

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 9TH MAY, 2017

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

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

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

Substitute Members

Councillor Ross Houston Councillor Graham Old Councillor Jack Cohen
Councillor Reuben Thompstone Councillor Anne Hutton Councillor Alon Or-Bach
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 Service contact: Faith Mwende, Faith.mwende@barnet.gov.uk 02083594917
Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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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)	
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7.	3 Accommodation Road - 17/1179/FUL	21 - 34
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11.	46 And 48 Woodstock Road - 16/8060/FUL	81 - 90
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12.	31 - 33 Dollis Avenue - 17/0864/FUL	91 - 108
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15.	Flat 8 Ullswater Court 92 Holders Hill Road - 16/7639/CON	135 - 140
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	East Finchley	
17.	31 Abbots Gardens - 16/7854/CON	157 - 170
18.	44A Church Lane (Formally Know As Land At Rear Of 1 King Street) - 17/1022/S73	171 - 180
	Garden Suburb	
19.	3 Reynolds Close - 16/5576/HSE	181 - 192
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21.	53 And 55-57 The Market Place Falloden Way - 16/8077/FUL	203 - 218
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Decisions of the Finchley and Golders Green Area Planning Committee

9 March 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Arjun Mittra
Councillor Alan Schneiderman
Councillor Melvin Cohen

Councillor Shimon Ryde
Councillor Jim Tierney

1. MINUTES OF LAST MEETING

RESOLVED- That the minutes of the meeting held on 9th February 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for lateness from Councillor Schneiderman.

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

Councillor	Item(s)	Nature of Interest	Detail
Shimon Ryde	11	Non-pecuniary	That the Councillor knew the applicant
Melvin Cohen	11	Non-pecuniary	That the Councillor's offices are located directly opposite to the site of the planning application.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

The Committee noted the Addendum.

6. 114-120 WEST HEATH ROAD - 16/5993/FUL (AGENDA ITEM 7)

The Planning Officer introduced the application, which related to 114-120 West Heath Road. The Planning Officer noted an error in the report and asked that the section 106 deadline be amended to 09/04/2017.

An oral representation in objection to the application was heard from Mr Bob Warnock.

An oral representation in objection to the application was heard from Ms Tatiana Bogomolova.

An oral representation was heard from a representative of the applicant, Mr Gavin Steinmain.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application subject to conditions set out in the report and the addendum. Votes were recorded as follows:

*Councillor Schneiderman did not vote on this application as he entered the room late.

For	2
Against	2
Abstain	2

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

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

7. 1069 FINCHLEY ROAD, NW11 OPU - 16/7565/FUL (AGENDA ITEM 11)

Councillor Shimon Ryde and Councillor Melvin Cohen both left the room, as they had declared a non-pecuniary interest in relation to this item, and thus did not vote on the item.

The Planning Officer introduced the application, which related to 1069 Finchley Road.

An oral representation in objection to the application was heard from Ms Christine Clyne.

An oral representation in objection to the application was heard from Mr Ronjon Banerjee.

An oral representation was made by a representative of the applicant, Ms Caroline Abcar.

Following discussion of the item the Committee requested that if approved the Construction Management Plan be referred to the Committee for approval.

The Chairman moved to the recommendation in the cover report and addendum, which was to approve the application subject to recommendations outlined in the report. Votes were recorded as follows:

For	1
Against	1
Abstain	3

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

The Committee therefore RESOLVED to APPROVE the application, subject to recommendations as per the officer's report.

8. NORTH WESTERN REFORM SYNAGOGUE - 17/0369/FUL (AGENDA ITEM 15)

The Planning Officer introduced the application, which related to North Western Reform Synagogue.

An oral representation in objection to the application was heard from Mr Russell Braum.

An oral representation was made by a representative of the applicant, Ms Mary Fortune.

Following discussion of the item, the Chairman moved to the recommendation in the cover report and addendum, which was to approve the application following legal agreement. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

9. 39 WOODSTOCK ROAD - 16/6250/FUL (AGENDA ITEM 9)

The Planning Officer introduced the application, which related to 39 Woodstock Road.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application subject to conditions. Votes were recorded as follows:

For	3
Against	3
Abstain	1

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

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

10. 8B ACCOMMODATION ROAD LONDON - 16/5860/FUL (AGENDA ITEM 10)

The Planning Officer introduced the application, which related to 8B Accommodation Road.

An oral representation in objection to the application was heard from Ms Julia Brown.

An oral representation in objection was heard from Dr Bernadette Loughman.

An oral representation was made by a representative of the applicant.

Following discussion of the item the Chairman moved a motion to add the following recommendations to condition 4:

- i) within two months of the date of this decision the rear rooflight windows facing Woodstock Road shall be obscure glazed and fixed shut.
- ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

The motion was seconded by Councillor Marshall.

Votes on this motion were recorded as follows:

For	6
Against	0
Abstain	1

The Committee therefore RESOLVED to APPROVE the application, with agreed amendment to condition 4 and subject to the conditions as per the officer's report.

11. WHITE LODGE, THE VALE - 16/8017/FUL (AGENDA ITEM 8)

The Planning Officer introduced the application, which related to White Lodge.

An oral representation in objection to the application was heard from Mr Wolchover.

An oral representation was made by a representative of the applicant, Mr Andrew Neil.

Following discussion of the item, the Chairman moved to the recommendation in the cover report and addendum, which was to approve the application subject to conditions. Votes were recorded as follows:

For	3
Against	3
Abstain	1

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

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

12. 15 NORTH SQUARE - 17/0348/LBC (AGENDA ITEM 13)

The Planning Officer introduced the application, which related to 15 North Square (17/0348/LBC) and 15 North Square (16/6950/HSE).

No speakers made representations in regard to 15 North Square 17/0348/LBC.

Following discussion of the item, the Chairman moved to the recommendation in the cover report and addendum, which was to approve the application subject to conditions. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

13. 15 NORTH SQUARE - 16/6950/HSE (AGENDA ITEM 14)

An oral representation in objection to the application was heard from Mr Michael Einhorn.

An oral representation in objection to the application was heard from Ms Kim Einhorn.

An oral representation was made by a representative of the applicant, Ms Mary Clare.

Following discussion of the item, the Chairman moved to the recommendation in the cover report and addendum, which was to approve the application subject to conditions. Votes were recorded as follows:

For	7
Against	0
Abstain	0

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer's report.

14. 85-87 THE RIDGEWAY - 16/7996/FUL (AGENDA ITEM 6)

The Planning Officer introduced the application, which related to 85-87 The Ridgeway.

An oral representation in objection to the application was heard from Mr Arjun Jaganathan.

An oral representation in objection to the application was heard from Ms Judy Stapleton on behalf of Mr Ravi Patel.

An oral representation was made by a representative of the applicant, Ms Hannah Spence.

Following discussion of the item the Committee agreed to add the following additional conditions to the application:

- i) A detailed scheme for the protection of the retained trees (the tree protection plan) and the appropriate working methods (the arboricultural method statement) in accordance with paragraphs 5.5 and 6.1 of British Standard BS 5837: Trees in

relation to design, demolition and construction - Recommendations (or in an equivalent British Standard if replaced) shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the scheme for the protection of the retained trees has been carried out as approved. In this condition “retained tree” means an existing tree which is to be retained in accordance with the approved plans and particulars.

- ii) The details submitted in accordance with Condition above shall include:
 - i) a plan showing the position of every tree on the site and on land adjacent to the site (including street trees) that could influence or be affected by the development, indicating which trees are to be removed;
 - ii) a schedule in relation to every tree identified listing: - information as specified in paragraph 4.4.2.5 of British Standard BS 5837: Trees in relation to design, demolition and construction - Recommendations) (or in an equivalent British Standard if replaced); and, - any proposed pruning, felling or other work;
 - iii) in relation to every existing tree identified to be retained on the plan referred to in i) above, details of: - any proposed alterations to existing ground levels, and of the position of any proposed excavation, that might affect the root protection area; and, - all appropriate tree protection measures required before and during the course of development (in accordance with paragraph 5.5 of British Standard BS 5837) (or in an equivalent British Standard if replaced);
 - iv) areas of existing landscaping to be protected from construction operations and the method of protection.
- iii) Details of the standards to which the highway works relating to the crossovers of the public footpath serving the development are to be constructed shall be submitted to, and approved in writing by, the local planning authority. No proposed dwelling shall be occupied until the crossovers have been constructed in accordance with the approved details.

The Chairman then moved to vote on the recommendations in the cover report, which was to approve the application, with the above additional conditions included. Votes were recorded as follows:

For	3
Against	2
Abstain	2

The Committee therefore RESOLVED to APPROVE the application, subject to conditions as per the officer’s report and outlined above.

15. 48 RAVENSCROFT AVENUE - 16/8101/FUL (AGENDA ITEM 12)

The Planning Officer introduced the application, which related to 48 Ravenscroft Avenue.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the application subject to s106. The votes were recorded as follows:

For	0
Against	7
Abstain	0

The motion to approve the application was lost.

Councillor Melvin Cohen moved a motion to refuse the application for the following reasons:

- i) The proposals by reason of the size of extensions and amount of development, be an overdevelopment of the site that would be detrimental to the character and appearance of the streetscene and general locality and to the visual amenities of neighbouring occupiers. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Barnet Core Strategy and Supplementary Planning Document: Residential Design Guidance.
- ii) The proposals would be an over-intensive use of the property that would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Barnet Core Strategy and Supplementary Planning Document: Residential Design Guidance.
- iii) The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

The motion was seconded by Councillor Arjun Mittra.

The Chairman moved to vote on the motion to refuse, votes were recorded as follows:

For	7
Against	0
Abstain	0

The Committee therefore RESOLVED to REFUSE the application.

16. 108-112 REGEANTS PARK ROAD - 16/6950/S73 (AGENDA ITEM 16)

The Planning Officer introduced the application, which related to 108-112 Regents Park.

Following discussion of the item, the Chairman moved to the recommendations in the cover report, which was to approve the application subject to conditions. Votes were recorded as follows:

For	4
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Against	1
Abstain	2

The Committee therefore **RESOLVED** to **APPROVE** the application, subject to conditions as per the officer's report.

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

The meeting finished at 8.45pm.

Location 1A Accommodation Road London NW11 8ED

Reference: 17/0322/FUL

Received: 18th January 2017

Accepted: 24th January 2017

Ward: Childs Hill

Expiry 21st March 2017

Applicant: Mr Mervyn Mandell

Proposal: Erection of a new pitched roof with two conservation roof lights to front roof slope and two rooflights in the flat element of the pitched roof and associated alterations

AGENDA ITEM 6

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plans, 1aAR-PP-01 [Received 24-January-2017] and 1aAR-PP-02 Revision B [Received 21-March-2017].

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the rooflights to the front roof slope facing the rear elevations of the properties in Golders Green Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter.

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

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

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

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

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

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

- 7 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 front, side or rear elevation(s) or roof slopes of the extension(s) hereby approved, facing the neighbouring properties at No. 1 and No 3 Accommodation Road, the rear of the properties at Golders Green Road and the rear of the properties at Woodstock Road.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located on the South East side of Accommodation Road, within Golders Green Town Centre conservation area.

The property is located on Accommodation Road which is an access/service road.

The application site is B1 office use. Accommodation Road currently consists of a long terrace of buildings in mixed commercial and residential use with a variety of storey heights and roof forms.

The proposal property at 1A Accommodation Road is a two storey flat roof building, adjacent to No. 1 Accommodation Road and No. 3 Accommodation Road. No 1 Accommodation Road consists of two storeys plus rooms in the roof space and No. 3 consists of a single storey building plus rooms in the roof space.

The proposal building is not statutory listed and not locally listed.

2. Site History

Reference: C02868D/03

Address: 1A Accommodation Road London NW11

Decision: Lawful

Decision Date: 11 November 2003

Description: Use of building for office purposes (class B1).

Reference: C02868C/03

Address: 1A Accommodation Road London NW11

Decision: Approved subject to conditions

Decision Date: 10 November 2003

Description: Alterations to roof including addition of 4 no. front dormer windows to provide additional Class B1 office floorspace.

Reference: C02868B

Address: 1A Accommodation Road London NW11

Decision: Approved subject to conditions

Decision Date: 10 May 1999

Description: Change of use of building from educational to office purposes to Class B1 - financial and professional services (accountancy offices).

3. Proposal

The application seeks approval for 'Erection of a new pitched roof with two conservation roof lights to front roof slope and two rooflights in the flat element of the pitched roof and associated alterations'.

The proposed roof extension would be a dual pitched roof with a width of 6.9m (same as existing width of building) and depth of 7.5m (also same as existing building). The extension would include heightening of the front and rear walls from the existing flat roof element by 0.8m and the addition of a roof which would measure 3.1m high to the top of the dual pitched roof. The eaves would be set slightly lower than the eaves height of No. 1 Accommodation Road. The roof would contain a flat element measuring 2.1m deep and 6.9m wide (same as existing flat roof).

The front rooflights will measure 0.6m high and 1m in width. It would be set up from the front edge of the roof by 0.6m and down from the flat element by 0.7m. The proposed rooflights to the front roofslope will be obscure glazed and measure approximately 1.6m above the floor level.

The rooflights within the flat element of the roof would each measure 1.5m deep and 2.1m wide.

No change of use is proposed. However, the development would create 45.5m² of additional floorspace for B1 office use ancillary to the main use.

4. Public Consultation

Consultation letters were sent to 143 neighbouring properties.

22 responses were received during the public consultation period by way of objections. Comments are as follows:

- Overlooking
- Rear rooflights unacceptable
- Potential of things falling outside of the window causing litter
- Extension will result in garden wall at rear of proposal site causing loss of day light especially to rear gardens
- Loss of privacy
- Overdevelopment
- Change of character
- Bulky
- Windows should be non-opening
- Clear velux windows unacceptable
- Noise due to windows being opened in the summer
- Impact on close by listed buildings and conservation area
- Traffic
- Wall boundary
- Children being possibly watched
- Loss of privacy
- Contrary to policy

Site and Press Notices advertising the proposals were put up on 02.02.2017.

Internal Consultation: Barnet Heritage Officer

No Objections

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM14 and DM17.

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

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.

- Golders Green Conservation Area Character Appraisal Statement

The Golders Green Town Centre Conservation area appraisal states

"The urban character of Finchley Road and the crossroads contrasts dramatically with the quieter, intimate feel of the rear service roads, Accommodation Road and Golders Way."

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of additional office accommodation;

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the Golders Green Conservation area of which it forms a part;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

It should be noted that the applicants submitted amended drawings relocating the proposed rear rooflights to the front roof slope of the proposed roof. Neighbouring properties were re-consulted on the amended drawings. The application will therefore be assessed in relation to the amended drawings.

The proposal property currently has a flat roof. The proposal includes the formation of a mono-pitched roof over the existing flat roof element to accommodate further office space in accordance with the existing use.

1. Principle of additional office accommodation.

The proposal would generate some 45sqm of additional B1 office space which is appropriately located within this town centre location. Given the town centre location and its high PTAL rating of 6a, the proposal is considered to be acceptable on highway grounds. The principle of the development is considered acceptable.

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

Policy DM06 requires development proposal to preserve or enhance the character and appearance of conservation areas.

The proposed pitched roof would be similar but smaller in height than the roof at No. 1 Accommodation Road. Whilst it would have a maximum height of 3m and would be set higher than the roof at No. 3 Accommodation Road, it is considered to be a proportionate addition to the property, character of the area, current streetscene.

Furthermore, the proposed new dual pitched roof and rooflights to front roofslope does not change the character of the general locale as there are properties on Accommodation Road which already benefits from properties with varied roof forms both pitched and flat and front and rear rooflights, and thus the proposal is not seen to be out of character with other properties on Accommodation Road.

Subsequent to the above, the proposed rooflights within the flat roof element of the roof would not be visible from the street level and thus would have no adverse impact on the character and appearance of the existing building when viewed from outside of the subject land. It is considered that by reason of the siting and design to have an acceptable impact on the property and preserves the character and appearance of the conservation area. It is not considered that it would harm the significance of the conservation area as a designated heritage asset.

The proposed development is not considered to result in significant detriment of the character and appearance of the existing building, the street scene or the Conservation area.

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

The rear roof of Accommodation Road forms part of the rear garden wall of the residential properties on Woodstock Road. The extension would include heightening of the front and rear walls from the existing flat roof element by 0.8m. Whilst the proposal involves a roof height of 3.1m high to the top of the dual pitched roof, this height is not significant enough to warrant refusal due to the varied roof forms and heights on Accommodation Road. Also, no windows are proposed facing the properties on Woodstock Road.

The proposed rooflights would now be situated to the front roofslope facing the rear properties in Golders Green Road having a height of approximately 1.6m and would be conditioned to be obscure glazed in order to protect the potential for perception of overlooking to arise given the relationship between the rooflights and neighbouring properties opposite.

It is therefore considered that the proposals would not result in adverse impact on the living conditions of neighbouring occupiers.

5.4 Response to Public Consultation

All comments have been dealt with within the main body of 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 Conservation Area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and an appropriate town centre location. The application is therefore recommended for Approval.



Location **3 Accommodation Road London NW11 8ED**

Reference: **17/1179/FUL**

Received: 15th February 2017

Accepted: 28th February 2017

Ward: Childs Hill

Expiry 25th April 2017

Applicant: Mr

Proposal: Creation of 1no self contained flat following extension to roof including alterations to existing pitched roof to create a new mansard roof

AGENDA ITEM 7

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. Alteration to Traffic Regulation Order - £2000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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

- Location Plan
- Existing Ground, First and Second Floor Plan (2)
- Existing Elevations and Sections (3)
- Proposed Second Floor and Roof Plan (4/R1)
- Proposed Elevations / Sections (5/R1)

The Location Plan was received on 27.02.2017, drawings 2 and 3 were received on 24.02.2017 and drawings 4/R1 and 5/R1 were received on 10.04.2017.

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

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

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

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

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

4 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

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

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

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

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

8 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).

9 Before the building hereby permitted is first occupied the proposed window(s) in the rear roof slope facing Woodstock Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

10 The approved development shall make provision for 1.no cycle parking and cycle storage facility in accordance with London Plan Cycle Parking Standards. Such spaces shall be permanently retained thereafter.

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

11 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).

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9 July 2017, unless otherwise agreed in writing, the Head of Planning Performance and Development Management REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the road traffic order. The proposal would therefore not address the impacts of the development, by causing a significant risk to highway safety and the free flow of traffic in the area due to difficulties in finding a parking space, consequent extended journey times and potentially parking inappropriately, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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.

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.

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 a two-storey building which recently had a prior approval granted for change of use from B1 office to C3 Residential. It resides on the south side of Accommodation Road within the Childs Hill Ward which consists of a row of mainly two and three storey terraced buildings housing both office and residential uses. A number of properties along Accommodation Road already benefit from roof extensions. To the rear of the site along Woodstock Road are two storey residential properties, with their gardens directly abutting the applicant site. The site is located within Golders Green Town Centre Conservation Area.

2. Site History

Reference: 16/7806/PNO

Decision: Prior Approval Required and Approved

Decision Date: 25 January 2017

Description: Change of use from Class B1 (Office) to Class C3 (Residential) (2 Unit)

Following a site visit it was confirmed that this permission has yet to be implemented.

Reference: 17/1141/FUL

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion of loft space to form 1 residential unit involving mansard roof to rear and insertion of conservation style rooflights

Reference: F/04153/12

Decision: Approved

Decision Date: 19 December 2012

Description: Submission of details of Condition No.3 (Details of Conservation Rooflight) pursuant to planning permission Ref: F/02915/09 dated: 10/11/2009.

Reference: C03051F/06

Decision: Approved subject to conditions

Decision Date: 21 September 2006

Description: Conversion of empty loft space to form 3no. residential units involving Conservation style rooflights.

Reference: 16/0090/FUL

Address: 10-14 Accommodation Road, Golders Green, NW11 8ED

Decision: Approve following legal agreement

Decision Date: 10 May 2006

Description: Demolition of existing building and erection of 8 dwellinghouses with associated refuse/recycling and cycle storage.

3. Proposal

- The application proposes a rear roof extension in line with the existing ridgeline to create 1.no self-contained flat at the second floor level. The extension measures 5.7m in depth, 8.45m in width, with a maximum height of 1.55m.
- 4.no conservation rooflights in front roof slope.

- No parking or amenity space is provided.

Proposed second floor flat is a 1 bedroom and 2 person flat comprising:

- A gross internal floor area of 50.2 square metres;
- A double bedroom of 12.47 square metres;
- A kitchen of 6.85 square metres; and
- A living space of 17.59 square metres.

4. Public Consultation

Consultation letters were sent to 124 neighbouring properties.

17 responses have been received comprising 17 letters of objection.

The public response can be summarised as:

- The proposal would lead to the loss of the original small offices of Accommodation Road, a registered Conservation Area;
- The proposed extension would cause overlooking and loss of privacy to properties to the rear through planned windows;
- Adding floors adds intensification to the site; it is overdevelopment;
- The impact on the character and appearance of the Conservation Area clearly would be huge by doubling the size of the original building;
- The extension would be overbearing on properties to the rear;
- Wasting council tax money on organizing a conservation area if applications are allowed to change its character and use;
- Flats only attract tourists to a conservation area;
- Conservation area protects lower roof forms;
- Gardens for the properties behind applicant site are low rise and therefore increased height would cause overbearing.

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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM06 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

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

Sustainable Design and Construction SPD (Adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of flats in this location

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

A planning history and council tax search has revealed that there are a number of lawful residential uses along Accommodation Road. The applicant site via prior approval (16/7806/PNO dated 25/01/2017) has changed from a B1 office use to C3 residential (although not yet implemented), with further changes of use to C3 residential implemented at no.10-no.14, no.15, no.17 and no.18. It is deemed that the principle of residential on Accommodation Road has been established through prior approval and subsequent planning permissions (see Barnet Reference: 16/0090/FUL dated 10.05.2016, 10-14 Accommodation Road - Demolition of existing building and erection of 8 dwellinghouses with associated refuse/recycling and cycle storage) and that consequently, the proposed addition of a residential flat at no.3 Accommodation Road would be acceptable on principle.

Whether the proposal provides a satisfactory living environment for future occupiers

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

Floor Area:

One unit is proposed with the following gross internal area (gia):

Proposed Flat: 1 bedroom, 2 person, 1 storey - 50.2m²

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum gia requirements for residential units as follows:

1 bedroom, 2 person, 1 storey - 50m²

The proposed flat meets the minimum residential space standards.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The double bedroom proposed meets these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. The floor to ceiling height for the proposed flat is in compliance with the above standards.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All habitable rooms within the proposed flat meet this requirement.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout is acceptable.

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

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of onsite amenity space per habitable room. No amenity space is provided.

