application follows on from two previously refused applications on the site; one for a detached single storey dwelling on the site (14/07058/FUL) which was refused for the following reasons:

Reason 1- The size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development on a restricted site to the detriment of the character and visual amenities of the neighbouring occupiers.

Reason 2- Poor quality outlook from the proposed bedrooms, a lack of privacy to the proposed bedrooms and the resulting noise and disturbance from the levels of activity in close proximity to those bedrooms, would result in a poor and sub-standard form of residential accommodation for the future occupiers.

Since the last application for a dwelling on the site, the size of the site has increased at the rear and includes part of the garden of no.5 Loring Road (which is owned by the applicant). In addition, the building has been decreased in width and depth, and reduced to a 1no bedroom unit (previously 2no bedroom).

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Additional vehicles during construction/ concern regarding safety
- Heighten parking pressures with only one vehicle proposed/ vehicles on this narrow road
- Other residents who require district nurses or emergency services
- Heighten traffic congestion/ noise from vehicles
- Noise and disturbance during construction
- Land at present not even fenced off which shows no regard to residents of Kendal Close
- Building overly prominent and detract from surrounding areas
- Poor outlook of new property
- Poor quality and outlook for future occupiers
- Overlooking
- Loss of privacy/ light
- No boundary treatments proposed
- Pitched roof adds volume
- Too close to no.1
- Out-of-character roof design
- Minimum distance between rear window of Chiltern Court and back wall of proposed development not met
- Not appropriate for area
- Possible roof addition in future
- Scale & appearance of building
- Vulnerable residents on Kendal Close require parking spaces for health / emergency services. The proposal would greatly risk residents (heightened parking pressures)
- Effect on nature conservation & loss of trees.

A site notice was erected on the 23rd March 2017.

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 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS15.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM08 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development

- 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 suitable amenity would be provided for future occupiers
- Highways
- Sustainability measures

5.3 Assessment of proposals

Principle of development and impact on the character of the area

The principle of residential accommodation in this locality is considered to be acceptable. The principle of development was not itself raised as an objection on the previous application and there are no material considerations that now justify this.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The previous scheme on the site was deemed unacceptable due to the limited size of the site combined with the proposed building's size, design and siting resulting in an overly prominent, visually obtrusive building which would also appear cramped and incongruous. The current scheme has responded to this in a number of ways including increasing the size of the plot to rear and changing the design of the building itself with a shallower and narrower footprint. The resultant form now benefits from more spacing around the building, particular to the side adjacent to no.1 Kendal Close, and as a result sits more comfortably on the plot due to the narrower front elevation. It is not considered that the proposed building would appear cramped on the site.

The design of the building is now more traditional and the hipped roof is in-keeping with other typologies in the wider area. The modest height and relatively shallow roof is not considered to be alien to the vicinity.

The proposal is considered to respect the character and appearance of the general area and streetscene, and as such it would be acceptable on character grounds. It is considered that the changes to the scheme have contributed to addressing the previous concerns regarding the impact on character.

Impact on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The close siting of the building previously refused was attributed as being detrimental to the visual amenities of occupiers at no.1 Kendal Close. As mentioned, the distance from the proposed dwelling to the front elevation of no.1 Kendal Close has increased. In addition, the building would not project beyond the side elevation of this property and as a result it is not considered that the building would appear overbearing or dominant. The bulk of the roof would be pitched away from neighbours and this is considered to be acceptable.

It must be noted that the application was not objected to previously on grounds of impact of loss of light or loss of privacy to any neighbouring occupier; this proposal similarly is not considered to result in loss of light or privacy to neighbouring occupiers.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden; the proposal complies with the former. Although the scheme would be closer than 10.5m from the rear boundary (9.15m to the boundary with 5 Loring Road and 1.93m from the common boundary with no. 7 Loring Road), consideration has been given to the building being single storey in height and the angle of the rear gardens of properties on Loring Road. The rear windows would face the fence of these properties and as such there would be no mutual overlooking.

There is no proposed accommodation at roof level. Permitted development rights have been removed by way of a condition, therefore any extensions would require planning permission ; this would be assessed at the time of submission.

In this respect, the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (MALP 2016); the minimum standard for a single storey 1 bed unit for 2 occupiers is 50sqm. The proposal would offer 50.7sqm which meets this standard.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that for houses, amenity space should be provided in the form of individual rear gardens; for dwellings of 4 habitable rooms, a garden with an area of at least 40sqm. The proposed development would provide a private amenity space of approximately 75 sqm of rear garden space (an area of 91sqm when the side garden adjacent to no.1 Kendal Close is considered); this is

an increase in the previous provision due to the increase in the plot size. This would meet the outdoor amenity requirements minimum standards.

All proposed residential development should provide suitable outlook and daylight for future units.

The previous objection was with regards to the poor level of privacy to future occupiers; the scheme has addressed this by locating the living room and bedroom to the rear of the site and setting the building further away from the front of the site than previously considered. The proposed unit would benefit from suitable daylight, outlook and adequate privacy to all habitable rooms and therefore the proposal is considered to provide suitable amenity for future occupiers. Officers therefore consider that the previous reason for refusal has been addressed

Impact on Highways

The proposed development would provide 2no off-street parking at the northern section of the site (front).

In accordance with policy DM17, a detached dwelling would require between 1 and 2 parking spaces. The provision of 2no parking spaces is in accordance with the Council's parking standards. As the proposal meets the Council's parking standards, it is not considered that the proposed development would result in an increase in parking stress in the area.

Officers therefore do not raise any objection to the scheme on highways grounds.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £8,463.96 of Barnet CIL and £1,774.50 of Mayor's CIL.

5.4 Response to Public Consultation

"Additional vehicles during construction/ concern regarding safety" - A condition has been added requiring a Construction Management and Logistics Plan to be provided to the Local Planning Authority including manoeuvring of vehicles.

"Heighten parking pressures with only one vehicle proposed/ more vehicles on this narrow road" - The scheme proposes 2no off-street parking spaces.

"Heighten traffic congestion/ noise from vehicles" - As above. In addition, it is not considered that the additional vehicles associated with the development would result in excessive levels of noise, over and above what is currently experienced on site.

"Noise and disturbance during construction" - Hours of construction are limited by the recommended condition no.12

"Land at present not even fenced off which shows no regard to residents of Kendal Close" - This is not a material consideration in the determination of the application.

"Building overly prominent and detract from surrounding areas" - Addressed in the assessment above.

"Poor outlook of new property" - Addressed in the assessment above.

"Poor quality and outlook for future occupiers" - Addressed in the assessment above.

"Overlooking" and "Loss of privacy/ light" - Addressed in the assessment above.

"No boundary treatments proposed" - This would be secured by a condition

"Pitched roof adds volume" and "Out-of-character roof design" - Addressed in the assessment above.

"Too close to no.1 Kendal Close" - Addressed in the assessment above.

"Minimum distance between rear window of Chiltern Court and back wall of proposed development not met" - Addressed in the assessment above.

"Not appropriate for area" - Addressed in the assessment above.

