

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 2ND NOVEMBER, 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

Councillor Melvin Cohen
Councillor Jim Tierney

Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Shimon Ryde

Substitute Members

Councillor Ross Houston
Councillor Anne Hutton
Councillor Jack Cohen

Councillor Graham Old
Councillor Alon Or-Bach

Councillor Reuben Thompstone
Councillor Gabriel Rozenberg

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 Services contact: Salar Rida, salar.rida@barnet.gov.uk, 0208 359 7113

Media Relations contact: Sue Cocker, sue.cocker@barnet.gov.uk, 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Finchley Church End	
6.	Trojan House 34 Arcadia Avenue London N3 2JU - 16/5266/FUL	13 - 28
	Garden Suburb	
7.	Arcade House Finchley Road London NW11 7TL - 16/3389/FUL	29 - 36
8.	Temple Fortune House Finchley Road London NW11 7TL - 16/3388/FUL	37 - 44
	Golders Green	
9.	Yamor House 285 Golders Green Road London NW11 9JE - 16/5062/FUL	45 - 56
	West Finchley	
10.	Rear Of 70 Hutton Grove London N12 8DR - 16/4772/FUL	57 - 72
11.	Land Rear Of 16 Nethercourt Avenue London N3 1PT - 16/4939/FUL	73 - 80
12.	Land Rear Of 32 Nether Street North Finchley London N12 7NL - 16/5611/FUL	81 - 94

	West Hendon	
13.	130-132 Audley Road London NW4 3HG - 16/5875/FUL	95 - 106
14.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

13 October 2016

Members Present:-

AGENDA ITEM 1

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

Councillor Shimon Ryde
Councillor Arjun Mitra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

RESOLVED – The minutes of the meeting held on the 20th of September 2016 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

The following interests were declared:

Councillor	Item(s)	Nature of Interest	Detail
Shimon Ryde	12 (Talmud Torah Tiferes Shlomoh School)	Non-pecuniary	That the councillor had children who had previously gone through the school, although he has had no involvement with the application.
	14 (The Castle, 452 Finchley Road)	Pecuniary	That the Councillor was acquainted with an owner of the premises as they both are members of the same synagogue. The councillor indicated that he would leave the meeting when this item is considered, and therefore would not be taking part in the consideration or voting of the item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The committee noted the information provided in the addendum and considered it at each relevant item.

6. 45 - 51 WOODHOUSE ROAD

The Planning Officer introduced the application.

Oral representations were heard from Ms Emma Pineiro, who spoke in objection to the application, and from the applicant.

Following discussion of the item, the Chairman moved to the officer’s recommendation, which was to approve the application. Votes were recorded as follows:

For	2
Against	5
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, being a reversal of the officer’s recommendation.**

The Chairman then moved a motion, seconded by Councillor Jim Tierney and agreed by the committee, to refuse on the following grounds:

1. The proposed development, by reason of its siting and scale, particularly its height, would detract from the character of the surrounding area and would be overbearing when seen from neighbouring properties which would be detrimental to the residential amenities of the occupiers of those properties, contrary to policy CS1 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

Add Informatives:

1. The plans accompanying this application are:

Existing (Received: 08/06/16)
WHR-DS-01-ZZ-DR-A-P210 Rev P0; 01

Proposed (Received: 07/09/16);WHR-DS-01-ZZ-DR-A-P201 Rev P1; WHR-DS-01-ZZ-DR-A-P200 Rev P1; WHR-DS-01-ZZ-DR-A-P202 Rev P1; WHR-DS-01-ZZ-DR-A-P203 Rev P1; WHR-DS-01-ZZ-DR-A-P204 Rev P1; WHR-DS-01-ZZ-DR-A-P205 Rev P1;WHR-DS-01-ZZ-DR-A-P206 Rev P1;WHR-DS-01-ZZ-DR-A-P300 Rev P1; WHR-DS-01-ZZ-DR-A-P100 Rev P0; WHR-DS-01-ZZ-DR-A-P101 Rev P0; WHR-DS-01-ZZ-DR-A-P102 Rev P1; WHR-DS-01-ZZ-DR-A-P103 Rev P1; WHR-DS-01-ZZ-DR-A-P003 Rev P0

Reports:

Geo-Environmental Desk Study Report (dated April 2016); Transport Assessment (dated: May 2016); Daylight and Sunlight Study (Dated: April 2016); Marketing report prepared by Jeremy Leaf and Co (dated: January 2016)

2. 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 £26,250.00 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 £101,250.00 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 www.legislation.gov.uk

Please visit:

www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil

further details on exemption and relief

for

7. 16 NETHERCOURT AVENUE

The Planning Officer introduced the item.

The Chairman then moved a motion to defer the application on the grounds that a site visit had not taken place and that the committee could not, therefore, make a fully informed decision on the item at the meeting. The motion was seconded by Councillor John Marshall, and the committee unanimously agreed.

The committee therefore **RESOLVED to DEFER the item.**

8. 20 DUNSTAN ROAD COM

The Planning Officer introduced the application.

Oral representations were heard from Mr. S. Hasan, who spoke in objection to the application, and from the applicant.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to refuse the application. Votes were recorded as follows:

For	5
Against	2
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, as per the officer's recommendation.**

9. 44 PATTISON ROAD

The Planning Officer introduced the application.

Oral representations were heard from Ms Gabriella Guz on two accounts: her personal capacity and as a substitute for Mr Paul Twivy. Both representations were made in objection to the application.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	3
Against	4
Abstain	0

The committee therefore **RESOLVED to REFUSE the application, being a reversal of the officer's recommendation.**

The Chairman then moved a motion, seconded by Councillor Shimon Ryde and agreed by the committee, to refuse on the following grounds:

1. The extension, by reason of its siting and height (including lantern rooflight) causes a loss of light to and loss of outlook from the side facing windows in the adjoining property at no. 46 Pattison Road, which is detrimental to the residential amenities of the occupiers of that property, contrary to policy CS1 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016).

Add Informative:

1. The plans accompanying this application are: 9001 EXIST, 9001 and Site Location Plan.

10. CARLTON CLOSE

The Planning Officer introduced the application.

On oral representation was heard from the applicant's agent.

Following discussion of the item, the Chairman moved to defer the item to enable an independent review of the submitted Impact Assessment and associated documents at the applicant's expense. The motion was seconded by Councillor Mittra. The Chairman requested a vote be taken on the motion, with votes cast as follows:

For	5
Against	2
Abstain	0

The committee therefore **RESOLVED to DEFER the application** to enable an independent review of the submitted Impact Assessment and associated documents at the applicant's expense.

11. TALMUD TORAH TIFERES SHLOMOH SCHOOL

The Planning Officer introduced the application.

Oral representations were heard from Mr Kishor Vara and Mr S. P. Mangala, who spoke in objection to the application, and from the applicant's agent.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	5
Against	1
Abstain	1

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation.**

12. THE CASTLE 452 FINCHLEY ROAD

Due to the interest that he declared at the beginning of the meeting, Councillor Shimon Ryde excluded himself from the meeting.

The Planning Officer introduced the application. The Planning Officer clarified that the date under Recommendation III (page 114 of the agenda reports pack) should be amended to 22/12/2016, where it had previously said 22/04/2016.

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

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	3*
Against	3
Abstain	0

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

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

Amended condition 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.

Delete conditions 10, 14 and 16.

Add new condition: Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority and the development implemented in accordance with the approved details.

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

13. 27 NEW TRINITY ROAD

Councillor Shimon Ryde re-entered the meeting.

The Planning Officer introduced the application.

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

Add new condition 13: This development shall have begun within three years from 16 June 2004.

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

14. WAREHOUSE, NURSERY AVENUE

The Planning Officer introduced the application.

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

Following discussion of the item, the Chairman moved to the officer's recommendation, which was to approve the application. Votes were recorded as follows:

For	6
Against	1
Abstain	0

The committee therefore **RESOLVED to APPROVE the application, as per the officer's recommendation and addendum, which stated the following:**

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

Existing (received: 11/07/16) - 1431.P.08 Rev 0

Proposed (11/07/16) - 1431.P.09; 1431.P.10 Rev A; 1431.P.11 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

None.

The meeting finished at 9.07 pm

Location Trojan House 34 Arcadia Avenue London N3 2JU

Reference: 16/5266/FUL

Received: 8th August 2016

Accepted: 16th August 2016

Ward: Finchley Church End

Expiry 11th October 2016

Applicant: Trojan House Ltd

Proposal: Roof extension to provide 2no self-contained flats at third floor level.
Associated terrace area

AGENDA ITEM 6

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. 3. Amendment to traffic order to prevent residents of the development from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £200

RECOMMENDATION II:

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

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

4839_01
4839_02
4839_03
4839_04
4839_06
4839_07
4839_09
4839_10
4839_11

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

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

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

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

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

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

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

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

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

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

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

6 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

7 Before the building hereby permitted is first occupied the proposed kitchen window(s) in the south-eastern elevation facing The Gallery at 28 Arcadia Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed to the south-eastern and south-western elevations of the proposed outdoor terraces 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).

9 Prior to the first occupation of the new dwellings (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.

10 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.

11 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.

12 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 02/01/2017, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Barnet Core Strategy 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 £4385.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £16,915.50 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 site is situated at Trojan House, 34 Arcadia Avenue, London N3 2JU. The application site is occupied by a three storey building, containing B1 office uses. The site exhibits a drive through vehicular access to a parking area at the rear of the existing building.

The site is not located within a Conservation Area, or subject to any other planning restrictions.

2. Site History

Reference: C17160/07.

Address: Trojan House, 34 Arcadia Avenue, London, N3 2JU.

Decision: Approved subject to conditions.

Decision Date: 10 August 2007

Description: Retention of Installation of 7 no. air conditioning units.

3. Proposal

The application proposes a roof extension to provide 2no. self-contained flats at third floor level.

The proposed roof extension will incorporate flat roof form, with a small 9.4m by 3.1m green roof, and measure approximately:

- 3.0 metres in additional building height;
- 14 metres in depth; and
- Between 11 and 13 metres in width.

Proposed Flat 1 is a 2 bedroom and 3 person flat comprising:

- A gross internal floor area of 62 square metres.
- A double bedroom of 12 square metres.
- A single bedroom of 8 square metres; and
- A combined kitchen/living space of 32 square metres.

Proposed Flat 2 is a 2 bedroom and 3 person flat comprising:

- A gross internal floor area of 62 square metres.
- A double bedroom of 16 square metres.
- A single bedroom of 9 square metres; and
- A combined kitchen/living space of 25 square metres.

4. Public Consultation

Consultation letters were sent to 79 neighbouring properties.

5 objections have been received, which raised the following concerns:

- Loss of outlook and natural light to top flats of neighbouring development at Gallery Court, 28 Arcadia Avenue.
- Loss of privacy to neighbouring flats.