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'. Given the terraced nature of the applicant site and the absence of capacity to create amenity space, it is not deemed practical to provide functional private amenity space. To protect against overlooking to neighbouring properties to the rear and to maintain the visual appearance and character of the applicant property, terraced solutions would also not be practical. Furthermore, as a similar roof extension was given permission in 2006 (C03051F/06 dated 21/09/2006) for the applicant site without amenity space and given the applicant sites close proximity to the town centre, it is deemed that refusal on a lack of amenity space would be inappropriate.

The Impact on the appearance and character of the area

It is not considered that the proposed roof extension would significantly harm the established appearance and character of Accommodation Road or the wider conservation

area. The proposed extension does not increase the height of the existing ridgeline and therefore the increased bulk is largely hidden from the public highway. In addition, the proposed roof profile matches the roof profile granted permission by the Finchley and Golders Green committee in 2009 (C03051F/06 dated 21/09/2006), which was deemed at the time not to be detrimental to the character of the conservation area or applicant site. Further planning applications along Accommodation Road have also changed the original roof profile, with no.10-no.14 (16/0090/FUL dated 10/05/2016) granted permission to change the roof profile and add large windows to the rear roof slope. It is therefore deemed that the proposed roof extension would not be out of character when considered alongside planning permissions granted for changes to the roof profiles of adjacent properties along Accommodation Road and considering the bulk of the roof extension will largely not be visible from the public highway.

It is acknowledged that an increase to the height of the roof would have a visual impact on neighbouring properties to the rear of the applicant site. However, the proposed roof design includes both a set-back from the rear building line and a mansard style roof profile to reduce the visual bulk. The windows included in the rear roof slope will be obscure glazed and fixed shut by condition, thereby restricting the potential for overlooking or a loss of privacy to neighbouring properties to the rear. Again, as the roof profile has received permission previously (although that permission was never implemented) it is not deemed to be detrimental to the appearance and character of Accommodation Road and the wider conservation area. It is also worth noting as some of the public comments have raised concern about the loss of office space or residential uses being located above office use, that the applicant site has permission via prior approval for the change of use from b1 to c3 for the ground and first floor (see planning history above).

The 4.no conservation roof lights included in the front roof slope comply with section 14 of the Residential Design Guidance SPD (2016) and are not deemed to detract from the appearance and character of the applicant site or wider locality.

Based on the above it is deemed that the proposed roof extension and 1.no residential flat would not be detrimental to appearance and character of the applicant site, the Golders Green conservation area or wider locality and therefore would be recommended for approval.

The impact on the amenities of neighbouring occupiers

It is not considered that the proposed roof extension would cause significant harm to neighbouring occupant amenity. The main objection raised via public comments was regarding a sense of overlooking and reduction of privacy caused by the increased roof height and proposed windows in the rear roof slope. The proposed windows will be obscure glazed and fixed shut by condition and therefore will not cause actual or perceived overlooking, or reduce privacy to neighbouring properties to the rear. The height of the window is 1.7m from second floor ground level and is consistent with the requirements for obscure glazed windows as set out in the General Permitted Development Order (2015). Given the roof extension does not propose to increase the existing ridge height of the applicant site, it is not expected that sunlight / daylight provision to neighbouring properties to the rear will be reduced or harmful overshadowing will occur. While it is accepted that there will be some visual impact from the proposed extension experienced by properties to the rear of the applicant site, it is deemed that this will be limited (1.55m increase in height) and that the recessed and sloped roof profile will go some way to visually offset the increased height.

Based on the above it is deemed that the proposed roof extension and 1.no residential flat would not cause significant harm to the amenity of neighbouring occupiers and therefore would be recommended for approval.

Parking and Highways

The proposal involves the creation of a 1.no bedroom flat via a second floor roof extension. No onsite parking spaces are proposed. Based on DM17, a 1.no bedroom flat would carry a parking requirement of 0-1 space. The PTAL rating is 6a which is very good and would support the car free development proposed. To ensure the development remains car free and limits the potential further strain on parking capacity in Accommodation Road, the highways department have requested that the applicant enters into a s.106 agreement to amend the traffic order to restrict future occupants from obtaining parking permits.

Cycle parking provision should be in accordance with the London Plan (2016) that requires a minimum of 1 space for a 1 bed unit. No cycle provision has been provided therefore a condition will be attached to ensure compliance with the London Plan (2016).

Refuse and recycling storage

No details of refuse and recycling provision have been provided. Therefore, a condition will be attached to demonstrate compliance with Barnet's Waste and Recycling Strategy (2017) and to provide details of the applicants refuse and recycling strategy, including storage and collection provision.

5.4 Response to Public Consultation

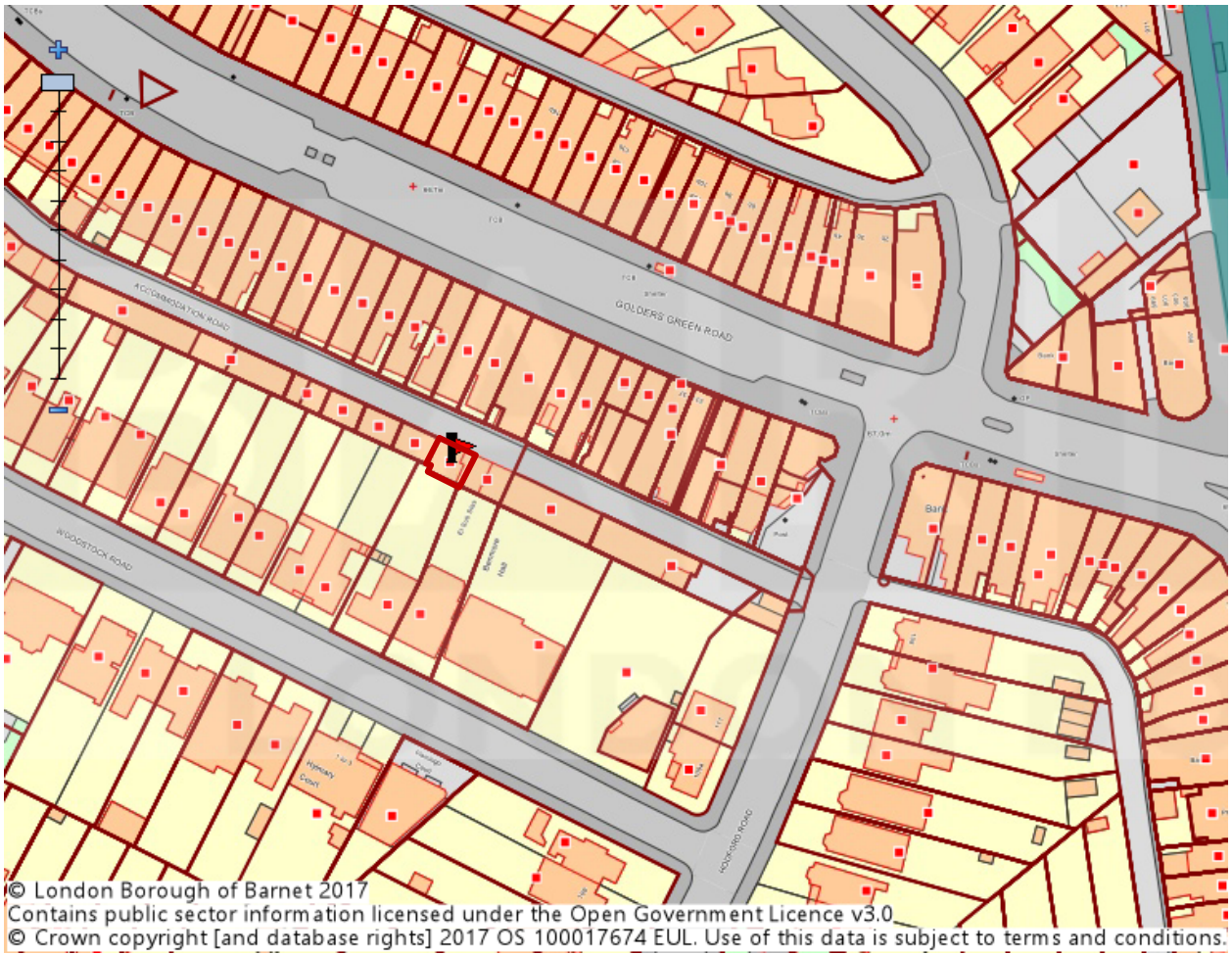
Public comments have been acknowledged and those which are material planning considerations have been addressed in the above report.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the Golders Green Conservation Area and the general locality. The development is not considered to have a significant adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location 10 And 12 Dunstan Road London NW11 8AA

Reference: 17/0794/HSE

Received: 9th February 2017

AGENDA ITEM 8

Accepted: 17th February 2017

Ward: Childs Hill

Expiry 14th April 2017

Applicant: Mr b weitz

Proposal: Part single, part two storey rear extension including new basement level below. Roof extension involving side dormer windows and front rooflights to facilitate loft conversions

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.02/10 A, Drg.no.02/200 B and Drg.no.02/LOC/101.

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side dormer facing no.10 and no.12 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

This is a joint application for two semidetached dwelling properties located at 10 and 12 Dunstan Road. Although the properties vary somewhat in design, the road has a consistent established character.

The site does not fall within a conservation area and the proposal property is not listed.

2. Site History

Reference: 16/3479/192

Address: 10 Dunstan Road, London, NW11 8AA

Decision: Lawful

Decision Date: 26 July 2016

Description: Roof extensions including hip to gable and rear dormer window to facilitate a loft conversion

Reference: 16/6476/192

Address: 10 Dunstan Road, London, NW11 8AA

Decision: Unlawful

Decision Date: 2 December 2016

Description: Creation of basement level

Reference: 16/7231/HSE

Address: 10 Dunstan Road, London, NW11 8AA

Decision: Refused

Decision Date: 23 January 2017

Description: Part single, part two storey rear extension including new basement level below. Roof extension involving side and rear dormer windows and front rooflights to facilitate loft conversions

3. Proposal

The proposal is for a part single, part two storey rear extension including new basement level below, a roof extension involving side and rear dormer windows and front and side rooflights to facilitate loft conversions.

Single Storey Extension:

No.10 and No.12 benefit from single storey rear extensions that line up with each other. It is proposed to extend further by 1.3 metre in depth, full width of the rear wall of both properties. It will have a crown roof with an eaves height of 2.6metres and a maximum height of 3.2metres. This extension will replace the rear projection at no.10 at the same depth which measures approximately 1.6m in depth and 1.8m in width. It has a hipped roof that measures 2.9m to the eaves and 4.2m to its maximum height.

First Floor Extension:

No.10 has the benefit of a first floor projection that measures 5m in depth and 4.7m in width in line with the flank wall of the main house adjacent to no.8. It has a pitched roof, with the eaves height matching the eaves of the main roof and the ridge set down from the main roof by approximately 1.8m.

The proposed first floor element will sit on top of the existing single storey rear extensions and will project from the flank wall of the existing projection at no.10, across the two rear walls. It will be set in from the rear wall of this projection by 0.9m will have a depth of 3.8m and a width of 9m. It will be set back from the flank wall of the main house by approximately 1.8m, approximately 2.7m to the common boundary wall of the neighbouring boundary wall and approximately 3.5m to the flank wall of the neighbouring property at no.14.

The extension will have an eaves height of 1.8m, matching the eaves of the main roof and a maximum height of 5m. It will have a pitched roof that will join the main roof and will be set down from the main ridge of the roof by approximately 0.8metres.

Basement:

The basement will be built below the ground floor extension, full width, with a depth of 6.4metres, a width of 15metres and a height of 2.8metres.

Roof Extension:

The rear dormer will be located on the roof of no.10 and will have a width of 3.5metres, a height of 2.3metres and a depth of 1.9metres.

The side dormer will be located on the side adjacent to no.12 and will have a width of 2.3metres, a height of 2.3metres and a depth of 2metres.

4. Public Consultation

Consultation letters were sent to 12 No. neighbouring properties.

6 no. letters have been received, comments have been summarised below:

- Scale of the development (over development)
- Loss of privacy
- Loss of light and over shadowing
- Stress on infrastructure
- Increased traffic and stress on parking
- Noise and disruption
- Subsidence
- Possible flooding

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, 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 2016)

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

Sustainable Design and Construction SPD (adopted April 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, streetscene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The current proposal follows the refusal for planning permission for a similar scheme under reference 16/7231/HSE dated 23 January 2017. The applicant subsequently received pre-application advice prior to submitting the current proposal.

Single Storey Rear Extension:

The properties benefit from rear extensions approximately 5 metres deep, the proposals involves extending the single storey by a further 1.3 metre. Whilst the depth of the extension would contravene Barnet's Residential Design Guidance SPD, it is noted that a couple of properties in the area have large rear extensions and as such this element of the proposal would not be considered to cause any significant harm to the character of the area or wider locality.

The single storey extension would replace an existing rear projection adjacent to no.8 at the same depth and will be lower in height and as such this element of the proposal is not likely to have an impact on this neighbouring property.

Whilst it has been noted neighbouring property at no.14 does not have the benefit of a rear extension, the host property at no.12 has a single storey rear extension that is set forward into the garden by approximately 4m beyond the rear wall of this neighbouring property, the additional depth of 1.3m is not considered to have an additional detrimental impact on this neighbouring property than what exist.

First Floor Extension:

There is an existing projection at first floor level at no.10, whilst the proposal will project from this side flank wall towards no.12. The proposed pitched roof at first floor level is set down from the main ridge of the roof and this element of the proposal is set away from the neighbouring property at no.14 and as such it appear to be a subordinate addition and in keeping with the character of and appearance of the site property. This element of the proposal has been amended to be more symmetrical and in rhythm with the existing roof of the host property and the roof of the neighbouring properties.

Although deeper than normally is considered acceptable the first floor extension, amendments have been secured in an attempt to widen the gap between the proposed first floor extension and no.14. The extension will be now be set away from the flank wall of no.14 by approximately 3.5m which is considered to be sufficient buffer distance and therefore this element of the proposal is not considered to have an unacceptable impact on this neighbouring property to an unacceptable level.

Due to the siting of the extension, the extension is not considered to have a detrimental impact on the amenities of neighbouring properties at no.8 either.

Furthermore, no adverse impact is envisaged on the neighbouring properties by way of overlooking and loss of privacy as there are no windows proposed on the flank walls of the extension the only window would be to the front of the side extension. Also it is not considered there would be any additional overlooking from the proposed rear windows than those already existing at the property. Therefore, refusal on these grounds is not considered justifiable.

Roof Extension:

The Residential Design Guidance SPD states that roof extensions should be sympathetic to the main roof of the house. The proposed side dormers would also have an acceptable impact on the neighbouring amenities. They would be a subordinate and proportionate addition to the roof, not detracting from the character and appearance of the existing building, current streetscene and general character of the area.

In regards to size and design, the adopted Residential Design Guidance SPD (2013) Paragraph 14.33 states that a new dormer on a semi-detached property should be set in at least 1 metre from the party wall and should not occupy more than half the width or half the depth of the roof slope.

Whilst the dormer's exceeds the size of dormers which are normally considered acceptable, this section of the road is characterised by larger dormers. The principle of these dormer's are considered acceptable.

Whilst windows are proposed to the side dormers, a condition would be added into the approval to ensure that the windows are obscure glazed with a fan light opening in order to protect the privacy of the neighbouring occupiers and would also not result in loss of light to the neighbouring site.

The roof extension is therefore considered to be acceptable.

Basement:

The basement will be built beneath the single storey rear extension and would not be visible, as such the proposal is not likely to have an impact on the character and amenities of neighbouring properties.

The soil conditions for the basement are such that a Basement Impact Assessment is not required. The site is not within a flood risk zone.

Given the proportions and the relationship between the proposal and the neighbouring properties it is not considered that this scheme would not be detrimental to the visual or residential amenities of the occupants of both neighbouring property. It would not cause harmful loss of privacy, loss of light or outlook.

5.4 Response to Public Consultation

Objections are mainly addressed in the body of the report.

It is not considered that the proposed extension would impact on highway conditions or result in any additional on street parking demand or infrastructure such as to warrant refusal.

Noise and disturbance during construction work and subsidence are not planning matters.

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 this proposal would not comply with the Adopted Barnet Local Plan policies and guidance and would not be in keeping with the character and appearance of the surrounding area. It is considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval.



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Location **15 Wycombe Gardens London NW11 8AN**

Reference: **16/8061/FUL**

Received: 20th December 2016

Accepted: 21st December 2016

Ward: Childs Hill

Expiry 15th February 2017

Applicant: MLE PROPERTY LTD

Proposal: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace

AGENDA ITEM 9

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 16GW-EX-Site Plan; Drawing no. WG16-EX-101; Drawing no. WG16-EX-102; Drawing titled Survey Roof Plan; Drawing titled Survey Side elevation west; Drawing titled Survey Rear elevation; Drawing no. Survey Front elevation; Drawing titled Survey Site Plan; Drawing titled Survey Side Elevation East; Drawing no. WG16-PL-A201 Rev D; Drawing no. WG16-PL-A202 Rev D; Drawing no. WG16-PL-A203 Rev D; Drawing no. WG16-PL-A204 Rev D; Drawing no. WG16-PL-A205 rev D; Drawing no. WG16-PL-A207 Rev D; Drawing no. WG16-PL-A208 Rev D; Drawing no. WG16-PL-A209 Rev D; Transport Assessment by Paul Mew Associates dated December 2016; Design and Access Statement by SIAW; Planning Statement by SIAW; Arboricultural Survey Impact Assessment Report dated 14th December 2016 by Marcus Foster Arboricultural Design and Consultancy.

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

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

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

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

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

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

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

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

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

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

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

6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing no. 13 or no.17 Wycombe Gardens.

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

7 Before the building hereby permitted is first occupied the proposed first floor rear windows facing no.13 and no.17 Wycombe Gardens and the side dormer facing no. 13 Wycombe Gardens, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

- 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 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 11 The outdoor amenity space for each proposed dwelling shall be implemented in accordance with the details shown on drawing no. WG16-PL-A201 hereby approved before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (2016).

- 12 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).

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of

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

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing no. WG16-PL-A201 Rev D, 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 Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 16 Prior to occupation of the building detailed application shall be submitted to the Highway Authority and approved for new vehicular access from public highway and the access shall only be constructed in accordance with the approved plans.

Reason: To ensure that the access is satisfactory in terms of highway safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 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).

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

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

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

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

- 20 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 (2016).

- 21 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as indicated in the hereby approved Arboricultural Impact Assessment Report 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. All works during construction shall be carried out in accordance with the recommendations of this report.

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

- 22 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and the rear boundary, 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.

- 23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and

adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 25 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.

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 £22,820 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 £108,325.34 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 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 5 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 8 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Wycombe Gardens close to its junction with Hodford Road which also runs to the rear of the site. The site accommodates a substantial two storey building currently in use as two self-contained flats.

The area is predominantly residential comprising semi-detached and detached single dwelling houses.

The property is unusual for the site in that it accommodates a wide fronted building in a plot substantially larger than others in the street. There is a single storey garage attached to the western flank elevation that also functions as a roof terrace with access from the first floor level and the rear garden via a staircase. The building is situated on sloping land with a downward gradient from north to south through the rear garden and a rising slope from west to east along Wycombe Gardens towards Finchley Road.

There is a large tree located on the north-eastern corner of the site (at the front). In addition, there is a mature tree screen in the rear garden, although at the time of the site visit many had been pruned and there were views into the gardens of properties on Hodford Road. None of the trees are protected by a tree preservation order and the site is not located in a conservation area.

The site is located in a Controlled Parking Zone.

2. Site History

No relevant planning history.

3. Proposal

The applicant seeks planning permission for the demolition of the existing building and erection of 4no dwellings with rooms at basement level and roof space.

The proposal would involve 3 x 4 bedroom dwellings and 1no x 3 bedroom house (Unit D).

The proposed buildings would have a depth of 9.7m measured along the boundary with no. 13 Wycombe Gardens and 6.8m along the boundary with no. 17. All four properties would benefit from a single storey projecting wing with a maximum depth of 2.8m which would be less than half the width of the width of each property and set away from the boundaries with no.13 and no.17.

Unit A would be set 1m away from the flank elevation of no.13 at ground floor (sited at the boundary) and 1m away from the common boundary at first floor level. At the other side, Unit D would be set along the boundary with no.17 at ground floor and set 2.5m away from the same boundary at first floor.

The buildings would follow the camber of the road; the building line of proposed Unit A would be at the same level as the building line of no.13 and properties C and D would be

staggered forward (approximately 1m). Properties B and C would be split by a shared access path at ground floor with a width of 0.9m, with accommodation above.

The plot widths vary for each proposed dwelling and are unusual in their shape to respond to the bend of the road. Plot A would have a maximum width of 7.9m; Plot B would have a maximum width of 6.2m; Plot C would have a maximum width of 6.15m measured at ground floor and 7m at upper floors; Plot D would have a maximum width of 8.7m.

The buildings would be set between 8.9m, measured from the projecting wing, and approximately 12m to the rearmost boundary.

The buildings would be hipped at both sides with two centrally located gables at the front. The buildings would have an eaves height of 5.9m measured at the boundary with no. 13. The ridge of properties C and D would be set 0.6m from the ridge of properties A and B to respond to the change in ground levels.

The proposed dormers at the rear would have width of 4.2 m (serving units A and B) and 4.3m (serving units C and D) and height of 1.7 m (serving units A and B) and 1.5m (serving units C and D).

Although the basement would generally be sited underneath the footprint of the dwellings, it would also project beyond the front building line to provide storage space for dwellings B, C and D, however there would be no manifestations to the front of the site.

The amendments to the original scheme include:

- Reduction in the height of the roof to units C and D adjacent to no.17/ lowering of ridge height
- Reduction in the front building line, particularly to Units A and B
- Reduction in width of rearward projecting wings.
- Reduction to width of Unit D at first floor further away from no.17
- Reduction in basement size
- Changes to fenestration at roof level
- Changes to parking provision from 8 to 6no parking spaces.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.

22 responses have been received, comprising 11 letters of objection, 9 letters of support and 2 letters of comment.

The objections received can be summarised as follows:

- Excessive development on the site
- Coverage of entire frontage with hardstanding and parking spaces
- Increase in parking pressures
- Basement construction is out of character /other properties on Wycombe Gardens do not have basements
- Flooding risk with regards to the basement/ impact on water table
- Loss of outlook and light by rear building line
- Loss of privacy due to side windows facing no.17 Wycombe
- Removal of trees would adversely affect landscape
- Impact on streetscene including materials and design is not clear on plans
- Loss of large family house

- Overdevelopment of the site
- Bulk and massing near no.17 Wycombe where currently a single storey garage
- Intensification of use
- Limited manoeuvring space at the front of the site
- Out-of-character design
- Imposing design
- Noise and disruption to neighbours

In addition, Councillor Jack Cohen raised the following objections:

- Construction of basements
- Overdevelopment
- Committee should examine landscaping

The representations received can be summarised as follows:

- Obscured glazing should be included to prevent overlooking where there isn't at present.