"Possible roof addition in future" - Addressed in the assessment above.

"Scale & appearance of building"- Addressed in the assessment above.

"Vulnerable residents on Kendal Close require parking spaces for health / emergency services. The proposal would greatly risk residents (heightened parking pressures)"- Assessed above, however the parking spaces provided are in accordance with the London Plan.

"Effect on nature conservation & loss of trees"- There are no protected trees on the site and the site is not considered as an area of importance for Nature Conservation. The removal of vegetation on the site does not/ did not require consent. Whilst there may be wild habitats on the site, the species mentioned by objectors are not protected and as such it is not considered that this alone would justify refusal of the application. The proposal would not be considered harmful to any protected species or biodiversity on the site and therefore officers do not object on these grounds.

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-

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

It is considered that some of the residents in Kendal Close are within one or more protected groups (disability/ age). It is acknowledged that the proposals would result in works near the residences of disabled and/ or vulnerable adults who require access to services such as visits from district nurses or emergency services.

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:-

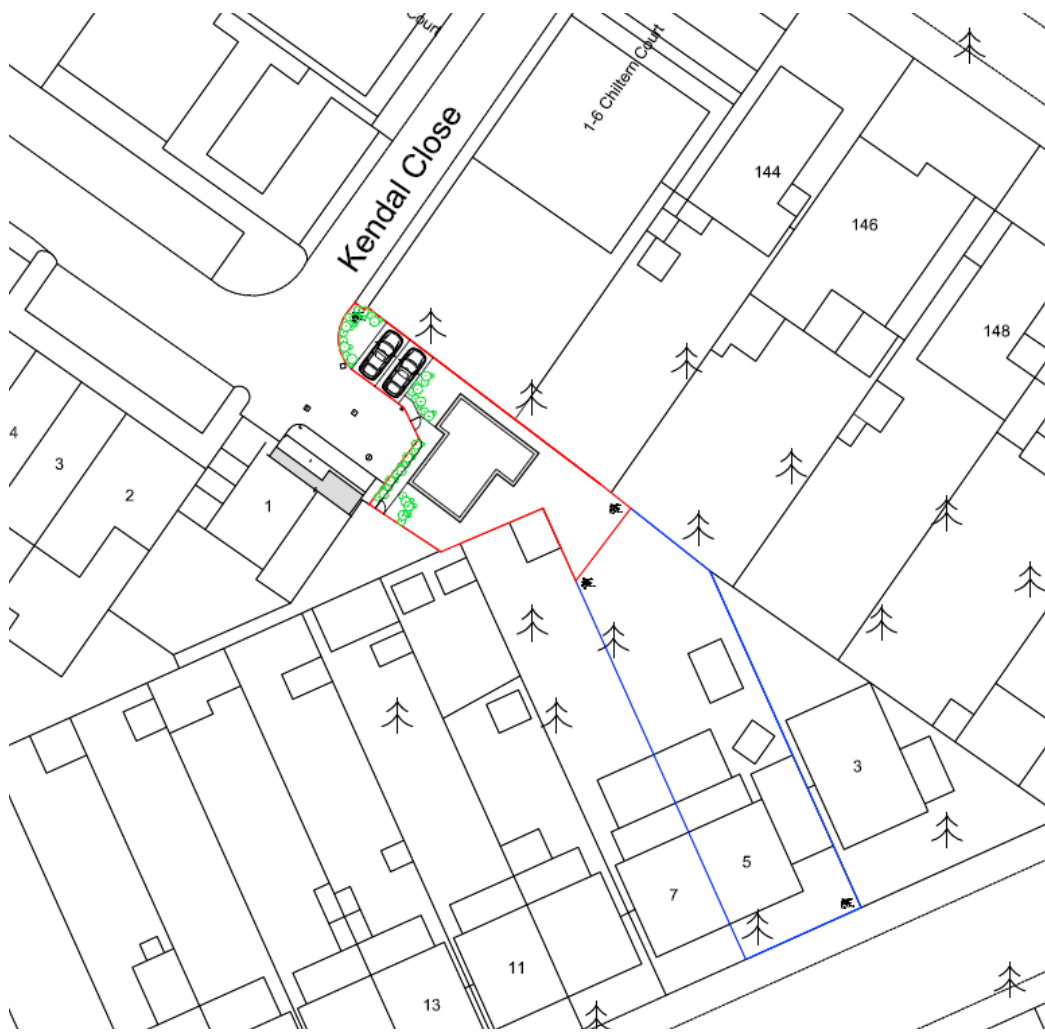
- (a)Tackle prejudice and
- (b) Promote understanding'

In determining this planning application the Local Planning Authority must have due regard to the equalities 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 equalities impacts have also to be analysed in the context of the overall planning merits of the scheme. In this instance, the Planning Department considers that the assessment of the planning application has fully reviewed the impact on highways and associated impact on the safety of vulnerable residents; subject to details of the Construction Management (secured by a condition), the proposal is not considered to be detrimental to the enjoyment of the homes of protected groups or with regards to safety of local residents in accessing parking spaces.

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 Fairlight Cottage 7 Horseshoe Lane London N20 8NJ

Reference: 17/1307/CON Received: 1st March 2017
Accepted: 6th March 2017

Ward: Totteridge Expiry 1st May 2017

Applicant: Mr Melvin Robinson

Proposal: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme B - Feathered edge panel 1.2m high with 0.3m diamond trellis on top to front, and 1.52m feathered edge panels to side, with Jacksons Cathedral gates) [AMENDED PLAN AND DESCRIPTION]

Recommendation: Approve

Informative(s):

- 1 The plans accompanying this application are: Drawing 2103 (received 4 April 2017).

Officer's Assessment

1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the last plot along Horseshoe Lane, which continues north as a footpath beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

2. Site History

17/1312/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme D - larch lap fencing panel 1.2m high with 0.3m diamond trellis on top to front and 1.52m larch lap to side, with Jacksons Cathedral gates to front). Under consideration and on this committee agenda.

17/1309/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme C - larch lap fencing panel 1.52m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1305/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme A - Featheredge fencing, 1.5m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

16/8068/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Canterbury Combi-style fencing, 1.52m high to side and front, with Jacksons Cathedral gates). Under consideration and on this committee agenda.

16/6918/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 08/12/14. Refused December 2016, being a reversal of the recommendation - Proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

16/5440/CON: Submission of details of condition 11 (Landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Approved by the Chipping Barnet Area Planning Committee in December 2016.

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused July 2016, being a reversal of the recommendation - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers. Appeal allowed April 2017.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused May 2016, being a reversal of the recommendation - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18

(Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

3. Proposal

This application relates to the submission of details pursuant to Condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14.

Condition 6 reads as follows:

Before the development hereby permitted is first 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).

When submitted this application proposed featheredge fence panels 1.52m high to the front and side boundaries. The proposal includes "Jacksons Cathedral" gates, which have vertical timber boarding with black-painted metal railings in the top part, again to give some permeability.