- Disruption to neighbouring residents by noise and disturbance during construction process.
- Overlooking/privacy concerns to rear of dwellings situated in The Avenue.
- Exacerbates existing building bulk when viewed from properties in The Avenue.
- No parking provided for new flats, and already in short supply in the surrounding area.
- Not clear if trees at rear of the property will be retained as a buffer to properties in The Avenue.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 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 (2012)

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2016)

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

Residential Design Guidance SPD (adopted April 2013)

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

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

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

- Notes that the conversion of existing dwellings into flats can have a cumulative impact on environmental quality and the character of established residential areas. Conversions can harm the character of areas by increasing activity, with increasing activity resulting in more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The Principle of the development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- Whether the building would provide suitable living conditions for future occupants;
- Impact on the living condition and the amenities of neighbours;
- Impact on highway safety.

5.3 Assessment of proposals

1. Whether the principle of conversion is acceptable in this area.

Policy DM01 states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. It further states that the loss of houses in roads characterised by houses is not appropriate.

In this case, the immediately surrounding locality is characterised by a mixture of multi-storey offices and residential development.

Whilst the host building currently comprises offices, it is noted that office to flat conversions have occurred, or been authorised nearby at 14 Dancastle Court, 'Dove House' and 'The Gallery' in Arcadia Avenue.

On the basis of the above, it is considered that the area exhibits a prevalence of multi storey residential flat developments. Therefore, in principle, the creation of a additional flats is consistent with the intent of policy DM01.

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

External changes proposed to the appearance of the existing building comprise the creation of a new fourth floor, exhibiting a flat roof form with a small (9.4m by 3.1m) green roof portion. The proposed new fourth floor will measure 14 metres in depth, 11 to 14 metres in width and result in 3.0 metres of additional building height.

The existing 3 storey building at Trojan House is situated between a 4 storey residential flat building situated at 'The Gallery' to the south-east, and a 4 storey office building situated at 'Elscot House' to the north-west. Due to the slight fall in topography along Arcadia Avenue, the proposed building would result in the overall height of Trojan House being approximately 2.0 metres below the roof height of the neighbouring development at 'Elscot House' and 1.5 metres above the neighbouring development at 'The Gallery'.

The proposed development will be set in from the front and rear facades of the existing building at first floor by open terraces of 1 and 1.5 metres in width respectively.

It is considered that the proposed development will be consistent in size, bulk height and appearance with the neighbouring developments situated on the south-western side of Arcadia Avenue. The inset form of the first floor is consistent with the character of the neighbouring development at 'The Gallery, as well as the inset mansard style roof situated on the other neighbouring property at 'Elscot House'.

The height of the building represents an appropriate 'half way' compromise between the neighbouring developments, and maintains a staggered and stepped down progression of building heights in the street scene in Arcadia Avenue.

In light of the above, it is considered that the proposed external changes the building would not result in harm to the character and appearance of the existing building, street scene or surrounding area.

3. Whether the building would provide suitable living conditions for future occupants;

The proposed flats have been assessed against the criteria in Council's Sustainable Design and Construction SPD.

With respect to the proposed flat 1:

- The gross internal area of 62 square metres satisfies the minimum requirement of 61 square metres for a 2 bedroom and 3 person flat.
- The double bedroom of 16 square metres satisfies the minimum requirement of 11.5 metres.
- The single bedroom of 9.0 square metres satisfies the minimum requirement of 7.5 square metres.

With respect to the proposed flat 2:

- The gross internal area of 62 square metres satisfies the minimum requirement of 61 square metres for a 2 bedroom and 3 person flat.
- The double bedroom of 12 square metres satisfies the minimum requirement of 11.5 metres.
- The single bedroom of 8.0 square metres satisfies the minimum requirement of 7.5 square metres.

Notwithstanding the above, it is noted that the proposed outdoor terraces of 13 square metres fall below the minimum required 20 square metres of outdoor amenity space required for flats of 4 habitable rooms. However, this shortfall is not considered to be of sufficient magnitude to be fatal to the application, particularly given the location of the site in close proximity to Finchley Church End Town Centre and other nearby amenities.

4. Impact on the living condition and amenities of neighbours.

It is considered that the impact of the proposed development will be largely limited to the impact on the outlook and privacy of neighbouring properties situated to the south-east at 'The Gallery' and south-west on The Avenue.

In this respect concerns have been raised during the public notification process from neighbouring residents at 'The Gallery' regarding the impact of the building on restricting outlook over neighbouring rooftops and access to natural light. Whilst the concerns raised during the public notification period are acknowledged, it is not considered that the proposal would have a significant impact on the access or availability of natural light to the neighbouring property, given consideration to the 1.2 metre separation which remains between the two buildings, and the relative height of the proposed structure being only approximately 1.6 metres above the existing parapet of the neighbouring building. The impact is considered to be further reduced through the majority of the proposed 4th floor structure being inset by a distance of 1.8 metres from the south-eastern perimeter of the building, and presenting green 'living walls' and a 'green roof' towards the adjacent terraces.

With respect to the neighbouring dwellings situated on The Avenue to the south-west of the application site, it is not considered that the proposal would result in significant visual impact beyond that of the existing building. The proposed additional height of the building would be 3.0 metres, and the upper floor inset by approximately 1.5 metres from the existing building façade when viewed from this angle. It is further noted that the bulk of the existing building is largely screened by the existence of large mature trees established along the rear boundary of the application site shared with neighbouring dwellings in The Avenue.

With respect to visual privacy between the proposed flats and neighbouring development at 'The Gallery', it is considered that the use of obscure glazing on the kitchen window situated on the south-eastern façade of the proposed flat 1 would suitably address these concerns. Potential overlooking between the sides of the proposed terraces and neighbouring development is capable of being appropriately mitigated through a conditional requirement for privacy screening to be installed to the sides of these terraces.

It is considered that any overlooking to the rear of properties in The Avenue would be appropriately mitigated by the existence of the mature vegetation along the rear boundary of the application site, and the significant difference in height between the proposed flats and the neighbouring ground floor rear dwellings.

As a result of the above considerations, the proposed development is considered not to have an unacceptable impact on the living conditions and amenity of the neighbouring properties. It is therefore consistent with Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

5. Impact on highway safety.

The proposal is for construction of a pair of 2 bedroom and 3 person flats, and does not propose any additional on-site parking.

Internal consultation with Council's Highways Department has outlined that it would be preferable for a minimum of 2-3 car parking spaces to be provided for residential development of this scale. Notwithstanding, the close proximity of the application site to Finchley Central Station as well as numerous bus and shopping facilities, results in the proposal being supportable as a 'car free' development. As a result of the above, it is considered that the impact is considered acceptable on highways grounds, subject to the applicants entering into a legal agreement to remove the future rights of residents to obtain on-street parking permits.

5.4 Response to Public Consultation

Comment is provided against the concerns raised during the public notification process below.

Concern:

Loss of outlook and natural light to top flats of neighbouring development at Gallery Court, 28 Arcadia Avenue.

Response:

Please refer to discussion contained above within the body of this report.

Comment:

Loss of privacy to neighbouring flats.

Response:

Please refer to discussion contained above within the body of this report.

Comment:

Disruption to neighbouring residents by noise and disturbance during construction process.

Response:

This is not a material consideration regarding the issuing of planning consent. A condition of approval is proposed regarding the provision of a Construction Method Statement to mitigate impacts during the construction process.

Comment:

Overlooking/privacy concerns to rear of dwellings situated in The Avenue.

Response:

Please refer to discussion contained above within the body of this report.

Comment:

Exacerbates existing building bulk when viewed from properties in The Avenue.

Response:

Please refer to discussion contained above within the body of this report.

Comment:

No parking provided for new flats, and already in short supply in the surrounding area.

Response:

Please refer to discussion contained above within the body of this report.

Comment:

Not clear if trees at rear of the property will be retained as a buffer to properties in The Avenue.

Response:

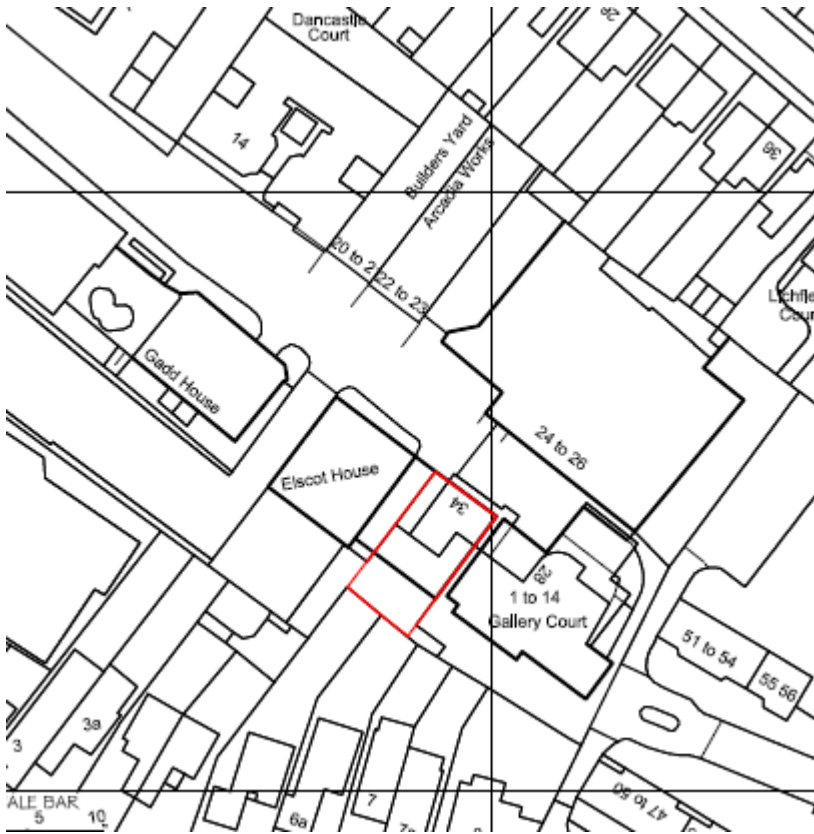
The existing trees do not form part of the current application. Notwithstanding this, it is noted that the trees situated abutting the rear boundary of the property are not protected, therefore their alteration and/or removal would not be a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

The proposed roof extension to provide 2no self-contained flats and associated terrace areas, would not cause harm to the character and appearance of the existing building, would not result in adverse impact on highway safety or the living conditions of neighbouring residents. The proposed flats would provide suitable living conditions for future occupants and the principle of residential flats being developed within the area is well established. It is therefore recommended that the application be approved, subject to conditions.



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used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 Prior to commencement of the works hereby approved Listed Building Consent must be sought and approved in writing.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, on the southern junction with Hampstead Way, within Area 2 of the Hampstead Garden Suburb Conservation Area.

The existing building on site known as Arcade House is a Statutory Listed development dating with retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

2. Site History

Reference: C02131AX/04

Address: Arcade House, Finchley Road, London, NW11 7TL

Decision: Withdrawn

Decision Date: 17 May 2004

Description: Installation of new cast iron vent pipe at rear of property.

Reference: C02131AZ/04

Address: Arcade House, Finchley Road, London, NW11 7TL

Decision: Approved subject to conditions

Decision Date: 19 July 2004

Description: Installation of new cast iron soil vent pipe at rear of building.