The letters of support received can be summarised as follows:

- Design is in keeping with other properties on the road/ Modern approach is refreshing
- Rear elevation is an improvement on existing
- Transport report indicates that there would be no additional parking pressures
- Will bring benefit to neighbouring properties
- Proposed development an improvement on existing continuous block as introduces gaps between buildings
- Off-street parking provided and the gardens remain of the same size
- Welcome family houses (not flats)
- Neighbours at no.13 raise no objection to the scheme so long as there are suitable safeguarding

Following the receipt of the revised drawings, neighbouring occupiers were reconsulted. 2 objectors withdrew their initial comments, 4 objections were received and 3 letters of support. In addition, the following additional comments were received:

Objections:

- Maintain that scheme represents overdevelopment
- Amendments do not materially address objections on all aspect (parking, basement, overdevelopment)

Support:

- Roof changes are an improvement
- Support by tiles should dark red not dark grey
- Happy with revised plans & replacement resulting in removal of unsightly existing buildings

A site noticed was erected on the 29th December 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 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08 and DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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 amenity would be provided for future occupiers
- Impact on Highways

- Impact on Trees
- Sustainability and Accessibility

5.3 Assessment of proposals

Impact on the character of the area

The application site currently features two flats. The proposal would involve the demolition of the existing building and the erection of four single family dwellings.

The Council would not object to the principle of redeveloping the application site to provide a set of terraced houses. It is noted that the pre-dominate character along Wycombe Gardens is semi-detached single family dwellings. However, the existing structure is quite different to other dwellings located along this street; it is much wider and also sits on a wider plot. Additionally, the site is located towards the end of Wycombe Gardens close to its junction with Hodford Road. Given these circumstances, it is considered that proposal for four terraced dwellings is acceptable in principle. Furthermore, it should be noted that the proposal would see the development of single family dwellings only, which would be in keeping with the characteristic use along this street.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms, with 3 bed houses being of medium priority. The proposal including 3 x 4 bed houses and 1 x 3 bed house is in accordance with this policy.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site benefits from a PTAL of 4 and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 45-130 units per hectare (200-350 habitable room per hectare). Taking the site area of 0.07ha, the proposal for 4 dwellings (32 habitable rooms) would equate to a density of 57.14 units per hectare. This is an appropriate density for the site as defined by the London Plan, however it must be noted that this is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

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

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale,

density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

In terms of siting and scale, it is noted that the proposed structure would generally sit within the established front and rear building lines along this side of Wycombe Gardens, apart from the modest projecting wings at ground floor. In addition, the properties would follow the bend of the road and as a result, the buildings appear to sit comfortably within their respective plot and with Wycombe Gardens in general.

In respect of the above, it is noted that the proposed new dwellings generally accord in bulk, scale and massing of neighbouring properties and appear more in keeping with the general character than the existing dwelling itself. Since the original submission, the massing has been reduced including the staggered roof form to reflect the change in ground levels and the context of the site; the stepped roof forms is considered to 'break-down' the massing. The amendments to the buildings are considered to have a sympathetic appearance on the streetscene and have addressed previous concerns raised in discussions with the agent.

The proposed new dwellings notably present modern buildings, with contemporary interpretations of building articulations such as the front gables and bay detailing at the rear. Although the different detailing would be in contrast with the suburban typologies on Wycombe Gardens, the design of the proposed buildings draws from the principles of bulk and massing of neighbouring properties and responds in a contemporary form, which is deemed acceptable. In addition, the indicative materials, although modern in appearance, would be reflective of the materiality composition on a traditional building; details of these have been conditioned.

Given the difference in ground and garden levels, it is considered that the site lends itself to a basement/ lower ground floor accommodation and the principle of this element is considered to be acceptable.

The Residential Design Guidance SPD stipulates that "for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building". Although this is generally the case for the proposed development, the basements would project further to the front of the site. The depth of the basements have been reduced and eliminated for unit A to reduce the impact to the Horse Chestnut tree to the front of the site. There are no street trees affected by the development.

With regards to landscaping at the front, a condition has been added to require details to soften the appearance of the parking at the front.

In conclusion, the proposal would result in four modern dwellings which draw from local characteristics which are in keeping the design of the surrounding properties and of the established building lines of properties on this section of Wycombe Gardens. The Council will actively seek to support additional housing in the borough and this scheme, for the reasons specified is acceptable.

Impact on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

In this respect it is noted that the proposed new dwellings generally accord with the height and location of development which presently exists on the site, and is generally considered to result in minimal additional impact on neighbouring properties. As per the Council's guidance, the proposed form immediately adjacent to the boundary with no. 17 is single storey in height, and at first floor the building would be set 2.5m away from the common boundary. The amendments result in a greater distance between no.17 and proposed Unit D than originally proposed. This distance, combined with the lower setting of the latter, results in a building which is not considered to be overlooking nor have an overbearing impact on the occupiers of no.17. The existing first floor terrace would also be removed and the flat roof of side wing would be restricted to be used as a terrace; this is considered to be an improvement on the impact to no.17.

On the other side, the applicant has provided evidence that the existing clear glazed dormer serving no.13 Wycombe Gardens does not serve a habitable room. It is therefore considered that the proposed siting of building, increase in height along this boundary and the siting of the side dormer fronting no.13 would not have detrimental impact on the privacy, light or general visual amenities of these neighbouring occupiers. In addition, this dormer would be conditioned to be obscured glazed to prevent mutual overlooking.

The proposed lower ground floor, due to its siting on the site would not result in detrimental levels of overlooking.

The amendments are therefore considered to have addressed previous concerns regarding the impact on neighbouring occupiers and as such the proposal is supported in this regard.

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (MALP 2016); the minimum standard for a 4 bed house with 6 occupiers is 112sqm; the minimum standard for a 4 bed house with 7 occupiers is 121sqm; and the minimum standard for a 3 bed house with 4 occupiers is 90sqm. The proposed houses would all comply with and exceed the minimum space standards for 3 and 4 bedroom dwellings as indicated below in accordance with the London Plan and supporting Council SPDs:

- Unit A would have an internal floor area of 190sqm (6p)
- Unit B would have an internal floor area of 181sqm (6p)
- Unit C would have an internal floor area of 185.9sqm (7p)
- Unit D would have an internal floor area of 212sqm (4p)

The SPD standard for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposal also complies with these requirements; the room labelled as study for Unit D is 7sqm and therefore not considered as a bedroom.

All proposed residential development should provide suitable outlook and daylight for future units. All units would generally benefit from suitable outlook; bedroom 4 of Unit C would be served by a rooflight only however as this is only one room in this property it is not considered to be sufficient reason to justify refusal.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that for houses, amenity space should be provided in the form of individual rear gardens; for dwellings of 7 or more habitable rooms, a garden with an area of at least 85sqm. The units would benefit from gardens with the following areas:

- Unit A - 75sqm
- Unit B - 67sqm
- Unit C - 68sqm
- Unit D - 86sqm

Whilst the outdoor amenity space provision for three of the units would fall below the standard, the plot depth is relatively shallow compared to other properties on this section of the road. Consideration has also been given to the other benefits of the proposed dwellings for future occupiers including exceeding the minimum standards. In addition, the site is within close proximity to Childs Hill Park. On balance, the shortfall in private garden space to the proposed units, is outweighed by other benefits and this reason alone is not considered acceptable to recommend refusal.

Details are required by way of condition with regards to the privacy screening in between units to prevent mutual overlooking.

The proposed dwellings are considered to provide good quality amenity for future occupiers and the scheme is acceptable in this regard.

Impact on Highways

The Council's Highways department were formally consulted on the scheme and have reviewed the accompanying information.

Public Transport Accessibility Level (PTAL) rating for the site is 4, which is considered as good.

The site is located within walking distance of a town centre location, on the southern end of Finchley Road. The site is located within a one hour Control parking Zone (CPZ). On Finchley Road there are various waiting restrictions but parking is available.

Following amendments, the scheme includes the provision of 6no parking spaces, with the parking bays now complying with the ideal standard of 2.4m by 4.8m.

There is already a vehicle crossover that serves the property. The applicant is proposing the creation of new crossovers to serve the off street parking of each dwelling. The applicant will be required to enter into a section 184 agreement with the Highways team for the construction of the accesses. As there are parking bays to the front of the property there will also be the requirement to alter the Traffic Regulation Order to remove the bays.

The proposed development comprising 4 x 4 bedroom dwellings requires the parking provision of between 6 and 8 parking spaces. The application has been accompanied by a parking survey which indicates that the parking stress is around 45% street parking. The amendments have involved a reduction in the number of parking spaces from the original 8 no proposed to include more landscaping at the front. Highways officers are satisfied that even with the reduction in parking spaces and the existing on-street capacity, the provision of 6 no parking spaces is acceptable. Therefore the scheme is acceptable on highway grounds without a restriction on permits for future occupiers.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the development would require the provision of a 2 cycle spaces per dwelling. The plan indicates that the cycle store would be in the rear gardens, however a suitable condition will be recommended.

With regards to the refuse arrangements, although the appearance of the bins has not been specified (details will be conditioned), the siting is indicated to the front of the property. This falls within 10m of the public highway and therefore the refuse collection will continue with the same arrangement as the previous dwelling. The proposal is considered to have an acceptable impact on highways grounds, subject to recommended conditions.

Trees

As mentioned, there are no protected trees on the site or on adjacent properties, although it is acknowledged that the Horse Chestnut tree sited at the front of the site is of good amenity value and therefore this is a material consideration in the determination of the application.

The applicant has submitted an Arboricultural Impact Assessment with the application which details suitable protection measures during construction. The report recommends the protection of the Horse Chestnut tree which would be conditioned. The reduction in the front projection of Unit A (the closest unit to this tree) would also reduce the encroachment into the root protection area of this tree than previously assessed and considered acceptable in the Arboricultural Report .

In addition, the report recommends the removal of a birch tree which is in a poor state at the rear of the site; the scheme would also result in the removal of another birch tree located at the front of the site. The removal of both trees is considered acceptable given that these are of poor quality.

The trees at the rear of the site, although mature, have been pruned and have had their crowns lifted therefore there are some views into neighbouring gardens as existing above the existing fence. The proposal does not seek the removal of these trees and therefore it is not considered that there would be any change in circumstances. In addition, the proposed development is outside the RPA of these trees.

Landscaping would be secured by a condition to both the front and rear of the site to mitigate impact to neighbouring gardens and soften the appearance of the building at the front.

On balance, subject to conditions, the proposal is not considered to be harmful to the existing trees on site or the general streetscene, and the proposal is recommended as acceptable in this regard.

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.

Community Infrastructure Levy

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

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 linked).

The proposal with a proposed internal floorspace of 952sqm (652sqm chargeable area including the deduction of the demolition of the existing building with an area of 300sqm), would be liable for £108,325.34 of Barnet's CIL and £22,820 of Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the comments raised of neighbours consulted have generally been addressed in the assessment above. The following responses are provided to other comments:

"Basement construction is out of character /other properties on Wycombe Gardens do not have basements"- Whilst there are no other properties on the road which benefit from basement accommodation, this itself is no a reason for refusal and the Local Planning Authority is required to address the harm of this element (as assessed above). There would be no manifestations of the basement visible from the front of the site.

"Flooding risk with regards to the basement/ / impact on water table" - The host does not lie within a Flood Risk zone (of any designation) or in a ground water protection zone in accordance with the Environment Agency maps. As such it is not considered that the development for the basement level would increase the risk of flooding. Furthermore, with regards to the comments regarding subsidence this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound. In addition, the site lies on London Clay and is therefore not considered to be in an area where the basement could result in structural instability or prone to flooding problems. In accordance with the Council's SPD, the application does not require a hydrological assessment with this soil type.

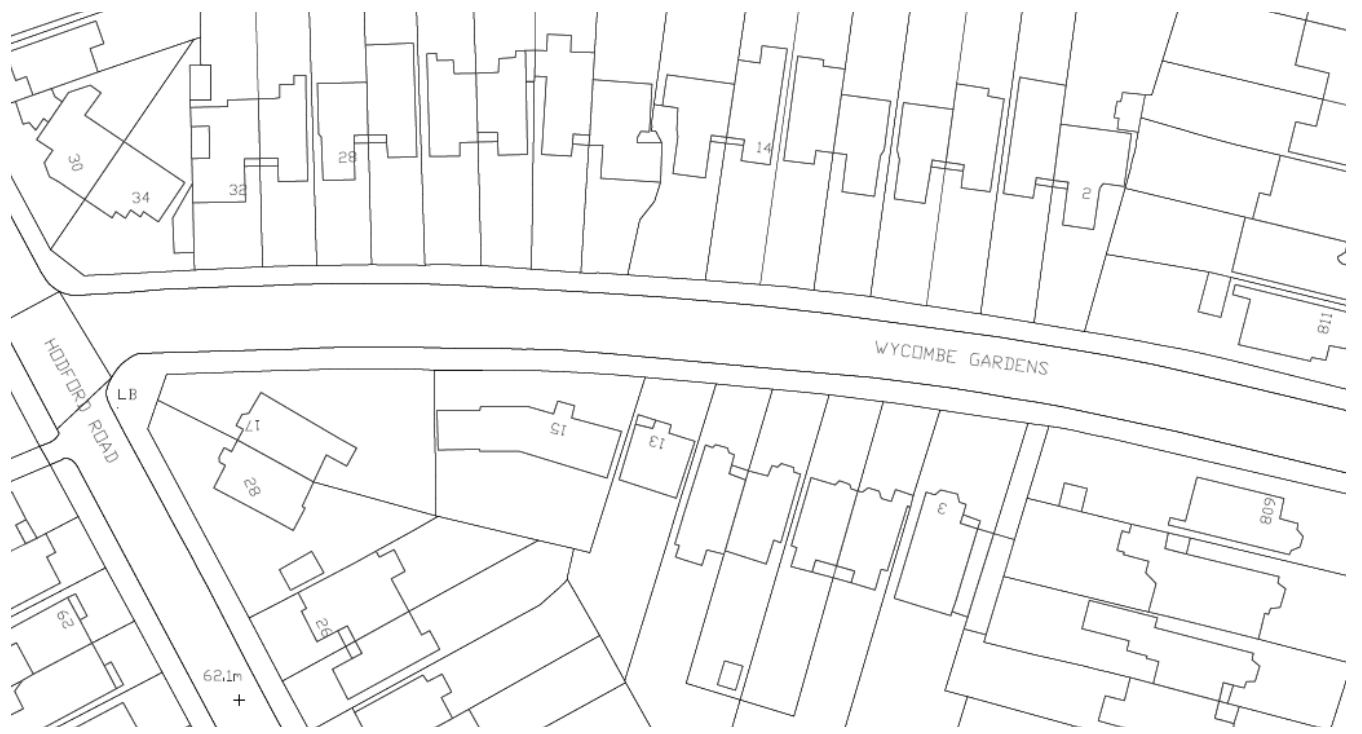
"Loss of large family house"- The site is currently used as two self-contained flats. The proposal seeks to provide 4no family homes which are in keeping with the character of the area.

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 **23-25 Woodstock Road London NW11 8ES**

Reference: **17/1028/FUL**

Received: 20th February 2017

Accepted: 24th February 2017

Ward: Childs Hill

Expiry 21st April 2017

AGENDA ITEM 10

Applicant:

Proposal: Subdivision of existing three bedroom flat at third floor level to create 2 no. one bedroom flats and enlargement of rear dormer window.

Recommendation: Approve subject to conditions

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

Existing-

Drawing no. GA.05C; Drawing no. GA.06B; Drawing no. GA.07B; Drawing no. GA.08C; Drawing no. GA.09C; Drawing no. GA.10C; Drawing no. GA.11C;

Proposed-

Drawing no. GA.05G; Drawing no. GA.06G; Drawing no. GA.07DC; Drawing no. GA.08D; Drawing no. GA.09G; Drawing no. GA.10D; Drawing no. GA.11D; Planning Statement by Boyer dated February 2017; Schedule of Accommodation; Site Location Plan.

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

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

- 4 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 occupation the approved development shall make provision of cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved in writing by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason:

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

- 6 Before the development hereby permitted is occupied, existing parking spaces shall be retained for the use of the proposed development as per the information submitted with the planning application reference 15/02695/FUL and previously approved application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure and promote easier access for disabled persons to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 8 Prior to the 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).

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

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

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 11 The room labelled as "study" indicated on the hereby approved plans shall be implemented and shall not be used as a bedroom.

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

Informative(s):

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

necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £19.60 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 £93.49 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 was formally known as 23/25 Woodstock Road, originally a pair of semi-detached properties, located on the south side of Woodstock Road equidistant between the junctions with Armitage Road and Hodford Road.

The property has been converted into seven flats in accordance with the approved scheme under reference 15/02695/FUL, although at the time of the site visit the flats were not under occupation. The front garden of the property has been hard surfaced and provides off street parking for four cars serviced by a dropped kerb. An all-day CPZ operates in the street.

The surrounding area is predominantly residential, although within close proximity of Golders Green Town Centre. The street is characterised by a mix of original houses and in-fill developments including purpose built blocks of flats. Properties are predominantly two storey in height although the majority of properties on this side of the road benefit from converted roof accommodation through the use of front/ side and rear dormers.

The site has a PTAL (public transport accessibility level rating) of 6a.

2. Site History

Reference: 16/7928/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Withdrawn

Decision Date: 7 February 2017

Description: Subdivision of three bed unit at lower ground and ground floor levels to create 2no self-contained flats. Associated refuse and recycling store, parking and associated alterations to landscaping

Reference: 16/5333/S73

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 6 October 2016

Description: Variation of condition 1 (Plans Numbers) pursuant to planning permission 15/02695/FUL dated 07/10/2015 for `Demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces` Variation to include alterations at part rear second and third floor levels in order to provide enlarged and better quality living space for the third floor flat.

Reasons for refusal:

1. The proposed amendment, by reason of its height, width, design, excessive size and bulk, would result in an overly dominant and incongruous addition to the approved scheme. It would relate poorly to the proportions of the approved building and would be overly dominant, obtrusive, when viewed from neighbouring gardens to the detriment to the character and appearance of the application site and surrounding area. The application is therefore found to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/02695/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Approved following legal agreement

Decision Date: 8 October 2015

Description: Demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces.

Reference: 14/07300/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Approved following legal agreement

Decision Date: 04 February 2016

Description: Demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces (Note amended description - 8 flats are proposed)

Reference: F/00683/14

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Refused

Decision Date: 4 September 2014

Description: Demolition of the existing buildings, and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 9 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces.

Reason for refusal:

1. The proposed development, by reason of the number of units and increased floorspace would result in an overdevelopment of the site to the detriment of the character of the street contrary to policy DM01 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Residential Design Guidance SPD 2013.
2. The units, by reason of their size would provide sub-standard accommodation to the detriment of the amenity of future occupiers contrary to policy DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012 and the Sustainable Design and Construction SPD 2013.
3. The development would require a section 106 agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the costs of amending the traffic order contrary to DM17 of the Local Plan Development Management Policies (Adopted) 2012; and contrary to Policies CS9 of the Local Plan Core Strategy (Adopted) 2012.

In addition, several applications have been submitted and approved for details of conditions pursuant to application 15/02695/FUL dated 07/10/15.

3. Proposal

The applicant seeks planning permission for the conversion of the approved/ existing (although not currently believed to be occupied) third floor three bedroom flat into two self-contained 1no bedroom flats. There are no additional parking spaces offered.

In addition, the proposal would require the enlargement of the existing rear dormer. The dormer would have an additional width of 0.4m. There are no other proposed changes to the exterior of the approved building.

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties. 22 responses have been received, comprising 22 letters of objection.

The objections received can be summarised as follows:

- Parking pressures
- Do not like the idea of small flats as it pushes families out
- No affordable housing
- Block of flats should include family units
- No need for bigger dormer
- Out-of-character development
- Another flat creates precedent
- Loss of privacy
- Over-intensification
- Flats too small
- Too many flats
- Green space of occupiers
- Eyesore
- Negatively affects community
- Overcrowding
- Noise

There is a question with regards to the validity of 13 of the objections; this is under investigation by the council's Corporate Anti-Fraud Team.

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

- 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 and future occupiers
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Impact on the character of the area

It should be noted that a previous application at the site was granted planning permission at committee in January 2015 for 'the demolition of the existing building and the erection of 1no. three storey building, plus basement and rooms in roof-space to facilitate 8 no. self-contained units, including associated access, hard/soft landscaping, refuse facilities and 4no. off street parking spaces' (reference 14/07300/FUL).

In addition, planning permission was also granted by the committee, with the legal agreement signed in September 2015, for "demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces" (reference 15/02695/FUL).

The principle of flatted development has been established as acceptable.

The current application now seeks to subdivide the approved third floor under reference 15/02695/FUL, converting this unit from a three bedroom unit to two 1bed flats with an increase in the depth of the rear dormer to warrant more daylight/ sunlight to both units.

Although the scheme would result in the loss of a large family unit, consideration has been given to the close proximity to the Town Centre including associated benefits; officers believe that the smaller units would not be out-of-character within this sustainable location.

The proposed increase in the width of the dormer is considered to be acceptable. The marginal increase in the width of the dormer is considered to have a minimal; the dormer would still be centrally located and set away from the eaves and in accordance with the Council's Residential Design Guidance SPD.

It is not considered that the proposed alterations to the rear dormer or the subdivision of the top floor unit to create 1no additional unit (resulting in a total of 8 dwellings on the site), would have adverse impact on the character of the area, over and above the schemes previously considered acceptable

Impact on the amenities of neighbouring and future occupiers

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

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

The increase in the width of the dormers is not considered to have adverse impact on the visual amenities of neighbouring occupiers.

The proposed flats would accommodate a maximum of 2 occupiers per dwelling; the approved dwelling at third floor, due to its size, could accommodate up to 6 occupiers. It is therefore not considered that the changes to the tenure at third floor would result in any additional or unacceptable level of activity or over-intensification than previously considered to be acceptable. As mentioned, the principle of 8no flats on the site has already been established.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The proposed dwellings would comply with the minimum space standards for one bedroom flats in accordance to the London Plan; the room labelled as "study" would be below the standard

for a single room and as such is not considered to be a habitable room. A condition is recommended to prevent the use of this room as a bedroom.

The outdoor amenity space provision would remain as per the approved scheme; the original scheme provided a communal garden at the rear of the site which would also be accessible to the proposed unit.

Impact on Highways

The approved schemes (for both 7 and 8 units) both incorporated 4no parking spaces. Given that the number of occupiers would not increase from the scheme of 7 units, and the close proximity of the site to the Town Centre and associated benefits, the subdivision of the top flat is not considered to result in heightened parking pressures to the area.

In addition, although it has been previously been acknowledged that the provision of 4no parking spaces was below the standard, as part of the approved scheme, the applicant agreed to enter into a Section 106 Agreement to prevent occupants of the proposed development from purchasing resident's car parking permits.

