

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 15TH JUNE, 2016

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

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

Councillor Arjun Mittra Councillor Shimon Ryde Councillor Alan Schneiderman
Councillor Melvin Cohen Councillor Jim Tierney

Substitute Members

Councillor Ross Houston Councillor Graham Old Councillor Reuben Thompstone
Councillor Anne Hutton Councillor Alon Or-Bach Councillor Gabriel Rozenberg
Councillor Jack Cohen

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

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

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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Decisions of the Finchley and Golders Green Area Planning Committee

10 May 2016

Members Present:-

AGENDA ITEM 1

Councillor John Marshall (Chairman)

Councillor Jack Cohen

Councillor Melvin Cohen

Councillor Arjun Mittra

Councillor Jim Tierney

Councillor Alan Schneiderman

Councillor Graham Old (as substitute)

Apologies for Absence:-

Councillor Eva Greenspan

1. MINUTES OF LAST MEETING

RESOLVED – The minutes of the meeting held on the 10th of March 2016 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

An apology for absence was received from the Chairman, Councillor Eva Greenspan. Councillor Graham Old attended as a substitute.

In the Chairman's absence, the Vice-Chairman – Councillor John Marshall – chaired the meeting.

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

The following interest was declared:

Councillor	Item(s)	Nature of Interest	Details
Alan Schneiderman	10 & 11	Non-pecuniary	That the councillor lives in a nearby property. The councillor indicated that he would not be taking part in the debate of this item, and would leave the meeting during consideration of the item.
Melvin Cohen	14	Non-pecuniary	That the councillor's office is located near Clifton Gardens.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PUBLIC COMMENTS AND QUESTIONS (IF ANY)

None.

6. MEMBERS' ITEMS (IF ANY)

None.

7. ADDENDUM

The committee noted the information provided in the addendum.

8. 22 BROOKSIDE ROAD - 15/07562/HSE

The Planning Officer introduced the application.

Oral representations were heard from Mrs Sarah Strassman and Ms Ida Newman who spoke in objection to the application, and from the applicant, Mrs R Rosenblum.

Councillor Dean Cohen spoke in favour of the application in his capacity as ward councillor.

Following discussion of the item, Councillor Jack Cohen moved to defer the application, which was seconded by Councillor Graham Old and agreed by the committee. The committee therefore resolved to defer the item in order to establish whether an alternative option and scheme can be developed by the council and applicant.

9. 122 COTSWOLD GARDENS, NW2 1PN - 16/0522/FUL

Councillor Alan Schneiderman left the meeting for the discussion of, and voting on, this item due to the interest that he declared.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Lisa Pate, who objected to the application, and the applicant's agent.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For*	3
Against	3
Abstain	0

* The Chairman used his casting vote in favour of the application.

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report and addendum.**

10. 6 BEECHWORTH CLOSE LONDON - 16/1277/S73

The Planning Officer introduced the application.

Oral representations were heard from Mr Jonathon Colman and Ms Caroline Dawson who spoke in objection to the application, and from the applicant's representative.

Following discussion of the item, Councillor Jack Cohen moved to defer the application, which was seconded by Councillor Arjun Mitra and agreed by the committee. The committee therefore resolved to defer the item to request the applicant to submit an amended Basement Impact Assessment.

11. 4 LOVERS WALK - 15/07639/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from the applicant's representative.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	4
Against	2
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report and addendum.**

12. 14 COTSWOLD GARDENS - 15/07872/HSE

Councillor Alan Schneiderman left the meeting for the discussion of, and voting on, this item due to the interest that he declared.

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	5
Against	0
Abstain	1

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report.**

13. 39 WOODSTOCK ROAD, NW11 8ES - 16/1416/HSE

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report and addendum.**

14. 10-14 ACCOMODATION ROAD - 16/0090/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

Oral representations were heard from Mr David Brown and Dr Bernadette Loughnan, who objected to the application, and the applicant's representative.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For*	3
Against	3
Abstain	1

* The Chairman used his casting vote in favour of the application.

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report and addendum.**

15. 40 FINCHLEY PARK - 16/0114/HSE

The Planning Officer introduced the application.

An oral representation was heard from Mrs Louise Keane, who spoke in objection to the application.

Before further discussion of the item, Councillor Alan Schneiderman moved to defer the application, which was seconded by Councillor Arjun Mittra, on the grounds that many residents in the local area claimed not to have received letters notifying them of the

committee meeting date. The committee agreed the motion, and therefore resolved to defer the item.

16. 189 THE VALE - 16/0710/HSE

The Planning Officer introduced the application.

An oral representation was heard from the applicant, Mr Alex Dale.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report.**

17. TUDOR COURT 2 CREWYS RD - 16/0639/FUL

The Planning Officer introduced the application. The committee noted the information set out in the published addendum.

An oral representation was heard from Mr Sefton Monk, who spoke in objection to the application.

Following discussion of the item, Councillor Jack Cohen moved to defer the application, which was seconded by Councillor Jim Tierney and agreed by the committee. The committee therefore resolved to defer the item so that they can make a site visit to the location.

18. 4 CLIFTON GARDENS - 16/0566/FUL

The Planning Officer introduced the application.

An oral representation was heard from the applicant's representative.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	0
Against	4
Abstain	3

The committee therefore **RESOLVED to REFUSE the application (being a reversal of the officer's recommendations).**

REASONS FOR REFUSAL:

“The proposed development fails to provide any off-street parking to serve the future residents. In the absence of any mitigation the development would exacerbate the existing pressure for on-street parking in Clifton Gardens to the detriment of the amenities of existing residents, the free flow of traffic and highway safety, contrary to policies CS5 and CS9 of the Adopted Barnet Core Strategy (2012) and policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).”

Add infomatives:

“The plans accompanying this application are: - No. 1 of 1 Rev 2, 2 of 2 Rev 2 (received: 07/03/16); Parking Survey - received: 27/04/16.”

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 £853.00 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m. This planning application was assessed as liable for a £3,213.00 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"

19. 57 HODFORD ROAD, NW11 8NL - 16/1445/HSE

The Planning Officer introduced the application.

Following discussion of the item, the Chairman moved to the recommendations. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The committee therefore **RESOLVED to APPROVE the application as per the officer's recommendations and subject to the conditions set out in the officer's report.**

20. 8 REDBOURNE AVENUE - 16/1270/FUL

The committee noted that this item was withdrawn upon officers' request.

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

At the end of the meeting, Councillor John Marshall moved a vote of thanks to Councillor Greenspan for her chairmanship of the committee in the 2015-16 municipal year.

The meeting finished at 8.52 pm

Location **31 Abbots Gardens London N2 0JG**

Reference: **16/1990/FUL**

Received: 29th March 2016

Accepted: 29th March 2016

Ward: East Finchley

Expiry 24th May 2016

Applicant: Mr Immanuel Rubin

Proposal: Demolition of existing semi-detached house and erection of a new two-storey semi-detached house with rooms in roof space and basement level. New rear terrace. Front and side lightwells.

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

- Proposed: No. PA-01 Rev 05, PA-02 Rev 05, PA-03 Rev 01, PA-04 Rev 03
- Proposed: PA-06 Rev 03, PA-07 Rev 03, PA-05 Rev 03
- Existing: EX-06 Rev 01, EX-07 Rev 01, EX-01 Rev 02, EX-02 Rev 02, EX-03 Rev 01, EX-04 Rev 01, EX-05 Rev 01
- 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason:

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

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management 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 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.

- 7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

- 9 Prior to first occupation, the development hereby approved shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason:

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

- 11 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).

12 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).

13 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.

14 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.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 31 Abbots Gardens 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).

- 16 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. PA02 Rev 05; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 17 Before the building hereby permitted is first occupied the proposed dormer window facing no. 28 Abbot Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 18 No development shall take place until a 'Basement Impact Assessment' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- Desktop study of existing geological and hydrological conditions of the site and the wider area in order to identify areas susceptible to instability (ground and water movement) and localised flooding this needs to be site specific
- Detailed engineering study undertaken by a chartered engineer/geologist to assess local ground conditions, water movement, subsidence and drainage

including through the use of boreholes, potential impacts on adjoining/nearby properties

- Identify suitable construction methods and mitigation measures for developments which may affect the stability of the host and neighbouring buildings and/or nearby structures, and hydrology (at the site and within the area), without placing additional pressure on other areas or on the local combined sewer network

- Devise a method for monitoring local ground conditions, water movement, subsidence and drainage

- The Audit Instruction Form (Section B) (see below) sets out a helpful checklist of information normally required in a BIA and you are encouraged to complete it when preparing your BIA for submitting with your planning application

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £7,700.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £29,700.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

Officer's Assessment

1. Site Description

The application relates to a semi-detached house located on Abbots Gardens.

Although the spacing between the majority of houses is relatively uniform, the application site is located on one of two bends, with the plot increasing in width as one moves from the front to the rear garden.

A site visit confirmed the majority of properties on the street benefit from extensions of various sizes and design including loft conversions and part single, part two storey side and rear extensions.

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

2. Site History

No relevant history.

3. Proposal

Demolition of existing semi-detached house and erection of a new two-storey semi-detached house with rooms in roof space and basement level. New rear terrace. Front and side lightwells.

4. Public Consultation

Consultation letters were sent to 40 neighbouring properties.

6 letters of objection have been received including one from Cromwell Hall Residents Association (summarised below):

- Impact on drainage
- Potential damage from construction lorries

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework:

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

The 'National Planning Policy Framework' (NPPF) was published on 27 March 2012. This document 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM08, DM17.

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

5.2 Main issues for consideration

The main issues are considered to be:

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

5.3 Assessment of proposals

Impact on the character of the area

In terms of assessment it should first be pointed out that certain elements of the proposed scheme conflict with Barnet's Residential Design Guidance (2013). The main issue relates to the part single, part two storey side extensions which would be slightly wider than half the width of the original house. However, in order to reach a balanced decision it is vital to first identify all the site specific material considerations (addressed below).

First, Barnet's Residential Design Guidance (2013) provides detailed guidance on issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. However, it should be noted when reading this document that it is not planning policy. Instead, it should be used to supplement Barnet's Development Plan Documents to assist in the interpretation of the policies within, and as a result, is given less weight when compared to either the Core Strategy or Development Management DPD.

Second, as highlighted in the site description above, the surrounding properties on Abbots Gardens benefit from extensions of varying scale, massing and detailing which contribute to the streets mixed character. The most relevant example is the neighbouring property at no. 33, granted permission in 2008 (C17038B/08) for the following works:

Part single, part two-storey side and rear extension including conversion of garage into habitable room. Construction of garden level basement with rear facing windows. Alterations to roof including side and rear dormer and rooflights to front to facilitate a loft.

A site visit confirmed the extensions have since been built and in terms of dimensions/design they are similar to those currently being proposed. With regard to scale, the existing extensions to no. 33 appear to unbalance the pair of semi-detached houses. This idea of balance and symmetry is however an important theme running through Barnet's Residential Design Guidance. While the proposed extension might be slightly wider than typically advocated, it would reintroduce a certain degree of symmetry to both the front and rear elevations, considered to outweigh the harm caused by the excessive width. In addition, as the site is tapered, the wider element of the side extensions would be obscured from public view and although they might be visible from neighbouring gardens, so too are other neighbouring extensions.

With regard to the other elements, the basement and rear extensions would match the neighbours (no. 33) in terms of depth/height and would match other examples found elsewhere in the street. Although the proposed dormer windows would be different from the single dormer at no. 33, the architect has confirmed the neighbouring property plans to submit a planning application for two dormer windows to match the current proposal. In the event these works are not carried out, the proposed dormer windows would still meet Barnet's Guidance as they are both less than half the depth and width of the roof slope and subordinate additions to the roof.

Moving onto design, great care has been taken on the front elevation to match the neighbouring property at no. 33. In terms of fenestration arrangement and detailing the two properties are identical thus introducing the symmetry touched on above. The front facing lightwell would also be of a sufficiently shallow depth to reduce light spill and appears quite discreet through the use of walk on glass instead of railings.

In conclusion, while the assessment above has highlighted some conflict within Barnet's Guidance, having taken all material considerations into account, on balance, the scheme is considered acceptable on character grounds. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

Impact on neighbouring amenity

29 Abbots Gardens:

As noted above, the properties located on the bend in the road have wider rear gardens when compared to those on the straight sections. This additional space on the neighbour's side of the boundary is taken up by several small outbuildings. A site visit also confirmed this property had no side facing windows or dormers which may be affected. While the sites south facing orientation could affect the late afternoon sun to this neighbour's garden, given the spacing between the two properties, the impact would be marginal and would only affect the part of the garden currently occupied by outbuildings.

Initially concerns were raised over the potential for overlooking and loss of privacy as a result of the new terrace. To address this issue the applicant has set the level of the terrace to below that of the existing and the neighbour's privacy would be protected by the existing 2m high fence.

33 Abbots Gardens:

The depth and height of the proposed extension would match the neighbour's suggesting there would be no issues relating to loss of outlook or light to the rear facing habitable room windows or rear garden.

The proposals would now adhere to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012, the Sustainable Design and Construction and Residential Design Guidance SPD, which, amongst other things, require development proposals to be designed to allow for adequate outlook and amenity space for neighbouring occupiers and users.

Impact on future amenity

The new house would exceed the minimum unit size for a two storey 4 bedroom house (London Plan 2016). All habitable rooms would also be provided with sufficient light and outlook in accordance with Policy DM02 of Barnet's Development Management Policies. The garden, living room/kitchen and all bedrooms would also meet the minimum size standards set out in Barnet's Sustainable Design and Construction SPD (2013). Bearing these points in mind the future occupiers would be provided with a good standard of living.

Parking

Plan no. PA-02 Rev 05 shows two off street parking spaces which would meet Barnet's Parking requirements (Policy DM17 Barnet's Development Management Policies 2013)

Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

5.4 Response to Public Consultation

Impact on drainage: Given the levels changes on Abbots Gardens a condition is suggested requiring a Basement Impact Assessment to be submitted to and agreed by the

local authority prior to works commencing on site. This document would set out how the basement would mitigate issues relating to drainage and ground water runoff.

Problems during construction: A condition is recommended requiring submission of a Construction Management Plan which would minimise any noise and disturbance to local residents during the construction process.

6. Equality and Diversity Issues

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

7. Conclusion

The application is recommended for APPROVAL



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Location **374B Long Lane London N2 8JX**

Reference: **16/1447/FUL**

Received: 7th March 2016

Accepted: 7th March 2016

Ward: East Finchley

Expiry 2nd May 2016

Applicant: Ms Katrin Hirsig

Proposal: Single storey rear extension following demolition of existing conservatory

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan and site plan: A001, A002, A003 and A004.

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

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed doors and window(s) in the side elevation facing No.370 and No.376 Long 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The site property is a two storey end of terrace building containing five self-contained units located on Long Lane. The application concerns the rear ground floor flat. It is not listed and does not lie within a Conservation Area.