Reference: C02131AV/02

Address: Arcade House, Finchley Road, London, NW11 7TL

Decision: Approved subject to conditions

Decision Date: 28 February 2002

Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights.

Reference: F/03510/09

Address: Arcade House, Finchley Road, London, NW11 7TL

Decision: Approved subject to conditions

Decision Date: 13 November 2009

Description: Installation of gas boiler flues to the rear roof and outside walls., LISTED BUILDING CONSENT

3. Proposal

This application seeks consent for new timber frame double doors to porch and balcony terrace with vision panels and entry phone intercom. New metal gate to end of terrace and entry system.

The new doors will measure 1.4m in width and 2.1m in height, utilising the existing opening.

The new metal gate will measure 1.8m height and 1.07m wide utilising the existing opening.

An accompanying application has been made for similar works at the adjoining Temple Fortune House.

4. Public Consultation

A site notice was erected on 23/6/2016

192 consultation letters were sent to neighbouring properties.

12 consultation responses have been received, comprising 10 objections and 2 letters of support.

It should be noted that a joint letter of 8 names was also received.

The views of objectors can be summarised as follows;

- Proposals will not improve security as another access to Finchley Road left ungated
- Design of doors too extravagant
- Proposals out of character
- Not clear how proposals will protect from the weather
- Proposals make internal areas too dark
- Expense of entry phone system

- Proposals will not allow for microchip cat flaps to be inserted
- Noise and disturbance of entry system

Internal / other consultations

HGS CAAC -No objection subject to detail.

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, DM06.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and

gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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 and this part of the Hampstead Garden Suburb Conservation Area or harm the listed building;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Under this application it is proposed to replace the existing non-original doors and provide two new timber framed double doors on the balcony terrace of the Hampstead Way elevation of the existing development. The existing opening will be utilised, with the arched window frame above retained. A new wall mounted entry phone intercom will be added adjacent to the replacement doors; acceptable details have been provided. It is also proposed to provide new double doors to the porch and a metal gate to the terrace at the entrance to flat 1.

The new timber framed double doors to the balcony and porch will be painted dark brown with black painted metal rivets, strap hinges and a round lockable handle knob. A vision panel will be provided 1.4m above floor level with glass inserts and black painted metal bars.

The new wrought metal gate will sit beneath the existing brick arch and above the retained existing step, constructed from a metal frame bolted to the existing wall with three horizontal metal bars across vertical metal bars with a 50mm gap, a gate security lock will also be provided.

The proposals are sought to provide improved weathered protection to the common parts of the building, provide added security for residents and result in reduced maintenance for residents and the managing agents.

It should be noted that The Hampstead Garden Suburb Trust have given provisional consent for the works proposed.

There is no objection to the proposals which will see the replacement of existing timber doors to the balcony terrace on the Hampstead Way elevation of the existing development. The design and appearance of the replacement doors is noted as being more detailed than the existing which hold no interest and are considered to provide a neutral contribution to the listed building at best.

The addition of new doors to the porch will offer enclosure from the elements to protect the internal floor and wall coverings of the listed building from harmful weathering and are therefore supported.

5.4 Response to Public Consultation

The concerns raised are noted and planning matters are covered in the above report.

In regards to the proposed design of the replacement doors it is not considered that the design will be in any way harmful to the character and appearance of the host listed building, instead provides an opportunity to provide an attractive detail which will positively contribute to the significance of the listed building.

The doors are proposed to the entrance balcony terrace on the Hampstead Way elevation, which is secondary to the main building which sees its front elevation facing Finchley Road. Furthermore, as the entrance is sited above ground level it has limited visibility and is not immediately obvious to passers-by.

The additional doors proposed which are considered to offer protection from the elements will ensure the continued protection of the internal wall coverings from the weather, thereby preserving the historic fabric of the listed building.

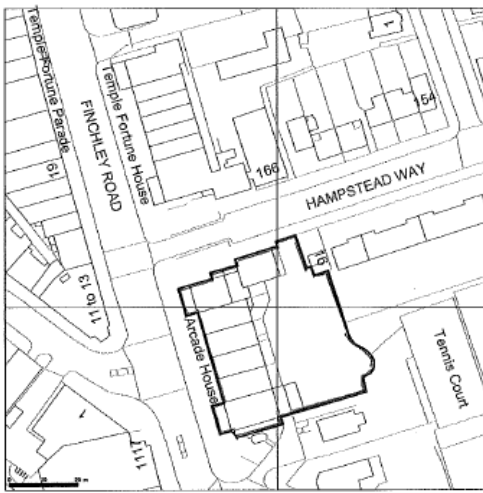
The concerns regarding the security of the rear entrance are not considered part of this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property, street scene, conservation area, and area of special character.



Location Temple Fortune House Finchley Road London NW11 7TL

Reference: 16/3388/FUL

Received: 24th May 2016

Accepted: 2nd June 2016

Ward: Garden Suburb

Expiry 28th July 2016

Applicant: Mr Chris Hall

Proposal: New timber frame double doors at porch of main entrance and to balcony terrace. New intercom. [Amended description]

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

01- Existing Ground Floor Plan, Elevations and Location Plan; 02- Proposed Ground Floor Plan and Elevations, 03- Proposed Detail Elevation Double Set External Door; 04- Reference Photos; 05- Photo Main Elevation; Design and Access Statement

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

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

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

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

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

- 4 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the

drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 Prior to commencement of the works hereby approved Listed Building Consent must be sought and approved in writing.

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Finchley Road, on the northern junction with Hampstead Way, within Area 2 of the Hampstead Garden Suburb Conservation Area.

The existing building on site known as Temple Fortune House is a Statutory Listed development with retail units at ground floor and flatted units above.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

2. Site History

Reference: C02131BE/05

Address: 12 Temple Fortune House, Finchley Road, London, NW11 7TL

Decision: Approved subject to conditions

Decision Date: 25.04.2005

Description: Internal alterations.

Reference: C02131AW/02

Address: Temple Fortune House, Finchley Road, London, NW11 7TL

Decision: Approved subject to conditions

Decision Date: 28 February 2002

Description: Repairs to brickwork, chimneys and stonework. Replacement doors, windows, soil and waste pipes. Repairs to roof including renewal of one section, repairs to dormer windows and replacement rooflights

3. Proposal

This application seeks consent for new timber frame double doors at porch of main entrance and to balcony terrace, and a new intercom.

The new doors will measure 1.4m in width and 2.1m in height, utilising the existing opening.

An accompanying application has been made for similar works at the adjoining Arcade House.

4. Public Consultation

A site notice was erected on 9/6/2016

A press notice was published on 9/6/2016

153 consultation letters were sent to neighbouring properties.

12 objections have been received.

It should be noted that a joint letter of objection with 8 names was also received.

The views of objectors can be summarised as follows;

- Proposals will not improve security as another access to Finchley Road left ungated
- Design of doors too extravagant
- Proposals out of character

Internal / other consultations

HGS CAAC -No objection: new doors should reproduce old doors.

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, DM06.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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 and this part of the Hampstead Garden Suburb Conservation Area or harm the listed building;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in

the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Under this application it is proposed to replace existing non-original doors and provide two sets of new timber framed doors to the porch and balcony terrace of the Hampstead Way elevation of the existing development. The existing openings will be utilised, with the arched window frame above retained to the balcony. A new wall mounted entry phone intercom will be added adjacent to the replacement doors at the porch entrance; acceptable details have been provided.

The new timber framed doors will be painted dark brown with black painted metal rivets, strap hinges and a round lockable handle knob. A vision panel will be provided 1.4m above floor level with glass inserts and black painted metal bars.

The proposals are sought to provide improved weathered protection to the common parts of the building, provide added security for residents and result in reduced maintenance for residents and the managing agents.

It should be noted that The Hampstead Garden Suburb Trust have given provisional consent for the works proposed.

There is no objection to the proposals which will see the replacement of existing timber doors to the balcony terrace on the Hampstead Way elevation of the existing development. The design and appearance of the replacement doors is noted as being more detailed than the existing which hold no interest and are considered to provide a neutral contribution to the listed building at best.

It is considered that the proposals will ensure the preservation of the significance of the listed building, whilst continuing to enhance the character and appearance of this part of

the Conservation Area. The proposals will not give rise to any loss of amenity to neighbouring occupiers.

5.4 Response to Public Consultation

The concerns raised are noted. In regards to the proposed design of the replacement doors it is not considered that the design will be in any way harmful to the character and appearance of the host listed building, instead provides an opportunity to provide an attractive detail which will positively contribute to the significance of the listed building.

The doors are proposed to the entrance balcony terrace on the Hampstead Way elevation, which is secondary to the main building which sees its front elevation facing Finchley Road. Furthermore, as the entrance is sited above ground level it has limited visibility and is not immediately obvious to passers-by.

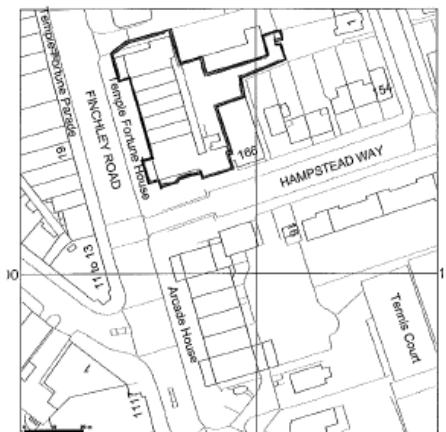
The concerns regarding the security of the rear entrance are not considered part of this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property, street scene, conservation area, and area of special character.



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Location Yamor House 285 Golders Green Road London NW11 9JE

Reference: 16/5062/FUL

Received: 1st August 2016

Accepted: 1st August 2016

Ward: Golders Green

Expiry 31st October 2016

Applicant: AGUDAS ISRAEL HOUSING ASSOC'N LTD

Proposal: Demolition of existing buildings and construction of part three, part five and part six storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

AGENDA ITEM 9

Recommendation: Refuse

- 1 The proposed development provides insufficient car parking and therefore would likely result in an overspill of parking on the main public highway, contributing to increased kerbside parking to the detriment of free flow of traffic and highway and pedestrian safety contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 The plans accompanying this application are:

GGR.768.91.A (Floor Plan Level 1)
GGR.768.92 (Floor Plan Level 2)
GGR.768.93 (Floor Plan Level 3)
GGR.768.94 (Floor Plan Level 4)
GGR.768.95 (Floor Plan Level 5)
GGR.768.96 (Floor Plan Level 6)
GGR.768.97 (Roof Plan)
GGR.768.98 (View from Golders Green Road)
GGR.768.99 (View from N at Golders Green Rd / N Circular Rd Junction)
GGR.768.101.B (Proposed North East Elevation)
GGR.768.102.B (Proposed North West Elevation)
GGR.768.103 (South West Elevation)
GGR.768.104 (South East Elevation)
GGR.768.107 (Section A-A showing relationship with 2-4 Sinclair Grove)
GGR.768.109.B (Proposed Streetscape to Golders Green Road)
GGR.768.110.B (Proposed Streetscape to Golders Green Road)
GGR.768.112 (Section A-A, Section B-B)
GGR.768.113 (Section 1-1, Section 2-2)

Acoustic Impact Assessment (dated 12/08/2016)

Air Quality Assessment (dates 01/07/2015)
Archaeological Assessment (dated September 2016)
Daylight, Sunlight & Overshadowing Report (dated July 2016)
Design and Access Statement (dated July 2016)
Noise Assessment (dated 30/06/2015)
Planning Statement (dated 15/07/2016)
SuDS Pre-Commencement Planning Condition (dated 21/08/2015)
Sustainable Design & Construction Statement & Energy Strategy Report (dated October 2015)
Residential Travel Plan Statement (dated 21/08/2015)
Transport Statement (dated 21/08/2015)
Tree Survey, Constraints & Feasibility Study and Arboricultural Impact Assessment with Preliminary Tree Protection Plan (dated 19 May 2015)

- 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 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 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 payment under Barnet CIL at this time.