It is therefore not considered that the proposed development would have a demonstrable impact on local highways over and above the previously approved development on the site, and as such the development is considered to be acceptable on Highways grounds.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 40% 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.

5.4 Response to Public Consultation

- "Parking pressures" - This is covered in the assessment above.
- "Do not like the idea of small flats as it pushes families out"- The principle of flatted development has already been established on the site.
- "No affordable housing"- The size of the development does not meet the criteria to require the provision of affordable housing; this is therefore not considered to be justified.
- "Block of flats should include family units"- The building also includes larger units (mainly 3no beds) in accordance with the approved planning application reference 15/0295/FUL
- "No need for bigger dormer"- This is covered in the assessment above.
- "Out-of-character development" - This is covered in the assessment above.
- "Another flat creates precedent"- Precedent is not a planning consideration, however this principle of flatted development has already been established.

- "Loss of privacy" - This is covered in the assessment above.
- "Intensification" - This is covered in the assessment above.
- "Flats too small" - This is covered in the assessment above.
- "Too many flats" - This is covered in the assessment above.
- "Eyesore"- This is covered in the assessment above.
- "Negatively affects community"- This is covered in the assessment above.
- "Overcrowding" - This is covered in the assessment above.
- "Noise" - This is covered in the assessment above.

6. Equality and Diversity Issues

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

7. Conclusion

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.44 and Armitage Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

This is a joint application for two semidetached dwelling properties located at 46 and 48 on the north east side of Woodstock Road, on the corner with Armitage Road.

The proposal property is not listed. Whilst the site does not fall within a conservation area, it is located adjacent to the Golders Green conservation area.

2. Site History

Reference: C09362E/06

Address: 46 Woodstock Road, London, NW11 8ER

Decision: Refused

Decision Date: 9 November 2006

Description: Retention of single storey outbuilding in garden.

Reference: C09362C/04

Address: 46 Woodstock Road, London, NW11 8ER

Decision: Refused

Decision Date: 8 April 2004

Description: Conversion of garage to habitable space and first floor extension to provide a 2-bed maisonette.

3. Proposal

Part single, part two storey rear extension with associated alterations to the rear access. Roof extension involving four rear dormer windows and 2no. rooflights to side elevations to facilitate enlarged habitable space.

Single storey extension:

No.46 and No.48 benefit from single storey rear extensions, which will be replaced by the new rear extension.

The proposed single storey extension will extend from the rear wall of no.46 adjacent to the common boundary wall of neighbouring property at no.44 with a depth of 2.8m and a width of 3.2m, before it projects a further 1m towards the rear garden. It will extend across the rear wall of the two properties with a width of 10m.

This extension will extend approximately 2.7m further than the rear wall of this neighbouring property at no.44 and will be set back from the common boundary wall by approximately 0.8m and approximately 1.8m to the flank wall of this neighbouring property.

The proposed rear extension at no.48 will have a depth of 1.2m and a width of 3.1m before it projects a further 1m towards the rear garden to link with the proposed rear extension. This extension will be set away from the street (Armitage Road) by approximately 2.5m.

The single storey rear element will have a crown roof with an eaves height of 2.4m and a maximum height of 3.7m.

First Floor Extension:

The first floor element will sit on top of the single storey rear extensions. It will extend from the rear wall of no.46, adjoining the neighbouring property at no.44 with a depth of 3.9metres full width of the rear walls of both properties.

Its eaves will match the eaves of the main roof and a ridge height of 7m, which will be set down from the ridge of the main roof by approximately 1.6m.

The first floor element will extend approximately 2.5m beyond the rear wall of neighbouring property at no.44.

Roof Extension:

A total of 4no individual dormers are proposed on the rear roof slope of the extension, one pair per property. Each pair comprises a larger dormer measuring 2m wide, 1.5m deep and 1.5m high, the smaller dormer measuring 1.2m wide with the same height and depth of the larger one. All the dormers would be set back 1.2m from the eaves of the roof and would be arranged with the smaller dormers on the outer sides, with the larger ones centrally located.

The plans have been amended and the proposed dormers have been reduced in bulk and scale. Whilst the proposed dormers will be located in the same location, the two dormers have been split into 4no. dormers, 2no. on each roof slope.

Raised Platform

The gradient slopes to the rear of the property and to enable access to the rear garden, the proposal will involve creating a raised platform at both properties.

The platform adjacent to no.44 would be 2.8m wide and 2 m deep at a height of 0.9m, with steps leading to the rear garden.

The platform adjacent to the Armitage Road will be 3m wide and 2 m deep at a height of 1.6m, with steps leading to the rear garden.

4. Public Consultation

Consultation letters were sent to 30 neighbouring properties.

25 responses have been received.

Objections have been summarised below;

- encroach on our private views
- take out more green space for nature life
- Eyesore
- Loss of privacy and amenity
- Out of character
- Stress on environment
- Affects quality of life
- Overdevelopment
- Overbearing
- Overlooking
- No parking
- Over run by estate agents boards
- Noise and Disturbance
- sewerage and other utilities are not appropriate

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted April 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

It has been noted that this part of Woodstock Road is characterise by large extensions; this is evident at each of the corner properties at the crossroads between Armitage and Woodstock Roads, namely no.50 Woodstock Road.

Amendments have been secured and the bulk and massing of the rear roof extension has been substantially reduced and as a result the proposed extension will appear to be a subordinate and proportionate addition to the original house. Besides the property is screened by dense vegetation from Armitage Road and as such the extension will not have any demonstrable impact on the character and appearance of the area and the street scene, especially given the extent of screening that they receive from existing street trees.

This section of the road is also characterised by larger dormers. The amended scheme would respect the appearance, scale, mass and pattern of surrounding buildings and would not be detrimental to the character and appearance of the locality.

Impact on the living conditions of neighbouring residents

Neighbouring property at no.44 has the benefit of a double storey extension and the proposed ground floor rear extension will project by approximately 2.75m beyond the rear of this neighbouring property. In addition the rearmost part of the extension is stepped in to reduce the impact on the neighbouring property. Furthermore there is sufficient buffer distance of approximately 0.8m between the proposed extension and the common

boundary wall of this neighbouring property and approximately 1.8m to the flank of this neighbouring property.

Whilst the first floor extension would extend approximately 2.5m beyond the rear wall of the neighbouring property at no.44 , it will be set away from the flank wall of this neighbouring property by approximately 1.8m and as such this element of the proposal is not considered to have a detrimental impact on the amenities on this neighbouring property in terms overbearing or result in loss of light.

Amendments have been secured and the proposed dormers have been reduced in bulk and scale. Whilst the proposed dormers will be located in the same location, the two dormers have been split into 4no. dormers, 2no. on each roof slope. The proposed dormer would not result in a detrimental impact on the amenities of neighbouring occupiers and therefore this does not warrant reasons for refusal.

Whilst windows are proposed at first floor level, in the side elevations facing no.46 and no.48, the windows will be obscure glazed. And as such the proposed windows are not considered to have an impact on the street scene and neighbouring properties at no.44 in terms of overlooking and loss of privacy.

The raised platform and associated steps will be used to access the rear garden. The platform will be set away from the common boundary wall of neighbouring property at no.44 by approximately 0.6m, besides there is additional screening of an approximately 1.8m high fence.

The platform at no.48 is set away from Armitage Road by approximately 2.5m with a fence of have 2m separating the house from the street.

As such the raised platform is not considered to have a detrimental impact on no.44 and the street in terms of overlooking and loss of privacy.

The proposal does not involve extending to the front of the property and as such it will still retain the existing onsite parking.

Given the proportions and the relationship between the proposal and the neighbouring properties it is not considered that this scheme would be detrimental to the visual or residential amenities of the occupants of neighbouring properties and the street scene. The proposed extension is not considered to result in overdevelopment, over bearing and out of character with the host property and the immediate vicinity.

5.4 Response to Public Consultation

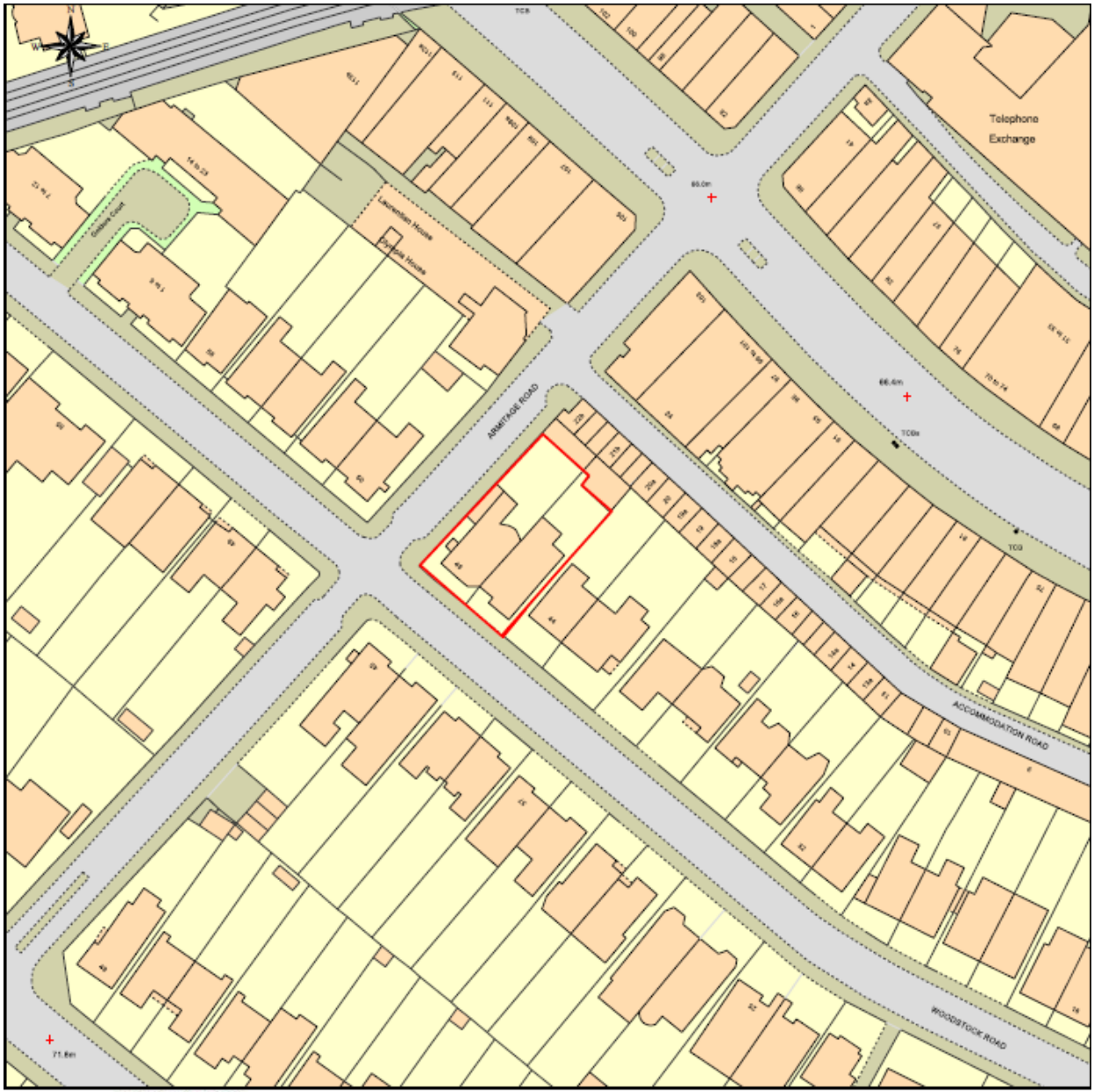
Concerns have been mainly dealt with in the body of the report. Concerns regarding impact on sewerage and other utilities is not a planning matter, nor is noise disturbance during construction works. The concern in respect of estate agents boards is irrelevant to the consideration of this planning application.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **31 - 33 Dollis Avenue London N3 1BY**

Reference: **17/0864/FUL**

Received: 14th February 2017

Accepted: 14th February 2017

Ward: Finchley Church End

Expiry 11th April 2017

Applicant: Ms PARUL SCAMPION

Proposal: Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.

AGENDA ITEM 12

Recommendation: The Head of Development Management approve planning application reference 17/0864/FUL subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management.

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

08267-A-L-(00)-201 P1 (Existing Site Plan)
08267-A-L-(00)-202 (Existing Elevations)
08267-A-L-(00)-203 P4 (Proposed Site Plan)
08267-A-L-(00)-204 P5 (Proposed Lower Ground Floor Plan)
08267-A-L-(00)-205 P5 (Proposed Ground & First Floor Plans)
08267-A-L-(00)-206 P5 (Proposed Second Floor & Roof Plan)
08267-A-L-(00)-207 P2 (Proposed Sections A-A & C-C)
08267-A-L-(00)-208 P3 (Existing & Proposed Street Elevations)
08267-A-L-(00)-209 P2 (South East Elevation)
08267-A-L-(00)-210 P2 (North West Elevation)
08267-A-L-(00)-211 P5 (North East Elevation)
08267-A-L-(00)-212 P3 (South West Elevation)
08267-A-L-(00)-213 P1 (Existing & Proposed Rear Elevations)

Tree Protection Plan Rev: 1 (dated 09/02/2017)

Accessibility and Lifetime Homes Statement (received 13/02/17)

Arboricultural Report (received 13/02/17)

Construction Method Statement (received 16/02/17)

Daylight/Sunlight Report (13/02/17)

Design Statement (received 13/02/17)

Ecological Report (received 13/02/17)

Energy Statement (received 13/02/17)

Planning Statement (received 13/02/17)

Noise Impact Assessment

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

as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

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

- 5 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 6 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 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) 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 first occupied.
- 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 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as detailed in the submitted Arboricultural Report (dated 09/02/2017) has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 08267-A-L-(00)-0204 P5 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.

- 11 Notwithstanding the plans submitted, before development of the basement ramp commences details of the layout, gradient and design of the access ramp to the basement car parking area and vertical clearances along the ramp and within the parking area including the access to the parking area from public highway shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: In the interests 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.

- 12 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with London Plan 2016 Cycle Parking Standards. Such spaces shall be permanently retained thereafter.

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

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

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

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

- 14 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 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.

- 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 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 19 a) Prior to occupation of the development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 20 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £37,875.25 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 £146,090.25 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 consists of two-detached buildings, located on the north-western side of Dollis Avenue, within the ward of Finchley Church End. Number 31 comprises two, three-storey semi-detached properties and number 33 has been subdivided into 5 flats. Both buildings are sited within substantial rectangular plots

The dwellings are not listed and the site does not lie within a conservation area.

2. Site History

Reference: 16/2399/FUL

Address: 31-33 Dollis Avenue, Finchley, London, N3 1BY

Decision: Refused

Decision Date: 08 June 2016

Description: Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.

Appeal Reference: APP/N5090/W/16/3155371

Appeal Decision: Dismissed

Appeal Decision Date: 10 November 2016

Reference: C01516N/06

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 14 August 2006

Description: Proposed lower ground floor flat. Ground and lower ground rear extension. Insertion of windows to both side elevations. Installation of new spiral staircase to rear.

Reference: C01516M/03

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Approved subject to conditions

Decision Date: 3 June 2003

Description: Ground and lower ground rear extension and conversion of ground floor from self-contained flat into 2 self-contained flats.

Reference: C01516L/02

Address: 33 Dollis Avenue, London, N3 1BY

Decision: Refused

Decision Date: 20 December 2002

Description: Two storey rear extension involving formation of second floor terrace and alterations to existing rear dormer window. Conversion of property from three flats to five flats with forecourt parking and access from Dollis Avenue.

Reference: C01516J

Address: 31-33 Dollis Avenue, London, N3

Decision: Refused

Decision Date: 21 April 1998

Description: Redevelopment of site comprising the erection of 2 four storey blocks each containing 6 flats. Creation of access to rear garden with garage block, parking spaces and refuse stores.

3. Proposal

The application seeks the redevelopment of the application site, consisting of the demolition of the existing dwellings and the erection of two storey building with basement and rooms in the roofspace, providing 9no. self-contained flats.

The proposed building would have a massing and footprint which would spread across both sites with a number of smaller stepped elements at the rear of the building. The proposal is constructed with a hipped roof, two large elevation gables and a central recessed link section. Due to the downward topography at the rear of the site, the proposal includes a lower ground floor.

The external materials proposed are to be similar to those found on Dollis Avenue, such as red brick, grey slate roof tiles, timber sash windows and zinc cladding.

The main car park will be within the basement accessed via a covered and heated ramp with shutter at the entrance. This will provide a total of 14 spaces, 1 of which will be a disabled space, and a further 3 spaces will be provided at ground floor level at the front of the site.

The proposal has been amended to include the following changes:

- Reduction in the depth of the rear terrace to flat 4 at ground floor level

4. Public Consultation

Consultation letters were sent to 52 neighbouring properties.

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

The objections received can be summarised as follows:

- Cumulative impact of recent developments are changing the character of the area;
- Development in term of the proposed design, bulk and massing is out of character with the rest of the street scene;
- Development will completely and inappropriately dominate this residential street;
- Proposal does not address previous concerns within dismissed appeal decision;
- Disruption through continued noise, dust and traffic congestion;
- Increase pressure on traffic on Dollis Avenue;
- Proposal will affect road safety.

Internal consultations

Traffic and Development - No objections subject to conditions

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, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the reasons for refusal as contained in the dismissed appeal decision have been satisfactorily addressed;
- 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;
- Highways safety and parking provision.

5.3 Assessment of proposals

A previous application (reference 16/2399/FUL) was refused by the Council on 13 June 2016 for the *Demolition of existing buildings and erection of two storey building with basement level and rooms in roofspace to provide 9 no. self-contained flats. Provision of basement parking including 14 no. parking spaces and 18 no. cycle storage spaces. Provision of refuse storage. Creation of landscaping to the front of the site including 3 no. parking spaces.*

This was appealed by the applicant and was subsequently dismissed by The Planning Inspectorate due to the harmful effect on the character and appearance of the surrounding area and harmful impact on the privacy of the occupiers of No.35 Dollis Avenue.

Principle of development

Previously the Planning Authority did not have any in principle concerns regarding additional flats on this site due to the presence of other flatted developments in the locality. This was not disputed by the Appeal Inspector. Therefore, Planning Officers remain satisfied that the principle of additional flats in this location is considered to be acceptable subject to compliance with all other policies and guidance.

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 3. The proposal would provide 9 units with a total of approximately 39 habitable rooms. The site measures 0.17ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 35-65 units per hectare. In this instance, the proposal would result in a density of approximately 226 hr/ha and 52 u/ha, which would fall within the recommended density range for the site's context. As such the density of the development is considered to be appropriate for the area.

The proposal development would provide a mix of dwelling types, comprising 5 x 2 bedroom flats and 4 x 3 bedroom flats. Policy DM08 states that homes with 3 bedrooms are a medium priority and therefore the proposal would help contribute towards this provision.

Impact on the character and appearance of the application site and surrounding area

Referring to the dismissed appeal decision, the Inspector had the following comments: *The adjacent properties on this side of Dollis Avenue follow a similar pattern of development with houses of comparable footprint fronting the highway with generous rear gardens. Spaces between the dwellings vary but combine with the generous road width to give the area a characteristic sense of spaciousness. I accept that the height of the proposed building would respect that of adjoining properties. However, the overall footprint, depth and bulk of the building would be much greater with the space between the building and 35 Dollis Avenue visibly reduced. As a result of the visual bulk, scale and mass of the building which would have an unduly cramped appearance, materially diminishing the spacious character and prevailing pattern of development on this particular part of Dollis Avenue. Whilst I acknowledge the site is not a corner plot, its prominence*

would be exacerbated by the proximity to the junction with Church Crescent....I therefore conclude that the proposed development would have a materially harmful effect on the character and appearance of the surrounding area.

To address the above concern the proposed development has been reduced in width with a number of setbacks as the development projects within the site. This has resulted in a smaller overall footprint. In addition the separation distance between No.35 has been increased from 1.6m in the previous submission to 2.6m in the current scheme.

In considering the context of the street, there are a variety of single family houses and flatted developments of differing styles and sizes, contained within Dollis Avenue. As the inspector noted there are also varying spaces between the properties. In terms of the proposed development, the height of the proposed building is considered to be acceptable and the external design which comprises of front-facing gables and hipped roof is considered to be reflective of the existing character and appearance within Dollis Avenue. The siting of the building has been moved further away from the boundary with No.35 Dollis Avenue and Planning Officers are satisfied that this maintains an adequate setting for the development and separation distance with the adjacent property. The proposal's visual streetscene appearance is considered to be appropriate and would not detrimentally impact the character and appearance of the surrounding area. The extent of the rear additions would be visually reduced from the streetscene as they have been stepped in from the side elevations.

Overall, Planning Officers are of the opinion that the proposed scheme has satisfactorily addressed the concerns of the Inspector, in that the bulk and massing of the proposed development has been reduced and that the relationship of the proposal with adjacent properties is considered to be much more appropriate. As such Planning Officers consider that the scheme is compliant with Barnet policy DM01.

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

With regards to this consideration, the Inspector raised the following comments:
The proposed development includes a rear terrace and a number of balconies, some of which would have approximately 1.8 metre high side screens. I noted at my site visit that the existing properties have rear balconies and acknowledge that a degree of overlooking already exists towards neighbouring gardens, particularly that of No 35. However, despite the scope for incorporating privacy screens, the proposed development would result in a substantial increase in the number of balconies affording its users a more open and elevated view of the neighbouring gardens, particularly that of No.35. Given the above, the occupiers of the adjacent garden would be aware of people using the balconies and would experience the perception of being overlooked. In my view this would lead to an unacceptable loss of privacy for the occupiers of No.35. The Inspector concluded that the proposal would not materially harm the living conditions of occupiers of neighbouring properties of neighbouring properties with respect to outlook, noise and disturbance, I have concluded that there would be material harm with respect to privacy.

To address this concern, a number of balconies have been removed from the proposed development (flats 7,8 and 9). Therefore only the basement and ground floor units have private terrace areas and only Flat 6 on the first floor has a private balcony area. As such Planning Officers consider that the opportunity for overlooking has been significantly removed from the current proposal and is not considered to adversely affect the neighbouring amenity of adjacent properties. For this reason, Planning Officers consider that the proposal is compliant with Barnet policy DM02.

Whether adequate standards of accommodation are provided for future occupier

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide:

Flat 1 - 3B/6P	200sq.m
Flat 2 - 2B/4P	113sq.m
Flat 3 - 2B/4P	130sq.m
Flat 4 - 2B/4P	123sq.m
Flat 5 - 3B/6P	139sq.m
Flat 6 - 2B/4P	122sq.m
Flat 7 - 2B/4P	123sq.m
Flat 8 - 3B/6P	171sq.m
Flat 9 - 3B/6P	122sq.m

The proposed units would exceed the minimum space standards as contained within the London Plan. Each of the units would be dual aspect and are considered to offer acceptable levels of outlook for future occupiers. The proposed stacking is considered to be acceptable and would limit the transfer of noise both horizontal and vertically between the units.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provided per habitable room for flats. Five of the nine flats have private amenity space in the form of terraces or balcony. In addition, future residents of all flats would have access to the communal amenity space at the rear of the building which has a total area of 475sq.m. This would far exceed the requirements set out in Barnet's Sustainable Design and Construction SPD (2016).