During the course of the application, the applicant has submitted amended drawings to show the same featheredge (vertical boards) fence style to 1.2m high, and a diamond trellis on top with a height of 0.3m, giving a maximum height of 1.5 metres. The side remains 1.5m featheredge panels.

This application has been referred to the Area Planning Committee by the Head of Development Management.

4. Public Consultation

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Five neighbouring residents were consulted on this application when it was first received. No responses were received as a result of this consultation, however the Totteridge Conservation Area Advisory Committee commented as follows:

- All the proposed wooden fences schemes are unacceptable in the Green Belt and suggest planting a substantial native hedging possibly supported by plastic chain link fencing. Also the hedgerow along the northern boundary facing the Green Belt green should be reinstated

Following receipt of the amended plans (retaining the 1.5m height but changing the style to include trellis to the top) a new consultation period was opened and interested parties written to. No further responses have been received. The application will be referred to the Totteridge Conservation Area Advisory Committee at its meeting of 3 May which is after the publication of this committee report. The comments from that Committee will be verbally reported.

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 2016

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, DM06.

Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

5.2 Main issues for consideration

The main issue for consideration is whether the proposed boundary treatments preserve or enhance the character and appearance of this part of the conservation area, the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the free flow of traffic and conditions of general safety on the adjoining highway.

5.3 Assessment of proposals

This application proposes the installation of fencing 1.5m high to the front and side boundaries of the plot. The first 1.2m of the fence would be solid vertical boarding, with the top 0.3m having a trellis.. This would allow for views in and out and therefore some visual permeability to the site. The side fence would be 1.5m featheredge panels.

This application has been submitted following the refusal of application 16/6918/CON, which related to the same planning condition as the current application. That application proposed a 1.2m high post and rail fence (which would comprise vertical posts 2.85m apart, and 9x horizontal rails, with identical entrance gates) and was refused by members on the grounds that the proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

The Totteridge Conservation Area Character appraisal identifies 'views to descending open countryside of the Dollis Brook from Horseshoe Lane' as being amongst the most notable views and vistas. The proposed fencing would be low in height and open in appearance, and therefore is considered by officers to maintain these views and vistas. However, it is also considered to overcome the previous reason for refusal as it would have a greater height and different design. The proposed boundary treatment is considered to be commensurate with the semi-rural character and appearance of this part of Horseshoe Lane. It is considered that the height and design of the proposed fencing would reflect the open and rural character of this narrow site, and would preserve the character and appearance of this part of the Totteridge Conservation Area.

The proposed fencing is not considered to prejudice the amenities of the occupiers of adjoining residential properties. The proposed front and side fencing would confine vehicular access to the single point of access at the northern part of the site.

To the rear of the site, and the southern boundary of the site (the boundary with No. 5 Horseshoe Lane), the existing boundary treatment is proposed to be retained and this is considered to be acceptable.

5.4 Response to Public Consultation

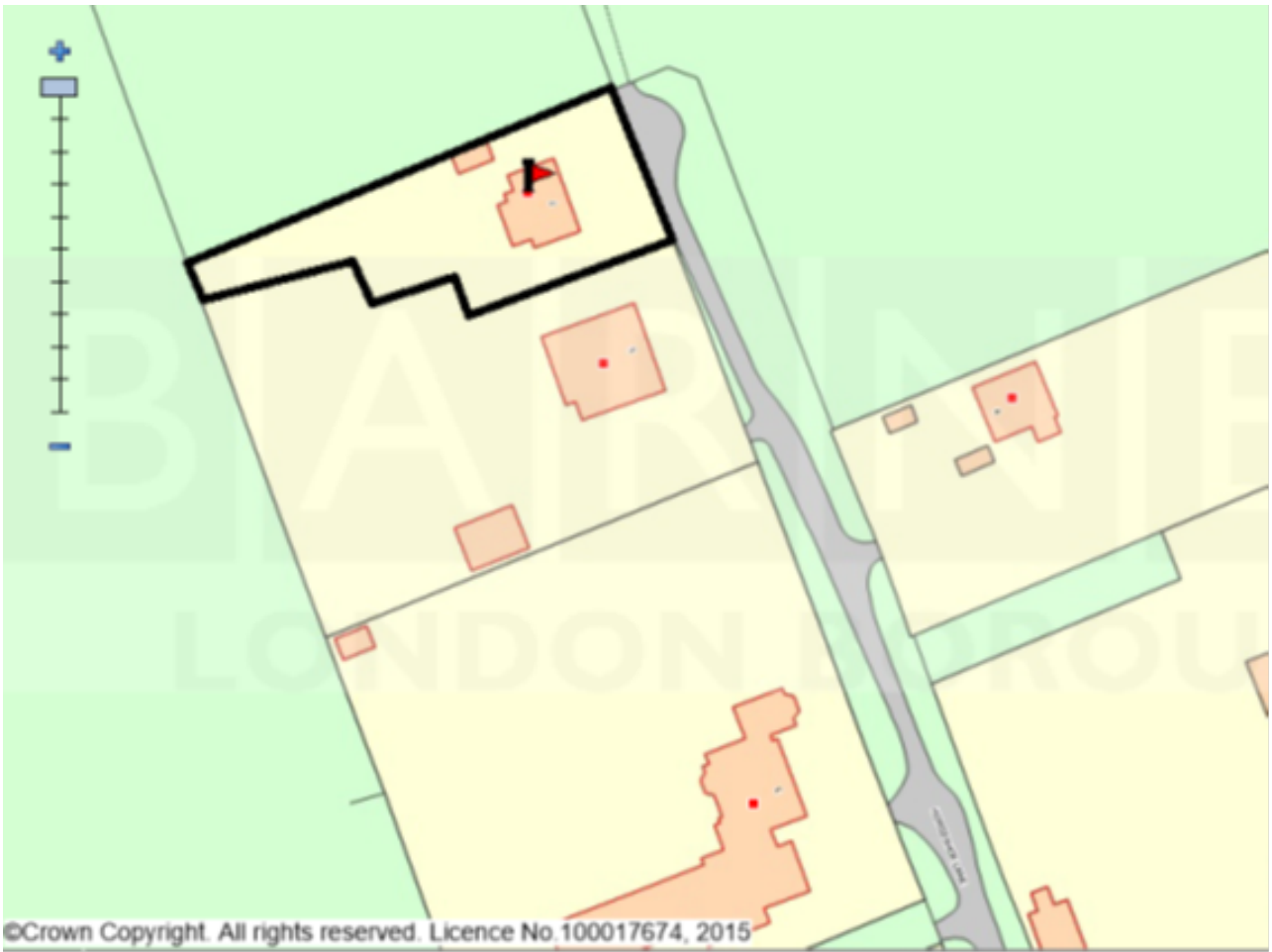
The comment received is addressed in the appraisal above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area and is therefore recommended for approval.