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

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

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

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

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

Relief or Exemption from CIL

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site comprises a rectangular shaped area, covering approximately 0.11 hectares in size, situated on the north-west end of Golders Green Road, at the junction with North Circular Road.

The site currently contains two, 2 storey dwellings which have been merged together in previous years to form a hotel (use class C1). A vacant plot to the west of the existing buildings is also included within the proposal.

The site is bounded by a three storey flatted building to the east, an under construction two storey development with rooms in the roofspace to the south and a footbridge over the North Circular Road to the north-west. The surrounding area is residential in character, with mainly two storey dwellings on the southern side of the Golders Green Road, and larger flatted blocks of 5/6 stories along the northern side opposite the application site.

2. Site History

Reference: 15/06583/FUL

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 February 2016

Description: Demolition of existing buildings and construction of part 5 part 6 storey building to facilitate 16 no. self-contained flats including amenity space, with self-contained Synagogue to ground floor including 13 no. parking spaces and associated landscaping

Reference: C11533A/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 12 September 2000

Description: Two storey rear extension. Part two storey side extension.

Reference: C11533D/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved

Decision Date: 3 June 2003

Description: Retention of nine serviced short-term holiday accommodation and landscaped area at front of property.

Reference: C11533B/00

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Approved subject to conditions

Decision Date: 8 March 2001

Description: Conversion of dwellinghouse into two self-contained flats.

Reference: C11533C/02

Address: Yamor House, 285 Golders Green Road, London, NW11 9JE

Decision: Withdrawn

Decision Date: 29 November 2002

Description: Retention of nine bed-sit units, and formation of associated car parking area with access from Sinclair Grove.

3. Proposal

The application seeks consent for the demolition of the existing buildings on the site and the redevelopment of the land comprising the erection of a new building up to 6 storeys in height (plus basement) to provide 16no. self-contained flats (use class C3) including amenity space, car parking spaces and associated landscaping. The proposal also includes the provision of a self-contained synagogue (use class D1) within the basement.

The scheme would provide 10 affordable housing family units and six units for sale on the open market ranging from 1-4 bedroom units. Each flat would have access to a private amenity area and the rear communal garden.

The synagogue would be located to the rear of the lower ground floor and would provide a footprint of approximately 360sq m, with capacity for a maximum of 276 people. The synagogue would have its own separate access along the north-western side of the proposal.

A new vehicular access would be created from one point on Golders Green Road, which would serve 13 parking spaces to serve the residential element of the scheme.

4. Public Consultation

The application has been called-in to the committee by Cllr. Dean Cohen.

Consultation letters were sent to 235 neighbouring properties.
No responses have been received.

Internal Consultations

Environmental Health - No objection
London Fire Brigade - Amendments required to the fire strategy
Historic England - No objection
Traffic and Development - Objection due to lack of parking provision

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM13, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Design of new residential development relates to its setting and local character;
- Proposed density is suited to the site and to the wider context;
- Proposal responds positively to reinforcing or improving local character.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;

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

5.3 Assessment of proposals

Principle of development

The site is located in close proximity to an area of mixed use, with smaller retail units located further south-east along Golders Green Road, and a large mixed use retail park (Brent Cross Shopping Centre) located approximately 800/900m south-west. The predominant character surrounding the application site is residential with a mix of single family dwellings and flatted properties.

The Planning Authority considers that in terms of a new residential use on the site, the proposal would be in keeping with the character of the surrounding area. In order to optimise housing potential for different types of location, the London Plan seeks that new residential proposals take into account local context and character, design principles and public transport capacity. Policy 3.4 of the London Plan provides a range of densities. Taking into account that the site has a PTAL rating of 4, it is considered that the site could fall under an 'urban/central' setting. It is considered that the site is probably more Urban rather than Central given that the surrounding area is predominately characterised by medium footprints with the exception of a couple of bigger buildings. It is calculated that the proposal has a density of 564 habitable rooms/hectare and 145 unit/hectare. This would fall within the criteria of Urban setting and therefore the proposed density would be considered acceptable.

In relation to larger residential developments, Policies CS4 and DM10 implement a borough wide target for 40% of all new homes to be affordable, subject to viability, from all new sites providing 10 or more units. The proposal is seeking a total of 16 units, of which 10 are proposed to be affordable. This would exceed the policy expectations.

The proposal seeks to provide a new synagogue within the proposal and Policy DM13 requires that new community uses should be located where they are accessible by transport, walking and cycling, preferably in town centres or local centres. From the above assessment, it was considered that the site is close proximity to the centres of Golders Green and Brent Cross and has a PTAL of 4 which is considered as medium to good accessibility. Overall, the location of application is considered to be appropriate for a new community use.

Impact on character and appearance of the existing site and wider locality

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The development is designed to provide a transition in height from the adjacent Michelle House towards North Circular Road, so that the tallest part of the proposal is adjacent to the North Circular Road. In terms of massing and building line, the proposal would be broadly reflective of the adjacent Michelle House. The external appearance includes a variety of features such as multi-faceted elevations, recessed windows and a green wall.

Overall, it is considered the proposal responds positively to its context and would have an acceptable relationship with the neighbouring buildings.

Impact on amenities of neighbouring and surrounding occupiers

With regards privacy and overlooking, the distance between directly facing windows to habitable rooms in the proposed accommodation would be approximately 21 metres between the proposed rooms and the windows at 2-4 Sinclair Grove (the properties to the rear). The proposal would comply with the requirement of the Barnet Residential Design Guidance SPD (2016) and would not result in any unacceptable overlooking. There are no windows in the flank elevation of Michelle House and there are not proposed to be any direct facing windows. Taking into account that the proposal is located to the west of the Michelle House and the rear elevation is south facing, there is not considered to be any unacceptable impacts in terms of loss of light or overshadowing.

In order to protect the amenity of the surrounding residential properties, the synagogue has been located below ground level in an attempt to reduce any unacceptable noise emitted from the building.

The submission documents include a daylight, sunlight & overshadowing report relating to the proposed effects of the scheme on the surrounding buildings, particularly the windows of the residential buildings at the rear of 2-4 Sinclair Grove Road and the rear of Michelle House. The report concludes that the proposal would comply with the BRE criteria and on balance the surroundings buildings will not be adversely impacted by the proposed development. The Planning Authority is accepting of the report's conclusion and the proposal would be compliant in this aspect.

Standard of accommodation provided and amenities of future occupiers

Local Plan policies require high quality design and in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space. Policy DM04 states that's buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to located noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

With regards the internal space provision, Policy DM02 will require minimum floor space to be provided in accordance with the London Plan standards. The breakdown of the range of flat sizes are as follows:

1 x 1b2p	53sqm
2x 2b3p	61 - 68sqm
3 x 2b4p	71 - 81sqm
3 x 3b5p	87.6 - 92sqm
4 x 3b6p	96 - 103sqm
3 x 4b7p	114 - 120sqm

Each of the proposed units would exceed the required London Plan standards and the proposal is considered to be acceptable in this respect.

The provision of outdoor amenity space is an important consideration for residential development. Each of the flats would have access to a private amenity area; those on the ground floor have defined areas while the upper floor flats have balconies. In addition, the proposal would also provide 220 sq m of communal garden space, which would include areas of vegetation, hard landscaping and play equipment. The design, quality and size of these areas are considered to provide sufficient external amenity space for the whole development and would meet the objectives of the development plan policies.

In conclusion, the proposal is found to be compliant with development plan policies in relation to the provision of suitable amenities for the future occupiers of new residential accommodation.

Transport, parking and highways matters

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposal would provide 13 off-street car parking spaces (including 1 disabled space). The assessment of parking provision for a residential development is based on various criteria including Public Transport Accessibility Levels (PTAL) Score. For higher PTAL of 5/6 a parking requirement at the lower end of the Council's parking policy range would be considered acceptable. However, for a PTAL score at the lower end (1 or 2) parking provision at the high end of the Council's parking policy range would be required. The PTAL score for the site is calculated at 4 which is considered as medium to good accessibility.

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	1.0 to less than 1 parking space per unit
For 2 and 3 bedroom units	1.5 to 1.0 spaces per unit
For 4 or more bedroom units	2.0 to 1.5 spaces per unit

Based on the above parking standards the parking requirement for the proposed development is calculated as follows:

1x1b	a range of 0.0 to 1.0	0.0 to 1.0 spaces required
2x2b	a range of 1.0 to 1.5	2.0 to 3.0 spaces required
10x3b	a range of 1.0 to 1.5	10 to 15 spaces required
3x4b	a range of 1.5 to 2.0	4.5 to 6 spaces required

This equates to a range of parking provision of between 16.5 to 25 parking spaces to meet the requirements of Policy DM17. As the PTAL rating for the site is 4, the Council's Traffic and Development team request that approximately 20 parking spaces would be required to meet the parking standards. Therefore the parking provision of 13 parking spaces would fall short by 7 spaces for residential use and the proposal would not be in compliance with Policy DM17.

In addition to the above parking shortfall, no provision has been made for the synagogue. It is understood that worshippers will walk to the Synagogue on the Sabbath and there is no raised concern regarding this, however for any other events that take place during the week and in the evenings, there are no vehicle restrictions. Any vehicles stopping along Golders Green Road, either permanently, or for drop-off/pick up will have serious highways safety concerns.

The scheme proposes facilities for the parking of 32 cycles which would meet the London Plan standards.

Vehicular access is proposed through a single 4.2m wide provision from Golders Green Road which is considered to be acceptable in principle from Highways grounds. The Highways response has raised the issue that the proposed access is in close proximity to a major signalised road junction between Golders Green Road and the A406 North Circular Road. Any sub-standard access provision would have a detrimental impact on the operation and free flow of traffic at the junction as the traffic queues up on Golders Green Road beyond the proposed access. In particular the right turns in and out of the site would have a significant impact on the free flow of traffic and the operation of the signalised junction. In order to assess the feasibility of a right turning lane into the development to ensure that the right turning traffic into the site does not create obstruction of the through traffic, a contribution of £5,000 would be required to secure the feasibility work and a commitment to provide additional contributions to implement the outcome of the feasibility.