2. Site History

Reference: 15/06472/FUL

Address: 374B Long Lane, London, N2 8JX

Decision: Refused

Decision Date: 6 January 2016

Description: Single storey rear extension following demolition of existing conservatory

Reference: F/03665/08

Address: 374B Long Lane, London, N2 8JX

Decision: Approved subject to conditions

Decision Date: 23 December 2008

Description: Retention of rear conservatory on former patio area.

Reference: C09822

Address: 372-374 Long Lane, London, N2 8JX

Decision: Approved subject to conditions

Decision Date: 20 April 1988

Description: Single storey rear extension, conversion into five self-contained flats, four parking spaces and vehicular access

3. Proposal

The application seeks permission for a single storey rear extension following the demolition of the existing conservatory.

The proposed extension would be 3.3 metres deep and extend across the full width of the property. The extension would have a maximum height of 3.35 metres and includes a flat roof.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

5 responses has been received, comprising 5 letters of objection

Neighbours Wishing To Speak 1

The objections received can be summarised as follows:

- Notice to the wrong freeholder
- Encroachment onto the communal areas
- Change of use From conservatory to kitchen
- Overlooking to and from the garden
- Out of scale / over-dominant
- Noise in garden due to bi-fold windows
- Out of keeping with the proportions of the existing house

- Impact on access and parking
- Drainage issues
- Neighbours not consulted
- Affect the view from the garden
- Block of the light into the flat living area

Further to objectors' comments, additional consultation letters were sent on 25.04.2016 to all residents at No.372 and No.374 Long Lane and all adjoining properties on the basis of a corrected site plan.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all

development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02:

Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

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

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

A similar proposal was refused planning permission (15/06472/FUL) for the reason that: the applicant has provided insufficient information to enable the Local Planning authority to determine whether the proposed extension would have an acceptable impact on the character of the area and neighbouring amenity. The submitted plans only show 374B Long Lane and do not allow a clear assessment of the proposal especially with regards to the existing building and surrounding area.

The submitted information and plans regarding this present application are considered satisfactory to assess the proposal in terms of impact on the character of the area and neighbouring amenity.

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

The property benefits from an existing rear extension and conservatory 6.8 metres deep. The proposal would replace the conservatory and retained a similar footprint; it would be higher than the existing but would remain in keeping with the footprint of the existing rear extension and include a similar flat roof. Furthermore, this part of Long Lane has a varied character where a number of properties have had alterations, including numerous rear extensions with a different size and design. The proposed extension is considered to be a proportionate addition to the dwelling and would not be harmful to the host property and character of the area.

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

The proposal would be higher than the existing conservatory; however its depth would remain unchanged. The property benefits from a two storey rear projection which visibly dominates the outlook of the adjoining properties. The rear windows of the ground floor flats at No.372 and 374A long Lane are located approximately 10 metres from the line between the existing rear addition and proposed extension and the outlook from these windows is already dominated by the two storey rear projection. As a result, it is not considered that the proposal would impact upon the amenities of these neighbouring occupiers over and above what is currently experienced on site.

To the west side, the proposal would be set back approximately 1.5 metres from the side boundary with No.370, which benefit from a rear element with a similar depth, and a dense

vegetation including high hedges and one mature tree are present between the two properties. The proposed extension is not considered to have any detrimental impact on the amenities of the neighbouring occupiers with regards to loss of outlook, loss of light or appearing overbearing.

To the east side, there is a distance of approximately 10 metres between the rear and side windows at No.376 Long Lane and the host property. It is not anticipated that the proposal would harm the amenities of these occupiers. On the contrary, the replacement of the conservatory with the proposed extension would increase the level of privacy between No.374B and No.376. As mentioned above, the extension's footprint would remain unchanged, therefore, the proposed extension is not considered to have any detrimental impact on the amenities of these neighbouring occupiers in terms of loss of light or overbearing.

It noted that concerns were raised regarding the boundaries between communal and private areas within the application site. Although this is not a planning matter, the applicant confirmed that notices were served to the current freeholder of the site (No.372 and No.374) and to all leaseholders. The Council also sent consultation letters to all residents at No.372 and No.374 Long Lane and all adjoining properties. The proposal would replace an existing conservatory which was given retrospective planning permission (F/03665/08) and, as mentioned above, the proposed extension would have a similar footprint as existing.

5.4 Response to Public Consultation

- Notice to the wrong freeholder

The current freeholder at the time of the application confirmed the applicant gave notice with regard to the present application. All owners of the property are understood to have been notified.

- Encroachment onto the communal areas

The concerns raised in this respect are noted and acknowledged. The proposal is of the same footprint as the existing. It is not considered that the proposal would represent a harmful reduction in the communal amenity space.

- Change of use from conservatory to kitchen

Changes to the internal layout of a residential property are not considered as a material change or intensification of use and is not a reason for refusal.

- Overlooking to and from the garden

It is not considered that the replacement of an existing extension would result in harmful overlooking from or into the communal garden, taking into account the siting of windows. There would be less glazing than the existing conservatory.

- Out of scale / over-dominant

The proposed extension is considered to be an acceptable addition to the host property. As such, it is not considered that it will have a detrimental impact on the residential amenities of the future and neighbouring occupiers including increased sense of enclosure, loss light or overbearing.

- Noise / quiet enjoyment of the garden

It is not considered that the proposals would prejudice the enjoyment by residents of the rear garden.

- Impact on access and parking

The proposals would not increase the occupancy, number or size of the flats. It is therefore not considered that there would be a harmful impact on highway or pedestrian safety. Issues regarding private access and private parking are no planning matter and no reason for refusal.

- Drainage issues

It is not anticipated that the replacement of an existing conservatory with an extension would significantly impact local drainage.

- Neighbours not consulted

Consultation letters were sent to the adjoining properties located around the application site, included all adjoining flats, as is required by the Town and Country Planning Act 1990, and LB Barnet's code of practice which exceeds these requirements. All information is accessible to the public and everyone has a right to comments on an application.

- Affect the view from the garden

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

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 212 - 216 High Road London N2 9AY

Reference: 16/1367/FUL

Received: 2nd March 2016

Accepted: 5th April 2016

Ward: East Finchley

Expiry 31st May 2016

Applicant: Mr Akis Toumazos

Proposal: Division of existing ground floor restaurant into two units. Removal of existing staircase at rear and construction of 2no. new staircases to existing flats with associated alterations to rear elevation including a single storey rear infill extension.

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

Site Location Plan; HR/1; HR/01; HR/2; HR/02; HR/RE; HR/S; Planning Statement

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

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

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

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

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

- 4 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).

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

6 a) Details of any flues or extractors relating to the separate unit at 212 High Road must be formally submitted to and approved in writing by the Local Planning Authority prior to installation.

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).

Informative(s):

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the north east side of the High Road within the East Finchley ward.

The existing building is two-storey building with restaurants sited at ground floor and flats above. At the rear of the site there is a yard area.

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

2. Site History

212 High Road

C16032A/06 "Change of use from retail to Class A3 (restaurant) for use as extension to existing restaurant." APPROVED (24.04.2006)

C16032/04 "Erection of single storey rear extension to provide additional shop floor space together with an external staircase to provide access to new first floor self-contained flat and associated alterations to rear elevation of first floor." APPROVED (14.12.2004)

3. Proposal

This application seeks consent for the division of existing ground floor restaurant into two units. Removal of existing staircase at rear and construction of 2no. new staircases to existing flats with associated alterations to rear elevation including a single storey rear infill extension.

4. Public Consultation

Consultation letters were sent to 88 neighbouring properties.
5 objections have been received

The views of objectors can be summarised as follows;

- Unsustainable maximisation of profits
- Overdevelopment
- Rubbish at rear
- Noise and disturbance from additional restaurant
- Inappropriate development
- inconsistencies with the plans
- impact of extension on occupiers in flats
- lack of sufficient parking
- impact of construction work

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2011

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

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

This application seeks consent to divide the existing ground floor restaurant which was originally three separate units covering 212, 214 and 216 High Road but is now one restaurant unit, into two separate units with 212 High Road as one separate unit to 214 - 216 High Road.

The supporting information submitted with the application indicates that the premises are not financially viable in its present form and the new separated unit will be leased separately. There is no objection to this proposal which would see 212 High Road returning to its original form.

As part of the works it is proposed to erect a new dividing wall internally to separate 212 High Road from the other units, remove the existing external rear staircase and construct a new external rear stair to serve the flatted units above the ground floor.

The current access to the first floor flatted units at the rear of the site is via an external staircase which starts with a circular stair rising to first floor and a first floor walk-way measuring approximately 5m length.

The proposals see the demolition of the existing stair and erection of two new external staircases; one to give access to the first floor of the separated unit at 212A High Road and another to give access to 214A and 216A High Road with a new retaining wall between which is proposed to run through the full development to separate the units. The new access does not include a circular addition but a continuous stair with small landing beneath first floor level and smaller landing area of only 3.3m at first floor level.

It is also proposed to erect a modest infill extension at ground floor to the rear of 214 High Road. It should be noted that the original description was incorrectly entered and no two-storey rear extension is proposed under this application.

The proposed single storey infill extension would effectively "square-off" the rear corner adjacent to the stairs at the rear of 214 High Road. The extension would measure 1.8m in width, 1m in length with a proposed height of 3.5m; the same as the rest of the existing single storey rear projection. There is no objection to this modest and subordinate addition which is not considered to appear out of character with the rest of the host building and would not give rise to any loss of amenity to neighbouring occupiers.

The proposed development is considered to be acceptable and in character with the existing pattern of development in the area. The proposals are not considered to give rise to any loss of neighbouring residential amenity.'

5.4 Response to Public Consultation

The concerns raised by objectors are noted; however, some of the points are not material planning considerations and cannot be considered under this application. These matters include whether or not the proposals are an unsustainable maximisation of profits and the impact of construction work on neighbouring occupiers. A condition limiting the hours of construction has been suggested to ensure that the works do not result in any detriment to neighbouring occupiers.

The issues raised regarding rubbish at the rear should be taken up with the Council's Environmental Health department as it is not clear that the applicant is responsible for the existing mess. Nonetheless a condition is suggested requiring details of the refuse strategy to be submitted prior to occupation to ensure that any rubbish resulting from the proposed development is appropriately disposed of.

The concerns regarding noise and disturbance from an additional restaurant are noted, however, it is considered that a separate restaurant unit would have the same impact as the existing situation with one unit covering three sites.

It is not considered that the proposals represent an inappropriate or overdevelopment of the site. As explained previously the incorrect description has been amended to show that only a single storey rear infill extension is proposed.

There are not considered to be any inconsistencies with the plans.

The concerns regarding the lack of sufficient parking are noted but as the parking situation is not changing from the existing this is not considered to be detrimental to the overall scheme.

As detailed above the original description which notes the inclusion of two-storey rear extension, however, this was incorrectly entered and the proposed extension is in fact a single storey rear infill extension of the rear corner adjacent to the external stairs. It is therefore considered that the proposed development to the rear is an acceptable addition which adheres to guidance requiring extensions to be modest and not overbearing.

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

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

Reference: **16/0114/HSE**

Received: 7th January 2016

AGENDA ITEM 9

Accepted: 12th January 2016

Ward: Woodhouse

Expiry 8th March 2016

Applicant: Mr Dulcie Rowe

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

Recommendation: Approve subject to conditions

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

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

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

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

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

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

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing No.38 Finchley Park and No. 1 to 3 Laurel Bank.

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

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

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

2. Site History

Reference: N09246

Address: 40 Finchley Park London N12 9JN

Decision: Refused

Decision Date: 29 March 1989

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

Reference: 15/06641/HSE

Address: 40 Finchley Park, London, N12 9JN

Decision: Refused

Decision Date: 11 December 2015

Description: Two storey rear extension following demolition of existing conservatory

3. Proposal

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

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

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

4. Planning Considerations

4.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted April 2013)

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

4.2 Main issues for consideration

The main issues for consideration in this case are:

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

4.3 Assessment of proposals

Further to the previous Finchley and Golders Green Area Planning Committee, the item was deferred to the following meeting due to concerns regarding the letters previously sent informing residents about the meeting.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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

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

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

The Council's adopted SPD 'Residential Design Guidance' (2013) states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant; extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

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

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

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

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

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

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

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

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

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

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

At ground floor, the proposal includes the demolition of the conservatory and canopy. It would be replaced by a single storey rear extension with a depth of 4.5 metres on the west side and 3.2 metres on the east side. Barnet Residential Design Guidance SPD states that an appropriate depth for a single storey rear extension to a detached dwellinghouse is 4 metres. Taking into account that the existing conservatory, (located on the west side) is 5 metres deep and that both existing and proposed elements would have a similar height, the proposal would be of a form and scale sympathetic to the host property and is considered acceptable.

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

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

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

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

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

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

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

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

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

The extension is located to the west of Laurel Bank. It must be noted that under 'permitted development', a 3m deep rear extension could be constructed across the width of the house, as long as it is 2m from the side boundaries of the site, so would not need to be set in from Laurel Bank as much as proposed. It is not considered that any loss of light to the windows of Laurel Bank would be so significant as to be harmful to the living conditions of neighbouring occupiers. The proposal, as amended, would maintain a gap of approximately 7.4 metres between the host property and these flats it is considered that this would be sufficient to mitigate any detrimental impact on the amenities of these neighbouring occupiers regarding loss of light and loss of outlook.

5. Public Consultation

Consultation letters were sent to 9 neighbouring properties.

11 responses have been received, comprising 11 letters of objection

Neighbours Wishing To Speak 10

The objections received can be summarised as follows:

- Overdevelopment
- Out of character
- Loss of light

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

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

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

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **38 Ingleway London N12 0QN**

Reference: **16/1660/HSE**

Received: 14th March 2016

AGENDA ITEM 10

Accepted: 21st March 2016

Ward: Woodhouse

Expiry 16th May 2016

Applicant: Mr B Grzankowska

Proposal: First floor rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan; IWPP-1-2A; IWPP-2-2A;

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension hereby approved, facing No's 36 and 40 Ingleway.

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

Informative(s):

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

Officer's Assessment

The Application has been called in by Cllr. Anne Hutton

1. Site Description

The application site is a semi detached residential dwelling house located on Ingleway. The street is characterised by similar large semi detached residential properties.

The application site is not in a conservation area nor is it a listed building.

2. Site History

Reference: 16/1659/192

Address: 38 Ingleway, London, N12 0QN

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Roof extension involving hip to gable, rear dormer window with 5no rooflights to front elevation to facilitate a loft conversion

Reference: F/03979/09

Address: 38 Ingleway, London, N12 0QN

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Single storey rear extension following demolition of existing extension.

3. Proposal

The applicant seeks permission for a first floor rear extension.

The proposed extension would measure 4 metres deep and 4.9 metres wide. It would have a hipped roof with matching eaves height and maximum height of 6.4 metres.