Location Fairlight Cottage 7 Horseshoe Lane London N20 8NJ

Reference: 17/1312/CON Received: 1st March 2017
Accepted: 6th March 2017

Ward: Totteridge Expiry 1st May 2017

Applicant: Mr Melvin Robinson

Proposal: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme D - larch lap fencing panel 1.2m high with 0.3m diamond trellis on top to front and 1.52m larch lap to side, with Jacksons Cathedral gates to front)
[AMENDED PLANS AND DESCRIPTION]

Recommendation: Approve

Informative(s):

- 1 The plans accompanying this application are: Drawing 2104 (received 4 April 2017).

Officer's Assessment

1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the last plot along Horseshoe Lane, which continues north as a footpath beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new replacement building.

Horseshoe Lane contains only of a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

2. Site History

17/1307/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme B - Featheredge panel 1.2m high with 0.3m diamond trellis on top to front, and 1.52m featheredge panels to side, with Jacksons Cathedral gates. Under consideration and on this committee agenda.

17/1309/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme C - larch lap fencing panel 1.52m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1305/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme A - Featheredge fencing, 1.5m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

16/8068/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Canterbury Combi-style fencing, 1.52m high to side and front, with Jacksons Cathedral gates). Under consideration and on this committee agenda.

16/6918/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 08/12/14. Refused December 2016, being a reversal of the recommendation - Proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

16/5440/CON: Submission of details of condition 11 (Landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Approved by the Chipping Barnet Area Planning Committee in December 2016.

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused July 2016, being a reversal of the recommendation - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers. Appeal allowed April 2017.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused May 2016, being a reversal of the recommendation - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18

(Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

3. Proposal

This application relates to the submission of details pursuant to Condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14.

Condition 6 reads as follows:

Before the development hereby permitted is first 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).

When submitted this application proposed larch lap fence panels (horizontal boarding) 1.52m high to the front and side boundaries. The proposal includes "Jacksons Cathedral" gates, which have vertical timber boarding with black-painted metal railings in the top part, again to give some permeability.

During the course of the application, the applicant has submitted amended drawings to show the same larch lap (horizontal boards) fence style to 1.2m high, and a diamond trellis on top with a height of 0.3m, giving a maximum height of 1.5 metres. The side boundary would remain 1.5m larch lap.

This application has been referred to the Area Planning Committee by the Head of Development Management.

4. Public Consultation

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Five neighbouring residents were consulted on this application when it was first received. No responses were received as a result of this consultation, however the Totteridge Conservation Area Advisory Committee commented as follows:

- All the proposed wooden fences schemes are unacceptable in the Green Belt and suggest planting a substantial native hedging possibly supported by plastic chain link fencing. Also the hedgerow along the northern boundary facing the Green Belt green should be reinstated

Following receipt of the amended plans (retaining the 1.5m height but changing the style to include trellis to the top) a new consultation period was opened and interested parties written to. No further responses have been received. The application will be referred to the Totteridge Conservation Area Advisory Committee at its meeting of 3 May which is after the publication of this committee report. The comments from that Committee will be verbally reported.

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 2016

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, DM06.

Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

5.2 Main issues for consideration

The main issue for consideration is whether the proposed boundary treatments preserve or enhance the character and appearance of this part of the conservation area, the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the free flow of traffic and conditions of general safety on the adjoining highway.

5.3 Assessment of proposals

This application proposes the installation of fencing 1.5m high to the front and side boundaries of the plot. The first 1.2m of the front fence would be solid horizontal boarding, with the top 0.3m having a trellis. This would allow for views in and out of site therefore some visual permeability to the site will be maintained. The side would be 1.5m high.

This application has been submitted following the refusal of application 16/6918/CON, which related to the same planning condition as the current application. That application proposed a 1.2m high post and rail fence (which would comprise vertical posts 2.85m apart, and 9x horizontal rails, with identical entrance gates) and was refused by members on the grounds that the proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

The Totteridge Conservation Area Character appraisal identifies 'views to descending open countryside of the Dollis Brook from Horseshoe Lane' as being amongst the most notable views and vistas. The proposed fencing would be low in height and open in appearance, and therefore is considered by officers to maintain these views and vistas. However, it is also considered to overcome the previous reason for refusal as it would have a greater height and different design. The proposed boundary treatment is considered to be commensurate with the semi-rural character and appearance of this part of Horseshoe Lane. It is considered that the height and design of the proposed fencing would reflect the open and rural character of this narrow site, and would preserve the character and appearance of this part of the Totteridge Conservation Area.

The proposed fencing is not considered to prejudice the amenities of the occupiers of adjoining residential properties. The proposed front and side fencing would confine vehicular access to the single point of access at the northern part of the site.

To the rear of the site, and the southern boundary of the site (the boundary with No. 5 Horseshoe Lane), the existing boundary treatment is proposed to be retained and this is considered to be acceptable.

5.4 Response to Public Consultation

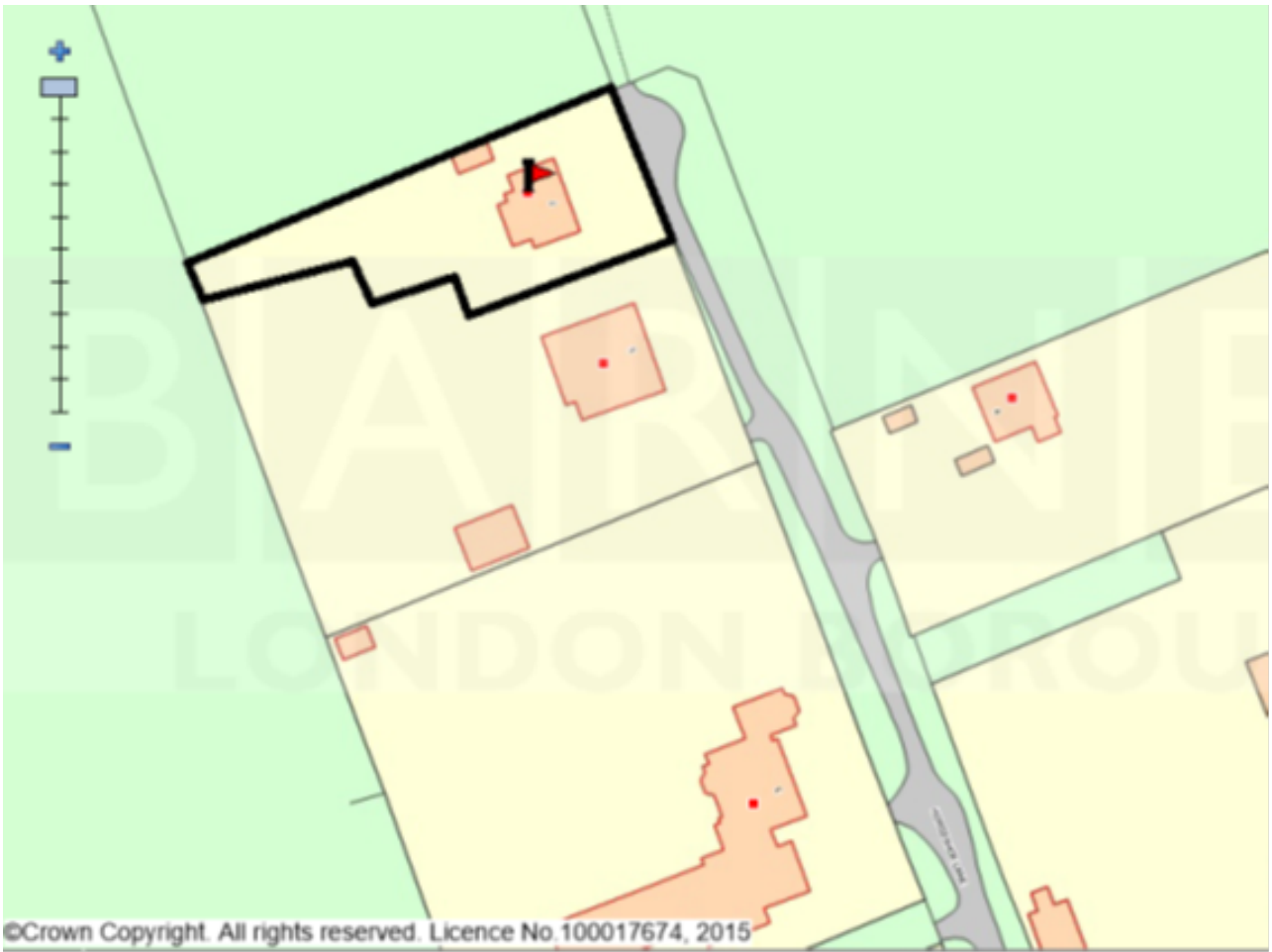
The comment received is addressed in the appraisal above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area and is therefore recommended for approval.