In conclusion, it is considered that the insufficient car parking provided is likely to lead to an overspill of parking and contributing to highways safety issues on Golders Green Road and A406 North Circular Road. The proposal is found to conflict with Policy DM17.

5.4 Response to Public Consultation

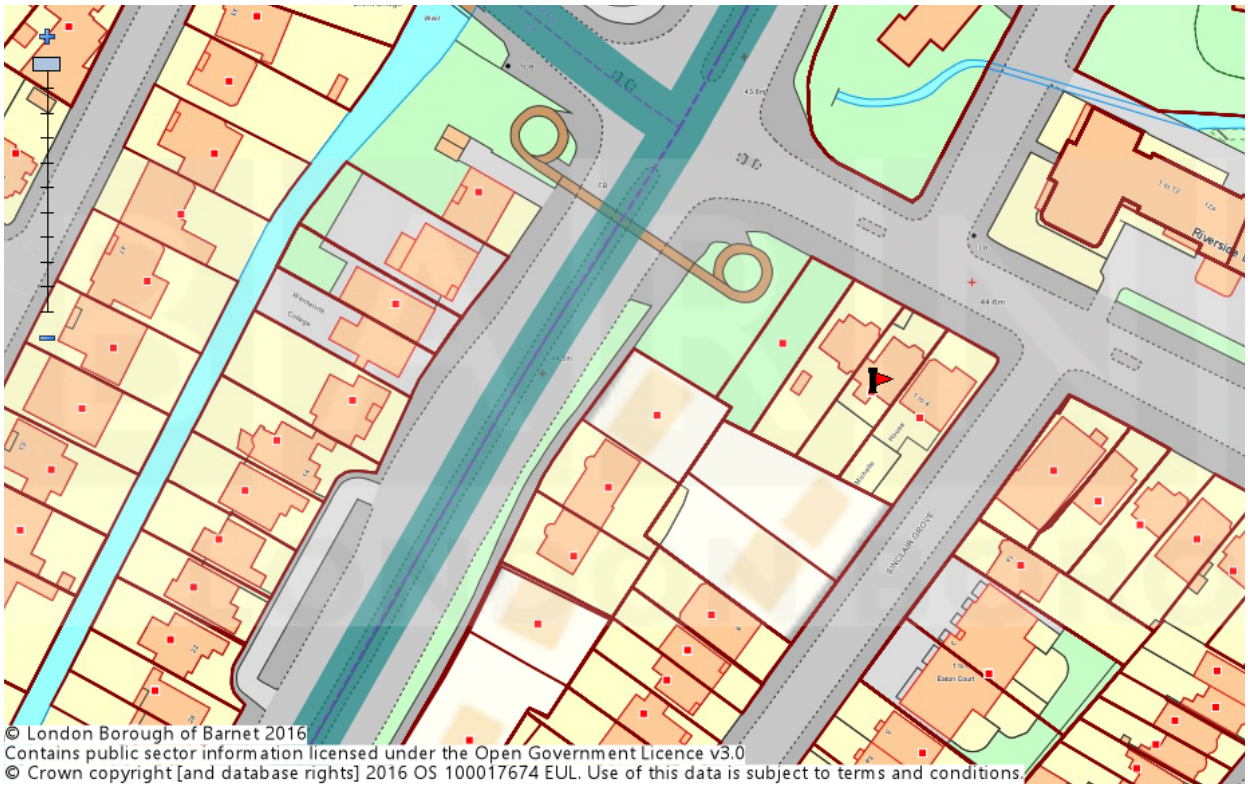
No responses received.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact from a highways perspective and the application is therefore recommended for refusal.



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Location **Rear Of 70 Hutton Grove London N12 8DR**

Reference: **16/4772/FUL**

Received: 19th July 2016

Accepted: 18th August 2016

Ward: West Finchley

Expiry 13th October 2016

Applicant: Mr Billy Kin Pang

Proposal: Creation of new single storey dwelling. Associated waste and recycling store, bike storage

AGENDA ITEM 10

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Building Regulations Part L1A SAP Assessment by Barlings kwa Ltd; Design and Access Statement by Ernest Tsui Architects + Partners; Sustainability Statement by Ernest Tsui Architects + Partners; Arboricultural Impact Assessment by AGB Environmental; Drawing no. ETA_HUT-001 Rev B; Drawing no. ETA_HUT-002 Rev F; Drawing no. ETA_HUT-010 Rev F; Drawing no. ETA_HUT-011 Rev F; Drawing no. ETA_HUT-014 Rev F; Drawing no. ETA_HUT-015 Rev A; Drawing no. ETA_HUT-016 Rev A; Drawing no. ETA_HUT-017 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 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 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of neighbouring properties and ground and surface water conditions in the area and in the interests of highway and pedestrian

safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 6 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).

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing the rear gardens of no. 73-87 Nether Street.

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).

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

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

- 9 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).

- 10 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan contained within the hereby approved Arboricultural Impact Assessment has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and hereby approved Arboricultural Impact Assessment.

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

- 11 a) No development shall take place until 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, has been submitted to and agreed in writing by the Local Planning Authority.

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

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

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

- 12 The property shall be used as a self-contained unit 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.

- 13 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.

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

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

- 15 Prior to 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 16 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.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,647.30 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 £22,166.55 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 70 Hutton Grove and the triangular plot of land to the rear of the site, bordering properties on Nether Street and the Finchley Progressive Synagogue to the east. The existing dwelling, a semi-detached four bedroom house, is located on the northern side of Hutton Grove within the West Finchley Ward. The building is not listed nor does it lie within a conservation area. The site covers an area of 435sqm.

To the north of the site, lies a group of two storey terraced dwellings. To the south of the site, lie two detached bungalows.

2. Site History

None relevant.

3. Proposal

The applicant seeks planning permission for the erection of a single family detached house on the existing garden to the rear of no.70 Hutton Grove.

The building would be sited 2m from the boundary with the rear gardens of no.73-87 Nether Street and approximately 3.4m from the boundary with the synagogue to the west. The building would be L-shaped with a length of approximately 22m and depth of approximately 15m. The building would be sited approximately 1.5m below the existing ground level (measured from section C).

The building would have a staggered pitched roof design flat maximum height of 4.3m measured from the proposed (sunken) ground level boundary.

The proposed dwelling would be a one storey with 2 bedrooms for up 4 occupiers. The entrance to the proposed dwelling would be between the gardens of no.70 and no.72 Hutton Grove.

4. Public Consultation

Consultation letters were sent to 119 neighbouring properties.

6 responses have been received, comprising 6 letters of objection, 0 letters of support and 0 letters of comment. These comments include those received after a re-consultation with neighbours following additional information received.

The objections received can be summarised as follows:

- Opposed to backland development
- Out-of-character
- Loss of trees
- The amendments (sinking the building, reducing the maximum height and internal alterations) do not address original concerns.
- Elongated roofline (22m)
- House not easily accessible from street

- Overdevelopment
- Greater development than original due to retaining wall
- Contrary to London Plan which opposes garden development
- Proximity of building including retaining wall and not in accordance to Council's policies
- Noise and light pollution
- Overlooking
- Poor landscaping/ screening between properties
- Overbearing on neighbours
- Tree works unrealistic
- Parking pressures

A site notice was erected on the 25th August 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, CS4, CS5, CS9, CS15.

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

Residential Design Guidance SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of Development and Impact on the character of the area

The proposal seeks to subdivide the garden of the no.70 and this would be reduced to a size similar to the gardens of neighbouring properties; the principle of this is considered to be acceptable.

Policy 3.5 of the London Plan specifies "Boroughs may in their LDFs introduce a presumption against development on back gardens or other private residential gardens where this can be locally justified"; in the case of Barnet, there is no policy against development in existing gardens. Whilst the Council does not have a policy objecting to backland development, this has to be assessed against the impact on the character of the area. The host site is predominantly surrounded by green gardens, where neighbouring occupiers have undisturbed enjoyment of their gardens to the west however consideration has been given to the synagogue and community centre to the east. The principle of a building to the rear of the properties fronting the road has been established and officers have no in principle objection to development on the site. Although the property would be a family dwelling with no vehicular access (solely pedestrian) this alone is not considered to be reason to warrant refusal of the application.

Whilst the building would span across the majority of the site when viewed from the properties on Nether Street, the building's eaves would be sited below the height of a fence considered lawful under permitted development (2m) and the maximum height of the building would be set away from the boundary due to the pitch of the roof. Officers consider that the height of the building when viewed from surrounding properties would be comparable to the existing outbuildings in the vicinity and therefore in this regard the building would not be out-of-character.

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

Due to the nature of the site to the rear of existing gardens, the plot is standalone and would not be visible from the streetscene. Given that the site does not lie within a conservation area, the principle of a modern design is considered acceptable. Furthermore, the siting of the building at a lower level ensures that the building does not compete with the surrounding more traditional properties.

The proposal is considered to respect the character and appearance of the general area and streetscene, and as such it would be acceptable on character grounds.

Impact on the amenities of neighbours 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.

The proposal including subdivision of the plot would retain a suitable sized garden for the existing occupiers of no.70 Hutton Grove, similar to other properties on Hutton Grove. Given the proposed used for a single family unit, it is not considered that the access between 70 and 72 Hutton Grove would result in acceptable noise and disturbance by the additional activity to warrant refusal of the application. Furthermore, neither 70 or 72 have flank windows fronting the access that would be overlooked. It is not considered that the entry into the site would result in any additional overlooking than to be expected on a typical suburban setting.

Whilst there are windows to the elevation fronting the properties on Nether Street and Hutton Grove, the distance between windows would be more than 21m in accordance with the guidance stipulated within the Residential Design Guidance SPD. The Sustainable Design and Construction SPD stipulates that new development should be sited 10.5m from neighbouring gardens to prevent overlooking; whilst the development would not comply relative to the Nether Street properties in particular, due to the change in ground levels, the building would be sited at a lower level and as such the building would not result in overlooking into the private gardens of neighbouring properties or appear imposing. As such it is not considered that the building would not result in loss of privacy to the occupiers of the properties on Nether Street or Hutton Grove.

Similarly, the retaining wall required for the development would not visible to neighbouring properties and as such would not appear imposing. It is not considered that the siting of the building would be detrimental on the visual amenities of neighbouring occupiers and as such there is no overall objection to the proposal on these grounds.

The applicant has confirmed that, at this stage, the intended method of construction would include the conventional method on site for sub surface construction and possible prefabricated elements to form the building envelope of the house thereby minimising onsite construction disruption. Furthermore, the applicant has confirmed that a mini digger and a conveyor belt system will be used to excavate and transport the excavation to the

loading/unloading point. Construction waste would be removed by grab lorry for a controlled and fixed period of time; the proposed location to be confirmed in the construction method statement. It is considered that subject to the provision of details required by the attached condition, the impact of construction could be mitigated to an acceptable level for the amenity of neighbouring occupiers.

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

The proposed dwelling would comply with the minimum space standards in this regard and the proposal would provide adequate accommodation for future occupiers. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm; all bedrooms comply with these standards. All rooms would benefit from suitable outlook.