4. Public Consultation

Consultation letters were sent to 3 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- loss of light
- rejection of previous first floor extension
- council tax issues
- possibly renting some of the rooms
- loss of outlook

No. of speakers: 1

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

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

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

The proposal has been amended during the life of the application setting it further in from the boundary with No.36 so as to ensure that the development would not materially harm the amenities of the neighbouring properties.

The proposed extension has been reduced in width maintaining a gap of 3.5 and 2.6m from the neighbouring boundary at No. 36. Taking into account the separation between the proposed extension and the boundary, it is considered that the proposed first floor extension would not have a significant adverse impact on the light and outlook afforded to the rear of No.36 to warrant the refusal of the application. It is also considered that the

setback between the proposed extension and the boundary would ensure the extension does not appear overbearing or create unacceptable sense of enclosure.

The proposed plans do not show any side windows and there is no concerns regarding the privacy of neighbours. A condition has also been added restricting any side windows.

The proposed extension would be 1.2 metres away from the side boundary with no. 40 and 2.4 metres from the flank wall of this neighbouring property. The extension would only project approx. 2 metres beyond the rear building line of No.40 it is therefore not considered the proposed extension on this side would harm the amenities of neighbouring occupiers through outlook or light received.

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

5.4 Response to Public Consultation

- loss of light - covered in the main report
- rejection of previous first floor extension - there is no record of previous submissions for a first floor rear extension.
- council tax issues - is not a material planning consideration
- possibly renting some of the rooms - is not a material planning consideration
- loss of outlook - covered in the main report

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location Tudor Court 2 Crewys Road London NW2 2AA

Reference: 16/0639/FUL

Received: 2nd February 2016

Accepted: 3rd February 2016

Ward: Childs Hill

Expiry 30th March 2016

Applicant: Mr J Frankel

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

AGENDA ITEM 11

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan, EWG_003_102, EWG_003_103, EWG_003_104, EWG_003_105, EWG_003_400 REV C, EWG_003_401 REV E, EWG_003_402 REV E, EWG_003_403 REV A, EWG_003_404 REV A and EWG_003_405 REV A.

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the elevation facing No.713 Finchley Road.

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

Informative(s):

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

Officer's Assessment

1. Site Description

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

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

2. Site History

Reference: 15/06962/FUL

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

Decision: Refused

Decision Date: 15 January 2016

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

Reference: F/03127/14

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

Decision: Withdrawn

Decision Date: 15 August 2014

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

Reference: F/03198/14

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

Decision: Refused

Appeal status: Allowed

Decision Date: 15 August 2014

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

Reference: F/05718/13

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

Decision: Refused

Appeal status: Allowed

Decision Date: 11 February 2014

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

Reference: F/04046/12

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

Decision: Approved subject to conditions

Decision Date: 10 June 2013

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

Reference: F/03629/10

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

Decision: Refused

Decision Date: 13 May 2011

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

Reference: C01482B/07

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

Decision: Refused

Appeal status: Allowed

Decision Date: 1 August 2007

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

3. Proposal

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

4. Planning Considerations

4.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

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

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

Planning Obligations SPD (April 2013)

4.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

4.3 Assessment of proposals

Further to the previous Finchley and Golders Green Area Planning Committee, the item was deferred to the following meeting due to allow for members of the committee to visit the site.

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

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

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

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

Whether the proposal will provide suitable accommodation for future occupiers

Space standard

The following unit is proposed:

2 bedroom 4 person 77m²

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

Amenity space

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

Daylight, Privacy and Outlook

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

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

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

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

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

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

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

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

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

5. Public Consultation

Consultation letters were sent to 175 neighbouring properties.

A site notice was erected on 11/02/2016

10 responses have been received, comprising 10 letters of objection

Neighbours Wishing To Speak 2

The objections received can be summarised as follows:

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

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

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

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **White Lodge The Vale Childs Hill London NW11 8ST**

Reference: **16/1235/FUL**

Received: 25th February 2016

Accepted: 4th March 2016

Ward: Childs Hill

Expiry 29th April 2016

Applicant: Mr Nitzan Atzmon

Proposal: Formation of additional storey to provide 2no self-contained flats at third floor level. Four storey front extension to provide new lift and lobby area to all habitable floors. Associated alterations to amenity space and refuse storage, provision of 2no new parking spaces and associated access to The Vale, new cycle storage

AGENDA ITEM 12

Recommendation: Refuse

- 1 The proposed additional storey to the existing development would by reason of its size, bulk, mass and visual prominence be harmful to the character and appearance of the streetscene, contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).
- 2 The proposed additional storey to the existing development would by reason of its size, bulk, design and visual prominence be overbearing and result in a loss of outlook and privacy, detrimental to the residential amenities of the occupiers of 87 Hodford Road, contrary to policies 3.5 and 7.6 of the London Plan (Adopted 2016), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2013).

Informative(s):

- 1 The plans accompanying this application are:

Site Location Plan; PL-301; PL-302 Rev A; PL-303; PL-304; PL-305; PL-306; PL-307; PL-308; PL-309; PL-310; PL-312; PL-313; PL-314; PL-315 Rev A; PL-316; PL-317; PL-318; PL-319; PL-320; PL-321; PL-322; Design and Access; Daylight / Sunlight report

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions.

To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 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 payment under Mayoral CIL at this time.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 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

This application was called to the committee by Councillor Zinkin.

1. Site Description

The application site contains a block of residential flats within a corner plot adjacent to both Hodford Road and The Vale. The rear of the site abuts the side boundary of 87 Hodford Road. Hodford road is subject to a North to South downwards gradient, which has the effect of the rear of the site being at a lower level than the front. The building is thus four stories adjacent to 87 Hodford Road (with garages provided at street level) but three stories when viewed from The Vale.

The building is of brick construction and is typical for flatted development of its era (circa 1969); with uniformity in the rhythm/design of fenestrations and articulation via protruding balconies facing Hodford Road.

The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There exist no outstanding conditions on the applicant property which might limit development. There are no protected trees on or adjacent to the application site.

2. Site History

Nil.

3. Proposal

This application seeks consent for the formation of an additional storey to provide 2no self-contained flats at third floor level, four storey front extension to provide new lift and lobby area to all habitable floors, associated alterations to amenity space and refuse storage, provision of 2no new parking spaces and associated access to The Vale, new cycle storage.

4. Public Consultation

50 consultation letters were sent to neighbouring properties.
40 responses have been received; comprising of 19 letters of support and 21 letters of objection.

The views of objectors can be summarised as follows;

- Noise and disturbance from building works
- Loss of privacy
- Overshadowing
- Parking congestion
- Out of character
- Loss of light
- Out of proportion
- Overbearing
- Precedent
- No benefit to local community

The letters of support refer to the improvement to the appearance of the building.

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, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Whilst there is no in principle objection to the provision of additional units within the application site, it would need to be demonstrated that no harm would be caused due to further onsite provision.

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

The existing building is highly unique to the local area, with Hodford Road and The Vale primarily being characterised by two storey dwelling houses with relatively uniform height, form, spacing and plot sizes. The application property is situated on a corner plot which is splayed to follow each adjacent road.

The existing building is a highly prominent feature in the street scenes for both adjacent roads. The existing building presents a bulk, height, massing, style and typology which already appears out of context with the local area and is in many ways an incongruous feature within the streetscene. This is further accentuated by the variation in levels which increase the visual impact of the existing building when viewed from further south along Hodford Road. The building dates from the 1960s/1970s and does not form or positively contribute to local distinctiveness through its design or appearance. There are no designated heritage assets for the site which would influence the redevelopment of the site.

The proposals also include a full recladding as well as the provision of additional balconies. It is considered that the principle of the recladding / modernisation of the existing building is not objectionable and would be supported due to the public benefits derived from an improved street scene as well as improved access and living conditions for residents.

It is also proposed to erect a new passenger lift to the northern elevation adjacent to the entrance to serve all floors other than the lower-ground floor level. This would create the only addition to the footprint of the building. The modest, in footprint, extension to all floors is considered to be an acceptable addition to the host building.

Further works include adding low perimeter walling with hedging and landscaping behind, and making two distinct private shared garden areas for the benefit of all residents. An attractive new entrance pathway will be created and the car park area re-surfaced with tarmac. There are no objections to this subject to details which are required through condition.

The proposed additional floor would however add a substantial bulk to the existing building, exacerbating its visual impact meaning that it would appear even more incongruous and extremely visually prominent. The resulting building would appear alien within the local area and would in no way relate to the character of the local area.

On balance, the proposed benefits would not outweigh the harm caused by exacerbating the visual prominence of this building to the extent shown in proposed drawings. It is acknowledged that the existing building is not a positive asset in terms of character of the local area and that a recladding/refurbishment would bring a benefit in terms of improvements to the street scene and public realm however this improvement work should not be at further cost to the character of the local area.

Any additional storey to the existing building would need to be substantially "set in" so that the additional flat was not dominant in the street scene. It may be possible to design a scheme which would provide an additional unit whilst being sympathetic to the character of the local area and would improve the form of the existing structure.

It is considered that the bulk and mass of the proposal is not sufficiently subordinate to make the scheme acceptable.

An extended refuse store and new cycle store would be provided within the existing lower ground floor; this would be acceptable as would be contained within the existing building.

As part of the development it is proposed to provide two additional parking spaces, one for each of the new units on the The Vale frontage, in line with Highways requirements. A new crossover would be required to access the proposed parking spaces; consent must be obtained from the Highways department. There is no objection to this element of the proposals.

_ Potential impacts upon the amenities of neighbouring residents.

Another major concern relating to the proposed development would be the impacts upon the amenities of neighbouring properties, particularly those of the residents of the adjacent dwelling (87 Hodford Road).

The additional floor hereby proposed would exacerbate a relationship between these two properties which is already not ideal; leading to a heightened sense of visual overburdening upon this property which is worsened by the variation in levels across the site. The extension would have a significant overbearing impact on the neighbouring property.

A Daylight / Sunlight report has been submitted to accompany the application. It notes that in relation to the neighbouring property at 87 the windows affected would include a glazed door facing south east and all other windows facing north. The BRE Guide recommends that windows should have a VSC not less than 27% or 80% of former value. Any reduction in daylight to windows in 87 Hodford Road are noted to be within the within the recommendations of the BRE Guide. It is therefore considered that there would be no significant impact on neighbouring amenity specifically through loss of light.

Furthermore, the proposed additional balconies would lead to the rear garden of no.87 being severely overlooked, with the only outdoor amenity area for flat 11 being directly above this area.

The proposed scheme would not be considered acceptable due to the impacts caused upon the residents of this neighbouring property. It is however considered that these impacts might be addressed if the scheme is reduced as aforementioned, alongside alterations to the proposed balconies.

_ Living conditions for future residents

The proposed development would involve the addition of no.2 additional units to the existing flat roof and formation of new lift/lobby in order to facilitate general refurbishments to the property including recladding as well as the replacement/addition of glass balconies.

Summary of additional residential units:

Flat 10 (4th Floor) - 3 bedroom / 5 person unit - 101sqm

Flat 11 (4th Floor) - 3 bedroom / 5 person unit - 115sqm

In general, the proposed additional units would remain in accordance with the minimum standards for new residential development as set out by the London Plan / the Council's Sustainable Design and Construction SPD.

In regard to amenity provision it is proposed to create two areas of private amenity space facing The Vale at ground floor level each side of the path, providing a total of 324 sqm. Both private areas will be accessed via private gates with keypads for residents only use. In addition, the existing balconies total 60 sqm. on three floors. The two new flats will have a total of 37 sqm. balcony space, 21 sqm. for flat 10 and 16 sqm. for flat 11. It is therefore considered that the proposed amenity provision is acceptable.

Finally, concern is raised about the impact upon outlook for the occupiers of the Northern units at all floors caused by the proposed lift shaft housing. This structure would project 3.5m beyond the side elevation of the building and would be situated immediately adjacent to the windows serving the primary bedrooms of these units. Whilst a projection of 3.5m is not unreasonable, it is considered that this element of the scheme would be more appropriately located further set away from these windows. Despite the fact that the residents of these units would in this instance form co-applicants, concern would still be maintained as to this impact.

5.4 Response to Public Consultation

The concerns raised are noted and this application is recommended for refusal. All planning matters are 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 support the Council in meeting its statutory equality responsibilities.

7. Conclusion

On balance it is considered that the potential benefits in terms of improvements to the existing building would not outweigh the cost in terms of impact to the character and appearance of the local area/street scene. Furthermore the proposed development would cause unacceptable impacts upon the residential amenities of neighbouring residents and has not met all of the minimum standards for new residential development. The hereby proposed scheme is not supported and is recommended for refusal.



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Location **31A The Park London NW11 7ST**

Reference: **16/2895/FUL**

Received: 3rd May 2016

Accepted: 3rd May 2016

Ward: Childs Hill

Expiry 28th June 2016

Applicant: Simat Properties Limited

Proposal: Demolition of the existing dwelling and detached garage and erection of 5no two-storey detached and semi detached dwellings with rooms in roof space including hard and soft landscaping, off street parking spaces and refuse stores

AGENDA ITEM 13

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement 1032-AP3-D+A Part One; Design and Access Statement 1032-AP3-D+A Part Two; Daylight and Sunlight Report by GIA reference 8610; Arboricultural Impact Assessment Report and Outline Method Statement by Landmark Trees reference BKL/31aTPK/AIM/01b; Letter from Landmark Trees dated 21st April 2016 reference BKL/31aTPK/AIM/02a/Lttr; Planning Statement by First Plan; Site Location Plan; Visualisations; Parking Assessment by i-Transport reference NM/MD/DJ/ITL12040-001A TN; Drawing no. 1032-S01; Drawing no. 1032-S02; Drawing no. 1032-S03; Drawing no. 1032-S04; Drawing no. 1032-S05; Drawing no. 1032-S06; Drawing no. 1032-S07; Drawing no. 1032-S08; Drawing no. 1032-S09; Drawing no. 1032-A93-01A; Drawing no. 1032-A93-02A; Drawing no. 1032-A93-03A; Drawing no. 1032-A93-04A; Drawing no. 1032-A93-05A; Drawing no. 1032-A93-06A; Drawing no. 1032-A93-07A; Drawing no. 1032-A93-08A; Drawing no. 1032-A93-09A; Drawing no. 1032-A93-10A; Drawing no. 1032-A93-11A.

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 a) No development or site works, including demolition or construction work, shall take place on site until a 'Demolition, Construction and Traffic Management Plan' has been submitted to for each phase of the development and approved in writing by, the Local Planning Authority.

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

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

Reason: In the interests of highway safety and good air quality in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

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

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees

on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 7 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 of Part 1 of Schedule 2 of that Order shall be carried out within the area of 31A The Park 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).

- 8 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.

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

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and

policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

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

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

- 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 9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

- 12 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.

- 13 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

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

- 14 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with

a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the 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.