Highways and Parking

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.

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

For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

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

5x2b	a range of 1.0 to 1.5	5.0 to 7.5 spaces required
4x3b	a range of 1.0 to 1.5	4.0 to 6 spaces required

This equates to a parking provision range of between 9.0 and 13.5 spaces to meet the requirements of Policy DM17. A total of 17 spaces are being proposed, 14 within the

basement level and 3 at ground floor level. The Council's Traffic and Development service has reviewed the proposed scheme and comment that the layout of the basement level is acceptable and taking into account the PTAL rating of the site as being 3, the parking provision is in accordance with the parking standards as set out in policy DM17. 18 bicycle spaces are to be provided within the basement car park. Overall the application is supported subject to a number of conditions being applied to any planning permission.

Refuse and Recycling

The bin store is proposed to be located within the basement car park where it will be stored for the duration of the week and transferred to the collection point adjacent to the surface parking on collection days. The collection point is proposed to be enclosed on three sides with a 1.5m red brick wall, matching the brick of the main building.

Accessibility and Sustainability

The London Plan requirement is that, 90% of housing should be built to Building Regulation requirement 'M4(2): Accessible and adaptable dwellings'. The proposal includes the provision of a level access to the entrance of the block and rear communal garden and a lift is proposed to service all levels within the development. The proposal is therefore seen to comply with Part M4(2) and policy 3.5 of the London Plan.

It is essential that new development uses water efficiently, seek wherever possible to reduce consumption. Residential development should be designed so that mains water consumption would meet a target of 105 litres or less per head per day. A condition will be attached to the permission to ensure that this requirement is met within the development.

In respect of carbon dioxide emission reduction, the Mayor's Sustainable Design and Construction SPD states that Part L of the Building Regulations 2013 aims to deliver an overall 6% reduction in carbon dioxide emissions from new residential buildings.

5.4 Response to Public Consultation

Cumulative impact of recent developments are changing the character of the area - There are a number of purpose built apartment blocks which form part of the character and built fabric of the street. Planning Officers do not consider that the development of this site would have a detrimental impact on the character of the street.

Development in term of the proposed design, bulk and massing is out of character with the rest of the street scene - Planning Officers consider that the proposed development is of an appropriate design, siting, massing and height and would not have a significant detrimental impact on the character of the street.

Development will completely and inappropriately dominate this residential street - Planning Officers consider that the proposed development is of an appropriate design, siting, massing and height and would not have a significant detrimental impact on the character of the street.

Proposal does not address previous concerns within dismissed appeal decision - Planning Officers have reviewed the appeal decision and are of the opinion that the issues raised by the Planning Inspectorate have been satisfactorily addressed in this application.

Disruption through continued noise, dust and traffic congestion - planning conditions will be attached to help mitigate some of the potential development disturbances. However, more serious breaches of noise/disturbance are dealt under separate Environmental legislation.

Increase pressure on traffic on Dollis Avenue - The Council's Traffic and Development team has assessed the proposal and does not consider it will have a detrimental increase on traffic levels.

Proposal will affect road safety - The Council's Traffic and Development team has assessed the proposal and does not consider it will have a detrimental impact on road safety.

6. Equality and Diversity Issues

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

7. Conclusion

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

Location **97 Lichfield Grove London N3 2JL**

Reference: **16/6793/FUL**

Received: 24th October 2016

Accepted: 2nd November 2016

Ward: Finchley Church End

Expiry 28th December 2016

Applicant: Mr Ronan O'Mahony

Proposal: Conversion of existing property into 3no. self-contained flats with rooms in roofspace. Single storey side and rear extension. Rear dormer and roof extension and addition of 2no rooflights to front elevation. Associated amenity space, refuse and recycling store

AGENDA ITEM 13

Recommendation: Approve subject to conditions

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

01 C (Location and Block Plan)

02 B (Plans as existing)

03 (Sections and Elevations as existing)

14 H (Floor Plans as proposed)

15 C (Elevations & Roof Plan as proposed)

16 F (West (side) Elevation and section A-A as proposed)

Planning Statement

Sustainability Statement

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

- 2 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).

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed ground floor bedroom window(s) of the rear unit in the east elevation facing onto the shall be glazed with obscure glass only (to 1700mm in height from external ground level) and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 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) 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).

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

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

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

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

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

- 10 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

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 £952 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 £,3762 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 relates to an end of terrace, two storey dwelling located on the north side of Lichfield Grove, within the ward of Finchley Church End.

The street is residential in character, with a range of semi-detached and terraced properties of various styles.

2. Site History

Reference: 16/4644/192

Address: 97 Lichfield Grove, London, N3 2JL

Decision: Unlawful

Decision Date: 12 August 2016

Description: Rear dormer and roof extension to facilitate loft conversion. Addition of No. 2 rooflights to front elevation.

Reference: 16/2546/192

Address: 97 Lichfield Grove, London, N3 2JL

Decision: Lawful

Decision Date: 15 June 2016

Description: Rear roof extension involving a rear dormer window with Juliette balcony and 2 no. rooflights to front to facilitate loft conversion.

Reference: 16/3191/PNH

Address: 97 Lichfield Grove, London, N3 2JL

Decision: Prior Approval Not Required

Decision Date: 14 June 2016

Description: Single storey rear and side extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.74 metres and a maximum height of 3.43 metres.

Reference: 16/2653/PNH

Address: 97 Lichfield Grove, London, N3 2JL

Decision: Prior Approval Not Required

Decision Date: 31 May 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.77 metres and maximum height of 2.77 metres.

Reference: 16/2615/PNH

Address: 97 Lichfield Grove, London, N3 2JL

Decision: Prior Approval Required and Refused

Decision Date: 28 April 2016

Description: Single storey rear extension with a maximum depth of 6metres from the original rear wall. Eaves height of 2.7metres and maximum height of 3.4metres.

3. Proposal

The application seeks consent to erect a single storey side and rear extension, roof extension with rear dormer and addition of 2no rooflights to front elevation to facilitate conversion of the existing property into 3no. self-contained flats. The proposal also

includes the re-instatement of the front roof gable dormer feature and the provision of associated amenity space, refuse and recycling store.

A number of amendments have been made to the original proposal. These can be summarised as follows:

- Reduction of proposed rear extension from 6m to 3.9m with 1m stepped element at 3.48m along the boundary;
- Relocation of front door of proposed rear unit (flat B);
- Proposed rear unit (flat B) reduced from 2 bedroom to studio unit;
- Removal of proposed first floor rear terrace area; and
- Alterations to proposed provision of rear private amenity space.

4. Public Consultation

Consultation letters were sent to 112 neighbouring properties. 7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Existing character of street is of single family houses;
- Conversion of house to 3 flats is not acceptable;
- Overdevelopment of the site through large extensions;
- Additional self-contained unit to the rear will adversely affect neighbouring amenity through additional noise/disturbance and light pollution;
- Overlooking from proposed first floor balcony/terrace;
- Loss of light from size of proposed development;
- Visual impact of additional number of bins;
- Loss of outdoor space;
- Lack of private amenity space to the rear.
- Existing sound proofing is not sufficient. Will be worse with multiple units;
- Access to proposed rear unit is unsuitable for wheelchairs and pushchairs;
- No additional off-street parking provided; and
- Limited parking capacity within the existing street.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for

people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of conversion of existing property into flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate accommodation would be provided for future occupiers;
- Highways safety and parking provision; and
- Any other material considerations.

5.3 Assessment of proposals

Principle of development

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and reviewing the planning history and council tax records, it is evident that along Lichfield Grove, there are number of conversions, some of which have been recently granted planning permission. While the proposal would result in the loss of a single family dwelling, the presence of numerous existing flats within the street would mean that the proposal is unlikely to have a significant impact on the character of the street.

The proposal would provide 2 x studio units and 1 x 2 bedroom unit. Officers consider the mix of units to be acceptable subject to all other matters being found satisfactory.

Impact on character and appearance of existing property and surrounding area

In addition, Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

From the site history, it is noted that the application site has been subject to a number of Lawful Development Certificates submitted under the Permitted Development Regulations for the erection of a 6m single storey rear extension, loft conversion and rear roof extension. However, at the time of submission, no works have been carried out to implement the certificates. As such they are given little material weight in Officers' consideration of the current application. The Council's Residential Design Guide SPD advises that for semi-detached properties, a rear extension of 3.5m is considered to be acceptable. The applicant has submitted revised plans to illustrate a reduced extension of 3.5m along the boundary with a 1m stepped element which would project a further 500mm. Taking into account the SPD guidance and the revised plans, Officers consider that the proposal is acceptable in relation to the character of the existing property.

In terms of the other proposed alterations, the proposal would re-install a pitched roof on the front elevation gable which will align the property in terms of appearance with many of the others properties along this street. Officers' consider that this will improve the overall external appearance of the building. The installation of 2no rooflights on the front roof elevation is not considered to adversely affect the character of the existing building. At the rear, the proposed rear dormer is identical in design and scale as was submitted in the Lawful Development Certificate. Although the proposed dormer would occupy the majority of the rear roof, its projection is not considered significant to create a disproportionate addition. On balance, given that there appear to be a number of other large dormers on the street and that the proposed works could be carried out under permitted development, officers are satisfied with this proposed element of the scheme. The addition of a Juliet balcony on the first floor and rear dormer could also be carried out under permitted development. The raising of the height of the rear extension is fairly small and is not considered to result in any adverse impacts.

Impact on amenity of neighbouring residential occupiers

As the proposed rear extension has been reduced to a level considered acceptable under the Residential Design Guide SPD and is only single storey, the proposal is not considered to have a detrimental impact on the residential amenity of the neighbouring properties. It is noted that there is one very small window on the rear elevation of the adjoining property (no.95 Lichfield Grove). Given the size of the window, it does not appear to be a principle window or serve a main habitable room and as such the presence of an extension along the boundary is not considered to have a detrimental impact in terms of loss of light.

The only additional windows are being proposed on the ground floor and as such Officers' do not consider that the proposal would result in increased levels of overlooking onto the neighbouring properties. As stated above the installation of Juliet balconies can be done under permitted development, any overlooking is not considered to significant to warrant a refusal of the application.

A number of objections are concerned that a self-contained unit at the back of the property, accessed via the side of the property will bring adverse levels of noise and disturbance. Officers' consider that a residential property is not out of keeping and given that the unit has been reduced from a 2 bed to studio unit and the main entrance has been relocated off the side elevation, any associated noise/disturbance is not considered to be significant that would cause a detrimental impact.

Whether the building would provide suitable living conditions for future occupants

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. The proposal would provide:

- 2 x studio bedroom units on the ground floor (38sq.m and 47sq.m)
- 1 x 2 bedroom unit for the first and second floor (74.2sq.m)

The proposed units would exceed the minimum space standards as contained within the London Plan. Each of the units would be dual aspect and are considered to officer acceptable levels of outlook for future occupiers. A daylight / sunlight report has been submitted to demonstrate that the proposed residential units would receive acceptable levels of light. Officers consider that with the findings of the report, the amenity for future occupiers would be satisfactory.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that 5m² should be provide per habitable room for flats. The rear garden to the rear has been subdivided into 3 separate areas; each of which would exceed the SPD requirements.

Highways safety and parking provision

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.

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

For 1 bedroom units	0.0 to 1.0 space per unit
For 2 and 3 bedroom units	1.0 to 1.5 spaces per unit

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

2x1b a range of 0.0 to 1.0	0.0 to 2.0 spaces required
1x2b a range of 1.0 to 1.5	1.0 to 1.5 spaces required

This equates to a parking provision range of between 1.0 and 3.5 spaces to meet the requirements of Policy DM17. The site has a PTAL rating of 3 which is considered to be a moderate level of accessibility. Therefore the Planning Authority would seek a provision of parking somewhere in the middle of the range.

The existing property as a 3 bedroom dwelling does not provide any off-street parking and the proposal does not seek to provide any either. As a 3 bedroom dwelling, it would have a parking provision of 2 off-street spaces. Therefore there would be a shortfall of parking would be 1 space. The Council's Traffic and Development team has assessed the proposal and taking into account the existing site conditions, and that the existing CPZ along this street is only for 1 hour, the addition of 1 extra car is not considered to raised significant highways issues. As such they have raised no objections to the proposed development.

5.4 Response to Public Consultation

Principle of conversion is not acceptable - There are a number of existing conversions within Lichfield Grove and therefore the proposal is not considered to be detrimental to the character.

Overdevelopment and large extensions - The proposed rear ground floor extension has been reduced from 6m in depth to 3.48m along the boundary with a 1m stepped element and further 500mm projection. This is reflective of the guidance contained within the Residential Design Guidance SPD. Taking into account the reduction in depth and the orientation of the site, the extension is not considered to result in the loss of light of neighbouring properties.

Additional noise/disturbance and light pollution - The proposed rear unit has been reduced from a 2 bedroom unit to a studio flat. Potential comings and goings have therefore been reduced and are not considered to result in a further increase which would result in unacceptable levels of noise/disturbance or light pollution.

Overlooking from proposed first floor balcony/terrace - This has been removed from the proposal and replaced with a Juliet balcony.

Outdoor amenity space to the rear - Barnet's Sustainable Design and Construction SPD advices for flats that 5sq.m is provided for each habitable room. The proposal meets this requirement.

Existing sound proofing is not sufficient - A condition will be attached to ensure that the property complies with the relevant sound proofing standards.

Provision of car parking - The Council's Traffic and Development team have assessed the proposed parking arrangements and have raised no objections.

Visual impact of additional bins - As the proposal is only for the provision of 3 units, the number of bins is not considered to be excessive that would result in adverse visual impacts. A condition was been attached to seek for further details of proposed enclosures and screened facilities of waste and recycling bins.

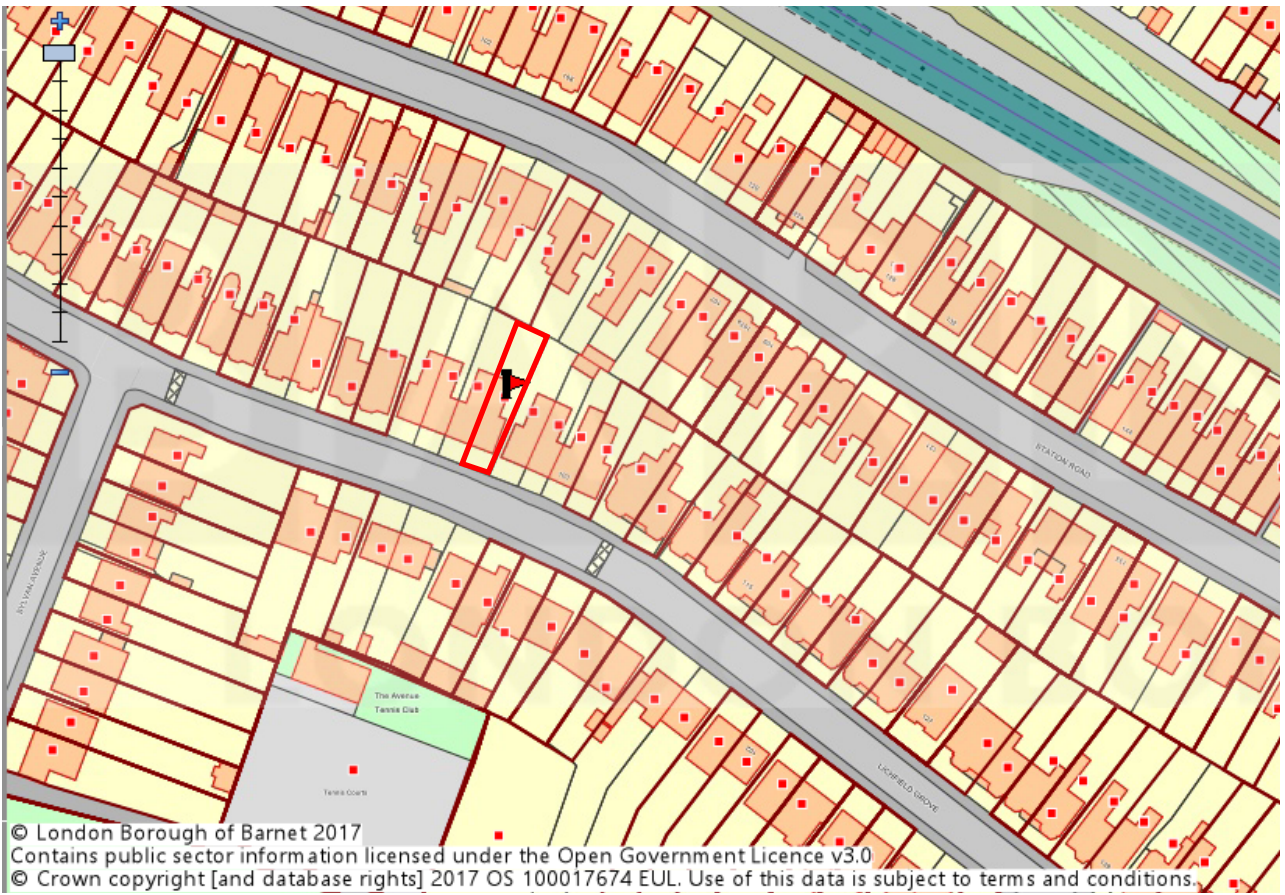
Access to proposed rear unit is unsuitable for wheelchairs and pushchairs - The side access measure approximately 1m in width which is considered suitable for wheelchairs and pushchairs to be able to pass through if required.

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 not have an unacceptable 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 **217-219 Regents Park Road London N3 3LD**

Reference: **17/0506/FUL**

Received: 27th January 2017

Accepted: 3rd February 2017

Ward: Finchley Church End

Expiry 31st March 2017

Applicant: .

Proposal: Demolition of existing outbuilding and erection of a part single part two storey rear extension with timber fence at first floor level to surround proposed A/C units/plant equipment. Installation of ATM, trolley bay and bollards. Change of use of No. 219a from a self-contained residential dwelling (Class C3) to provide ancillary Class A1 floorspace.

AGENDA ITEM 14

Recommendation: Refuse

- 1 The proposed development would involve the loss of residential accommodation (Use Class C3), contrary to policy CS4 of the Barnet Adopted Core Strategy (2012) and policy DM07 of the Adopted Development Management Policies DPD (2012) and policy 3.14 of the London Plan 2016.
- 2 The proposed two storey rear extension by reason of its size, siting, design and flat roof would be inappropriate and out of context with the prevailing character of the area and would introduce a feature detrimental to the character and appearance of the host building, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).
- 3 The proposed two storey extension by reason of its size, siting, height and depth would have an overbearing appearance when viewed from the adjoining property, No. 217A Regents Park Road, which would adversely affect the outlook from the property and lead to a harmfully increased sense of enclosure, detrimental to the residential amenity of the neighbouring occupiers contrary to 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 (2013).

Informative(s):

- 1 The plans accompanying this application are:
 - PP100 B (Site Plan)
 - PP101 B (Location Plan)
 - PP102 (Existing Ground Floor Plan)
 - PP103 B (Existing First Floor Plan)
 - PP104 A (Existing East Elevation A Front Facade)

PP105 B (Existing South Elevation B)
PP106 A (Existing West Elevation C)
PP107 A (Existing North Elevation D)
PP108 B (Proposed Ground Floor Plan)
PP109 D (Proposed First Floor Plan)
PP110 A (Proposed East Elevation A)
PP111 C (Proposed South Elevation B)
PP112 A (Proposed West Elevation C)
PP113 (Proposed North Elevation D)

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

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £8,190 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 £31,590 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 nos. 217 and 219, located on the western side of Regents Park Road, within the ward of Finchley Church End.

The buildings are two storeys in height and sited within a mid-terrace parade. The ground floor is split into two separate retail units, with 2 residential units above (217A and 219A). Only dwelling 219A is included within the application. Access to the first floor units is achieved through the rear elevation, via a small access road to the rear linking North Crescent to the north and south.

2. Site History

Reference: F/04464/10

Address: Regents Food & General Grocer, 219 Regents Park Road, London, N3 3LD

Decision: Approved subject to conditions

Decision Date: 17 January 2011

Description: Relocation of 2no air conditioning units with wooden boxes and new concrete floor.

Reference: F/00640/09

Address: 219 Regents Park Road, London, N3 3LD

Decision: Refused

Decision Date: 19 May 2009

Description: Retention of air conditioning units on rear elevation.

Reference: C06653D/06

Address: 219 Regents Park Road, London, N3 3LD

Decision: Approved subject to conditions

Decision Date: 29 November 2006

Description: Ground floor extension of existing retail unit.

Reference: C01616B

Address: 217 Regents Park Road N3

Decision: Approved subject to conditions

Decision Date: 21 February 1985

Description: Illuminated fascia and projecting box signs

Reference: C01616A

Address: 217 Regents Park Road N3

Decision: Approved subject to conditions

Decision Date: 21 February 1981

Description: Single storey building for storage of liquid petroleum gas cylinders.

Reference: C01616

Address: 217 Regents Park Road N3

Decision: Approved subject to conditions

Decision Date: 21 February 1967

Description: Shed for the storage of goods at rear of shop premises

3. Proposal

The application seeks the creation of a convenience food store which would combine together the two existing ground floor units. The proposal includes the erection of a part single, part two storey rear extension with timber fence at first floor level to surround the proposed external plant equipment. The existing outbuildings to the rear of the site are proposed to be demolished to facilitate the rear extension. In addition, the proposal includes alterations to the shop fronts, installation of ATM, trolley bay and bollards and the change of use of No.219a from self-contained flat (Use Class C3) to ancillary retail floorspace (Use Class A1).

The proposed rear extension would measure approximately 14.5m in depth and 10.2m in width on the ground floor, with the first floor element measuring 5.1m in width and a total height of 6.3m. The timber fencing surrounding the proposed plant enclosure would itself measure approximately 1.4m in height above the parapet wall. The extension would be finished with brick to match the existing.

The proposed operating hours are 6am - 11pm Monday to Sunday and it is expected the proposal will employ around 20-25 staff (full and part-time). The store will take the form of a new format 'fresh store', providing a good retail offer of fresh produce, including fruit/vegetables, fresh meals, salads and breads as well as household essentials.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.

7 responses have been received, comprising 6 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Site is not located in a high street location within Finchley;
- Site is located within a quiet residential area;
- Existing similar A1 retail units nearby;
- Proposed 2 storey element is not in keeping and out of character;
- Size of rear extension is too large;
- Overdevelopment of the whole site;
- Sense of enclosure as a result of proposed extensions;
- Loss of light to adjacent neighbouring properties;
- Loss of outlook;
- Flat roof would lead to overlooking impacts to neighbouring properties to the south;
- Noise assessment does not take into account delivery lorries and associated noise;
- Noise impact from proposed plant equipment;
- Proximity of proposed plant equipment and enclosure is unacceptable due to impact on neighbouring properties;
- Introduction of heavy good vehicles serving the shop and associated highways impacts;
- Rear access road is in private ownership; and
- Risk of sewer flooding.