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

The applicant has confirmed that a fire hydrant point can be found at the front of no.74 Hutton Grove, which would be within 45m diameter from the building.

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

Impact on trees

The proposal would result in the removal of 5no trees which are not considered to be of high amenity value. Furthermore, whilst the other trees offer suitable level of screening and are proposed to be retained, they are not protected by way of a tree preservation order.

The applicant has provided an Arboricultural Impact Assessment; officers are satisfied that the methodology provided within this report would mitigate harm to the trees to be retained during and following completion and the implementation of these measures have been conditioned.

Officers have also recommended a condition to require landscaping details to be submitted to the Local Planning Authority.

Impact on Highways

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

The site benefits from a PTAL score of 3, which is considered to be average, in accordance to Policy DM17, the proposal would require at least 1 parking space.

Notwithstanding this, Highways officers consider that the development would have a minimal impact on local highways given that the scheme would be for a single family unit with up to 4 occupiers and therefore refusal on highways grounds is not justified.

Accessibility and Sustainability

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

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

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

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

CIL

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

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

The proposal has been calculated to be liable for £22,166.55 of Barnet CIL and £4,647.30 of Mayor's CIL.

5.4 Response to Public Consultation

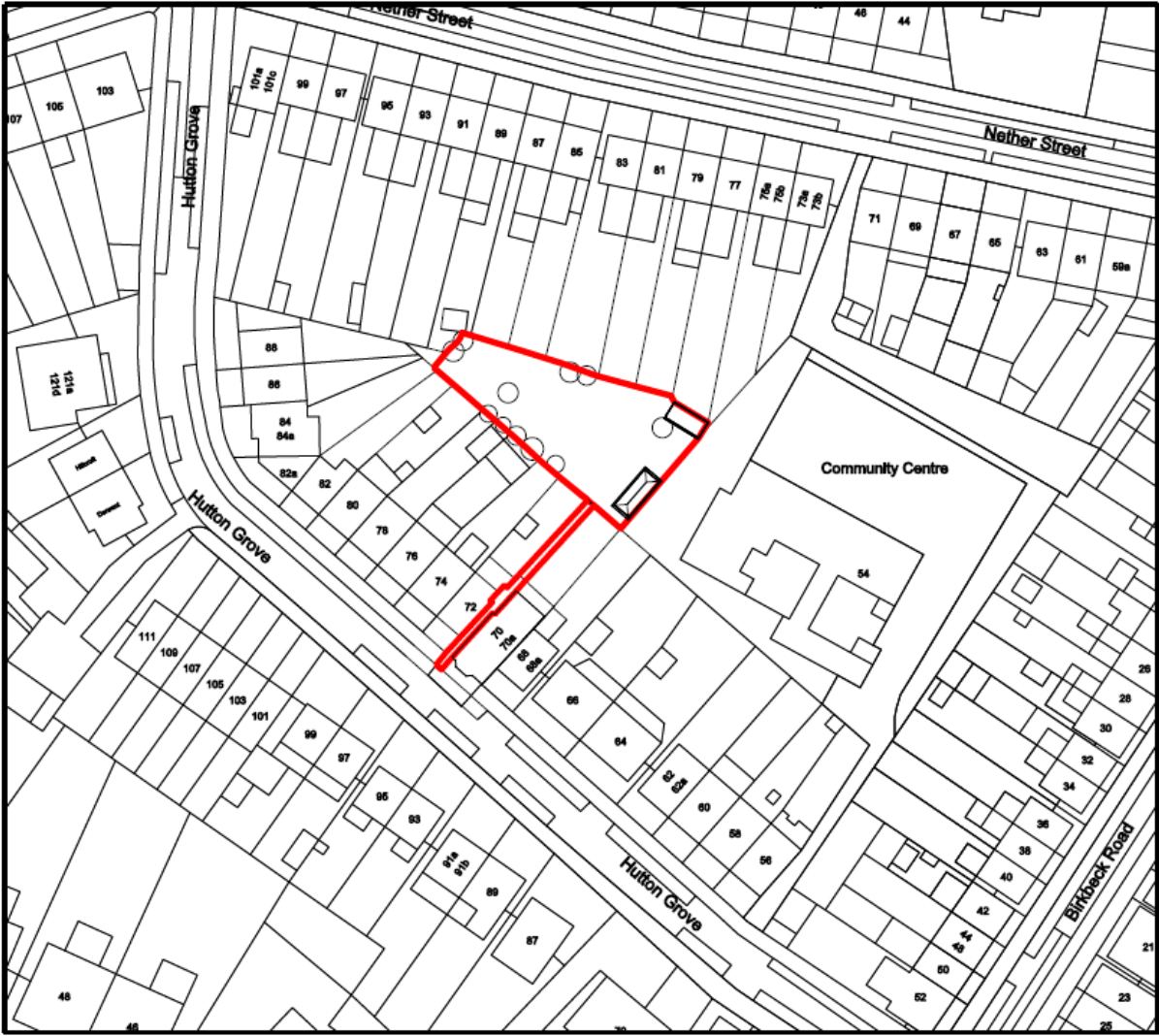
It is considered that the comments raised by objectors have been addressed in the report above.

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.



Location Land Rear Of 16 Nethercourt Avenue London N3 1PT

Reference: 16/4939/FUL

Received: 26th July 2016

Accepted: 26th July 2016

Ward: West Finchley

Expiry 20th September 2016

Applicant: Mr O Chen

Proposal: Erection of a single storey outbuilding

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, drg.no.NETH-01 RevB and drg.no.NETH-02 RevB.

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 use of the outbuilding hereby permitted shall at all times be incidental to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling or for habitable purposes.

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. 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 outbuilding located on land Rear of 16 Nethercourt Avenue. Nethercourt Avenue is predominantly residential in character.

No. 16 benefits from a piece of land to the rear of the property which can be accessed through a path way adjacent to no.16 and no.14. Other properties along this road also benefit from the same arrangement with pieces of land to the rear. There are a number of outbuildings in this area around the access road to either side.

The site does not fall within a designated conservation area.

2. Site History

Reference: 15/05515/HSE

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Withdrawn

Decision Date: 27 October 2015

Description: Part single, part two storey rear extension. New front porch. Roof extension involving rear and side dormer window with 3no rooflights to front and new gable window to side elevation to facilitate a loft conversion

Reference: 15/07039/192

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Lawful

Decision Date: 15 December 2015

Description: Rear dormer, 3 no. rooflights and hip to gable roof extension to facilitate a loft conversion

Reference: 15/07833/PNH

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Prior Approval Required and Approved

Decision Date: 29 January 2016

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 metres

Reference: 16/1620/HSE

Address: 16 Nethercourt Avenue, London, N3 1PT

Decision: Approved subject to conditions

Decision Date: 18 May 2016

Description: Addition of 1 new window on the side elevation to the existing building at ground floor level and the bricking up of the existing window at first floor level

3. Proposal

The application has been amended and has been reduced by half of what was originally intended. The new proposed outbuilding will have a flat roof with a maximum height of 2.5metres, depth of 6metres and a width of 5metres. It will be set back from the front boundary wall by approximately 8metres.

4. Public Consultation

Consultation letters were sent to 57 neighbouring properties.

25 letters of objection have been received.

Objections have been summarised below

- Change of use
- Overdevelopment
- Oversized /size and scale
- Not keeping with the character / local residential features
- Illusion of being an outbuilding / lack of clarity of use
- Impact on the residential amenity
- Loss of privacy and overlooking
- Restrictive covenants
- Impact on local wildlife
- Adjacent to a protected tree
- Parking of cars will lead to theft , fire vandalism, noise and light pollution
- Increase in vehicular movement /lack of room to manoeuvre vehicles
- Inaccessibility to emergency vehicles
- Pathway unsafe /restricted access for cars and pedestrians
- Garden grabbing
- No proper drainage

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The outbuilding is proposed on a site that is located to the rear of a residential property at 16 Nethercourt Avenue. The proposed outbuilding will have a maximum height of 2.5metres, 5metres wide and 6metres deep. It is noted that the outbuilding on the right adjacent to the proposed outbuilding is much higher and occupies more volume than the proposed extension.

The pieces of land to the rear of the dwelling houses are characterised by similar outbuildings of varying sizes and as such it is considered that the siting and scale of the proposed outbuilding are such that it would not be detrimental to the character of the site and its immediate vicinity.

Impact on the living conditions of neighbouring residents

The proposals would comply with the aforementioned policies and Council Residential Design Guidance and would be a proportionate addition to the dwellinghouse. Subject to a condition, requiring the outbuilding to remain incidental to the main house, the use of the building for storage would not give rise to unacceptable levels of noise or disturbance to nearby residents or be out of character with the area. Considering the siting of the outbuilding in relation to the residential dwellings within its vicinity, it is considered that it would have an acceptable impact on the residential amenity of neighbouring occupiers in terms of privacy and overlooking.

Furthermore, the outbuilding would not harm neighbouring residents through loss of light or outlook given the distance from neighbouring gardens and windows.

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

5.4 Response to Public Consultation

- Change of use - *The use as an incidental outbuilding would be appropriate*
- Overdevelopment *The amount and use of the development is considered acceptable*
- Oversized /size and scale - *The size of the outbuilding has been reduced following discussion with the applicant*
- Not keeping with the character / local residential features - *There are a number of similar outbuildings in the vicinity*
- Illusion of being an outbuilding / lack of clarity of use *The applicant has clarified that the use of the building will be for domestic storage which would be an acceptable use. It cannot be assumed that the applicant would use it for something different for which planning permission would be required.*
- Impact on the residential amenity - *use of the outbuilding as storage would not harm neighbouring amenity*
- Loss of privacy and overlooking - *The access already exists and the use of this would result in materially greater overlooking given that the use would be incidental to the main dwelling*

- Restrictive covenants - *Restrictive covenants are not a material planning consideration*
- No proper drainage - *The construction of an outbuilding in this location outside of a flood zone would not materially impact local drainage*

- Parking of cars will lead to theft , fire vandalism, noise and light pollution - *It is not considered that the development would materially increase the risk of crime in the area*
- Increase in vehicular movement /lack of room to manoeuvre vehicles -*The access exists and is already used for these purposes.*
- Inaccessibility to emergency vehicles - *There is no requirement for emergency access to an outbuilding*
- Pathway unsafe /restricted access for cars and pedestrians - *The access is existing and planning permission could not be reasonably refused*

- Impact on local wildlife - *Further to a visit to the site the site is of low ecological value and it is highly unlikely that there are protected species on the site*
- Adjacent to a protected tree - *There are no protected trees in the immediate vicinity of the proposed outbuilding. Considering the present condition of the land and lack of vegetation, it is not considered that the erection of an outbuilding would have a detrimental impact on the local wildlife.*