Location Fairlight Cottage 7 Horseshoe Lane London N20 8NJ

Reference: 16/8068/CON Received: 19th December 2016
Accepted: 20th December 2016

Ward: Totteridge Expiry 14th February 2017

Applicant: Mr Melvin Robinson

Proposal: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Canterbury Combi-style fencing, 1.52m high to side and front, with Jacksons Cathedral gates)

Recommendation: Approve

Informative(s):

- 1 The plans accompanying this application are: Drawing No. 2102 (received 4 April 2017).

Officer's Assessment

b 1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the last plot at the end of Horseshoe Lane, which continues north as a footpath beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new replacement building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

2. Site History

17/1312/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme D - larch lap fencing panel 1.2m high with 0.3m diamond trellis on top to front and 1.52m larch lap to side, with Jacksons Cathedral gates to front). Under consideration and on this committee agenda.

17/1309/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme C - larch lap fencing panel 1.52m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1305/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme A - Featheredge fencing, 1.5m high to side and 1.8m high to front, with Jacksons Cathedral gates). Refused.

17/1307/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 13/10/14 (Scheme B - Featheredge panel 1.2m high with 0.3m diamond trellis on top to front, and 1.52m featheredge panels to side, with Jacksons Cathedral gates). Under consideration and on this committee agenda.

16/6918/CON: Submission of details of condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14 dated 08/12/14. Refused December 2016, being a reversal of the recommendation - Proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

16/5440/CON: Submission of details of condition 11 (Landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Approved by the Chipping Barnet Area Planning Committee in December 2016.

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused July 2016, being a reversal of the recommendation - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers. Appeal allowed April 2017.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused May 2016, being a reversal of the recommendation - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18

(Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

3. Proposal

This application relates to the submission of details pursuant to Condition 6 (Means of Enclosure) pursuant to planning permission B/05539/14.

Condition 6 reads as follows:

Before the development hereby permitted is first 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).

When submitted this application proposed Canterbury Combi fencing, 1.83m high to the front and 1.52m high to the side. The lower three quarters of the fence panel is horizontal tongue and groove style boards, with the top quarter having a venetian style open slatted appearance to give some permeability. The proposal includes Jacksons Cathedral gates, which have vertical timber boarding with black-painted metal railings in the top part, again to give some permeability.

During the course of the application, the applicant has submitted amended drawings to show the fence style at a reduced height of 1.52m to the front boundary. The fence proposed to the side remains at 1.52m.

This application has been referred to the Area Planning Committee by the Head of Development Management.

4. Public Consultation

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Four neighbouring residents were consulted on this application when it was first received, and the following responses were received:

Objection from person consulted:

- Neither of the proposed fencing styles are in keeping with this part of the Conservation Area and it is unclear where the front boundary of the property lies. Is it where the fencing posts are or in front of the hedge the applicant is proposing to plant? I understand an ancient hedgerow was also originally in situ along the northern boundary this should be

reinstated although it should never have been removed in the first place. I strongly believe this current proposal would not conserve or enhance this part of the Conservation Area.

Totteridge Residents Association:

- Neither of the proposed fencing styles are in keeping with this part of the Conservation Area and it is unclear where the front boundary of the property lies. Is it where the fencing posts are or in front of the hedge the applicant is proposing to plant. We understand a hedgerow was also originally in situ along the northern boundary and the committee would like to see this reinstated. It is thought this current proposal would not conserve or enhance this part of the Conservation Area.

Totteridge Conservation Area Advisory Committee:

- The committee is concerned that the plans are not clear in respect of the precise position of the boundary - is it where the fence posts are shown or in front of the hedgerow the applicant proposes to plant? Neither options A or B proposed are in keeping with the Conservation Area and the fence should be more in keeping with the rural nature of the area. The gate design is acceptable. We understand that a hedgerow which originally flanked the north boundary has been removed and this should be reinstated.

Following receipt of the amended plans (reducing the height of the fence fronting Horseshoe Lane from 1.83m to 1.52m), a new consultation period was opened and interested parties written to. No further responses have been received. The application will be referred to the Totteridge Conservation Area Advisory Committee at its meeting of 3 May which is after the publication of this committee report. The comments from that Committee will be verbally reported.

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 2016

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, DM06.

Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

5.2 Main issues for consideration

The main issue for consideration is whether the proposed boundary treatments preserve or enhance the character and appearance of this part of the conservation area, the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the free flow of traffic and conditions of general safety on the adjoining highway.

5.3 Assessment of proposals

As amended this application proposes the installation of fencing measuring 1.52m high to the front and side boundaries of the plot. The lower three quarters of the fence would be solid, whilst the top quarter would have horizontal slats with spaces between, to allow views in and out of site therefore some visual permeability to the site would be retained.

This application has been submitted following the refusal of application 16/6918/CON, which related to the same planning condition as the current application. That application proposed a 1.2m high post and rail fence (which would comprise vertical posts 2.85m apart, and 9x horizontal rails, with identical entrance gates) and was refused by members on the grounds that the proposed front and side boundary fence, by reason of its design and inadequate height would be out of keeping with the rural character of the road and would not preserve or enhance this part of the Totteridge Conservation Area.

The Totteridge Conservation Area Character appraisal identifies 'views to descending open countryside of the Dollis Brook from Horseshoe Lane' as being amongst the most notable views and vistas. The proposed fencing would be low in height and open in appearance, and therefore is considered by officers to maintain these views and vistas. However, it is also considered to overcome the previous reason for refusal as it would have a greater height and different design. The proposed boundary treatment is considered to be commensurate with the semi-rural character and appearance of this part of Horseshoe Lane. It is considered that the height and design of the proposed fencing would reflect the open and rural character of this narrow site, and would preserve the character and appearance of this part of the Totteridge Conservation Area.