The letter of support received can be summarised as follows:

- This part of Regents Park Road has been in decline for some time;
- Trade will continue to decline without new opportunities; and
- Proposed new store will attract footfall to the area and help other local traders maintain the business.

Internal Consultations

Environmental Heath - No objections

Traffic and Development - No objections

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, CS6, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM11, DM12, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development and loss of residential dwelling;
- 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

Principle of development

Retail Assessment

The existing lawful use of both the ground floor units is Class A1 (Shops). Therefore the principle of a new convenience store proposed by the applicant is accepted by Planning Officers as it falls within the existing lawful use class of the units. There are no restrictions imposed through previous planning conditions which would prevent the amalgamation of both units and therefore planning permission is not required for this element of the proposal.

The site is not located within a designated town centre but does lie within an existing parade of shops. The nearest town centre designation is Finchley Church End which is approximately 500m to the north. Barnet policy DM12 seeks to protect retail uses (Class A1) from change in local centres and parades and the Council will generally resist the loss of Class A1. In this instance, the proposal seeks to retain the use of Class A1 on site and as such Officers do not consider that the proposal conflict with overarching aims of policy DM12.

As the site is not located within a town centre, Barnet policy DM11 requires that all out of town retail development and retail extensions which exceed 200sq.m gross floorspace, to consider the sequential approach as set out in the NPPF. The Council will also expect this approach to be applied to the amalgamation of existing retail units in local centres or parades which result in a single unit exceeding 200sq.m gross. The proposed development fall would within these criteria and as such the applicant has carried out a sequential test.

Paragraph 24 of the NPPF states that Local planning authorities should require applications for main town centre uses to be located in town centres, then in edge of centre locations and only if suitable sites are not available should out of centre sites be considered. When considering edge of centre and out of centre proposals, preference should be given to accessible sites that are well connected to the town centre. Applicants and local planning authorities should demonstrate flexibility on issues such as format and scale.

In undertaking the sequential test, the report considers that the scope of the assessment should only be carried out in relation to other sites of a similar scale to the application proposal to ensure the site is capable of meeting the operator's commercial requirements. The operator would require a minimum sales area of 200sq.m with additional space for a back-of-house area (100 sqm minimum if at ground level, or 150 sqm if at separate level to sales floor). The assessment will not include considerations of sites which are below 300sq.m floorspace as these would not meet the requirements of the operator. The aim of

proposal is not to compete with the town centre uses but intended to provide a local top-up service to both local residents and passing trade along Regents Park Road. Using the operator's data and, it has been defined that the site would serve a catchment area of 400m and therefore a search of available units has been considered within this area. Officers do not dispute the justification relating to the scope of the sequential test.

The survey of available sites was conducted on 13 December 2016 and considered available sites within the town centre and identified catchment area. Four vacant sites were identified within the town centre and 1 alternative site within the catchment area. Two of these sites fell significantly below the required floorspace, 1 is under a pre-let agreement by Waitrose, and the last is located at the opposite end of the town centre which would not serve the identified catchment area. For such reasons these four sites were discarded as not been suitable or available to accommodate the proposed development. The fifth alternative site identified with the catchment area is located further south than the application and so not a sequentially preferable location.

Having reviewed the submitted information and sequential test analysis, Officers consider that an appropriate assessment taking into account the scale and nature of the proposed development has been undertaken which identifies that there are no other suitable sites within the designated town centre. Taking into account the proposal is located within an existing parade of shops and commercial units, the proposal is considered to meet the requirements of policy DM11.

Loss of residential

Currently there is an existing residential unit at first floor level at 219 which is accessed through the rear elevation. As part of the proposal, it is sought to change of the use of the unit to Class A1 to provide ancillary back of house floorspace.

Under policy DM07, the Council recognises that there is a high demand for housing in the borough and the loss of residential uses will not normally be acceptable. There are only a small number of specific circumstances where the loss of residential may be acceptable. This is where there is a clear local need demonstrated to provide any of the following local facilities: health facilities, a children's nursery or educational use. In addition to this London Plan policy 3.14 (Existing housing) highlights that existing housing should be retained where possible and appropriate, except where there are acceptable plans its replacement. The proposal would not meet any of the specific circumstances identified within policy DM17 and the existing unit is not being replaced. For these reasons, Planning Officers consider that the proposal would conflict with aims of Barnet policy DM07 and also policy 3.14 of the London Plan 2016.

In justifying the loss of residential use, the agent has stated that the proposed floorspace is required to provide a sufficient ancillary storage and office space associated with the retail sales area at ground floor. Without this level of floorspace, the operational needs of the applicant would not be met. The agent/applicant considers that the loss of residential use is acceptable given that there is a lack of convenience stores within the locality and there is a need for such a local facility. To support this statement, the applicant has submitted a Statement of Community Involvement to demonstrate that there is a significant level of public support for the proposed development. This consisted of a door to door outreach survey of households surrounding the site. From the 1250 identified addresses, a total number of 224 residents took part in the survey. A summary of the survey concluded that:

- 46.9% (105 residents) were supportive about the proposal;
- 11.6% (26 residents) were relatively supportive;
- 27.7% (62 residents) had no strong feelings either way;
- 10.3% (23 residents) did not support the scheme; and
- 3.5% (8 residents) were relatively unsupportive.

The responses and comments received from those residents surveyed are provided within the submitted Statement on Community Involvement.

While the agent and applicant have put forward a number of reasons to justify the loss of residential, there is a strong presumption against the loss of housing which is highlighted within Barnet policy DM07. The Planning Authority considers that given the high demand for housing provision within the borough, the loss of any residential use is considered to hold significant detrimental weight and is very strongly resisted by the Planning Authority, even if the specific circumstances contained within DM07 are being proposed. Taking into account the significant weight of this stance, the non-compliance with the specific circumstances contained within the policy, the proposal would represent a departure from policy which Officers do not consider that there are strong material considerations to outweigh the loss of residential dwelling.

Impact on character and appearance of existing building, streetscene and surrounding locality

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed alterations to the front elevation which include the installation of new entrance doors and replacement shop front glazing and fascia sign are considered to be acceptable and would create an acceptable appearance to the existing building.

Officers do not raise any objections to a ground floor rear extension as there are several of these present within a number of existing properties and also there are a number of single storey outbuildings. Therefore from a character perspective, a single storey extension does not raise any significant concerns. However, Officers do not accept that a two storey extension is appropriate due to the bulk, mass and height of the proposal; it would introduce a large element detrimental to the character and appearance of the existing building and surrounding area.

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

In terms of neighbouring residents, on Regents Park Road, residential units are located on the first floor and there are two dwellings (nos. 1 & 37 North Crescent) whose side boundaries face onto the access road.

Officers consider that the two storey extension by reason of its depth, bulk and height would have an overbearing impact on the first floor dwelling at 217A which would result in a sense of enclosure and loss of outlook. At first floor level, No.217 has a recessed balcony with windows serving habitable rooms. The proposed first floor extension would project approximately 14.5m along the boundary which would significantly enclose this balcony area and the window facing out onto the balcony would also be significantly impacted.

The applicant has submitted a Daylight and Sunlight report which assesses the potential impacts from the proposed development. The report has been carried out in accordance with the tests and standards contained in the BRE guidelines "Site Layout Planning for Daylight and Sunlight - A Guide to Good Practice (2011)". The report considers the impact on daylight, sunlight and overshadowing and assesses the following properties:

- 1 North Crescent
- 37 North Crescent
- Upper parts of 215 Regents Park Road
- Upper parts of 217 Regents Park Road
- Upper parts of 221 Regents Park Road

The report concludes that having carried out the recommended assessment within the BRE guidance, there have been no identified potential impacts on daylight, sunlight or overshadowing.

Officers when considering the above report and due to the orientation of the site, where the rear elevations face west and the proposed extension would be located to the north; officers do not consider that the proposal would result in the loss of light to the southern residential units (nos. 217A and 215) or the detached properties to the west. The nature of the proposal does not increase levels of overlooking. The proposed flat roof and access to it would only be required to the proposed plant equipment, where it would be considered that the number of people required to enter this area to be fairly infrequent.

The Council's Environmental Health team has reviewed the submitted noise data in relation to the proposed plant equipment and Officers have commented that the noise criteria set in the report is acceptable as the predicted noise level at nights, at the nearest window, is relatively low. Overall, they find the proposed to be acceptable in terms of noise impact subject to conditions.

Highways

Deliveries and servicing of the retail store will be accommodated directly to the front of the store from Regents Park Road, with entry into the store via the main pedestrian access. A loading bay with restricted hours lies immediately outside the site on Regents Park Road. It is anticipated that the store will require 4-6 deliveries per day.

All of the goods cages and refuse bins will be stored internally and will be returned to the Co-op depot in the same delivery vehicle that delivers goods to the store.

The Council's Traffic and Development team has reviewed the submitted transport statement and comment that there is no onsite parking available for the existing use and that there is a loading bay which operates from 08.00am - 18.30pm and unrestricted parking fronting the site. In terms of parking provision, the existing retail unit does not have any parking provision associated with the use and no new parking is proposed. Taking into account the proposal is for an extension, the proximity of the site to the town centre and the unrestricted parking available on Regents Park Road fronting the site, the proposal complies with the parking standards as set out in the London Plan Parking Standards.

Overall, the Traffic and Development team have raised no objections to the proposal subject to a number of conditions and informatives being attached to any planning permission.

5.4 Response to Public Consultation

The issues raised in relation to the principle of retail unit and the proposals impact on the character of the surrounding area and residential amenity have been addressed within the report.

Issues arising from the private ownership of the road are considered to be civil matters.

As the existing lawful use of the sites is as Class A1, the possibility of delivery lorries and associated noise could in theory start at any time and does not require planning permission.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would result in the loss of residential dwelling and have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. The development is also considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for refusal.



Location Flat 8 Ullswater Court 92 Holders Hill Road London NW4 1LN

Reference: 16/7639/CON

Received: 1st December 2016

Accepted: 1st December 2016

Ward: Finchley Church End

Expiry 26th January 2017

Applicant: -

Proposal: Submission of details of condition 4 (Boundary Treatment) 5 (Landscaping) 7 (Ventilation) pursuant to planning appeal APP/N5090/C/15/3005873 dated 21/06/16

AGENDA ITEM 15

Recommendation: Approve

Informative(s):

1 The plans accompanying this application are:

0905-46 Rev. J (General Arrangement: External works plan (sheet 1 of 2)

Planning Compliance Technical Note (January 2017)

2 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04.
- Residential Design Guidance SPD (2016)

2. Public consultation

Councillor Old has requested that the application be called in to committee in the event that Planning Officers recommend approval.

10 responses have been received, comprising 10 letters of objection.

The letters of objection raise the following material considerations:

- Little change to the previous 2010 planning permission;
- Very little extra planting has been added back in;
- Over-height double skinned fencing and enclosed aspect of the frontage make its completely alien and prison like when compared to the other open aspect neighbouring developments;
- Height of fencing is not appropriate;
- Noise report only refers to sound output of the ventilation equipment, does not take into account neighbouring property.

Internal Consultations

Environmental Health - Satisfied with information submitted.

3. Discussion of proposal

In 2010, planning permission (reference F/02820/10) was granted for the *construction of a part 3 / part 4 storey building comprising of 9 flats, with accommodation in the roofspace, car parking and cycle storage. Associated landscaping and amenity space.* A subsequent application (reference 14/07374/FUL) was refused by the Council in 2015 for the *Temporary change of use for five years involving alteration and conversion of existing 3 bedroom flat to create en-suite facilities and kitchenettes to each room* at flat 8 Ullswater Court.

The site is managed by the International Bible Students Association (IBSA) which is the administrative organisation for Jehovah's Witnesses in the United Kingdom. The organisation's headquarters are currently based in Mill Hill, The Ridgeway, and the units within Ullswater are currently housing some of the IBSA members. It is the intention to relocate the charity headquarters of Jehovah's Witnesses and its associated accommodation to Chelmsford which is expected to be completed around 2020.

The Council served an Enforcement Notice on the site in January 2015 as the approved 9 units had been subdivided into 36 dwelling units. The Planning Inspectorate considered appeals to both the Enforcement Notice and the refused change of use application from

2015. The decision concluded that there had been a breach of planning control as the approved 2010 permission had not been implemented and express planning permission was required. The Inspector corrected the breach as *Without planning permission, the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with planning permission reference F/02820/10 granted 10 September 2010.* The Inspector in their decision also granted an alternative planning permission for the *erection of 9 (nine) self contained flats in a part 3 and part 4 storey building on land at Ullswater Court 92 Holders Hill Road, London NW4 1LN.* This reflects a variation of the original 2010 permission. The Enforcement Notice was amended to require the applicant to *Cease the use of the building as flats other than in full compliance with the planning permission for 9 flats granted pursuant to appeal reference number APP/N5090/C/15/3005873* and required a 12 month period of compliance from the date of decision (21 June 2016).

The conditions sought for approval within the application were contained within planning permission granted by The Planning Inspectorate. However, it is important to note that the original 2010 permission has expired and the alternative permission granted is a variation of this permission. The assessment of these details should be assessed on their own merits and Planning Officers do not consider it as an opportunity to re-visit the 2010 permission.

Condition 4 (Boundary Treatment)

Condition 4 states:

No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the 9 flats are occupied in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.

The front boundary treatment comprises of a low brick base course with metal fence on top. A further 1.5m x 1.5m timber trellis with translucent panels is proposed behind. Further trellises are erected along the side boundaries.

Within the context of Holders Hill Road, there are a variety of boundary treatments, consisting of metal fencing, low brick walls, open frontages and hedging. A number of similar flatted developments along Holders Hill Road (particularly those to the north) have been constructed with similar styled front boundary treatments. Planning Officers consider that based on a number of existing similar boundary treatments within this street, it would be unreasonable to reject the proposed details on this site. A number of the residents have raised issues with the visual appearance of the secondary trellis panels which sit behind the metal railings. Planning Officers do not consider that this element has such a detrimental impact on the character of the site or streetscene that it would warrant a refusal of the details submitted.

Overall, the Planning Authority does not consider that the boundary treatments result in a visually detrimental appearance on the site or streetscene. The details provided are considered acceptable to meet the requirements of condition 4.

Condition 5 (Landscaping)

Condition 5 states:

No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.

Within the appeal decision report, the inspector acknowledged the concerns raised by the residents about inadequate landscaping to the frontage but ultimately it could be addressed by condition. The Planning Authority considers that there is a balance to be struck between the provision of car parking and additional landscaping. The development on site has been constructed with additional plant at basement level which makes the original layout impossible. The Inspectorate did not find that the development would have a materially harmful effect on parking conditions or increase in the risk to other highway users. Planning Officers have held several discussions with the applicant to reach an acceptable scheme and has secured additional landscaping to the front forecourt with the removal of one of the three existing car parking spaces. In this instance Planning Officers consider that the proposed landscaping details would not result in a hugely different layout to other flatted developments within the area.

In comparison to the 2010 scheme, the areas of hardstanding are located in similar locations within the site and while there is slightly less landscaping towards the front of the site in order to accommodate a second parking space, Planning Officers do not consider there is a significant detrimental difference between the schemes.

The landscaping details submitted within the most recent revised plan are considered to satisfy the requirements of condition 5.

Condition 7 (Ventilation)

Condition 7 states:

Before the development hereby permitted is first occupied and used a 9 self-contained flats, details of the mechanical ventilation system including plant and machinery shall be submitted to, and approved in writing by, the local planning authority. Details shall include sound-insulating measures and material and mounted in a way which will minimise transmission of structure borne sound. The development hereby permitted shall be carried out in accordance with the approved details.

In regards to noise, the Inspector commented that the most appropriate method to safeguard resident's living conditions, noise emitted from plant and machinery can be addressed by requiring details to be submitted to the Council for its approval. The Inspector comments that *Environmental Health officers are best placed to assess the potential impact upon neighbours and any mitigation required.*

In providing comments on the proposal, the Environmental Health Officer comments that the ventilation details and information regarding attenuators have been submitted with this application. Prior to the attenuators being installed, Environmental Health received a complaint from one resident and some basic noise monitoring and found that the noise emitted exceeded the Council's noise criteria. As a result some attenuation at three main points along one side of the building was installed which consisted of external silencer boxes and internal acoustic ducting. This was found to reduce the noise by about 10dB(A).

The applicant submitted initial details and information at the beginning of the process. This was assessed by Environmental Health who requested a further noise report to be submitted. The requested noise report was submitted and considered to be satisfactory by Environmental Health.

The information and details submitted are considered to satisfy the requirements of condition 7.



Location Trojan House 34 Arcadia Avenue London N3 2JU

Reference: 17/1086/FUL

Received: 22nd February 2017

Accepted: 23rd February 2017

Ward: Finchley Church End

Expiry 20th April 2017

Applicant: Trojan House Ltd

Proposal: Two-storey roof extension to provide 3no. residential units and associated amenity areas

AGENDA ITEM 16

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. Alteration to Traffic Regulation Order - £2000
4. Monitoring of the Agreement - £100

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Planning Performance and Business Development Manager/Head of Development Management:

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

- Block and Site Plans (4839_11)
- Existing Ground and First Floor (4839_01)
- Existing Second Floor Plan (4839_02)
- Existing Front and Side Elevations (4839_03)
- Existing Rear and Side Elevations (4839_04)
- Existing Roof Plan and Section (4839_09)
- Proposed 2nd and 3rd Floor Plans (4839_21)
- Proposed 4th Floor and Roof Plans (4839_22 Rev. A)

- Proposed Front and Side Elevations (4839_23 Rev. A)
- Proposed Rear and Side Elevations (4839_24 Rev. A)
- Proposed Line Section (4839_25)
- Proposed Ground Floor and Section (4839_26 Rev. B)

All of the above, except drawings 22, 23, 24 and 26 were received on 14.03.2017. Drawings 22, 23 and 24 were received on 05.04.2017 and drawing 26 was received on 25.04.2017.

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

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of

the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

5 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).

6 The open recessed area adjacent the neighbouring building 'The Gallery', marked as being not accessible to occupants on the third floor plan of Drawing 4839_21, shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

7 a) No development shall take place until details of the proposed green roof and living walls and their maintenance plan have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof and living walls shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

8 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed to the front and rear third and fourth floor 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 units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

10 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.

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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.

13 a) Before the development hereby permitted is first occupied vehicle parking spaces and 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 9 July 2017, unless otherwise agreed in writing, the Head of Planning Performance and Development Management REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the road traffic order. The proposal would therefore not address the impacts of the development, by causing a significant risk to highway safety and the free flow of traffic in the area due to difficulties in finding a parking space, consequent extended journey times and potentially parking inappropriately, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 £6,895 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 £26,595 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 due to location of the site deliveries during the construction period should not take place between 0800 hrs - 0930 hrs and 1630 hrs - 1800 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and Development and Regulatory Services should be consulted in this respect.

4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

5 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site is situated at Trojan House, 34 Arcadia Avenue within the Finchley Church End ward. The application site is occupied by a three storey building, containing B1 office uses. The site has a drive through vehicular access to a parking area at the rear of the existing building. The street is predominantly characterised by office use, although residential uses have been granted at the 14 Dancastle Court, 'Dove House' and 'The Gallery' along Arcadia Avenue. The applicant site also has planning permission for flats via a third floor roof extension. There are two storey residential properties located to the rear of the applicant site. The buildings on either side of the applicant site contain residential (Gallery Court) and office (Elscot House).

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

Reference: 16/5266/FUL

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

Decision: Approved following legal agreement

Decision Date: 6 March 2017

Description: Roof extension to provide 2no self-contained flats at third floor level.

Associated terrace area

This has not been implemented.

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 two storey roof extension to provide 3.no self-contained flats at the third and fourth floor level. This also includes associated amenity areas for each self-contained flat and 1.no additional onsite parking space.

The third floor extension including 2.no self-contained flats already benefits from planning permission (16/5266/FUL dated 02.11.2016). No additional units or alterations have been proposed on the third floor.

Proposed Flat 1 on the third floor 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.
- A combined kitchen/living space of 32 square metres; and
- A terrace of 13 square metres.

Proposed Flat 2 on the third floor 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.
- A combined kitchen/living space of 25 square metres; and
- A terrace of 13 square metres.

Proposed Flat 3 on the fourth floor is a 2 bedroom and 4 person flat comprising:

- A gross internal floor area of 73 square metres.
- A double bedroom of 15 square metres.
- A double bedroom of 12 square metres.
- A combined kitchen/living space of 33 square metres; and
- A terrace of 10 square metres.

The proposed third floor extension measures:

- 3m in height.
- 14m depth.
- Between 11 - 13m in width when factoring in building shape; and
- Green roof measures 9.4m by 3.1m.

The proposed fourth floor roof extension will incorporate a flat roof, hipped on each side except for the lift shaft which has vertical walls. It measures:

- 1.2m from front elevation.
- 4.4m deep on the left side, with a width of 4.7m and a maximum height from ground level of 15.8m. This includes a 3.99m set-back from the neighbouring residential properties at Gallery Court to the proposed lift shaft and an 8.6m set-back from the neighbouring residential properties at Gallery Court to the recessed left flank wall. The proposed roof extension is 1.8m higher than the adjacent Gallery Court building.
- 10m deep on the right side, with a width of 8.2m and a maximum height from ground level of 15.8m. The proposed roof extension is 0.8m higher than Elscot House.
- Rear terraced area with screening measuring 0.9m in height.
- Living Wall along the lift shaft; and
- Green roof on 1:10 slope.

4. Public Consultation

Consultation letters were sent to 79 neighbouring properties.

6 responses have been received comprising 6 letters of objection.

The public response can be summarised as:

- Potential overlooking on Elscot House caused by high level windows to the side elevation;
- High level windows may affect future development of Elscot house;
- Objection would be withdrawn if side elevation windows are removed;
- Extension would block light and view and impact residential privacy;
- Trojan house is very close to adjacent residential balcony and extension will impact enjoyment of residential property;
- Arcadia Avenue is fast becoming totally untenable from a traffic perspective;
- The extra floor is an overdevelopment which is unnecessary;
- Significant disturbance caused by construction;
- Additional strain on limited parking provision both during construction and after;
- The size, height and mass of this proposed development is an extremely un-neighbourly form of development which would have an adverse impact on the top-floor flats of Gallery Court;

- The proposal will be visually overbearing and intrusive;
- The rooms and balconies facing Trojan House will suffer substantial shading and loss of daylight;
- Loss of privacy;
- The proposal represents a 30% increase in floor space and 40% increase in height;
- Significant and unrealistic stress on existing onsite parking provision;
- Concerns about the maintenance of the green roof and living walls;
- Significant flow of construction, delivery, office and residential traffic during and after construction is not viable.