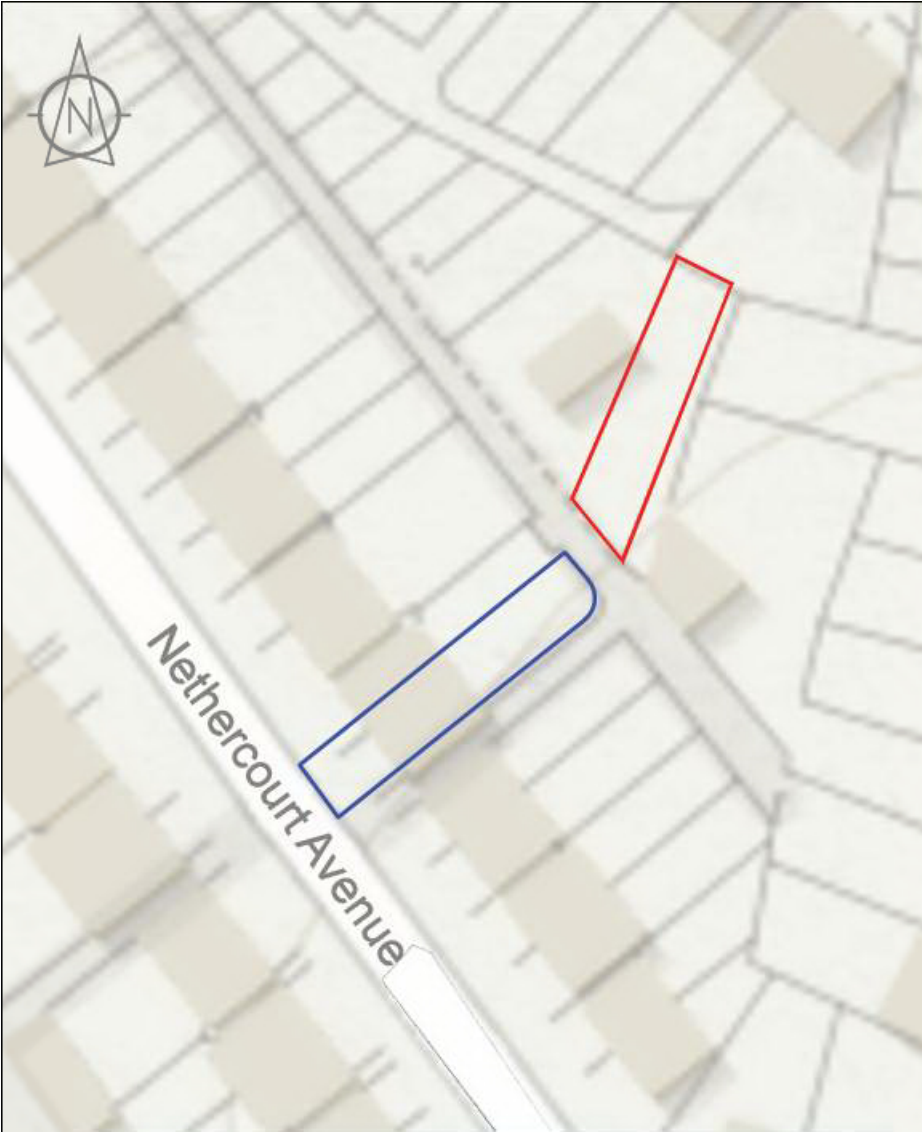
- Garden grabbing - *The proposals are for a storage outbuilding and are considered as such*

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.



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

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

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

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

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

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

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.

- 6
- 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.

- 7
- 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).

- 8
- a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

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

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

- 9 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).

- 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, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of site hereby approved.

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

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

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).

- 12 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 1517.P.03 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of

the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 13 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).

- 14 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.

- 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 17 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. 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 £4,270 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 £16,470 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

- 4 If the development is carried out it will be necessary for any existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate , Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
- 5 The applicant is advised that for construction works adjacent or affected public highways, the Council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licences or any highway approvals deemed necessary.

Officer's Assessment

1. Site Description

The application site is an area of car parking located towards the southern end of Coleridge Road and forms part of the grounds of Saint Michael's Catholic Grammar School. The site lies to the front of the church building used by the school and adjoins the adjacent property of no.1 Coleridge Road.

Coleridge Road is a residential street characterised by two storey Victorian semi-detached and terraced dwellings of a variety of styles.

2. Site History

Reference: 16/3455/FUL

Address: Land Rear of 32 Nether Street, London, N12 7NL

Decision: Refused

Decision Date: 03 August 2016

Description: Erection of an end of terrace two storey dwelling with rooms in roofspace with provision of cycle storage, refuse and recycling, amenity space.

3. Proposal

The application seeks to construct an end of terrace two storey dwelling with rooms in the roofspace to provide accommodation for the school's caretaker. The existing car park access and crossover will be relocated further south within the site.

A number of changes have been made to the proposal following the previous refusal. These include:

- Lowering the height of the front projecting gable;
- Removal of false front door;
- Reduction of scale of proposed rear dormer;
- Reduction of depth of rear elevation;
- Increased rear garden area.

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Additional dwelling and pastiche design would detract from the character of the streetscene;
- Existing view of the church would be blocked;
- Increase parking pressure;
- Loss of amenity with regards to loss of light and overlooking;
- Existing church doorway would be blocked in the proposed rear garden;
- Removal of street tree;
- Noise and congestion issues.

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Design of new residential development relates to its setting and local character;

- Proposed density is suited to the site and to the wider context;
- Proposal responds positively to reinforcing or improving local character.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate accommodation is provided for future occupiers;
- Highways issues.

5.3 Assessment of proposals

Impact on character and appearance of the existing site, streetscene and amenity of neighbouring residents

Development Plan policies require that proposals are based on an understanding of local characteristics and should preserve or enhance local character and respect the appearance, scale, mass and height of surrounding buildings, spaces and streets.

The setting of Coleridge Road is characterised by a mixture of Victorian two storey semi-detached and terraced dwellings which all have a small front garden and a long narrow garden to the rear. Overall, it is considered that the proposal with the series of amendments made, appropriately replicates the existing design, massing and bulk of the existing properties along this street. The additional of a new dwelling would not be at odds with the character of the street and would contribute to Barnet's housing stock. The final finishing materials will be examined through condition to ensure that they best match the surrounding properties.

It is acknowledged that the setting of the church building carries some importance in the local character of this street and there is currently an uninterrupted view of the gable end through the car park. By virtue of extending from the existing terrace, the overall view of the elevation will be partially obstructed. However, as the building is not statutory or locally listed or the site located within a conservation area, the impact on the setting of this building is not considered to form significant weight to form an individual reason for refusal. The agent has confirmed that the existing side entrance to the church building is no longer in use and therefore its incorporation into the proposed rear garden is not considered to be detrimental.

Taking account of the site's orientation and proposed layout and height, the proposal is not considered to result in any significant issues of overlooking or overshadowing. In addition, it is noted that the adjacent neighbouring property, no.1, has erected a long monopitch perspex structure on the ground floor which extends from the rear elevation along the shared side boundary. Given that the proposed dwelling would not extend beyond the original rear elevation of the neighbouring property, it is not considered that the proposal would a significant adverse impact on the adjacent property. Given the separation distance

between the properties on the opposite side of Coleridge Ridge are not considered to be negatively affected by the proposal.

Provision of accommodation for future occupiers

The proposal seeks a three bedroom house of 122sq m GIA, with kitchen/living/dining rooms on the ground floor, 2 bedrooms and bathroom on the first floor and a third bedroom/ensuite in the loft. This would comply with minimum space standards required by the London Plan 2016 and as such Policy DM02.

The outdoor amenity space has been increase to provide 47m² of private amenity space to the rear. This would now comply with Barnet's Sustainable Design and Construction SPD (2016). An area of bin storage is designated to the front of the site, along with provision for cycle storage. No information has been provided whether these areas will be enclosed or open and so a condition will be attached seeking for this information.

Highways issues

Policy DM17 requires a provision of 1 to 1.5 spaces for a 2 to 3 bedroom unit. It is proposed to provide 1 space within the existing car park site as the dwelling is proposed for the school caretaker. The loss of staff parking will be relocated within the wider school site. Therefore, the on street parking conditions would remain unchanged and there would be detrimental impact to the street with regards parking.

5.4 Response to Public Consultation

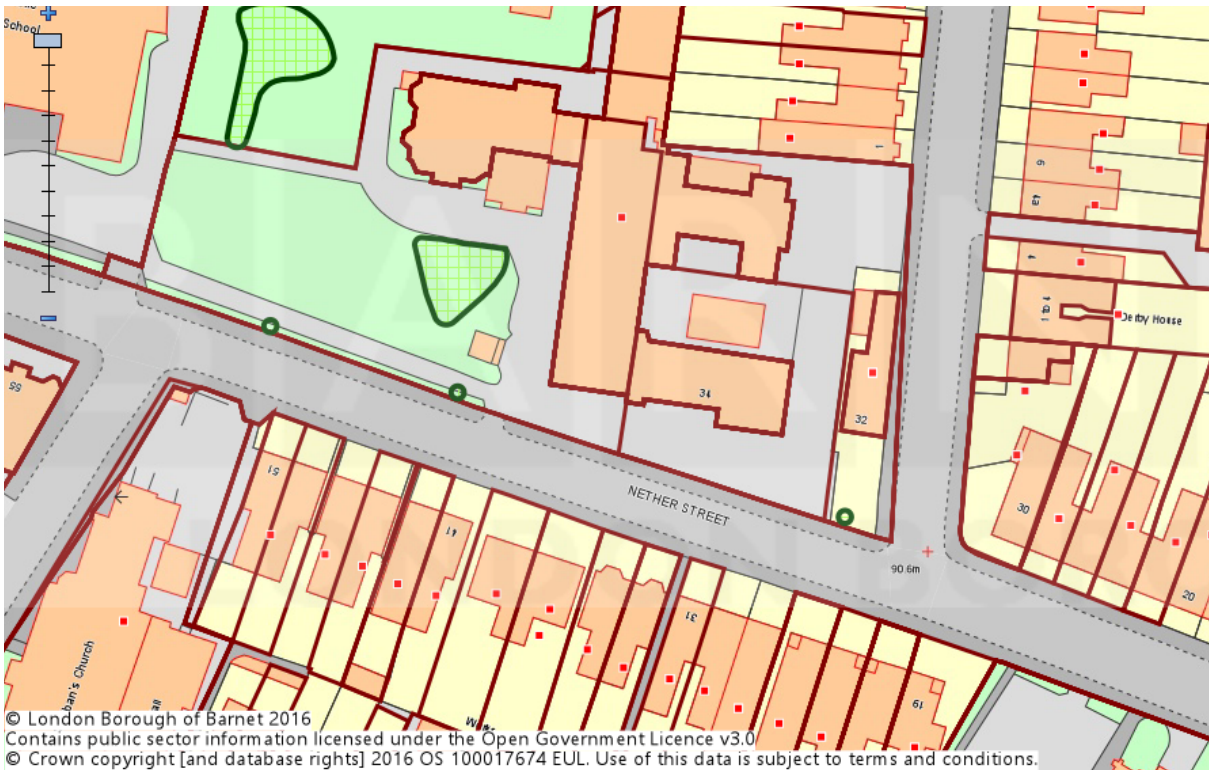
The majority of comments raised in the letters of objections have been addressed throughout the report.