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

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

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

- 16 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).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential

properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £37,660.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £117,644.57 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 If the proposal is carried out it will be necessary for the existing crossover to be amended by the highways Authority and for new crossovers to be constructed. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. Any associated works on the public highways including reinstatement of redundant crossovers will be carried out at the applicant's expense. Any street furniture

including lamp columns, affected by the proposed crossover would be relocated at the applicant's expense. Relocation of lamp columns may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained.

The proposal will require alterations to on street parking bays which will be subject to a statutory consultation. The tree section will be consulted regarding the highways tree in close proximity of the proposed crossovers.

The applicant should submit a vehicle crossover application to London Borough of Barnet, 11th Floor Barnet House, London, N20 0EJ.

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended.

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

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

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

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

Officer's Assessment

1. Site Description

The site is located on the south side of The Park. The site is approximately 0.2 hectares in area. The surrounding area is residential in character consisting of detached and semi-detached houses. The site forms part of an attractive suburban area, and backs onto Golders Hill Park.

The buildings in the area are mixed but are generally traditional in design with one or two exceptions. Many of them incorporate features such as render and timber cladding, with notable variations in shape.

2. Site History

C16008/04 - 3 x Horse Chesnut - Crown thin by 15% Reduce overhang by 20% Reshape. Standing in Group G1 of Tree Preservation Order - Approved - 19/11/2004

C16008A/06 -Alterations to roof including dormer to rear. Provision of terrace at second floor level. - Refused - Dismissed at Appeal - 24/07/2006

C16008B/06 - Alterations to roof including dormer to rear. Provision of terrace at second floor level and privacy screens. - Refused - Allowed at Appeal - 11/01/2008

14/08087/FUL- Demolition of existing dwelling and detached garage and erection of 6no. two storey semidetached houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store.

Refused by the Finchley and Golders Green Planning Committee (overturned from an officer recommendation to approve.

Decision Date: 1 April 2015.

Reasons for refusal:

1. The proposed development, by reason of its size, bulk, siting and design would be detrimental to the character and appearance of the street-scene and general locality.
2. The proposed development would result in the loss of existing on street residents parking bays in order to provide access to off street parking to serve the development.

15/03044/FUL- Demolition of the existing dwelling and detached garage and erection of 4no. two storey detached dwellings with rooms in roof space including hard and soft landscaping, off street parking spaces and refuse stores

Approved subject to conditions (delegated decision)

Decision Date: 25 June 2016

3. Proposal

The applicant seeks planning consent for the demolition of the existing dwelling and detached garage and the erection of a total of 5no. (4 x semis and 1 x detached) two storey houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store.

The application follows on from a refused scheme on the same site for 6no dwellings under planning reference 14/08087/FUL and an approved scheme for 4 detached dwellings under planning reference 15/03044/FUL.

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.

37 responses have been received, comprising 37 letters of objection.

The objections received can be summarised as follows:

- Even stronger grounds to refuse 5 house scheme compared to previously refused 6 scheme due to new school opening.
- Parking congestion would be made worse
- Loss of Victorian property with extensive green frontage and resultant damage to streetscene due to hardstanding.
- Out of character with surrounding houses/ Adverse impact on appearance of area
- Will result in a material change to neighbourhood which has remained untouched in 50 years
- Eyesore
- Site is too small to support 5 houses
- Crammed houses on plot
- Set precedent
- Could then be turned into 6
- Will look like an overdeveloped car park
- New gardens will not have the space to replace
- Loss of outlook onto greenery and replacement with hideous houses
- Overly dense development
- Bulky
- Incongruous design with Arts and Crafts style of road
- Impact on environmental by removal of trees
- Neighbours feel a sense of betrayal of trust by developers

A site notice was erected on the 12th May 2016.

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, CS10, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, 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 future and neighbouring residents.
- Whether harm would be caused to highway and pedestrian safety
- Whether the proposals would have an acceptable impact on trees of special amenity value
- Whether the proposals would be acceptable in sustainability terms

5.3 Assessment of proposals

As mentioned above, planning permission has already been granted for the erection of 4 detached dwellings on the plot under reference 15/03044/FUL.

Whether the principle of the development is acceptable

The site is located in a suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare.

The proposals appear to be at 24.04 units/hectare based on the site being 0.208 hectares. The principle of residential development in the form of four detached houses is considered acceptable as this is a characteristic feature of surrounding roads which consist of a mixture of semi-detached and detached houses.

Given the approval at the site for 4 dwellings, the principle of residential development on the site is considered to be acceptable and has already been established.

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

The proposals involve sub-division of the plot to form 5 houses. In terms of plot widths, the site has a width of 46m, which would represent a width of approximately 8.4 m per plot for the semi-detached dwellings and 10.6m for the detached. The plots opposite have widths of approximately 8m, and this is considered to be comparable.

It is considered that the proposed architectural styling of the proposed buildings fits with the character of the street. The proposed dwellings also share gable ends which are featured on some of other properties on the street, and they have been designed to have individual decorative features which can facilitate the differentiation between the properties. The eaves and height of the buildings are sympathetic to the adjacent dwellings.

The application for six houses was refused by virtue of the size, bulk, siting and design of the buildings being considered detrimental to the locality. The approved application for four detached dwellings addressed the objections. With regards to the current scheme for 5 dwellings, by virtue of the reduced number of units from the refused scheme, the suitable gaps between the dwellings and comparable scale and massing to other properties on The Park, the scheme is considered to have addressed the reason for refusal for the 6 dwelling scheme.

The overall depth of the dwelling houses would be comparable to the rear building line of the nearby dwellings.

Bin storage would be provided within internal alcoves.

The view from Golders Hill Park of the site is important to consider. However, given the presence of mature tree screening to the rear of the site, and taking into account the considerate design of the roofs, providing adequate spacing and relatively low height, it is not considered that the appearance of the buildings, including the crown roof designs, would appear obtrusive as viewed from the rear.

Officers are satisfied that the proposals would not harm the character and appearance of the area.

Impact on the amenities of neighbouring occupiers

The applicant has provided a daylight and sunlight report with the application. This advises that there would be no alteration in daylight and sunlight to any habitable rooms at no.31

and that the only rooms affected at no.33 are served by other windows. The report also stated that there would be some impact on the kitchen window of no.33, however this is also served by a glazed doorway to the rear. As part of the previous application, it was not considered that the proposals would cause harmful loss of light or outlook to this window. Given the approved 4 dwelling scheme, it is not considered that the proposal would result in any greater impacts on daylight and sunlight than previously considered to be acceptable.

In terms of the impact on neighbouring outlook, House A which would be closest to no.31 The Park would extend approximately 1 metre at the boundary and a maximum of 3 metres at first floor level beyond the rear wall of no.31; at ground floor it would also extend 4m at the side closest to the same property and a maximum of 5.5m. House E which would be closest to no.33, would extend 0.5m (measured at the boundary) and a maximum of 2.3m at ground floor. Given that there is an existing rear projection of 3m at first floor and 4.5m at ground floor on this boundary it is not considered that any loss of outlook would be materially greater than what exists at present. Furthermore, given the limited projection on the side nearest no.33, it is not considered that there would be any harmful impact on the visual amenities of the occupiers of this property. Furthermore, the projection of the buildings at the rear would be the same when measured at the boundaries with no.31 and no.33 as on the proposal already approved on the site.

A condition is suggested to restrict permitted development rights given the size of the dwellings are comparable to one that has already been extended.

Officers of the Local Planning Authority are satisfied that the proposals would not harm neighbouring visual or residential amenity.

Impact on the amenities of future occupiers

Given the large existing plot, the size of the proposed units would comply and exceed with London Plan standards.

The proposals would provide adequate amenity space for the 5 new houses.

The proposals include rear terraces at first floor level. Given the presence of existing features on the existing building this is considered acceptable in principle providing that adequate screening is provided and suitably integrated into the design of the proposed buildings. The previously approved application for 4 dwellings also included balconies, and on the current scheme as with the previous one, the proposed balconies are not considered to be excessive in size.

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 in the recommendation 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 9% 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 is attached in the recommendation to ensure compliance with the Policy

In terms of water consumption, a condition is attached in the recommendation 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.

Whether harm would be caused to highway and pedestrian safety

The proposal is for demolition of existing house and construction of 1 x 5-bedroom new houses and 4x 6 bedroom house. A total of 8 parking spaces will be provided at the forecourt of the properties; however there is allocation for 2 parking spaces per dwelling (totalling 10). The proposal includes 3 new vehicle accesses in addition to the existing crossover which will be retained.

The parking provision is in accordance with the parking standards in London Borough of Barnet's Local Plan.

The site is located within a one hour controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 2.

For the refused scheme, the Council's Highway Officer considered that:

"Site visits at times of higher residential parking demand, in the evening and early morning, indicate that there is on street parking availability in the residents' parking bays within walking distance from the site.

There are 54 residents bays available at The Park and 33 parking permits are currently issued to residents of this road. In the adjacent Park Avenue there are 41 residents parking bays and 33 permits are currently issued to residents of this road.

Therefore it is not considered appropriate to impose a restriction on permits for residents of the proposed development, as there would be no justification on permits pressure."

If the proposal is implemented it will be necessary to modify the existing crossover and to construct new crossovers. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to the Highways Authority. Any street furniture affected by the proposal including lamp columns will be relocated at the applicant's expense. There are highways trees in close proximity to the proposed crossovers, therefore the tree section should be consulted, the outcome of this consultation cannot be prejudged.

The proposed crossovers will involve alterations to the existing on street parking bays. Alterations to on street parking bays will be subject to a statutory consultation as part of the crossover assessment. All costs associated with modifications to on street parking bays including consultation will be borne by the applicant.

The applicant has submitted a parking assessment to clarify the concerns regarding the problems with parking. The report concludes that there would not be material difference in parking congestion from the approved scheme compared to the proposed scheme even considering the additional demand from new schools in the vicinity.

One of the reasons for refusal for the 6 house scheme was the loss of existing street parking, by the development. Although the current scheme would result in some loss of parking, it is no different to the application approved and given the compliance with parking standards, it is not considered that the proposal would heighten existing parking pressures to an unacceptable level to warrant refusal of the application and as such it is acceptable.

Whether the proposals would have an acceptable impact on trees of special amenity value

It is noted that consent has previously been given to remove existing trees on site that are subject to Tree Preservation Order and plant replacements. The scheme has been designed in a way to incorporate three of these replacement trees to the front of the site and one to the rear.

An arboricultural impact assessment was previously submitted and assessed by the Councils Tree officer; a letter accompanies the current application by the same Tree Consultant which confirms that the amended scheme would pose no further impact on the existing and proposed replacement trees, than the approved scheme (for 4 dwellings). Tree officers were previously consulted on the proposals and are satisfied with the scheme subject to conditions; officers have reviewed the amendments and are satisfied with the latest scheme again subject to conditions.

Whether the proposals would have an acceptable impact on local ecology

To the south is Golders Hill Park which is a site of Metropolitan interest for Nature Conservation.

The existing site is mostly grassed with some tree screening to the boundary to the rear. It is considered that the existing site is of little biodiversity value and therefore it is unlikely that protected species would be harmed as a result of the works.

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 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.

As the proposal would increase in floorspace of sqm, the development is considered to be liable for £37,660.00 of Mayor's CIL and £117,644.57 of Barnet's CIL.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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



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COMMITTEE REPORT

- LOCATION:** PEWTERERS COURT, RECTORY CLOSE, LONDON, N3 1TP
- REFERENCE:** 16/TPO/004
- WARD:** Finchley Church End
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order, without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet Pewterers Court, Rectory Close, London, N3 1TP Tree Preservation Order 2016 without modification.
 2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Service Director - Development Management and Building Control dated 29th February 2016
- TCP/0059/16 – Pewterers Court, Rectory Close, London, N3 1TP – 1 x Conifer (directly to the right of the main entrance pathway) - Reduce height by 1/3rd, Crown lift to flashing above window, Reshape to dome.
 - s211 Notice of Intent registered 3rd February 2016
 - Tree Preservation Order made 14th March 2016
 - Decision Notice that a Tree Preservation Order had been made and served separately issued 15th March 2016
- TPP/0170/16 - Pewterers Court, Rectory Close, London, N3 1TP – 1 x Thuja - Reduce height by 1/3rd, Crown lift to flashing above window, Trim to achieve a dome instead of a point. T1 of Tree Preservation Order.
 - Refused under delegated powers 3rd May 2016 for the reason “The proposal will detrimentally affect the health and appearance of a tree of special amenity value.”

- TCP/0189/16 – Pewterers Court, Rectory Close, London, N3 1TP – 1 x Tamarisk (applicant's ref. X) - Crown clean, Reduce left hand over extended branch by 2 metres and the rest to match, Cut away from sign
 - s211 Notice of Intent registered 23rd March 2016
 - Decision Notice - Six week expired date 18th May 2016

Background Information/Officers Comments

A Tree Preservation Order was made on 14th March 2016 in the interest of public amenity in the light of a s211 Notice of Intent received from a tree surgeon proposing to undertake works to a conifer standing adjacent to the main entrance pathway at Pewterers Court, to reduce the tree's height by a third, crown lift to the flashing above window and reshape to a dome. The Notice of Intent was registered under reference TCP/0059/16 on 3rd February 2016.

The subject conifer is a Thuja which has had minimal previous treatment - it is a single stemmed tree with a narrow conical form that is typical of the species. It is middle-aged to early mature, about 15 metres in height with a branch spread of between 2 - 3 metres and a trunk diameter of 49cm. The tree appears to be in reasonable physiological condition with foliage of good colour and form throughout the crown. There is some minor deadwood close to the trunk – this is typical of the species and there are no obvious major structural faults.

The Thuja serves as a focal point and is clearly visible from along Rectory Close to the junction with Hendon Lane. The top of the tree is also visible from the public footpath that runs adjacent to the north-eastern boundary of Pewterers Court and also from Church Crescent and Priory Close above the properties. It contributes significantly to the character and appearance of the Finchley Church End Conservation Area helping to soften the urban appearance of, and provide a sense of scale to, the large residential block at Pewterers Court. Given the evergreen nature of the tree its visibility is greater during the winter months and this also contributes to its public amenity value.

Judging from its age and location, the prominently located Thuja was planted as part of the landscaping associated with the planning permission(s) for the retirement / sheltered housing flats and warden accommodation. It thus post-dates the St Mary's Rectory Church Crescent N3 Tree Preservation Order 1972 that was made at the site prior to redevelopment as Rectory Close and the construction of Pewterers Court.

The treatment proposed under Notice of Intent reference TCP/0059/16 would be of significant detriment to the health and appearance of this tree and also to public amenity – both by causing significant wounding and drastically altering the form of the tree. The proposed treatment would result in the removal of a very large proportion of the leaf-bearing branch structure from the tree (cumulatively about half) - which would significantly impact on the tree's ability for continued healthy growth. The proposed reshaping, from its characteristic cone to a "dome", would permanently affect its appearance and necessitate frequent future treatment to maintain the topiarised form.