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 document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

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

Sustainable Design and Construction SPD (Adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of flats in this location

The street is predominantly characterised by office use, although residential uses have been granted at the 14 Dancastle Court, 'Dove House' and 'The Gallery' along Arcadia Avenue. The applicant site also has planning permission for 2.no self-contained flats via the addition of a third floor roof extension (16/5266/FUL dated 02.11.2016). Consequently, it is considered that the principle of residential in this location has been established and therefore, the addition of 2.no self-contained flats on the third floor and 1.no self-contained flat on the fourth floor would be acceptable in principle subject to the proposal meeting character and amenity requirements.

Whether the proposal provides a satisfactory living environment for future occupiers

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

Floor Area:

Three units are proposed with the following gross internal area (gia):

Flat 1: 2 bedroom, 3 person, 1 storey - 62m²

Flat 2: 2 bedroom, 3 person, 1 storey - 62m²

Flat 3: 2 bedroom, 4 person, 1 storey - 73m²

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum gia requirements for residential units as follows:

2 bedroom, 3 person, 1 storey - 61m²

2 bedroom, 4 person, 1 storey - 70m²

Each proposed flat meets the minimum residential space standards.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All of the proposed bedrooms meet these requirements except the single bedroom in flat 2 which is under the 2.15m required width. As this was previously granted permission, no objection is made.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. The floor to ceiling height for the third and fourth floor is 2.53m and 2.5m respectively and therefore both are in compliance.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All habitable rooms within the proposed flats meet this requirement.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout is broadly acceptable.

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

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of onsite amenity space per habitable room. Each flat has the following private amenity space via outdoor terraces and are compliant with the amenity space standards:

Flat 1: 2 bedrooms (10m² amenity space required) - 13m² provided

Flat 2: 2 bedrooms (10m² amenity space required) - 13m² provided

Flat 3: 2 bedrooms (10m² amenity space required) - 10m² provided

The Impact on the appearance and character of the area

It is considered that the proposed roof extension would not harmfully impact the established appearance and character of Arcadia Avenue and its locality. It is considered that the proposed development will be broadly consistent with neighbouring developments situated on the south-western side of Arcadia Avenue in terms of size, bulk, height and appearance. The proposed fourth floor roof extension will bring the height of the applicant building more broadly in line with the height of adjacent buildings which are currently in excess of 3m taller. The height of Trojan House following the proposed roof extensions will be 1.8m higher than Gallery Court and 0.8m higher than Elscot House. The proposed design of the roof extension, including its set-back from the front building line and its hipped roof form helps to reduce the visual bulk of the extension, whilst ensuring appropriate visual alignment with the roof form of Elscot House. The rear of the roof extension is set-back from the rear elevation by more than 5m to ensure visual subordination whilst minimising overlooking and overshadowing to residential properties located to the rear of the applicant site. The staggered rear elevation reflects the design details approved in the previous planning permission and has been set back from the rear building line to protect visual and neighbouring amenity. The proposed addition of green roofs and living walls, particularly along the lift shaft which represents the closest element of the applicant building to the adjacent Gallery Court, would complement the appearance of the applicant building and help to soften the visual outlook from adjacent residential units at Gallery Court. These have a maintenance plan in place which will be conditioned to ensure their continued upkeep. The use of appropriate materials will be conditioned to protect the character and appearance of the building and ensure alignment with the wider streetscene. Whilst the proposed extension will add additional height to the existing building, it is not overbearing to adjacent buildings, but simply brings about greater height parity. Therefore, it is deemed that from a character and appearance perspective, the proposed extensions would not harm or be detrimental to the applicant building, adjacent properties or the wider streetscene and is recommended for approval.

The impact on the amenities of neighbouring occupiers

Whilst it is not considered that the proposed roof extension including associated amenity space and fenestration would cause significant harm to neighbouring occupant amenity, there nevertheless will be some impact on the penthouse apartment at Gallery Court opposite the lift shaft serving Trojan House. The proposed design has attempted to

address potential amenity impacts via set-backs, green roofs and living walls which all combine to protect access to sunlight / daylight, reduce overlooking and overshadowing and maintain acceptable levels of outlook to neighbouring residential units. The following outlines how the proposed design of the roof extension addresses neighbouring amenity:

Gallery House:

The main impact of the proposed roof extension will be felt by the penthouse apartment opposite the proposed lift shaft. While appropriate set-backs of 8.6m have been included along the flank wall facing Gallery Court, this level of set-back has not been possible along the entirety of the flank wall given the fixed location of the lift shaft. The lift shaft and stairwell measure 4.25m in depth (the lift shaft which is the only element to have a vertical roof angle is only 2m in depth) and are 3.99m from and 1.8m above the adjacent residential unit at Gallery Court. Whilst this will cause an increased sense of enclosure to the adjacent residential unit and its associated balcony, it is not considered that outlook from the residential unit would be unacceptably harmed as a whole. Given the 2m depth of the lift shaft and factoring in the north-south orientation of the building, only limited overshadowing and loss of sunlight is expected in the late evening. Given the 8.6m set-back along the rest of the eastern flank wall it is not expected that other penthouse residential apartments will suffer from a loss of sunlight / daylight, overshadowing or overbearing. Given the residential unit most affected by the proximity of the lift shaft has north and west facing windows / balconies, it is considered that outlook on its northern facade will maintain good outlook. No windows have been included in the flank wall thereby protecting the privacy of neighbouring residential units and a living wall has been introduced to the lift shaft to attempt to soften its visual impact when viewed from the adjacent neighbouring unit.

Two storey residential units to the rear of Trojan House:

A set-back of 5.25m from the rear wall of the fourth floor roof extension and the rear building line of Trojan House has been included to reduce the visual bulk when viewed from the two storey residential units located 27m from fourth floor roof extension to the rear of Trojan House. This significant setback limits any potential opportunity for overlooking and protects residential privacy. Furthermore, the depth of the proposed rear terrace has been limited to 1.25m and the associated balustrade is to be built to a height of 0.9m. Given the orientation of Trojan House, it is not expected that the proposed extension would result in the reduction of any sunlight / daylight to the residential units to the rear of Trojan House, or cause an increase in overshadowing, overlooking or loss of privacy.

Elscot House:

It is deemed that the impact on the offices in Elscot House as a result of the proposed roof extension would be limited. Windows in the fourth floor extension are high level and located within a roof slope which combined reduces the potential for overlooking. The extension would not result in the loss of sunlight / daylight to the principal front and rear facing windows of Elscot House. Rear amenity areas at the third and fourth floor level of the applicant building will have privacy screening reducing any potential for overlooking.

In summary, while it is acknowledged that there will be some impacts on the residential amenity of some neighbouring occupants at Gallery Court, it is deemed that the overall impact of the fourth floor roof extension on Gallery Court, Elscot House and the residential properties to the rear of Trojan House will be limited.

Parking and Highways

It is acknowledged that parking at Trojan House and along Arcadia Avenue is at capacity and therefore, the impact of any additional development at Trojan House needs to address parking constraints. The highways department have reviewed the application and having taken local infrastructure and parking stresses into account and have recommended that on highways grounds the development be approved subject to an s.106 agreement excluding future residents from obtaining parking permits.

The proposed development includes the replacement of 2.no vehicle storage lifts that accommodate 4.no vehicles total, with 2.no new vehicle storage lifts accommodating 6.no vehicles total. As 1.no existing parking space closest to the lift shaft will be lost to accommodate refuse and cycle storage, this means a net increase of 1.no parking space on the site as a result of this proposal.

Cycle parking provision should be in accordance with the London Plan (2016) that requires a minimum of 2 spaces for 2 bed units. This means the two proposed roof extensions would require 6.no cycle spaces. The proposal provides 6 cycle spaces on the ground floor to the rear of the lift shaft via secure wall mounted cycle stackers. A condition will be attached to ensure cycle bays are enclosed and secured.

Refuse and recycling storage

Refuse and recycling provision has been proposed and will be housed next to the cycle bays located to the side / rear of the building near to the lift shaft. A new door will be incorporated into the lobby next to the lift shaft to allow direct resident access to refuse, cycle and parking provision to the rear of the building. A condition will be attached to ensure final refuse and recycling provision, storage / screening, access and collection is in compliance with Barnet's Waste and Recycling Strategy (2017).

5.4 Response to Public Consultation

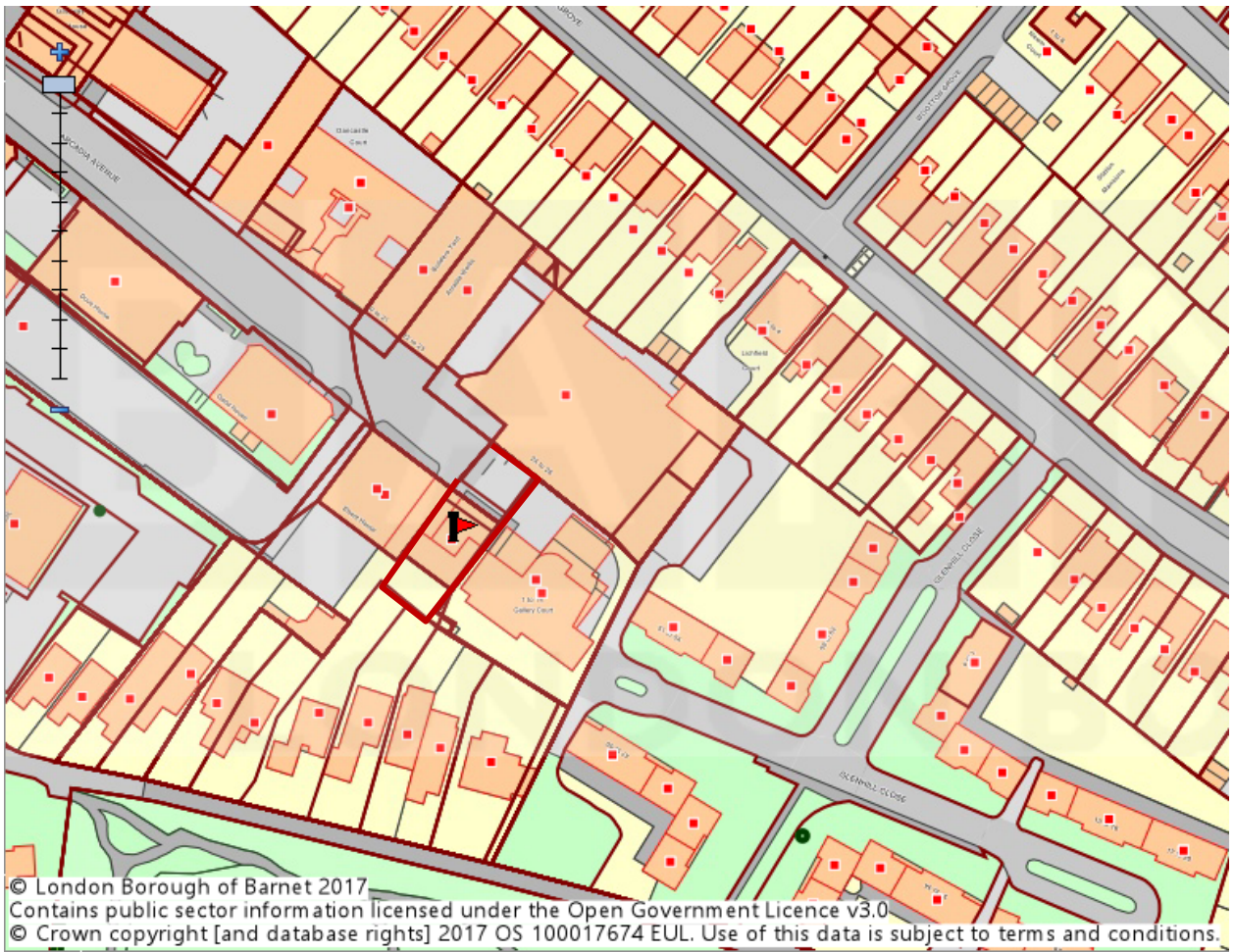
Public comments have been acknowledged and those which are material planning considerations have been addressed in the above report.

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



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

Reference: **16/7854/CON**

Received: 12th December 2016

Accepted: 12th December 2016

Ward: East Finchley

Expiry 6th February 2017

Applicant: Mr Immanuel Rubin

Proposal: Submission of details of condition 3 (Materials) 6 (Demolition, Construction and Traffic Management Plan) 9 (Cycle Parking/Storage) 11 (Refuse) 12 (Enclosure) 13 (Levels) 14 (Landscaping) 18 (Basement Impact Assessment) pursuant to planning permission 16/1990/FUL dated 30/06/16

AGENDA ITEM 17

Recommendation: Approve

Informative(s):

1 The plans accompanying this application are:

- BASEMENT IMPACT ASSESSMENT (BIA) Ref: 16/25524-2 - 31 Abbots Gardens, London, N2 0JG - (dated October 2016)
- Desk Study & Maps - 31 Abbots Gardens, London, N2 0JG
- Structural Engineering Feasibility Report - 31 Abbots Gardens, London, N2 0JG - Ref: 16688/DO/mf by Halstead Associates (dated October 2016)
- Ground Movement Analysis - 31 Abbots Gardens, London, N2 0JG - Job Number 117002
- REPORT ON A PHASE 1 RISK ASSESSMENT Ref: 16/25524 - 31 Abbots Gardens, London, N2 0JG (dated October 2016)
- Letter from a drainage engineer co - B. J. Ford Limited - Independent Building Services Consulting Engineers (dated 28/02/2017)
- Email from Structural Engineer - Halstead Associates - dated 28/02/2017
- Letter from Geotechnical Engineer - Site Analytical Services - Ref: 16/2554
- Material Schedule for 31 Abbots Gardens, London, N2 0JG (dated December 2016)
- 'Demolition, Construction and Traffic Management Plan' - prepared by Kias Services Ltd concerning 31 Abbots Gardens, Barnet, London, N2 0JG (dated October 2016)
- Email from agent related to best practice for piling (dated 22/03/2017)
- PA-13
- PA-14
- PA -15.1
- PA - 15.2
- EX-02 Rev. 04
- EX-03 Rev. 02
- EX-04 Rev. 02

- EX-07 Rev. 02
- PA-01 Rev. 07
- PA-02 Rev. 07
- PA-03 Rev. 03
- PA-04 Rev. 05
- PA-06 Rev. 04
- PA-07 Rev. 06
- PA-08 Rev. 01

- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 The developer is informed that hoarding or scaffolding on or abutting the public highway requires a licence. To make an application for a hoarding or scaffolding licence please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk

Officer's Assessment

1. Site Description

The application contains a semi-detached house that is located on the southern side of Abbots Gardens.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Reference: 16/1990/FUL

Address: 31 Abbots Gardens, London, N2 0JG

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

Decision: Approved subject to conditions.

Decision Date: 30 June 2016

3. Proposal

Submission of details of Condition 3 (Materials), Condition 6 (Demolition, Construction and Traffic Management Plan), Condition 9 (Cycle Parking/Storage), Condition 11 (Refuse), Condition 12 (Enclosure), Condition 13 (Levels), Condition 14 (Landscaping), Condition 18 (Basement Impact Assessment) pursuant to planning permission 16/1990/FUL dated 30/06/16

4. Public Consultation

No consultation letters were sent to neighbouring properties as it is not standard practice to do so for an application for the submission of details of conditions.

5 objections were received in response. The objections related to Condition 18 (Basement Impact Assessment) and they concerned the following issues:

- There is concern that the proposed basement will affect the natural flow of ground water on the application site which could cause damage to neighbouring and adjoining properties. Further explanation is required about why the basement will not affect the flow of ground water.
- The area where the application site is located has issues with ground water and excess surface water, and gardens remain waterlogged following rainfall. The proposed basement and the associated excavation will only exacerbate this problem as the water will have to find a new path to flow away from the basement area blocking it.
- The Basement Impact Assessment identifies the likelihood of an Aquifer being present above the area where the basement excavation will be undertaken. Due to its proximity to neighbouring boundaries, is the aquifer likely to cause issues for neighbouring and adjoining properties?
- The ground water testing was carried out mainly at a time when the weather was fine and dry

which favours better results. If the test was undertaken in winter after a few days of heavy rain the results would not be as favourable. Are further tests required? Why/why not?

- What guarantee is there that the buildings works associated with the proposal will not cause neighbouring and adjoining properties to suffer subsidence or further ground water problems?

- Page 12 of the BIA states that it is unknown whether the semi-detached property that shares a party wall with the property on the application site has an existing basement. Why was it not investigated whether this property has an existing basement? If there was basement on this property, would this impact the direction of ground water flow?

- The principle of a basement extension on the application site was questioned. It needs to be established whether the High Court decision regarding basement extensions (December 2016) relates to the current application.

5. Policy Context

Relevant Development Plan Policies:

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM06, DM08, DM17.
- Residential Design Guidance SPD (October 2016)
- Sustainable Design and Construction SPD (October 2016)

6. Assessment

Condition 3

Condition 3 (Materials) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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

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

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

A document entitled 'Material Schedule' for 31 Abbots Gardens, London, N2 0JG (dated December 2016) was submitted to demonstrate the details of the proposed materials for external surfaces.

The proposed materials are as follows:

- The front and side elevations of the approved dwellinghouse are to be constructed using stretcher bond brick which is the brick work used on the existing house on the application site.
- The rear elevation walls are to be finished with a smooth white render which match the existing house.
- All windows to the front and side elevations of the approved dwellinghouse are to be Upvc to match the existing house.
- All dormer windows of the approved dwellinghouse are to be finished with Polyester Powder Coated aluminium RAL 7026 (Granite Grey).
- The two projecting glazed feature windows of the development are to be clad with Polyester Powder Coated aluminium sheets RAL 7026 (Granite Grey). All fixings will have RAL 7026 (Granite Grey) to match.
- All doors to the front and side elevations of the development will be timber to match the adjoining property at No. 33 Abbots Gardens.
- All doors to the rear elevation of the development are to be Polyester Powder Coated aluminium RAL 7026 (Granite Grey).
- The roof of the approved dwellinghouse will be finished with roof tiles to match the existing house.
- The roof dormer cheeks and flat roof within the main roof are to be clad with Polyester Powder Coated aluminium sheets RAL 7026 (Granite Grey).

The proposed materials are not considered to appear incongruous on the application site and nor would they have negative impact on the character of the streetscene. For this reason the details of Condition 3 can be approved.

Condition 6

Condition 6 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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

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

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

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

A document titled 'Demolition, Construction and Traffic Management Plan' - prepared by Kias Services Ltd concerning 31 Abbots Gardens, Barnet, London, N2 0JG (dated October 2016) was submitted. Barnet's Highways Officers and Barnet's Environmental Health Officers assessed the document and there were no objections on highways or environmental health grounds. The Environmental Health Officer commented that the Council often receive complaints regarding piling so therefore it is required that the developer/applicant employs best practicable means and also notify nearby residents in advance of any piling. The agent agreed to the requirement related to piling in an email dated 22/03/2017. For these reasons the details of Condition 6 can be approved.

Condition 9

Condition 9 (Cycle Parking/Storage) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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

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

Drawing No. PA-13 and Drawing No. PA-01 Rev. 7 were provided to show the details of the cycle parking storage. 2 no. cycle parking spaces are required for the proposed dwellinghouse and the proposal provides 3 no. cycle parking spaces which exceeds the requirement.

Condition 11

Condition 11 (Refuse) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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).

Drawing No. PA-14 and PA-08 Rev.1 have been provided to demonstrate details of the waste and refuse storage facility.

The dwellinghouse requires the following waste and refuse provision:

- 1 no. 240 Litre general waste bin
- 1 no. 240 Litre dry recycling bin
- 1 no. 240 Litre garden waste bin
- 1 no. 23 Litre food waste recycling bin

The proposal provides adequate storage facilities for the required bins. The proposed enclosures provide adequate screening for the bins so that they do not have a negative impact on the character of the streetscene.

Condition 12

Condition 12 (Enclosure) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

- 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).

Drawing No. PA-14, Drawing No. PA-06 Rev. 4 and Drawing No. PA-15.2 have been provided to demonstrate the details of the means of enclosure, including boundary treatments. Due to their size, height, position and design, it is considered that the proposed means of enclosure would not appear incongruous on the application site and that they would not have negative impact on the character of the streetscene.

Condition 13

Condition 13 (Levels) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

- 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.

To demonstrate the details of the level changes the following documents were submitted:

EX-02 Rev. 04 - Existing Ground Floor Plan
EX-03 Rev. 02 - Existing First Floor Plan
EX-04 Rev. 02 - Existing Second Floor Plan
EX-07 Rev. 02 - Existing Side Elevation and Section AA
PA-01 Rev. 07 - Proposed Lower Ground floor Plan
PA-02 Rev. 07 - Proposed Ground Floor Plan
PA-03 Rev. 03 - Proposed First Floor Plan
PA-04 Rev. 05 - Proposed Second Floor Plan
PA-07 Rev. 06 - Proposed Side Elevation and Section AA

There are no proposed level changes on the public highway. The proposed level changes are considered to be minor given the nature of the proposal.

Condition 14

Condition 14 (Landscaping) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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.

The following documents were submitted to show details of the proposed hard and soft landscaping:

- Drawing No. PA -15.1
- Drawing No. PA-15.2
- Drawing No. PA-02 Rev. 7
- Material Schedule' for 31 Abbots Gardens, London, N2 0JG (dated December 2016)

The existing trees within the rear amenity space are to be retained. The proposed materials for the hard landscaping would not appear incongruous within the streetscene. It is considered that the proposed scheme of hard and soft landscaping would protect the visual amenity in the local area in accordance with DM01.

Condition 18

Condition 18 (Basement Impact Assessment) pursuant to planning permission 16/1990/FUL dated 30/06/16 states:

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

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

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

The following documents were submitted to provide the details to comply with this condition:

- BASEMENT IMPACT ASSESSMENT (BIA) Ref: 16/25524-2 - 31 Abbots Gardens, London, N2 0JG - (dated October 2016)
- Desk Study & Maps 31 Abbots Gardens, London, N2 0JG
- Structural Engineering Feasibly Report - 31 Abbots Gardens, London, N2 0JG - Ref: 16688/DO/mf (dated October 2016)
- Ground Movement Analysis - 31 Abbots Gardens, London, N2 0JG
- REPORT ON A PHASE 1 RISK ASSESSMENT Ref: 16/25524 - 31 Abbots Gardens, London, N2 0JG (dated October 2016)

- Letter from a drainage engineer co - B. J. Ford Limited - Independent Building Services Consulting Engineers Dated 28/02/2017
- Email from Structural Engineer - Halstead Associates - dated 28/02/2017
- Letter from Geotechnical Engineer - Ref: 16/2554 - Site Analytical Services

The Council's Building Control Officer assessed the submitted documents. It was noted that the neighbouring property already has a basement extension. It was commented that the proposed basement and the neighbour's basement combined together would form a barrier to any ground water but the details provided with the Basement Impact Assessment maintain that the amount of ground water flow on the site is minimal.