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 130-132 Audley Road London NW4 3HG

Reference: 16/5875/FUL

Received: 8th September 2016

Accepted: 8th September 2016

Ward: West Hendon

Expiry 3rd November 2016

Applicant: Lorenzo Calzavara

Proposal: Conversion of a pair of semi-detached houses to 7 no. self-contained flats. Provision of amenity space, cycle and refuse storage. New boundary fence to rear elevation. Erection of dwarf wall with access points to front boundary. Addition of 1 no. window to side of existing rear dormer including installation of balcony. Alterations to fenestration at ground and first floor levels to both side elevations

Recommendation: Approve subject to conditions

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

Conversion Plan (received: 21/10/16)

- No. AULEY-MF001

Existing (received: 21/10/16)

- AULEY-E501 Rev A
- AULEY-E502 Rev A
- AULEY-E501 Rev A
- AULEY-E503 Rev A
- AULEY-E504 Rev A
- AULEY-L501 Rev A
- AULEY-P501 Rev A
- AULEY-P502 Rev A
- AULEY-P503 Rev A
- AULEY-E504 Rev A
- AULEY-S501 Rev A
- AULEY-S502 Rev A
- AULEY-S503 Rev A
- AULEY-S504 Rev A
- AULEY-O501 Rev A

Proposed (received: 21/10/16)

AGENDA ITEM 13

- AULEY-E601 Rev A
- AULEY-E602 Rev A
- AULEY-SE601 Rev A
- AULEY-E603 Rev A
- AULEY-E604 Rev A
- AULEY-L601 Rev A
- AULEY-P601 Rev A
- AULEY-P602 Rev A
- AULEY-P603 Rev A
- AULEY-P604 Rev A
- AULEY-S601 Rev A
- AULEY-S602 Rev A
- AULEY-S603 Rev A
- AULEY-S604 Rev A
- AULEY-O601 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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

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

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

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

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

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

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

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

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

- 8 Before the building hereby permitted is first occupied the proposed windows at ground floor, first floor and roof level facing either neighbouring occupier 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).

- 9 The use of the outbuildings 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).

- 10 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, ballustrades for roof terrace 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. 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 relates to a pair of semi-detached single family dwelling houses.

Properties on Audley Road benefit from a commonality of scale and height with traditional features such as two storey gable ended front projections. To the rear they are also characterised by two storey outriggers approximately 4m in depth. Many properties also benefit from rear extensions and the application site is no different.

In this instance both houses benefit from two storey rear extensions, infilling the area between the two outriggers as well as two large dormer windows serving each property.

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

2. Site History

130 and 132 Audley Road

Reference: 15/04354/FUL

Address: 130 & 132 Audley Road, London, NW4 3HG

Decision: Approved subject to conditions

Decision Date: 07.09.2015

Description: Part single, part two storey rear extension to 130 and 132 Audley Road. Conversion of 130 Audley Road from 2 no. self-contained flats to 1 no. house, replacement of 1 no. front door with 1 no. window

130 Audley Road

Reference: 16/3288/192

Address: 130 Audley Road, London, NW4 3HG

Decision: Lawful

Decision Date: 7 June 2016

Description: Extension to roof including hip to gable end, rear dormer window and 2no roof lights to front elevation. Changes to windows to side and rear elevation. Removal of chimney and new outbuilding

132 Audley Road

Reference: 16/3289/192

Address: 132 Audley Road, London, NW4 3HG

Decision: Lawful

Decision Date: 7 June 2016

Description: Extension to roof including hip to gable end, rear dormer window and 2no roof lights to front elevation. Changes to windows to the rear elevation. Removal of chimney and new outbuilding (AMENDED DESCRIPTION)

Reference: 15/01584/192

Address: 132 Audley Road, London, NW4 3HG

Decision: Lawful

Decision Date: 09.04.2015

Description: Removal of dual entrances and first floor kitchen to facilitate change of use from 2 no. flats into a single dwelling house

3. Proposal

The proposal includes:

- Conversion of a pair of semi-detached houses to 7 no. self-contained flats
- Provision of amenity space, cycle and refuse storage
- New boundary fence to rear elevation
- Erection of dwarf wall and fence with access points to front boundary
- Addition of 1 no. window to side of existing rear dormer
- Installation of a recessed balcony within roof slope
- Alterations to fenestration at ground and first floor levels to both side elevations

4. Public Consultation

Consultation letters were sent to 85 neighbouring properties.

23 letters of objection have been received.

Summary and comments below:

- A conversion in this location would harm to the character of the area
- The proposed extensions would harm the character of the area
- The creation of one front garden would harm the character of the area
- No off street parking would increase parking pressure
- 21 refuse bins situated in the front garden would harm the character of the area
- 21 bins would obstruct the pavement on collection day
- Outbuilding to the rear would harm the character of the area.
- Balcony would harm privacy of neighbours
- Issues with proposed density
- Insufficient amenity space provided
- The flats will be used as HMO's
- The concreting over of the front garden would harm the character of the area
- Gate in the fence of Vivian Avenue to access cycle storage would create a security risk

5. Planning Considerations

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 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, DM08 and DM17

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of flats in this location :

Policy DM01 paragraph. H of Barnet's Development Management Policies DPD (2012) states that:

Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

The applicant has provided a plan which highlights all the previously converted properties on Audley Road (no. AULEY-MF001). A search of council tax records and a site visit confirms its accuracy and demonstrates that Audley Road is characterised by a mixture of conversions and single family dwellinghouses.

Bearing this in mind the proposed conversion would indeed conform to Policy DM01 of Barnet's Development Management Policies DPD (2012) and considered acceptable.

Whether the proposal provides a satisfactory living environment for future occupiers

Floor Area :

The following units are proposed:

G.01	1 bedroom 2 person	55m ²
G.02	1 bedroom 2 person	63m ²
G.03	2 bedroom 4 person	90m ²
1.01	2 bedroom 4 person	66m ²
1.02	1 bedroom 2 person	52m ²
1.03	2 bedroom 4 person	77m ²
2.01	2 bedroom 4 person	87m ²

All units 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 'urban' according to the London Plan definition and has a PTAL score of 4 (good). The site is approximately 0.0282 hectares in size and the development includes 7 self-contained flats. Calculations show that the proposed scheme's density is approximately 111 units per hectare and is consistent for the density range (45u/ha-260u/ha) for its context and the guidelines in the London Plan (2016).

Attention has been paid to several objections which relate to the proposed scheme being overly dense and as a result harmful to the character of the area. If the proposed density was towards the upper end or over the acceptable range sited above, this might have raised some concern. However the proposed density actually lies towards the lower end of the above scale demonstrating the site is more than capable of accommodating the proposed number of units.

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)).

Units G.02 and G.03 located on the ground floor have been provided with a private garden. The other units would have access to a communal garden measuring 128m². Plan no. AULEY-L601 Rev A includes a table showing the proposed number of habitable rooms as well as the corresponding amenity space requirement. This demonstrates that all units have been provided with amenity space which exceeds the above requirements thus providing future occupiers with a good standard of living.

Internal Stacking:

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

Light/outlook:

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

The impact on the amenities of neighbouring occupiers

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

Some objections have been received resulting to overlooking and loss of privacy from the proposed balcony and new windows in the flank elevations.

Both these elements have been assessed separately below.

Balcony:

In response to objections received and advice from the advice of planners this element has been significantly reduced in depth. The plans have also been annotated (no. AULEY-E602 Rev A and AULEY-S601 Rev A) to show the relevant lines of site demonstrating the terrace create no issues relating to overlooking or a loss of privacy.

Side facing windows:

In response to objections received and at the advice of planners the internal arrangement of several units were revised and only non-habitable rooms benefit from primary windows within the side elevation. In order to avoid overlooking of neighbouring occupiers a condition has been included as part of this permission requiring all windows in the side elevations (above ground floor level) facing both neighbouring occupiers.

The Impact on the appearance and character of the area

Cycle and refuse storage

In some instances character issues can arise when relatively small front gardens of houses are dominated by refuse and cycle storage associated with conversions and applications in Barnet have previously been refused on these grounds alone.

In early discussions with the applicant this potential issue was raised and the necessary amendments were made. The number of refuse bins meet the requirements of Barnet's guidance ('Information for developers and architects: Provision of Household Waste & Recycling Service') on such matters.

For clarity Plan no. AULEY-P601 Rev A includes a table of which bins have been included.

In terms of appearance care has been made to obscure the bins from public view and are obscured from public view behind the proposed fence within a timber clad refuse store. A site visit confirmed that many properties on Audley Road benefit from front gardens often dominated by bins. The proposed scheme would therefore go some way to improving the character of the street.

With regard to cycle storage, this would be provided within an existing outbuilding to the rear and therefore considered acceptable.

Erection of dwarf wall and fence with access points to front boundary

The proposed dwarf wall with close board fencing above would be of a similar height to the neighbouring property at no. 134 Audley Road. A site visit also confirmed the presence of other similar boundary treatments serving other properties on the street.

Installation of balcony within roof slope

As highlighted above this has been set back from the rear elevation so as to obscure it from public view.

Parking and Highways

The location is between the shopping areas of West Hendon and Hendon Central with good access to bus, tube and rail routes with a PTAL of 5 good. The development will not provide off-street car parking. The location is within a CPZ that operates Mon-Fri 10-11am. A parking survey has been carried out and shows that there is a parking stress of 72% with the net increase in parking demand of 6 spaces.

This development will have an effect on parking on Audley Road but there is capacity available on street to accommodate the demand. The transport note states that cycle spaces will be provided with 1 space for one bed units and 2 spaces for two bed units in accordance with the London Plan but plans show 7 spaces. Details will be conditioned on cycle parking.

There is no objection to the application subject to compliance with the attached conditions.

7. Equality and Diversity Issues

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

8. Response to public consultation

A conversion in this location would harm to the character of the area: Addressed in 'assessment of proposals' above.

The proposed extensions would harm the character of the area: Addressed in 'assessment of proposals' above.

No off street parking would increase parking pressure: Addressed in 'assessment of proposals' above.

21 refuse bins situated in the front garden would harm the character of the area: Addressed in 'assessment of proposals' above.

21 bins would obstruct the pavement on collection day: Addressed in 'assessment of proposals' above.

Outbuilding to the rear would harm the character of the area: The outbuildings are existing and conform to permitted development guidelines and therefore do not require planning permission. A condition has also been attached to prevent their use as self-contained flats.

Balcony would harm privacy of neighbours: Addressed in 'assessment of proposals' above.

Issues with proposed density: Addressed in 'assessment of proposals' above.

Insufficient amenity space provided: Addressed in 'assessment of proposals' above.

The flats will be used as HMO's: A condition has been included which would prevent the proposed units being used as HOM's. Barnet also has an Article 4 in place which prevents a change of use from single family dwellinghouse to C4 HMO without planning permission.

The concreting over of the front garden would harm the character of the area: Addressed in 'assessment of proposals' above.

Merging of two front gardens into one: Several objections relate to the unification of the front garden found on the original plans. To address this issue, the applicant has divided the front gardens in two and the associated soft landscaping would be secured through condition.

9. Conclusion

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