The proposed fencing is not considered to prejudice the amenities of the occupiers of adjoining residential properties. The proposed front and side fencing would confine vehicular access to the single point of access at the northern part of the site.

To the rear of the site, and the southern boundary of the site (the boundary with No. 5 Horseshoe Lane), the existing boundary treatment is proposed to be retained and this is considered to be acceptable.

5.4 Response to Public Consultation

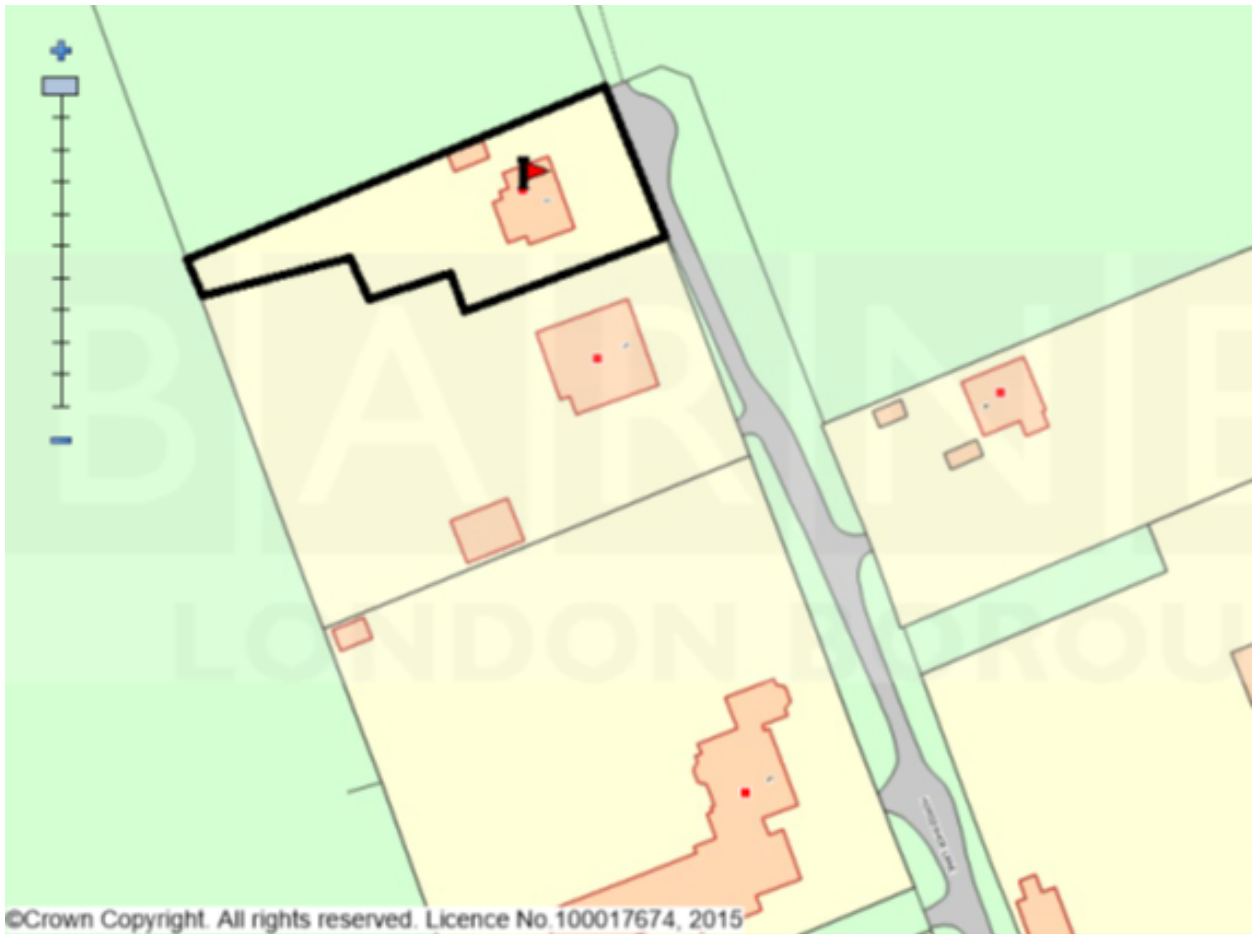
The comment received is addressed in the appraisal above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area and is therefore recommended for approval.



Location **49 Firs Avenue London N11 3NF**

Reference: **17/1681/HSE** Received: 15th March 2017
Accepted: 15th March 2017

Ward: Coppetts Expiry 10th May 2017

Applicant: Mr M Mirpuri

Proposal: Part single part two storey rear extension. 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:

- P-01
- P-02 Rev. B
- P-03 Rev. B
- P-04 Rev. B
- Site Location Plan

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

- 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 flank elevations of the first floor extension hereby approved.

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

- 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 application site contains a detached dwellinghouse. There is an approximately 1 metre gap between the dwellinghouse and either site boundary. Given the positioning of houses on the road, the flank border of the application property sits adjacent to the rear boundary of the rear gardens of 41, 43, 45 and 47 Firs Avenue. On the other flank boundary, the property sits adjacent to 51 Firs Avenue. The property is not located within a conservation area, and it is not listed.

2. Site History

None relevant.

3. Proposal

This application seeks planning permission for:

- A part single part two storey rear extension. The ground floor rear element of the proposed development will have a depth of approximately 4 metres, a width of approximately 8 metres (extending across the entire width of the existing building), and a flat roof 2.7 metres high. The first floor rear element of the proposed development will feature a hipped roof, it will have a depth of approximately 2.5 metres, a width of approximately 4 metres and an eaves height matching that of the main dwelling.
- An infill front porch with a depth of approximately 0.93 metres, a width of approximately 1.3 metres, and a maximum ridge height of approximately 3.4 metres.

4. Public Consultation

Consultation letters were sent to 10 neighbouring properties, 5 objections were raised. Their objections can be summarised as;

- loss of outlook to their rear garden and rear room windows
- overbearing impacts on their property
- extension being disproportionate in relation to the existing property and surrounding properties
- loss of sunlight to their rear gardens and rear room windows
- extension would obstruct their view of greenery
- increase sense of enclosure
- Concern over the brickwork on the proposed part single part two storey rear extension not matching the brickwork on the existing house
- obscure their view of Alexandra Palace from their property
- The proposed bathroom windows would result in a loss of privacy to their property
- Their property sits at a lower level, therefore significant harm is anticipated from the proposed part single part two storey rear extension
- Two storey rear extensions are out of character for the area
- The application form specifies that building work has not been started without planning permission, this is not the case
- The application form specifies that there are no trees or hedges on adjoining properties, and suggests that no trees or hedges need pruning; this was not the case as they have pruned their trees and hedges without first establishing if there are any Tree Preservation Orders in place.
- Digging the foundations for the proposed part single part two storey rear extension could kill the roots of trees, and result in a greater height disparity between the properties.
- The proposed front extension would result in a loss of parking and vehicle manoeuvring space on Firs Avenue

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 2016 (MALP)

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 2016)

- 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 2016)

- 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 Street scene and Character of the Area

The proposed part single part two storey rear extension will not be visible from the streetscene, and thus no harm is anticipated to this.