The reasons given for the proposed works in the notification submissions - *“This tree is in need of a height reduction. It was suggested by the police this was needed to help prevent it being climbed by burglars to gain access – it is also blocking the light to the flats opposite”* - did not appear to justify such excessive treatment. The tree would be very difficult to climb (given the dense branches arising from the trunk) and, given the distance between the branches of the tree and the adjacent building, it would be difficult to get from the tree to the building even if the tree were to be climbed. In addition, the proposed reduction in height would not make any difference to whether the tree could be climbed for “access.”

Officers were concerned about the nature and extent of the proposed treatment and during the site visit to inspect the tree, a local resident verbally asked that nothing be done to this tree “because it’s lovely.”

In accordance with the Town and Country Planning Act 1990 (as amended), if the Local Planning Authority wishes to control treatment of a tree subject of a s211 notice of intended treeworks, it must make a Tree Preservation Order (TPO). An application for TPO consent would then be required and would be determined in accordance with the provisions of the relevant legislation (it is not possible to grant consent or refuse a s211 notice of intent).

The Thuja is considered to be of significant public amenity value and, with appropriate cultural attention, might reasonably be expected to make a positive contribution to local amenity for the foreseeable future - it was therefore included in a new Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

An e-mailed representation has been received from one of the residents of Pewterers Court.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The representation can be summarised as:

- It seems nearly fully grown and right in front of my window obstructing some of my view. Residents at Pewterers Court have been plagued recently with burglaries, car break ins, vandalism and drug dealing. We were of the mind that if we could just trim some of the bottom branches we would be more able to see clearly our forecourt and gardens.

- Anyway this tree is not our main problem [an adjacent tree was described and photographs provided] Do you think from the pictures I have sent that there should be any problem tidying this tree up.

In response the Council's Tree and Environment Officer comments as follows:

- (i) The inclusion of the Thuja in a Tree Preservation Order would not preclude application(s) for consent to prune a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation. Such application would be considered on its merits on the basis of the information submitted at the time. However, it would allow the Council some measure of control over treatment that was considered excessive.
- (ii) Following the making of the Tree Preservation Order, it was explained to the tree surgeon that as the tree was now included in an Order, they would need to submit an application (rather than a s211 Notification) – which would need to be considered formally in accordance with the TPO procedure; that whilst they could resubmit the same form, the new application would be registered under a different reference and dealt with under a different procedure. However, they should be aware that there is a significant difference between the two procedures:
 - A Local Planning Authority can approve / conditionally approve / refuse an application for consent to undertake treatment of a tree included in a Tree Preservation Order (and the applicant would have a right of appeal against the refusal of consent)
 - A s211 Notice of Intent of proposed Conservation Area treeworks is a notification process rather than a consent / refusal
 - If a Local Planning Authority wishes to prevent specified treatment subject of a s211 Notification, it would need to make a Tree Preservation Order, then any subsequent TPO application would be considered and could be refused. Further it was noted that, in deciding whether or not to resubmit, they should take account that the Local Planning Authority had considered it appropriate to include the tree in an Order having received the s211 Notification.
- (iii) The trimming of 'some of the bottom branches' advocated in the representation is significantly less than the treatment proposed by the tree surgeon in the s211 Notice of Intent TCP/0059/16 (Reduce height by 1/3rd, Crown lift to flashing above window, Reshape to dome) or their subsequent resubmission for essentially identical treatment which was registered under reference TPP/0170/16. Whilst lifting of some low branches may allow increased surveillance, the reduction in height would make no difference to residents' ability to see the forecourt and gardens more clearly.
- (iv) A separate S211 Notice was registered under reference TCP/0189/16 for pruning works to the other tree, a Tamarisk (the "main problem"). The six week notification period expired on the 18th May 2016 and the specified 'tidying up' can be undertaken.

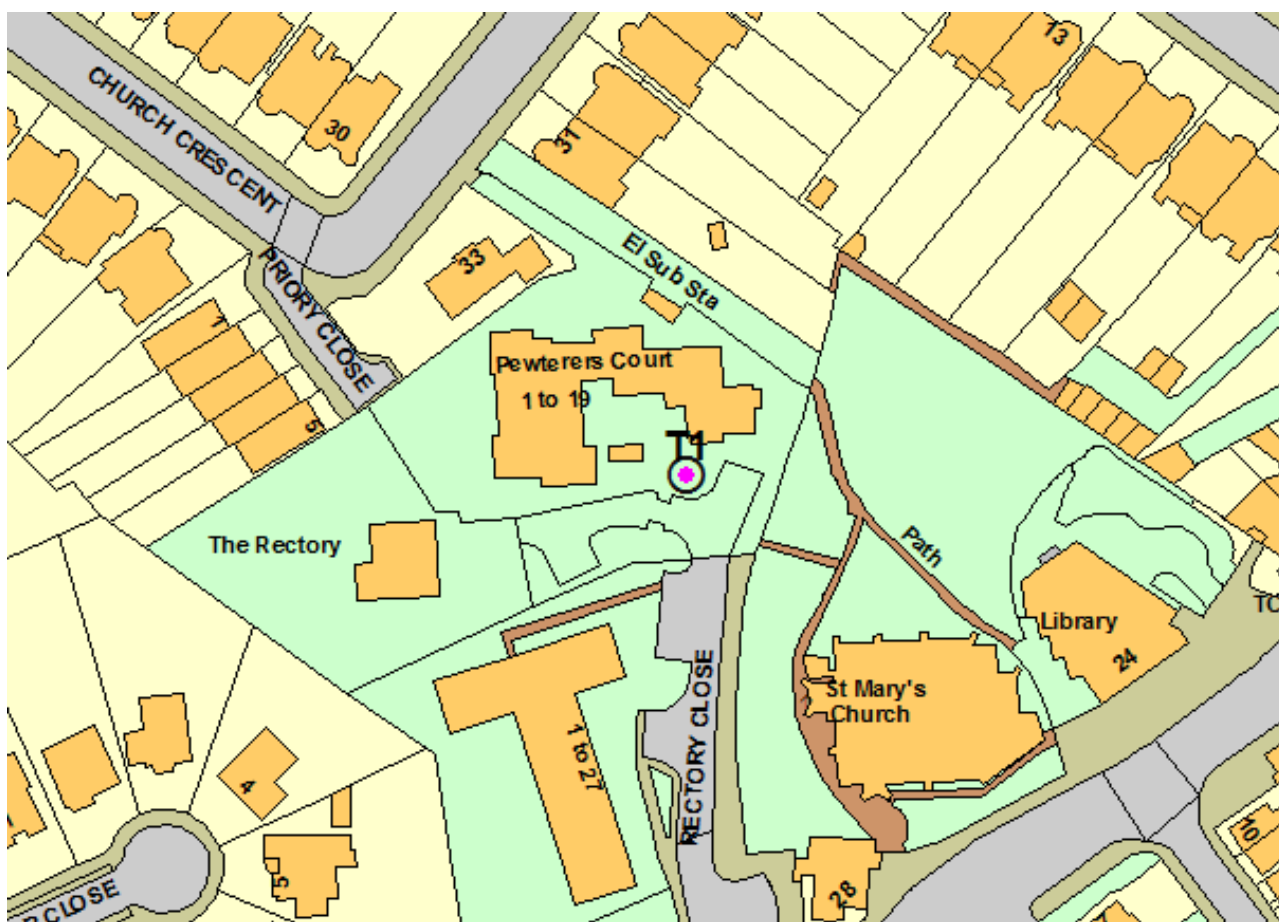
2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation 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.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the Council some measure of control over treatment that is considered excessive. As set out above, it is considered the Thuja tree identified in the Order contributes significantly to public amenity, and given normal arboricultural attention is capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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Location **Gloucester Court Golders Green Road London NW11 9AA**

Reference: **16/1936/FUL**

Received: 23rd March 2016

Accepted: 10th May 2016

Ward: Golders Green

Expiry 5th July 2016

Applicant: Mr ZEVY SHAINFELD

Proposal: Conversion of existing garages into 2 no. self-contained flats with associated refuse storage and amenity space. New garage for two parking spaces

AGENDA ITEM 15

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Site Location Plan; Block Plan; Drawing no. HD911/7001 Rev A; Drawing no. HD911/7002; Drawing no. HD911/8000; Sureguard Window films Sureguard Neutral 20.

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

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

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

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

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

- 4 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

- 6 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

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

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

- 8 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 any of the elevations.

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).

- 9 Before the building hereby permitted is first occupied the proposed window(s) in the front elevation facing Gloucester Court shall be glazed with obscure glass only as per the details hereby approved (Sureguard Window films Sureguard Neutral 20) 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 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 of Part 1 of Schedule 2 of that Order shall be carried out within the area of _ 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).

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

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

- 12 The garden/ amenity space shown on the approved plans shall remain as amenity space and shall not be used for any other purpose.

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).

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

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

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

Reason:

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

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 3 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a row of 11 domestic garages to the rear of Gloucester Court, located on the south western side of Gloucester Gardens within the Golders Green ward. The garages are sited at the edge of the property backing on to an adjacent three storey block of flats. The rear of the main building at Gloucester Court is used as access to some of the flats.

The site does not lie within a conservation area nor is the main building listed.

2. Site History

Reference: 16/00078/FUL

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 10 February 2016

Description: Conversion from 11 no. garages into 3 no. self-contained flats

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant mutual overlooking onto proposed habitable rooms and additional fenestration would provide unacceptable standards of amenity for both future and existing occupiers
2. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary, in addition to the single aspect design which would result in poor outlook for the future occupiers.

Reference: F/02342/13

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 12 September 2013

Description: Variation of conditions 1 (Plan Numbers), 6 (Layout), 8 (Position of windows), 9 (Obscure glazing) pursuant to planning permission F/00031/13 dated 06/03/2013 to provide a revised layout to the flats (kitchen and bathrooms moved to provide better access to drainage points) and changes to the fenestration facing Gloucester Court (replacing previously angled glazed windows with standard privacy flush doubled glazed windows).

Reference: F/02362/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved

Decision Date: 25 July 2013

Description: Submission of details for Condition 4 (Refuse) , pursuant to planning permission F/00031/13 dated 06/03/2013.

Reference: F/00031/13

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Approved subject to conditions

Decision Date: 08 March 2013

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2 no. residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/02764/12

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 17 September 2012

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Reference: F/05000/11

Address: Garages To The Rear Of 1-12 Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Reasons for refusal:

1. The proposed conversion by reason of its siting close to Gloucester Court and resultant overlooking onto proposed habitable rooms would provide unacceptable standards of amenity for future occupiers contrary to policies D5, H16 and H26 of the Barnet Adopted Unitary Development Plan (2006) and policy DM01 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

2. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to policy H18 of the Barnet Adopted Unitary Development Plan (2006) and policy DM02 of the Emerging Local Plan Development Management Development Plan Document (Examination in Public Version) 2012.

3. No undertaking has been given by the developer to meet identified additional educational, health, libraries and monitoring costs which would be incurred by the community as a result of the development, contrary to Policy CS1, CS8, CS13 of the Barnet Adopted Unitary Development Plan (2006), Adopted Supplementary Planning Document on Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2006) and policy CS15 of the Emerging Local Plan Core Strategy (Examination in Public Version) 2012.

Decision Date: 25 May 2012

Description: Partial demolition and conversion of existing garages to the rear of Gloucester Court into 2no residential units. Alterations to include new front wall, windows and door with a new roof.

Appeal Decision: Dismissed (19 December 2012)

Reference: F/04319/10

Address: Gloucester Court, Golders Green Road, London, NW11 9AA

Decision: Refused

Decision Date: 16 December 2010

Description: Conversion of existing garages to the rear of Gloucester Court into 2no self-contained studio flats.

3. Proposal

The applicant seeks planning permission for the conversion of the existing garages to the rear of Gloucester Court into 2no. self-contained 1 bed flats with associated refuse storage

and amenity space, and partial demolition and reconstruction of the garages to accommodate 2 garages on the same plot.

There will be external alterations which include the insertion of windows and doors to the external elevations (front and internal/side elevations) of the garages. There will be partial demolition of the garages, which includes the roof. The proposed new roof would be dual hipped with a ridge height of 4.8m.

4. Public Consultation

Consultation letters were sent to 130 neighbouring properties.

24 responses have been received, comprising 23 letters of objection and 1 representation.

The objections received can be summarised as follows:

- Distance between Gloucester Court and development would limit the use of the development
- Insufficient turning space for cars
- Poor privacy for future flats
- Poor outlook to neighbouring occupiers
- Health and Safety & insufficient access for residents (less than 6 metres)
- Lead to overcrowding with between 2 to 3 occupiers per unit
- Already congested road
- Noise and disturbance
- Exacerbate parking problem
- Problems of security / lighting/ maintenance
- Garages should be maintained as such for benefit of residents
- Loss of privacy/ overlooking
- Site used as a play area for children
- Loss of light by virtue of the new roof height of the garages
- Bin location is inconvenient & unsure how they will be collected
- Outdoor lighting provided which would cause disturbance at night
- Narrow road for construction/ restricted access
- Disturbance during construction and resultant pollution
- Not all garages are owned by the applicant
- Health and Safety concerns particularly for access for emergency services or for emergency escapes for residents
- No utility within the existing structure; the proposal will result in excavation for services
- Sloping roof will throw rainwater to the property at the rear
- Potential structural damage
- Poor daylight to units
- Appeal decision in 2012 specified that enjoyment of dwellings would be restricted by the narrow access and external fire escapes; this is irrespective of the subsequent planning approval in 2013
- Refuse are infringes amenity space
- Applicant should be required to provide a traffic survey to address concerns regarding parking.
- Whether parking spaces are used or not is immaterial

Thames Water have also made a representation and have advised on some informatives to add to a recommendation.

A site notice was also erected on the 19th May (and also initially on the 7th April).

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The previous application approved under reference F/00031/13 involved the conversion of the garages into two studio units. The current application would involve the provision of 2 x 1bed units with a new hipped roof.

Principle of Development and Impact on Character

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

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

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

Paragraph 21 of the NPPF states, 'the government encourages the effective use of land by reusing land that has been previously developed (brownfield land)'.

Paragraph 56 states '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'. It is considered that the application complies with the above sections of the NPPF.

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

The principle of the redevelopment of the site to provide residential accommodation has been established by the approved decision granted planning permission under reference F/00031/13.

The proposed external alterations are considered acceptable. It is not considered that the conversion would result in a demonstrable harm to the immediate area which will be detrimental to the character and appearance of Golders Green. They would not harm the character of the area which is mixed, as such officers do not object to proposed changes in terms of the impact on the character of the area.

Impact on amenity of neighbouring and future occupiers

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.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

The proposed units comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 (including MALP 2016) and it is considered that the development would provide adequate internal space for future occupiers of each 1bed flat.

T Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. The development would provide separate gardens for each units and this is considered to be acceptable. The scheme would provide 15.4 sqm of private amenity space for each unit which is divided by a 1.8m high fence. It is considered that would private a suitable quality of amenity for future occupiers to compensate for the poor quality of the access to the units previously identified by the Inspector. Although the site is within an area identified as being deficient in open space, there is a park within a walking distance and the proposed units will have other locational advantages in being close to transport and services as a result of its edge of town centre location.

The windows fronting Gloucester Court will be fitted with obscured glazed window system known as Sureguard Window films Sureguard Neutral 20 which provides one way vision. It is considered that this system will protect the privacy of future occupiers of the units and existing occupiers at Gloucester Court. A similar system that was supported as part of previous application approved on the site for 2no studio units and is therefore not considered to be objectionable. Future occupiers would benefit from suitable outlook by way of the clear glazed full height bi-fold doors opening onto the private outdoor amenity space.

The provision for bins would comply with the Council's standard for new residential development. A refuse store (as indicated on drawing no. HD911/7002) is considered to be discrete and would be sited at the front of the site.

The proposed units along the access to flats on Gloucester Court would not give rise to unacceptable levels of overlooking from existing residents onto the habitable rooms of the proposed self-contained units. In addition, the vast majority of the existing flats on Gloucester Court have their rear windows and doors fitted with obscured glass, thus there would be no overlooking from the occupants of the existing flats to the future occupiers of the proposed self-contained flats.

It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises.

Highways

Highways advice remains as per the previous permission and it is not considered that there are any circumstances which have changed and now warrant refusal of the application on highways grounds. The previous comments are as follows:

The proposal is for the conversion of existing lockup garages at the rear of Gloucester Court and to provide 2 self-contained flats. The garages have been unused and vacant for a long time.

There are also difficulties with the access to the garages as it is narrow (less than 2ms wide) and it is difficult for cars to manoeuvre from Gloucester Gardens due to an existing old side extension which partly blocks the access road. Cars cannot turn into the access road easily due to poor visibility.

In view of several factors including the location of the site and the following:

- The proposal is for a conversion
- The site is within a CPZ

Taking into consideration the above on balance the proposal is acceptable on highways grounds. The appeal Inspector did not object on these 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 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.

As the development would not comprise of any extensions or increase in floorarea, it is not CIL liable.

5.4 Response to Public Consultation

It is considered that the planning related concerns raised on this application were not sufficient to constitute a reason for refusal and the objections relevant to this amended application have been covered in the above appraisal.

Matters regarding the terms of lease and the structural implications of the proposal are not planning considerations.

The consultation processes has been carried out in accordance with the statutory requirements and a site notice was displayed. Ownership of the site is not a planning consideration, however as the applicant originally signed the incorrect certificate of ownership on the application form, neighbouring occupiers were consulted twice, after there was a sufficient period of notice for leaseholders and the correct certificate had been signed.

The site is currently occupied by garages (whether used or not); it is therefore not considered that the proposed replacement garages would not benefit from insufficient space to manoeuvre than the existing situation.

The plans do not indicate any provision for external lighting to the building. Notwithstanding this, it is not considered that the addition of domestic lighting would cause sufficient harm to the amenity of neighbouring occupiers to warrant refusal of the application.

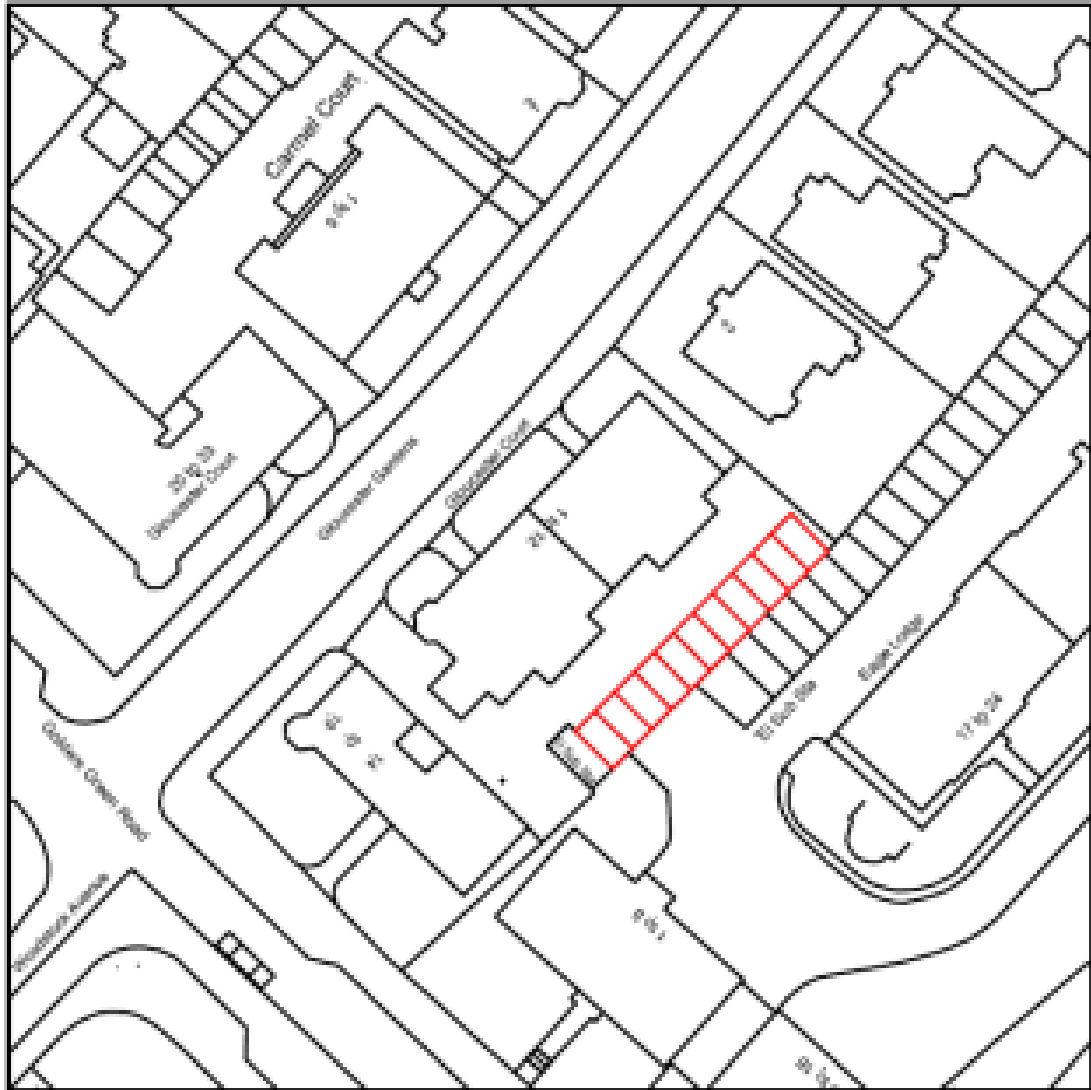
A condition has been added to the recommendation to ensure that disturbance during construction is mitigated.

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 proposal is acceptable on highways grounds. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location **16 And 18 Oakfields Road London NW11 0HY**

Reference: **16/1994/S73**

Received: 29th March 2016

Accepted: 29th March 2016

Ward: Golders Green

Expiry 24th May 2016

Applicant: Mr Lou Rokach

Proposal: Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

AGENDA ITEM 16

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Compliance Report, Technical Specifications, Sustainability Checklist, Drawing Nos. PL(90)100, PL(03)101, PL(03)104, PL(05)101 P3, PL(03)102 Rev P1, PL(03)100, PL(03)103, PL(03)200, PL(03)201, PL(03)202, PL(05)100, PL(05) 101 Rev P2, PL(05)102, PL(05)103 Rev P4, PL(05)104, PL(05)200 and PL(05)201 Rev P2.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 The roof of the flat roof elements of the building 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 Adopted Barnet Development Management Policies DPD (2012).

- 3 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building at 18 Oakfields Road hereby permitted shall not be extended in any manner whatsoever.

Reason:

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

- 4 All new windows, including the dormer windows in the side elevations facing 16 and 20 Oakfields 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 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, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation of No 18 Oakfields Road facing the neighbouring properties.

Reason:

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

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation facing No. 18 Oakfields Road.

Reason:

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

- 7 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

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

Reason:

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

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

Reason:

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

- 10 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building known as Number 18 Oakfields Road and shall not at any time be occupied as a separate unit or for any other purpose not incidental to the main use of the dwelling.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties.

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

Reason:

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

- 12 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.

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 relates to two storey detached dwelling houses located on the eastern side of Oakfields. The application site No. 18 has been considerably completed implement in the previous planning permission as below. The area is characterised by a mixture of detached and semi-detached residential dwellings, a number of which have been previously extended.

The site does not fall within a conservation area.

2. Site History

Reference: 16/2143/NMA

Address: Site Of 18, Oakfields Road, London, NW11 0HY

Decision: Approved

Decision Date: 19 April 2016

Description: Non-material minor amendments to planning permission reference F/04764/13 dated 11/12/13 for `Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road` Amendments to include alteration to rear elevation fenestration including addition of juliette balcony to first floor level of No. 18 Oakfields Road

Reference: F/04764/13

Decision Date 11 December 2013

Decision: Approved subject to conditions

Proposal: Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road

3. Proposal

Removal of condition 21 (Occupancy of number 18) and variation of condition 1 (Plans) and condition 7 (Windows) pursuant to planning permission F/04764/13 dated 11/12/2013 for "Erection of a two-storey detached dwelling house with rooms in roof space and basement level following demolition of existing dwelling to No. 18 Oakfields Road. Part single, part two-storey rear extension, 2xno. roof lights to No. 16 Oakfields Road". Variation to include installation of an obscure glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Road and windows in side facing dormer windows to be obscure with a limited opening restricted to 100mm

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.

5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- balustrade will result in roof being used as a terrace and cause overlooking and loss of privacy
- concerns that original conditions were not complied with

- site location plan is wrong
- concerns raised in regards to height of property

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 April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application is a material amendment to the planning application reference F/04764/13. Please see the report from this application for a detailed discussion of the issues relating to this development.

The proposal seeks consent for the following works:

- addition of a glazed balustrade to roof of ground floor rear projection facing No. 20 Oakfields Ave
- windows in side facing dormer windows to be obscure with a limited opening restricted at 10cm

The above changes are to increase privacy for both the occupiers of 18 Oakfields Road and the neighbouring occupiers at 20 Oakfields Road; the privacy screen is to limit views to and from the single storey rear extension at No. 20 which has clear glass windows on both side elevations facing directly onto the extension at the application site. Although inaccessible due to the recent installation of Juliette balconies, the balustrade is considered essential in mitigating any potential overlooking and loss of privacy. The obscure glazed dormer windows are proposed to further protect privacy for both occupiers; without the obscure glazing and limited opening there would be a clear line of sight into both the application site from No. 20 and vice versa.

The application also seeks to remove condition No 21 which was worded as follows: Before the proposed dwelling at Number 18 Oakfields Road is occupied the extension at Number 16 Oakfields Road shall be fully completed.

Reason:

To ensure that the proposed dwelling at 18 Oakfields Road does not affect the residential amenities of the neighbouring property No. 16 Oakfields Road in accordance with Policy DM01 Protecting Barnet's character and amenity of the adopted Development Management Policies DPD (2012).

The extensions at No 16 have not started and the building and occupancy at No 18 have been completed, given that the situation already exists and no harm has been created by the breach of this condition, there is no objection to the removal of condition No. 21 in this instance.

5.4 Response to Public Consultation

Addressed in report.

The LPA is satisfied that the site location plan submitted is correct.

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.



Location **19 Decoy Avenue London NW11 0ES**

Reference: **16/2460/HSE**

Received: 14th April 2016

Accepted: 18th April 2016

Ward: Golders Green

Expiry 13th June 2016

Applicant: Mr M Solaimani

Proposal: Demolition of existing garages and erection of single storey side extension

AGENDA ITEM 17

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 19DA/P01 Rev C.

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 17 Decoy Avenue.

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

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 relates to a single storey detached bungalow on Decoy Avenue; a residential road which lies within the Golders Green ward of the South area. The property itself has been extended previously at single storey level to the rear and at roof level with a dormer to both the front and rear roof slopes.

The majority of dwellings on Decoy Avenue are predominantly single storey detached bungalows set within spacious plots many of which benefit from a number of extensions including large front and rear dormer windows and single storey side extensions.

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

2. Site History

Reference: W06341A

Proposal: Single-storey rear extension.

Decision: Approved subject to conditions

Decision Date: 1984

Reference: W06341

Proposal: Single-storey rear extension, enlargement of front dormer window and new rear dormer window.

Decision: Approved subject to conditions

Decision Date: 1979

3. Proposal

The application seeks consent for the construction of a single storey side extension. It is important to note that the plans have been amended since the original submission to reduce the depth of the frontward projection and to reduce the height including alterations to the roof design. This is further discussed in the body of this report.

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

8 responses have been received, comprising 8 letters of objection

The objections received can be summarised as follows:

- concerns raised in regards to the boundary line between the application site and No. 17
- overdevelopment
- adverse impact on the streetscene
- unacceptable narrowing of gap between 17 and 19 Decoy Ave creating an unacceptable precedent in the street

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.3 Assessment of proposals

Through negotiations with the applicant the plans have seen significant revisions and now relate better to the properties either side and the streetscene as a whole. In terms of footprint, it would project no further forward than the garage at the site and not project further rearward than the conservatory at the neighbouring property at No. 17; the level changes across the site and road results in the neighbouring conservatory being at a higher level than the garage at the application site. Natural screening and the fact that no side facing windows have been proposed, help to eliminate any potential adverse impact the proposal may have on the occupiers of No. 17.

The majority of houses on Decoy Avenue have been significantly extended to both the front and rear which, over the years, has created a somewhat uneven building line on this side of the street. The frontward projection of the extension is not deemed to adversely impact the streetscene in this regard. Given that the proposal would largely replace an existing structure on site, the extension is not considered to result in an unacceptable narrowing of gaps between properties, the lowered height and clear distinction between the main building and extension would not result in a 'terracing effect' and would still maintain a more than adequate perception of separation between properties at roof level.

Moving on to bulk and massing, care has been taken to reduce the height of the front element of the proposal, including the addition of a dummy-pitch roof to maintain proportionality and subordination with the main building. The original scheme would have resulted in a overly bulky and prominent feature within the streetscene, the significant reduction in height and changes in design are considered to be a welcome addition to the streetscene and an improvement to the existing situation of a detached garage on the application site.

Side extensions are a common feature on Decoy Avenue with a number of the properties benefitting from an additional access door serviced by the side extensions. In this instance, given the character of the road, the addition of an access door is considered acceptable; the internal configuration of the property would still allow for internal access into the extension and the use of the extension can be appropriately controlled by suggested condition No. 6 which would state "The use of the extension hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling."