The single storey rear element would be a proportionate addition to the host building, and would appear subordinate overall. The proposed first floor rear element has a narrow width, and a maximum height below that of the ridge to the main dwelling. It has been set 0.15m in from the main flank wall to introduce a visual break to the wall. It would appear as a subservient addition to the host property and the wider area, and is not considered to be detrimental to the character or appearance of the locality.

Although there are few examples of similar front porches along Firs Avenue, the proposed infill front porch, by virtue of its design and minimal massing is not considered to result in significant harm to the street scene, or the character and appearance of the existing property and surrounding properties.

Impact on Neighbouring Amenity

The single storey element of the proposal would have a low height, and would be commensurate with the size of extension which may be permissible under permitted development. At first floor level, the proposed first floor extension would be set over 4m from the common boundary with the properties at 41, 43, 45 and 47 Firs Avenue and this distance, coupled with the length of the gardens to the neighbouring properties is sufficient to ensure the first floor element does not appear overbearing or visually intrusive when viewed from these properties.

The first floor extension would be set away from N. 51 Firs Avenue, and whilst it would be visible its minimal depth and its separation distance mean it would not result in a significant sense of enclosure or result in an unduly overbearing appearance, or a visually intrusive impact on this neighbouring property.

No windows would be proposed in the flank elevations of the extension and therefore it is not considered that the proposal would adversely affect the privacy of the occupants of any neighbouring property.

The increased massing of the proposed front porch infill is considered to be too minor to result in significant adverse impacts on the residential amenity of neighbouring occupants.

5.4 Response to Public Consultation

'loss of outlook to their rear garden and rear room windows' - As addressed in appraisal.

'overbearing impacts on their property' - As addressed in appraisal.

'disproportionate in relation to the existing property and surrounding properties' - As addressed in appraisal

'The proposed part single part two storey rear extension resulting in a loss of sunlight to their rear gardens and rear room windows' - As addressed in appraisal

'obstruct their view of greenery' - Whilst the view of some greenery would be obscured to 45, 43, and 41 Firs Avenue, the modest 2.5 metre depth at first floor level is not excessive enough to entirely obscure their view of greenery at 51 Firs Avenue.

' increase sense of enclosure' - as addressed in appraisal

'Concern over the brickwork on the proposed part single part two storey rear extension not matching the brickwork on the existing house' - Whilst the colour of the bricks on the proposed part single part two storey rear extension may be of a slightly lighter shade, it is anticipated that they will naturally darken through weathering.

'obscure their view of Alexandra Palace from their property' - There are no requirements to protect the view of Alexandra Palace and there is no right to a view under planning.

'The proposed bathroom windows would result in a loss of privacy to their property' - There are no new bathroom windows proposed, the only new flank window proposed will be in the entrance hallway, which is not considered to result in extensive harm due to its minimal size and positioning towards the front of the property.

'Their property sits at a lower level, therefore significant harm is anticipated from the proposed part single part two storey rear extension' - It is considered that the gaps between the proposed extension and all neighbouring properties is sufficient to offset any significant adverse impacts associated with any potential height disparities.

'Two storey rear extensions are out of character for the area' - As addressed in appraisal

'The application form specifies that building work has not been started without planning permission, this is not the case' - This does not impact upon the assessment above.

'The application form specifies that there are no trees or hedges on adjoining properties, and suggests that no trees or hedges need pruning; this was not the case as they have pruned their trees and hedges without first establishing if there are any Tree Preservation Orders in place' - Impact on the character of the area is addressed in the appraisal above.

'Digging the foundations for the proposed part single part two storey rear extension could kill the roots of trees, and result in a greater height disparity between the properties' - There are no TPO trees on the site, and the height between properties would not be impacted.

'The proposed front extension would result in a loss of parking and vehicle manoeuvring space on Firs Avenue' - The massing of the infill front porch is too minimal to result in any worsened impacts on parking and the movement of vehicles.

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 extensions 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 a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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	<p>Chipping Barnet Area Planning Committee</p> <p>9th May 2017</p>
<p style="text-align: right;">Title</p>	<p>Planning Enforcement Quarterly Update January 2017 to March 2017</p>
<p style="text-align: right;">Report of</p>	<p>Head of Development Management</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

The report provides an overview of the planning enforcement function in the period between January 2017 and March 2017.

Recommendation

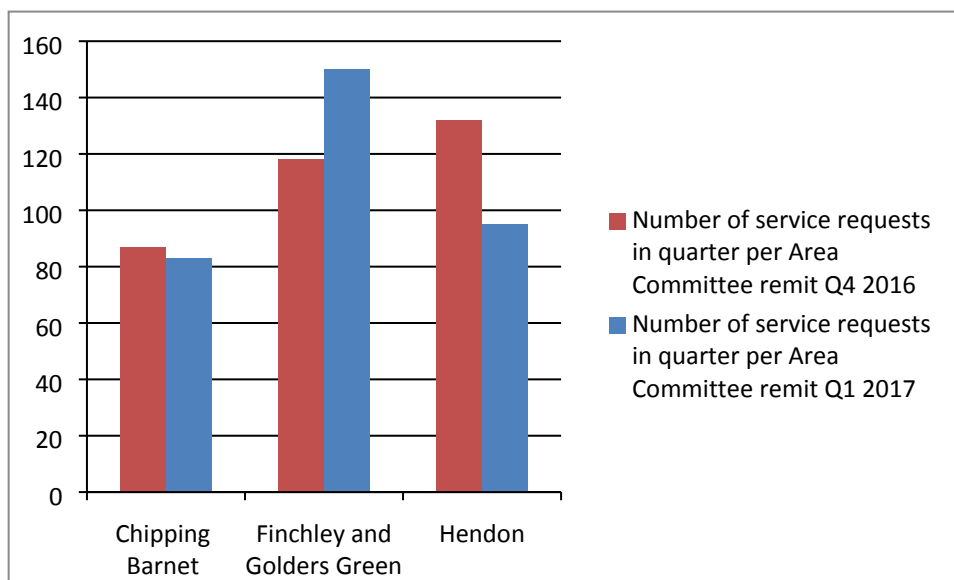
1. That the Committee note the Planning Enforcement Quarterly Update for the period of January to March 2017.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of January to March 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.

1.3 Number of service requests

In the period between January and March 2017, 371 service requests were received, alleging potential breaches of planning control which is approximately 10% higher than in the previous quarter. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet		
Ward	Q1 2017	Q4 2016
Brunswick Park	8	17
Coppetts	20	12
East Barnet	20	8
High Barnet	24	14
Oakleigh	11	15
Totteridge	17	13
Underhill	10	8

Hendon		
Ward	Q1 2017	Q4 2016
Burnt Oak	12	12
Colindale	4	8
Edgware	17	18
Hale	18	15
Hendon	26	27
Mill Hill	21	25
West Hendon	13	27

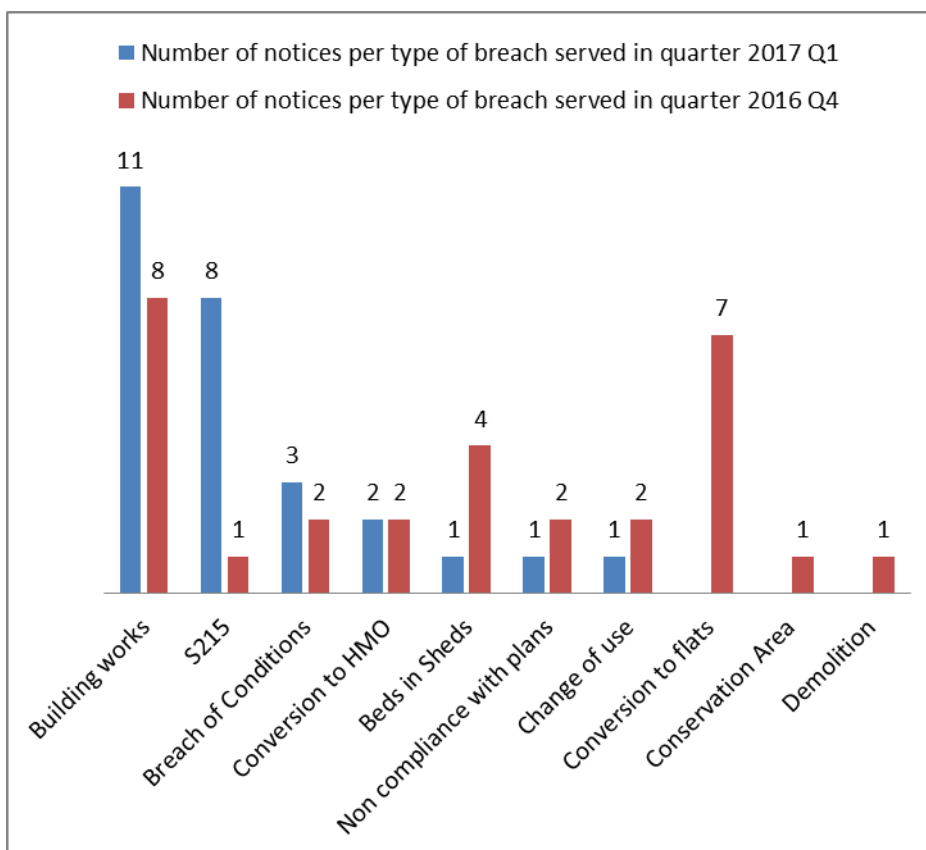
Finchley and Golders Green		
Ward	Q1 2017	Q4 2016
Childs Hill	47	36
East Finchley	7	9
Finchley Church End	20	10
Golders Green	19	20
Garden Suburb	18	11
West Finchley	12	13
Woodhouse	27	19

Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 27 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is comparable to the 30 notices served in the previous quarter. Notices relating to building works continue to constitute the most common type of notices served across the Borough. Since the last quarter, there was an increase in number of s215 notices that increased from 1 to 8.



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between January and March 2017

	Number of cases closed Q1 2017	Number of cases closed Q4 2016
Full compliance following serving of enforcement notice	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	42	76
Lawful development No breach of planning control was identified following investigation	167	130
Breach detected but harm insufficient to justify enforcement action	22	51
Total	242	276

It should be noted that almost seven out of ten investigations completed in the last quarter revealed that no breach of planning control had occurred on site.

Of the 75 sites where a breach was detected, it was necessary to carry out works in 70 % of cases (either via a formal or informal route). The proportion of sites where a breach was detected but insufficient harm to justify enforcement action was identified reduced from 35% to 30% quarter on quarter. Examples of why no action was taken vary and include the following reasons:

- A site in the Oakleigh Ward was granted permission for the construction of a new house. A garage was demolished prior to the owner submitting details of a 'Demolition & Construction Method Statement'. The garage was demolished without incident and no further construction works are taking place. A warning was issued to the owner who was advised that no further works should be carried out to implement the approved planning permission without all pre-commencement conditions being discharged and that failure to adhere to the conditions may lead to further planning enforcement action.
- A breach in the Totteridge Ward was noticed on site by one of the Council's tree officers and related to potential harm to protected trees. Levels details and details of replacement planting have now been approved and no further action is possible at this time. The case will be reopened if the condition of the retained trees significantly deteriorates or the replacement trees fail to establish.
- A case was closed for a breach in the Woodhouse ward relating to the height of an extension exceeding an approved planning permission. Following a site visit and review of the extension, officers came to the conclusion that the extension as built from a height perspective would have been given planning permission. This is because the maximum height of the extension at the site is lower than a larger extension that has been approved at the neighbouring site.

Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.6 Notable cases updates

Finchley and Golders Green

The landlord of 11 Quantock Gardens, NW2 has paid the first instalment of £212,000 of the £ 555,954 owed under the 'Proceeds of Crime' provisions for the unlawful conversion of the property into flats.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems following the convictions of the respective owners for breaches of planning enforcement notices. The Council is pursuing Proceeds of Crime in relation to each.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and

Country Planning Act demanding that the empty property be made more presentable. A judgment is expected in July.

A District judge sitting at Willesden Magistrates' Court has finished hearing evidence in the 'deception' case concerning the sub-division of a property in Clifton Gardens, NW11. This is the first type of this case that the Council has pursued. Counsel on both sides have been asked to provide closing submissions in writing with a judgment expected in June. If the LPA is successful in its claim it will be able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds that the owner attempted to hide the alleged breach from investigating officers.

Hendon

A rear extension has been demolished at 10 Hillview Gardens. A planning enforcement notice had previously been upheld by a planning inspector following a public Inquiry held In September 2016.

Chipping Barnet

The notice served in respect of the residential development of 'The Spinney' 24 Hendon Wood Lane has been upheld at appeal albeit the inspector agreed after hearing submissions to the public inquiry that the time period for compliance should be extended from 5 months to 9 months. The owner of the Spinney had brought many cabins and caravans on site to provide a large number of dwellings. Although the LPA had to accept that the initial complaint from a member of the public had come too late to allow for full clearance of the site the notice demands a substantial reduction. Colleagues in the Metropolitan Police (MPS), London Fire Brigade (LFB) and environmental health who had supported the planning department's actions have been informed of the outcome

Work on securing and clearing the abandoned factory at Allum Way (opposite Totteridge and Whetstone Tube station) continues. The planning department and the MPS took joint action with the aim of first securing and then demolishing the derelict structure. The MPS and LFB had previously expressed their concerns that if the building was allowed to remain in its previous state a risk of serious injury of death to trespasses or members of the emergency services would continue to exist. The LPA agreed with this observation whilst also noting that the structure was a visually obtrusive feature and that the land could be put to better use.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None