In conclusion, while the existing house is somewhat distinctive in its own right on Decoy Avenue, in terms of design and bulk/massing, the character of the street is varied, and on balance, would be preserved. The proposal would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) and the thrust of Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

5.4 Response to Public Consultation

The objections were received prior to any amendments being made on the proposal; the amendments are considered to overcome a number of the concerns raised.

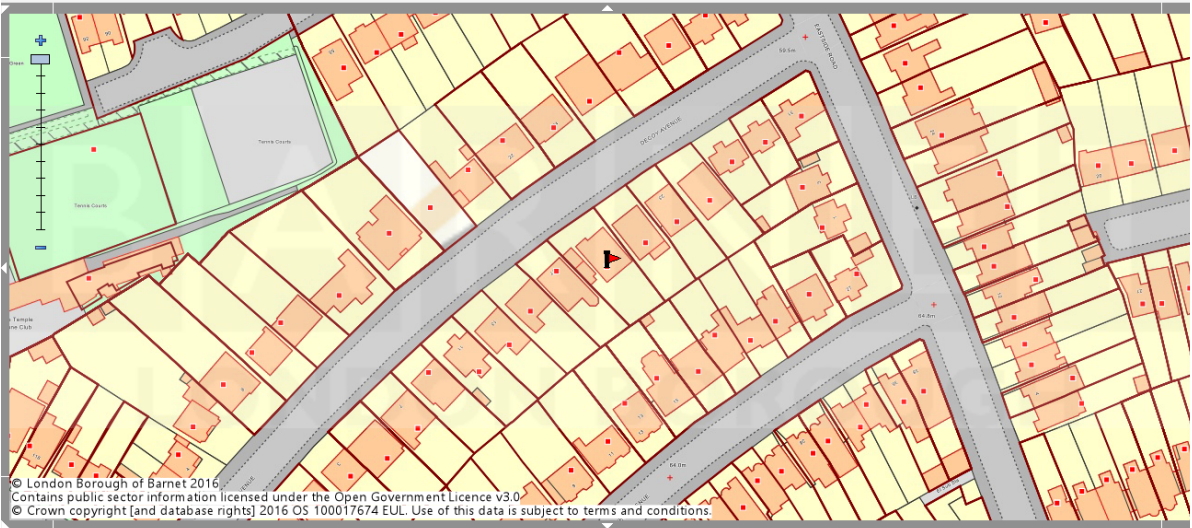
Boundary disputes are not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 87 Bridge Lane London NW11 0EE

Reference: 16/1899/FUL

Received: 23rd March 2016

Accepted: 23rd March 2016

Ward: Golders Green

Expiry 18th May 2016

Applicant: Mr Nissim Bitton

Proposal: Demolition of existing buildings and erection of two storey building to facilitate 4 no. self-contained flats with associated parking, cycle storage and amenity space

AGENDA ITEM 18

Recommendation: Approve subject to conditions

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

- Proposed: No. L101 Rev D, E103 Rev D, E101 Rev D, E102 Rev D, P100 Rev C, P102 Rev D, P103 Rev F, P104 Rev D, S101 Rev D, P101 Rev E (received: 06/06/16).

- Existing: No. L001, E001, E002, L002, P001, P002, P003 (received: 23/03/16)

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

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

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

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

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

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

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

Reason:

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

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management 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 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.

- 7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water

meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

- 9 Prior to first occupation, the development hereby approved shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

Reason:

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

- 11 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).

- 12 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).

- 13 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.

- 14 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.

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 446-A-003 Rev B; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

- 16 Before the building hereby permitted is first occupied the proposed dormer and first floor window facing no. 89 Bridge 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).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £11,830.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £45,670.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a large rectangular plot currently accommodating a detached property containing two flats, for which council tax records are available. Bridge Lane is characterised by a mixture of both semi-detached and detached properties with similar architectural style and detailing.

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

2. Site History

Reference: F/00526/12

Address: 87 Bridge Lane, London, NW11 0EE

Decision: Approved subject to conditions

Decision Date: 21 June 2012

Description: Demolition of existing building and existing rear garages. Erection of two storey detached single family dwelling with basement and rooms in roofspace, and associated amenity space.

Reference: F/00534/11

Address: 87 Bridge Lane, London, NW11 0EE

Decision: Approved subject to conditions

Decision Date: 16 June 2011

Description: Extension to roof including two rear dormer windows, following a creation of a 1bed self-contained flat in roof space to facilitate a loft conversion.

3. Proposal

Demolition of existing buildings and erection of two storey building to facilitate 4 no. self-contained flats with associated parking, cycle storage, refuse storage and amenity space

4. Public Consultation

Consultation letters were sent to 33 neighbouring properties.
7 letters of objection have been received.

The objections received can be summarised as follows:

- Increase in congestion and on street parking
- Over development
- Flats not in keeping with the character of the area
- Harm the character of the area
- Overlooking
- Lack of off street parking
- Loss of outlook
- Increased noise and disturbance
- Insufficient cycle parking

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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08 and DM17

Supplementary Planning Documents

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

5.3 Assessment of proposals

The main issues for consideration in this case are:

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

v. Parking and highways

5.3 Assessment of proposals

The principle of flats in this location :

Objections have been raised over the principle of flats in this location. Policy DM01 of Barnet's Development Management Policies states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. A search of the council tax records for the Bridge Lane reveals few conversions or purpose built flats suggesting the character of the street is predominantly one of single family dwellinghouses. However, every application must be judged on its own merits and in this instance, there are certain material considerations to take into account.

First, although no historic planning application exists, 87 Bridge Lane is already divided into two separate flats and the council tax records confirm this has been the case since 1993. Were the applicant to apply for Lawful Development Certificate to establish the use of flats, this would more than likely be granted, meaning the flats would be exempt from any enforcement action and therefore considered lawful.

Second, an appeal inspector (APP/N5090/C/14/2216260) recently made the following comments regarding an application to retain two flats at no. 62 Bridge Lane in 2014:

Bridge Lane is a long road and I consider it to be appropriate when considering the Council's case to look at the character of the area in the vicinity of No 62, including the nearest parts of the adjoining roads, Hallswelle Road and Hayes Crescent. This area is as described by the appellant, with conversions on all the roads, purpose-built flats in Bridge Lane and Hayes Crescent and a hall on Bridge Lane. In these circumstances, I do not consider that the flats at No 62 are at variance with the character of the area.

Bearing in mind the proximity of the appeal site to the application site, the Inspectors view is given a moderate degree of weight. Planners appreciate the current application relates to the creation of four rather than two, but issues relating to density are addressed in more detail below. Having taken into account the site specific material considerations, on balance, the principle of flats in this location is considered acceptable.

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

Floor Area :

The following units are proposed:

Flat 1	2 bedroom 3 person	117m ²
Flat 2	2 bedroom 3 person	117m ²
Flat 3	2 bedroom 3 person	131m ²
Flat 4	2 bedroom 3 person	95m ²

All four flats would exceed the minimum unit size requirements set out in the London Plan (2016).

Density:

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 2. The site is approximately 0.0615 hectares in size and the development includes 4 self-contained flats. Calculations show that the proposed scheme's density is approximately 65 units per hectare, and this is at the bottom end of the density range for its context and the guidelines in the London Plan (50-95u/ha). All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Amenity Space:

Units 1 and 2, located on the basement and ground floor level, would be provided with a sunken lightwell and private garden. The remaining two units would be provided with a communal amenity space area to the rear. All four flats would benefit from sufficient space which would exceed Barnet's requirements as set out in its Sustainable Design and Construction SPD (2013).

Internal Stacking:

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

Light/outlook:

Initially concerns were raised over the lack of outlook and light to the occupiers of the basement as the primary living space was located within it. To overcome these issues and through negotiations with the applicant, the basement units now contain only secondary bedrooms as well as a host of other non-habitable rooms. Although the siting of any bedroom within a basement is not ideal, attention has been paid to the south facing orientation and the depth of the proposed lightwell, suggesting these habitable rooms would be provided with sufficient light to meet the relevant BRE standard. All other habitable rooms within the proposed flats would be provided with sufficient light and outlook in accordance with policies DM01 and DM02 of Barnet's Development Management Policies which amongst other things aim to safeguard the amenities of future occupiers.

The impact on the amenities of neighbouring occupiers

Several objections have been received relating to loss of light and outlook from the structure itself as well as the increase in noise and disturbance as a result of the proposed use. Both these issues have been addressed separately below.

85 Bridge Lane:

This occupier benefits from a 4.6m deep single storey rear extension which would extend beyond the footprint of the application property by 2m. The proposed house would also be set away from the boundary by 1.2m.

89 Bridge Lane:

This neighbour does not benefit from a rear extension but is located further away from the proposed house, when compared to no 85 (by a distance of 2m) and the proposed rear elevation would extend beyond that of the neighbour by 2m.

Barnet's Residential Design Guidance (para. 14.23) makes explicit reference to two storey rear extensions principally that, 'two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant, and have a detrimental effect on the amenities of neighbours.'

In this instance, the proposed building would not extend further than 3m from either neighbouring occupier and the footprint of both neighbouring properties are located a sufficient distance from the proposed building to mitigate any issues relating to loss of light, outlook or an increased sense of enclosure.

Potential increase in noise and disturbance

Objections have been received relating to the potential increase in noise and disturbance as a result of the comings and goings of future occupiers. This is a separate concern to the principle of flats which has already been addressed above. In order to address these concerns the applicant has reduced the total number of units from five to four.

To illustrate the difference between the existing and proposed schemes the number of occupiers is highlighted below:

Existing:

Unit 1: 3 bedroom 5 person

Unit 2: 3 bedroom 5 person

Total number of people: 10

Proposed:

Flat 1 2 bedroom 3 person

Flat 2 2 bedroom 3 person

Flat 3 2 bedroom 3 person

Flat 4 2 bedroom 3 person

Total number of people: 12

The illustration above shows the increase in potential number of occupiers between the existing and proposed scheme would be two people. In terms of justification, Bridge Lane is characterised by large spacious plots/houses which could be occupied by large families. The increase in 2 people is not considered to create the level of noise and disturbance which might cause harm to the living conditions of neighbouring occupiers to such an extent so as to warrant refusal of the application on these grounds alone. The proposal therefore meets the criteria within policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012 and the Sustainable Design and Construction, and Residential Design Guidance SPDs, which, amongst other things, require development proposals to be designed to allow for adequate living conditions of neighbouring occupiers and users.

The Impact on the appearance and character of the area:

The existing property is not considered to be of any particular architectural merit to warrant its retention and demolition is considered to be acceptable. The nature of the development is not in itself considered to harm the residential character of the area. It is noted that the area is characterised by a mix of semi-detached and detached dwellings.

The proposed development would comprise a 2 storey detached building with rooms in the roofspace and a basement level. The footprint and design of the block is very similar to the replacement house approved in application F/00526/12.

Initially concerns were raised over the amount of hard surfacing to the front elevation. In reducing the total number of units the applicant has also reduced the number of parking spaces by one. The front driveway has now been redesigned to include more soft landscaping to soften its appearance and would be secured through condition. A second knock on effect from reducing the unit number was to reduce the volume of refuse storage required which was also a concern. The bin store is now sited with some screening to help obscure it from public view. The materials will be sympathetic to the character of the street and secured through condition.

The design of the house is considered appropriate for the street scene. In addition, the height of the proposed new dwelling does not exceed that of immediate neighbouring properties and appears to be in context with the streetscene. The house has been carefully designed to take account of the massing of neighbouring properties and ensure that the building appears in context. The height, size, depth and massing are all considered to be in context with the prevailing character.

Parking and Highways

Barnet's Highways officers have worked with the applicant to revise the proposed parking layout. The scheme would now leave sufficient space for cars to manoeuvre and provide a sufficient number of spaces to meet Policy DM17 of Barnet's Development Management Policies.

5.4 Response to Public Consultation

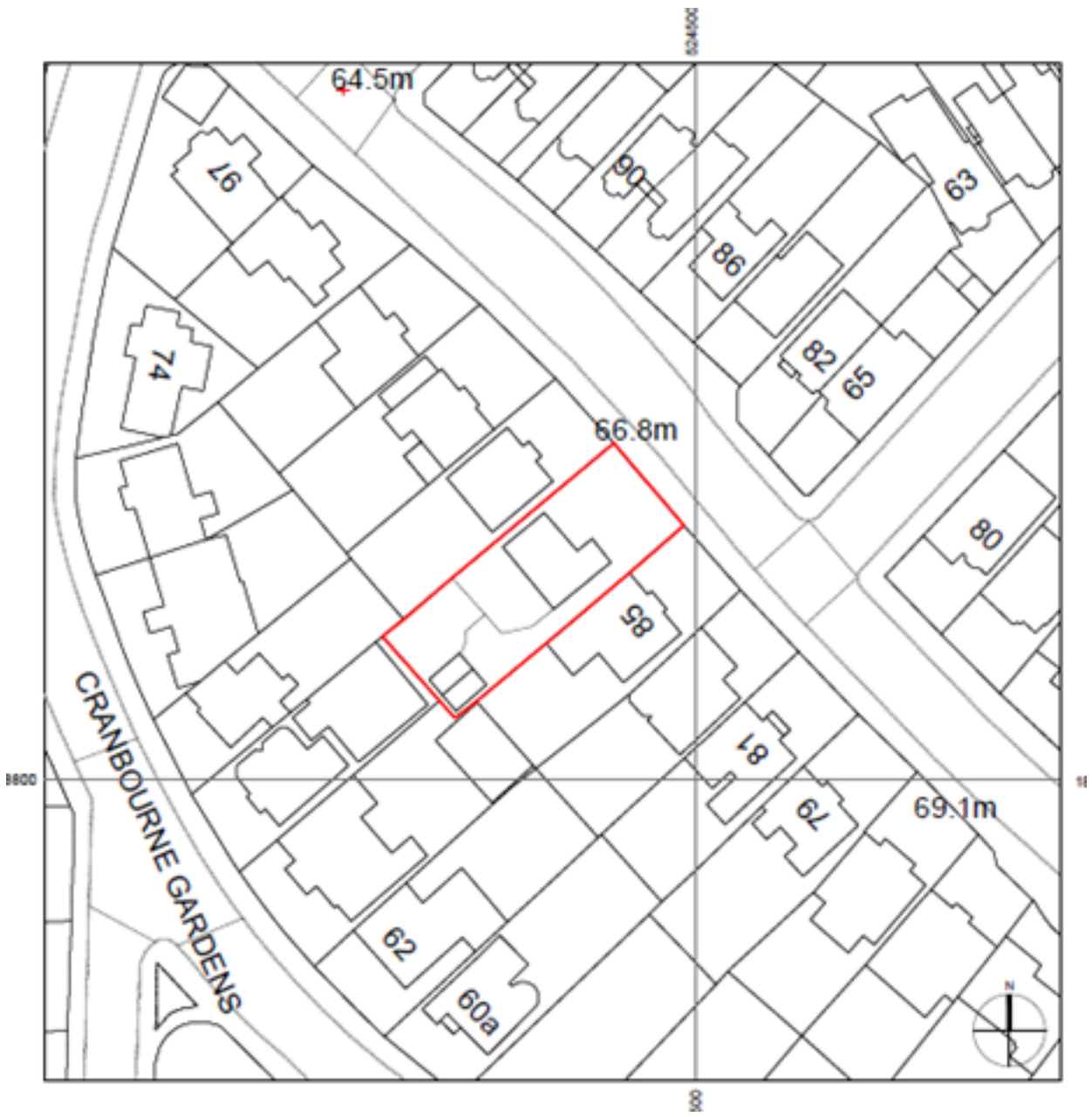
All the objections raised have been addressed in the 'assessment of proposals' section above.

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 support 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.



Location 18 Cheviot Gardens London NW2 1QH

Reference: 16/1065/HSE

Received: 18th February 2016

Accepted: 14th March 2016

Ward: Golders Green

Expiry 9th May 2016

Applicant: Mr BAYRAM ULUSU

Proposal: Part single, part two storey side extension following demolition of existing garage

AGENDA ITEM 19

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: XEVA/18CG/101A; XEVA/18CG/102C; XEVA/18CG/103A; XEVA/18CG/104B; XEVA/18CG/105A; XEVA/18CG/106A

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).

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 subject site contains a two storey semi-detached dwelling house and is located on the north-west side of Cheviot Gardens. The property is not listed or situated within a conservation area.

2. Site History

No relevant site history.

3. Proposal

The applicant seeks permission for a part single, part two storey side extension.

The proposed extension would measure 2.8 metres wide and 8.4 metres deep at ground floor level. The first floor extension would measure 1.9 metres wide and 5.6 metres deep. It would have a hipped roof with matching eaves height and maximum height of 7.5 metres.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- works already started
- construction issues
- encourages the use of the building as an HMO and associated issues to this type of development
- loss of light
- detrimental to the amenities of surrounding properties
- party wall issues
- health issues
- use of the building
- character

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The current proposal has been amended; the first floor element has been set in by one metre to the front and side elevations. The new amended proposal is considered to complement the appearance of the main building in terms of proportion and materials. The extension is subordinate to the original house and would comply with the Residential Design Guidance SPD.

As amended the proposed part single, part two storey side extension is considered to be a subordinate extension which would not detract from the character and appearance of the existing house and the wider locality. It would comply with the design guidance which suggests the first floor element should be set back from the main front elevation, located 1m from the boundary with a height lower than the main ridge.

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

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

The proposed extension would be built on the side with no. 16, projecting approximately 2 metres to the rear from the existing garage to this neighbouring property and in line with the main building. The first floor element has been amended and is set away 1 metre from the side boundary with no. 16 and approximately 3 metres away from the flank wall with this property.

As such, the overall size, bulk and height of the proposed side extension would not have an overbearing impact which would result in a loss of outlook when viewed from this neighbouring property, to the detriment of the amenities of the occupants of this neighbouring property. The proposal would not result in a significant loss of sunlight and daylight.

5.4 Response to Public Consultation

planning matters largely covered in the report.

- works already started - At the time of the site visit, the demolition of the side garage had taken place. The demolition works can take place without planning permission.

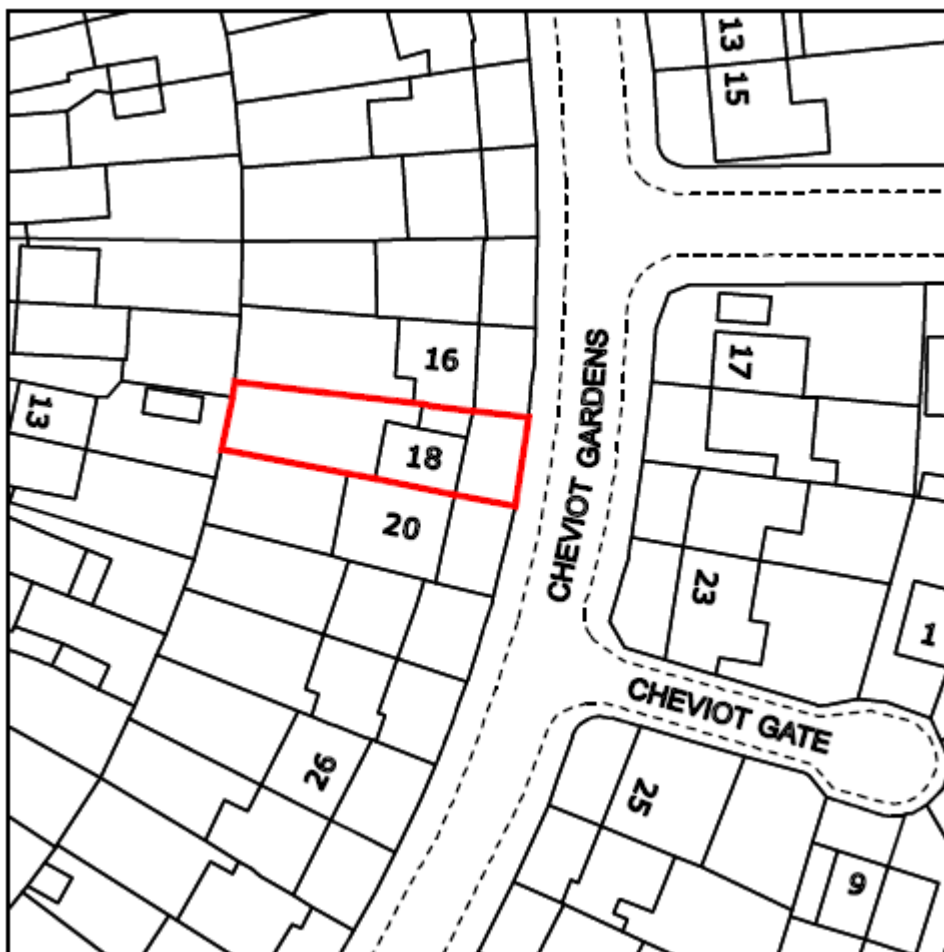
- construction issues - is not a material planning consideration.
- encourages the use of the building as an HMO and associated issues to this type of development - the applicant has not applied for a HMO; the change of use would require a separate planning permission
- party wall issues - is not a material planning consideration.
- health issues - is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **22 Brookside Road London NW11 9NE**

Reference: **15/07562/HSE**

Received: 11th December 2015

Accepted: 18th December 2015

Ward: Golders Green

Expiry 12th February 2016

Applicant: Mr & Mrs R Rosenblum

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

AGENDA ITEM 20

Recommendation: Refuse

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

Informative(s):

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Site Location Plan
Drawing No. BR - 22
Drawing No. BR - 221
Drawing No. BR - 222D [As amended]
Supporting information provided by applicant

Officer's Assessment

The application was deferred from the May meeting of the committee to enable officers to discuss possible amendments with the applicant's agent. An amended plan has been submitted to amend the roof profile on that part of the extension adjoining the boundary with 20 Brookside Road. This does not overcome officers concerns.

1. Site Description

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

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

2. Site History

Reference: 15/07569/PNH

Address: 22 Brookside Road, London, NW11 9NE

Decision: Prior Approval Required and Refused

Decision Date: 21 December 2015

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

3. Proposal

The application seeks consent for the following works:

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

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

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

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

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

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

Amendments were requested but none were forthcoming.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties.
2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

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

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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- 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.

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- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Proposed ground floor rear extension:

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

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

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

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

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

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

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

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

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

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

Proposed first floor rear extension:

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

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

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

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

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

Proposed front porch:

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

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

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

Other material considerations:

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

The information received is as follows:

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

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

The Officer states in regards to meet the family needs:

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

1. Installing a through floor lift to allow (child's name) to transfer between the ground floor and first floor. This would enable (name) to access a bedroom on the first floor and the main family room on the ground floor. We could adapt the bathroom and WC to make it accessible for her, including taking down the wall between the bathroom and WC. The front door could be ramped to provide wheel chair access. The garden in its present state would be difficult to make accessible but we could look at this further when we have more idea of what you intend to do with the property.

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

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

It recommends:

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

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

It recommends:

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

The document continues to state:

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

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

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

5. Occupational therapist suggested exercises, dated March 2016

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

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

5.4 Response to Public Consultation

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

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

- Detrimental impact on highways, access and parking

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

- Extensions are out of scale

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

- Increased noise and disturbance

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

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

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

6. Equality and Diversity Issues

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

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different

members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

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

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

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

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

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

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

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

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

(6) The relevant protected characteristics are-

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

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

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

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

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

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

In determining this planning application the Local Planning Authority must have due regard to the 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 and the benefits it will confer particularly on a disabled person.

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

7. Conclusion

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



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

Reference: **16/1270/FUL**

Received: 29th February 2016

Accepted: 8th March 2016

Ward: West Finchley

Expiry 3rd May 2016

Applicant: Mr Ray Gabriele

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

AGENDA ITEM 21

Recommendation: Approve subject to conditions

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

PL01; PL02; PL03; PL04; PL05; PL06; PL07; PL08; Design and Access Statement

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

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

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

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

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

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

- 4 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming

compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

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

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

- 6 a) Prior to the first occupation the details of the proposed rear fencing hereby approved shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 Notwithstanding the details shown on the plans the new fenestration shall match those used in the existing building(s).

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

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

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

- 9 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.

- 10 (i) No development shall commence until the final parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

(ii) The layout shall be implemented in accordance with this approval before first occupation.

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

- 11 Prior to the commencement of the development hereby approved a full scheme of the measures to be installed in the development to minimise the transmission of noise between the proposed units and between the proposed units and the accommodation in the adjoining dwellinghouse shall be submitted to the Local Planning Authority and approved in writing. The scheme of measures approved under this condition shall be implemented and installed in the development in their entirety prior to the first occupation of the new dwellings hereby approved.

Reason: To safeguard the amenities of occupiers of neighbouring residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

Informative(s):

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

- 2 The 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 If the proposal is carried out it will be necessary for the existing crossover to be amended by the highways Authority and for new crossovers to be constructed. Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense.. Any street furniture including lamp columns, affected by the proposed crossover would be relocated at the applicant's expense.

Relocation of lamp columns may not just relate to the lighting column directly in front of the applicants property. Amendments may also be required to other lighting columns along the road to ensure adequate street lighting coverage is maintained.

The proposal will require alterations to on street parking bays which will be subject to a statutory consultation.

The applicant should submit a vehicle crossover application to;

London Borough of Barnet, NLBP, 11th Floor, Barnet House, 1255 High Road, Whetstone, London N20 0EJ

The applicant is advised that following the outcome of the detailed crossover inspection the position of the proposed crossovers (and parking layout) may need to be amended.

Officer's Assessment

1. Site Description

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

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

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

2. Site History

Reference: 15/03795/FUL

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 1 October 2015

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

This application was recommended for approval by officers but was overturned by Members at Committee and refused for the following reasons;

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

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

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

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

Reference: F/03344/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 15 August 2014

Description: Conversion of a dwelling house into 4 self-contained units. Associated works

In relation to application F/03344/14, it should be noted that the decision was subject to an appeal and the appeal was dismissed. The application was refused by officers for the following reasons:

1. The proposed conversion to flats, by reason of the number of units proposed and associated general activity, would be an over-intensive use of the site detrimental to the amenities of neighbouring occupiers. The proposals are contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

2. The proposals by reason of the ground floor layout with bedroom of flat adjacent to living room of no.6 Redbourne Avenue would provide a poor level of amenity for future occupiers. The proposals would be contrary to policies DM02 and DM04 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document on Sustainable Design and Construction.

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

The appeal was dismissed for the following reasons:

1. Four independent households and associated comings and goings would represent an unacceptable intensification of use, giving rise to considerable noise and disturbance to neighbours.

2. Location of a proposed bedroom adjoining a living room in the adjoining property, giving rise to noise and disturbance to future occupiers.

3. The number of bins on the frontage would be unsightly and detrimental to the character and appearance of the area.

Reference: F/04858/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 30 October 2013

Description: Conversion of the garage into a habitable space including replacement of garage door with window to match existing.

Reference: F/06107/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Not Required

Decision Date: 23 January 2014

Description: Single storey rear extension with a proposed depth of 5 metres, eaves height of 2.87 metres and maximum height of 3 metres.

Reference: F/01781/14

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Refused

Decision Date: 30 May 2014

Description: Conversion of the existing single family dwelling into 5 self-contained flats with associated front landscaping and refuse/recycling facilities.

Reference: F/03957/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Lawful

Decision Date: 6 September 2013

Description: Extension to roof including hip to gable end and two rear dormer windows to facilitate a loft conversion.

Reference: F/03960/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Prior Approval Required and Refused

Decision Date: 10 October 2013

Description: Single Storey Rear Extension with a proposed depth of 5metres, eaves height of 2.87metres and max height of 3metres.

Reference: F/04852/13

Address: 8 Redbourne Avenue, London, N3 2BS

Decision: Approved subject to conditions

Decision Date: 18 December 2013

Description: Single Storey Rear Extension

3. Proposal

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

4. Public Consultation

141 consultation letters were sent to neighbouring properties.

38 objections have been received, including a petition.

The views of objectors can be summarised as follows;

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

Internal / other consultations:

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The acceptability of the proposed conversion into flats
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Parking and highway impacts

5.3 Assessment of proposals

Extensions and alterations

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

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

Principle of self contained units

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

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

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

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

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

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

Living conditions of future occupiers

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

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

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

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

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

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

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

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

The proposed development would provide 3 parking spaces on the front forecourt, with one parking space allocated for each unit. It is therefore considered that the off street car parking provision for this scheme is acceptable. However, the parking provision can only be accommodated if the existing car parking bay to the front of the site is removed and a new crossover is formed. Members decided that in the absence of a consent from Highways to undertake the removal of the existing parking bay the scheme could not be approved.

The applicant has applied to the Highways department to create a new crossover and remove the parking bay. This Highways application is subject to a consultation period and no decision had been made at this time. A condition is suggested requiring that no development shall commence until the final parking arrangements have been submitted to and approved in writing by the Local Planning Authority.

Impact on neighbouring amenity

There are no extensions proposed under this application.

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

As noted previously, the scheme has been amended at first floor to remove the living room and dining room from the shared party wall with the adjoining neighbour at 6 Redbourne Avenue and bedrooms are now proposed in this location. This is considered to have overcome one of the reasons for refusal in the previous application and will minimise potential noise disturbance resulting from the proposed conversion. This is considered to have addressed the second reason for refusal on the previous application, reference: 15/03795/FUL.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development as amended would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on

the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

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

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

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

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

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

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

The creation of a hardstanding on the front of the residential property, although would result in the loss of soft landscaping area is considered to be acceptable. It should be noted that the dwelling house could currently do this under permitted development rights.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an

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



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