It should be noted that the requirement for a BIA for application 16/1990/FUL is above what the Council would normally require for this sort of development in accordance with the Sustainable Design and Construction SPD (October 2016), given that the site is within an area of clay. The BIA was requested through a condition in an attempt to address the concerns of local residents.

A response has been provided by the applicant to the objectors' concerns regarding the proposed basement. It should be noted that these concerns are not material planning considerations. The response to the concerns is as follows:

1. Whether future ground water monitoring is required

Three boreholes were undertaken as part of the ground investigation, with BH1 at the front of the property and BH2 and BH3 at the rear. BH1 only encountered a 0.6m thick layer of sand and gravel beneath 1.5m of made ground with the London Clay formation beneath the gravel. Both BH2 and BH3 encountered 0.6m and 0.7m of made ground then the London Clay. There was no superficial granular stratum present. According to geological mapping the site is located at the southern edge of the superficial Dollis Hill Gravel outcrop which occurs on an area of higher ground and much of the Dollis Hill Gravels outcrop is covered by the Lowestoft Formation. There are no superficial deposits present south of the Dollis Hill Gravel. Therefore, if the gravel is present beneath the property it is considered to be of a minimal thickness.

The property is situated on sloping ground with a fall of more than 2.5m from front to back. Plotting the reduced levels of the geological strata confirms that the property is located on the very edge of the Dollis Hill Gravel.

The desk study information also indicates that there are no groundwater abstractions within 1km of the site and it can be seen that the gravels do not intercept any watercourse.

Using this information would indicate that any groundwater, if present, would have only very low flow through the ground, if any. The flow direction if it is present, would be in a northerly direction, i.e. away from the property. Were the groundwater flow in a southerly direction then it is likely that there would a spring line along the southern side of the property. Based on the findings of the boreholes it is considered that the existing foundations for the property may already extend into the London Clay, certainly at the rear of the property. The London Clay will have very low permeability and is not considered an aquifer.

At the time of drilling the boreholes no water inflows/seepages were recorded, and the first monitoring visit, some three/four weeks after installation only recorded water in one of the

rear boreholes. The recorded water on the second visit is far more likely to be a result of water seepages into the installations from rainfall rather than groundwater.

Based on the above further groundwater monitoring is not going to provide any additional information that will affect the information already in hand. With respect to groundwater modelling the fact that two of the three boreholes did not encounter the aquifer then modelling is not likely to be possible as there is no aquifer in which to model groundwater.

2. Whether the proposed basement would exacerbate surface water problems on site

The apparent problems with surface water is considered to be a problem with the presence of the London Clay and/or issues with the drainage system itself. The clay will inhibit free drainage of water. As stated above the existing house foundations may be within the London Clay, i.e. they already creating a barrier, so the installation of a basement is extremely unlikely to exacerbate this. Additionally, the thickness of gravel present at the front of the property is small and will be offering very limited drainage.

3. Whether the aquifer is a concern to local residents

A number of comments refer to the aquifer. This matter is addressed in section 6.2 of the Basement Impact Assessment (BIA). As noted in the report, the largely granular River Terrace Gravel means the natural flow of groundwater below the site will be able to continue around the new basement. The report goes on to state that the Camden GHHS notes that even extensive excavations for basements in the City of London have not caused any serious issues regarding damming groundwater flow, with groundwater simply finding an alternative route. As such, the BIA concludes that the basement at No. 31 Abbots Gardens would not result in a significant change to the ground water flow regime in the vicinity of the development.

Furthermore, there is only a very small portion of the secondary aquifer encountered towards the front of the property, with a large non-aquifer below the majority of the property. The groundwater affected will be minimal.

It is also relevant to note that groundwater does not penetrate into London Clay formation (predicted to be found over the majority of the site) which is classified as aquiclude. Consequently, replacing the London clay with a basement structure will have no impact on ground water or surface water flow.

The proposal will incorporate a Sustainable Urban Drainage System (SUDS), which is designed for the water collection, attenuation and safe discharge of surface water falling onto the application site. Surface water is to be collected from roofs and paved areas via a series of gutters pipes channels and outlets. A network of underground pipework is to be designed for the safe discharge into suitably sized storm water attenuation tanks to be located to the front and rear of the site. These tanks are for the purpose and are of a cellular nature and installed in situ and wrapped in geotextile with bio-filtration under vehicular areas as required. Some infiltration into the substrate is expected but deemed minimal and cannot be quantified.

4. The Basement at No. 33 Abbots Gardens

No. 33 Abbots Gardens shares a party wall with the application site and it has a basement which was constructed some 8 years ago. The BIA has been prepared following bore hole testing and associated monitoring. The authors of the report are aware of the basement at

No. 33 Abbots Gardens. The presence of the neighbouring basement has been accounted for in relation to the ground movement assessment as its existence influences the movements predicted.

The basement at No. 33 Abbots Gardens is offset from the party wall line by around 1m with the party wall foundation level, it is expected, retained at its existing higher level. In introducing the basement to the development and by underpinning the party wall and the foundations are to be extended to a level similar to that of the neighbouring property. As such there will be negligible differential settlement.

The development approved under application 16/1990/FUL will be subject to Party Wall Agreements and Building Regulations which offer further control to matters relating to drainage, structural integrity and ground movement.

It is considered by the Council that sufficient information has been submitted to approve the details of Condition 18.

7. Response to Public Consultation

The concerns expressed regarding the impact of the basement and the content of the BIA have been addressed elsewhere in the report.

The response to the concerns about the principle of the basement extension is as follows:

Permission was granted for a replacement dwellinghouse, including a basement, under application 16/1990/FUL. The current application is to approve the details of conditions for 16/1990/FUL rather than an opportunity to re-examine the principle of a basement extension. Some of the objectors referred to a High Court Decision regarding basement extensions (December 2016) and expressed a view that this may influence the approved basement extension at No. 31 Abbots Gardens. It should be noted that this judgment related to basement extensions and permitted development rights. The basement extension at No. 31 Abbots Gardens is not being constructed under permitted development rights, instead it benefits from express planning permission. For this reason the High Court decision is of no relevance to the consideration of this current application.

8. Conclusion

It is considered that sufficient information has been submitted to approve Condition 3 (Materials), Condition 6 (Demolition, Construction and Traffic Management Plan), Condition 9 (Cycle Parking/Storage), Condition 11 (Refuse), Condition 12 (Enclosure), Condition 13 (Levels), Condition 14 (Landscaping), and Condition 18 (Basement Impact Assessment) pursuant to planning permission 16/3462/FUL dated 05/10/16.

Site Location



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Location **44A Church Lane (Formally Know As Land At Rear Of 1 King Street)**
London N2 8DS

AGENDA ITEM 18

Reference: **17/1022/S73**

Received: 20th February 2017

Accepted: 20th February 2017

Ward: East Finchley

Expiry 17th April 2017

Applicant: Mr Alan Warwick

Proposal: Variation of condition 2(Plans) pursuant to appeal desision
APP/N5090/A/13/2200572 dated 22/01/2014 for "Erection of 1no. two storey
dwelling house including rooms in roof space and hard/soft landscaping at
rear of 1 King Street. Erection of single storey rear conservatory to existing
house following demolition of existing extension.". Variations include 1no side
dormer window on the roof elevation facing the flank wall of 44 Church Lane

Recommendation: Approve subject to conditions

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

- Site Location Plan
- Existing Plans and Street Elevations Drawing No 1376.P.01
- Proposed Plans and Elevations Drawing No 1376.P.02 Revision I
- Proposed Elevations Drawing No 1376.P.03 Revision G

All Received 20 February 2017

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

- 2 This development must be begun within three years from the date of the original appeal permission (application reference: F/00266/13) appeal decision APP/N5090/A/13/2200572 dated 22/01/2014.
- 3 The materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be those approved under planning application ref: 15/05344/CON dated 01/10/15.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additions or extensions to the approved dwelling or structure on any part of the appeal site shall be constructed.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows or openings shall be constructed on the north-eastern (side) elevation or on the south-western (side) elevation of the approved dwelling other than that expressly authorised by this permission without the prior written approval of the Local Planning Authority.
- 6 Before the first occupation of the dwelling hereby permitted the stairwell window on the north-eastern elevation and the first floor rear facing dressing room window shall be non-opening, fitted with obscured glazing and shall be permanently retained in that condition thereafter.
- 7 Prior to the commencement of works to construct the approved dwelling, the existing rear single storey extension to No 1 King Street shall be demolished in accordance with the approved plan drawing no 1376.P.02 SK7 Revision G.
- 8 The areas allocated for vehicular parking on the approved plan drawing no. 1376.P.02 SK7 Revision G shall be retained and kept available at all times for the purposes of parking a vehicle. The parking space fronting King Street shall be retained for the parking of private vehicles solely in connection with the residential occupancy of No 1 King Street. The parking space fronting Church Street shall be retained for the parking of private vehicles solely in connection with the residential occupancy of the dwelling hereby permitted.
- 9 The boundary treatment to the application site shall be implemented in full accordance with the details as approved under planning application ref: 15/05344/CON dated 01/10/15
- 10 The roof area over the single storey element of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
- 11 No construction work on the development hereby approved or any associated delivery of materials shall take place outwith the hours of 0800 and 1800 from Monday to Friday inclusive, 0900 to 1300 on Saturdays, and at any time on a Sunday or a public holiday.
- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

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

Reason:

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

Informative(s):

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

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,675.27 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 £18,033.17 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a detached two storey dwellinghouse on Church Lane. Permission for the dwelling was granted on the 22 January 2014 through appeal reference APP/N5090/A/13/2200572. The land was previously known as land at the rear of 1 King Street. The dwelling is still under construction at the time of this application.

The application site falls within the East Finchley ward. The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 17/0406/NMA

Address: Land at rear of 1 King Street, London N2 8EA

Decision: Refused

Decision Date: 14 February 2017

Description: Non material amendment to planning permission F/00266/13 dated 22/01/14 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension. ' Amendment to include installation of side dormer window to south west elevation of new house.

Reference: 16/1289/S73

Address: Land at Rear of 1 King Street London N2 8EA

Decision: Approved subject to conditions

Decision Date: 9 May 2016

Description: Variation of Condition 2 (plans) pursuant to planning permission F/00266/13 and appeal APP/N5090/A/13/2200572 dated 22/01/14 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension. ' Variation to include amendment to first floor extension.

Reference: 15/05344/CON

Address: 1 King Street, London, N2 8EA

Decision: Approved

Decision Date: 1 October 2015

Description: Submission of details of conditions 3 (Materials) 9 (Boundary Treatment) pursuant to appeal notice APP/N090/A/13/2200572 dated 22/01/14 ref F/00266/13

Reference: 16/0063/S73

Address: 1 King Street, London, N2 8EA

Decision: Withdrawn

Decision Date: 3 February 2016

Description: Variation of Condition 2 (plans) pursuant to planning permission F/00266/13 and appeal N5090/A/13/2200572 dated 22/01/14 for `Erection of 1no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.` Variation to include amendment to rear extension depth

Reference: F/00266/13

Address: 1 King Street, London, N2 8EA

Decision: Refused

Decision Date: 10 June 2013

Description: Erection of 1no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.

3. Proposal

The applicant seeks to vary condition 2 (Plans) pursuant to appeal decision APP/N5090/A/13/2200572 dated 22/01/2014 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.'

Variation is to include 1 no side dormer window on the roof elevation facing the flank wall of 44 Church Lane.

The dormer will measure 2.3 metres in width, 1 metre in depth and 1 metre in height.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties.

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

The responses are summarised as:

-no issues caused

-no overlooking as a result of side dormer

-high quality design

The application has been called in to committee by Councillor Arjun K Mitra, to discuss whether the proposed change will result in any overlooking to neighbouring properties.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application is a material amendment to the planning application reference F/00266/13 and appeal decision ref APP/N5090/A/13/2200572 dated 22/01/14. The relevant planning matters were considered as part of the previous application and appeal so this report will consider the material changes proposed.

The side dormer is proposed to the side elevation of the dwelling facing 44 Church Lane. The dormer window will directly face a blank wall of the main side elevation of 44 Church Lane. There are two windows located on a side wall set in from the main side elevation wall. The window at ground floor is a kitchen window and the first floor window is an

obscure-glazed bathroom window. The dormer window will not directly overlook any habitable windows and the distance to existing windows is not likely to cause any overlooking or loss of privacy.

Residential Design Guidance for dormers states dormers should be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. The dormer cheeks should be kept as narrow as possible and the dormer should reflect the style of other windows on the existing house. The side dormer complies with Council policy and is a subordinate addition to the dwellinghouse. Due to the size and positioning at the side of the property, the side dormer will not be prominent from the streetscape.

Given the points raised above it is considered that the addition of a side dormer window would be a proportionate and subordinate addition to the approved dwellinghouse and would not have a detrimental impact on the character and appearance of the streetscene and surrounding area. The side dormer will not adversely affect the amenity of neighbouring occupiers or result in any overlooking or loss of privacy.

The proposal is therefore recommended for approval.

5.4 Response to Public Consultation

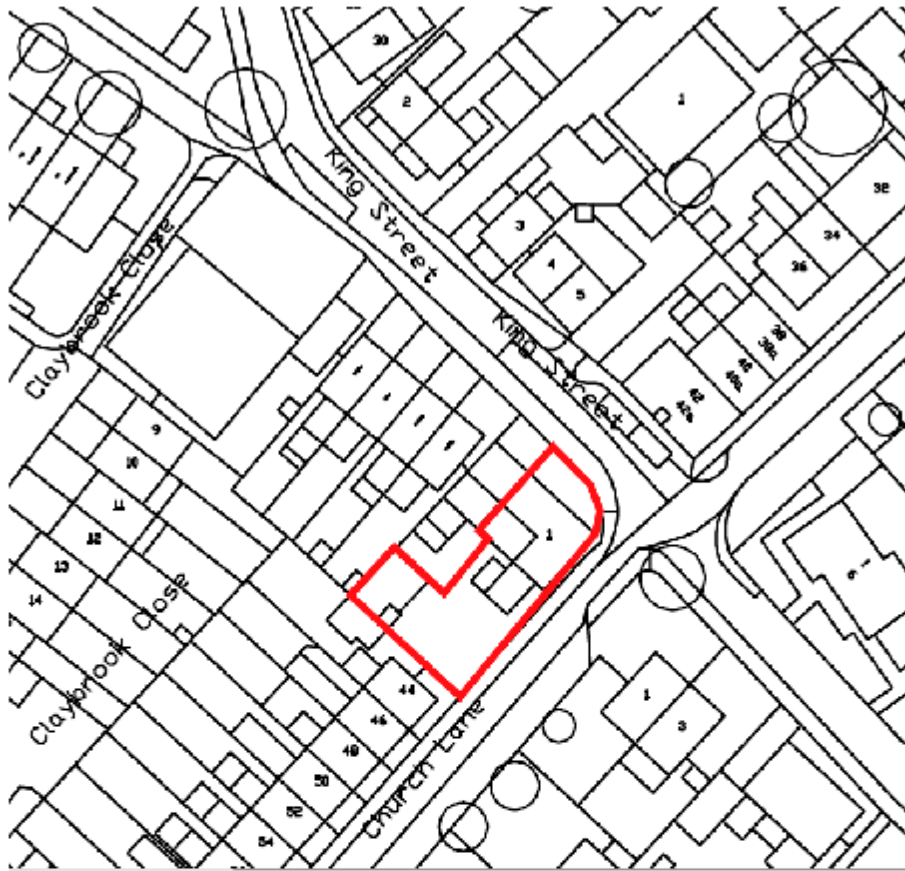
The comments support the application.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **3 Reynolds Close London NW11 7EA**

Reference: **16/5576/HSE**

Received: 22nd August 2016

Accepted: 25th August 2016

Ward: Garden Suburb

Expiry 20th October 2016

Applicant: Mr Stephen and Mrs Margarita Grant

Proposal: Demolition and rebuilding of existing garage to provide habitable use.
Installation of 1no conservation rooflight

AGENDA ITEM 19

Recommendation: Approve subject to conditions

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

Site Location Plan; 15/857/Sur11; 15/857/Sur12; 15/857/Sur13; 15/857/P18; 15/857/P19

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 replacement garage hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 The 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).

- 5 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 6 The windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 7 The use of the outbuilding 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).

- 8 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).

- 9 The details submitted in the Arboricultural Report, including Tree Protection Fencing by John Cromar's Arboricultural Company Limited shall be adhered to fully.

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.

- 10
- 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.

- 11
- a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

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

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 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.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Reynolds Close, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a Statutory Listed, detached dwelling house. To the rear of the site the service road, additional parking facility and bin store for the adjacent Heathcroft development is located.

The adopted Conservation Area Character Appraisal notes;

"Reynolds Close is a T-shaped cul-de-sac with two communal greens (originally tennis courts). The impression is generally verdant, harmonious and quiet. The eye is drawn to No. 13, the large, central, detached house which unusually lacks a hedge, allowing clear views of the architecture. The other houses have well-established yew hedges of differing heights, creating an informal feel (No. 7 has copper beech). All front gardens survive, with many fine trees. The pavements are extremely narrow, partly due to encroaching hedges, and there are no street trees. A magnificent mature oak in the rear garden of No. 15 is visible above the roofline. One green has a mature ornamental plum tree, the other a few young trees. Gates are generally either white picket with rounded tops or solid timber with open struts at the top, though No. 17's is wrought-iron. The front paths are almost all of york stone (with one crazy-paving exception). The private road, with speed bumps, is in quite a poor state of repair. The vista is inevitably somewhat spoiled by numerous parked cars. Only numbers 1, 2, 3, 4, and 7 have rear off-road parking. Hampstead Way itself runs alongside the Heath Extension and is very wooded and attractive in spite of the heavy through traffic.

Designed by Parker and Unwin in 1910, this group of houses is now Listed Grade II. Intended as middle-class housing, the close has an intimate, homely feel. Informal terraces of houses line the road. Nos. 1 Reynolds Close and No. 43 Hampstead Way flank the entrance, set back from the building line. At the far end, the houses are semi-detached, except for the central, detached No. 13. Each pair is linked to the next by a simple brick arched entrance to rear gardens. All the houses are double-fronted, built of brown brick, with 1 dormer, and large, very steeply-pitched roofs."

2. Site History

Reference: 15/07397/HSE

Address: 3 Reynolds Close, London, NW11 7EA

Decision: Approved subject to conditions

Decision Date: 29 January 2016

Description: Replacement of windows. Internal alterations and external refurbishment.

Reference: 15/07398/LBC

Address: 3 Reynolds Close, London, NW11 7EA

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Reference: 16/3487/HSE

Address: 3 Reynolds Close, London, NW11 7EA

Decision: Approved subject to conditions

Decision Date: 21 July 2016

Description: Replacement of windows. Internal alterations and external refurbishment. External foul and rainwater drainage pipes and gutters to be replaced with traditional cast iron. Decorate the infill panel to the enclosed first floor balcony in a dark grey paint,

Reference: 16/3488/LBC

Address: 3 Reynolds Close, London, NW11 7EA

Decision: Approved subject to conditions

Decision Date: 21 July 2016

Description: Replacement of windows. Internal alterations and external refurbishment. External foul and rainwater drainage pipes and gutters to be replaced with traditional cast iron. Decorate the infill panel to the enclosed first floor balcony in a dark grey paint

3. Proposal

This application seeks consent for the demolition and rebuilding of existing garage to provide habitable use. Installation of 1no conservation rooflight to the rebuilt garage.

The proposed new garage structure will measure 6m long by 3.6m deep and 4.5m high. The proposed rooflight widow will be sited on the northern roofslope facing the main dwelling house.

4. Public Consultation

A site notice was erected on 1/9/2016

A press notice was published on 1/19/2016

13 consultation letters were sent to neighbouring properties.

5 objections have been received.

The views of objectors can be summarised as follows;

- Concerns garage will be used as a separate dwelling.
- Dispute submitted Design and Access Statement
- Noise and disturbance of separate dwelling
- Proposed separate dwelling out of character
- Increase in size of garage (24%) too much
- Potential detrimental impact on neighbouring trees
- Detrimental impact to residents of neighbouring Heathcroft; in particular the bin area

Internal / other consultations

HGS CAAC -Refer to heritage officer

Hampstead Garden Suburb Trust - No objection in principle

Trees-

An arboricultural report was submitted to the Council in March 2017.
The Council's Tree Officer reviewed the information and made the following comments;

"No Objection, subject to confirmation of the following;

The submitted arboricultural method statement is strictly adhered to throughout all phases of construction.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Submission of details about services into the garden room before any construction has started.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Provide a landscape plan showing the replacement of 2 trees removed for this proposal

Reason: To protect visual tree amenity in the local area in accordance with DM01.

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.

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

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.
- 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 Preamble

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.

5.3 Assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted. It would not harmfully impact the setting of the listed building as a designated heritage asset or its significance.

Under this application it is proposed to demolish the existing garage at the rear of the garden and erect a new garage structure to greater footprint and height, with conservation rooflight window sited on the northern roof slope facing the main dwelling house.

Whilst it is noted that the replacement garage building does benefit from a larger footprint and height to the existing it is not considered that the increase in significance is enough to result in harm to the setting of the listed building, character of the Conservation Area or amenity of neighbouring occupiers. The extension to the building is relatively small in proportion to the existing building.

The garage is sited at the rear of the plot along the boundary with the service road used by the adjacent Heathcroft development. It is positioned at such a distance, with vegetation

surrounding it that even with the increase in size it is considered that it will not dominate the plot or detract from the setting of the listed building.

The appearance of the replacement garage is similar to the existing with door and window arrangement facing north towards the main dwelling, with the addition of new conservation rooflight, on the western elevation the garage door will be replaced with a traditional-style timber door which matches the design found on the original archive plan. This introduction is considered to better enhance the setting of the listed building and the Conservation Area by returning to the original design.

The replacement garage will be sited on the same side building line along the flank boundary with 4 Reynolds Close as the existing. The additional projection will face away from this shared boundary thereby removing the potential to detrimentally impact upon the amenity of occupiers at this neighbouring site.

The proposals are not considered to be detrimental to the significance or setting of the Grade II listed residential dwelling house, or wider Conservation Area and as such are supported.

There is no objection to the introduction of conservation rooflight window which is proposed to the inwards facing roofslope and so not visible along the rear service road.

Upon the request of the Council's Tree Officer an Arboricultural Report including Tree Protection was submitted in March 2017. The Council's tree officer has reviewed the submitted information and raised no objection subject to the report being fully adhered to, confirmation of details of the services and replacement trees.

A condition is suggested requiring the details of the Tree Report and Protective Fencing to be adhered to has been suggested. It should be noted that the agent has confirmed that the existing garage already benefits from access to existing services and these existing routeways will be utilised. A landscaping condition is suggested to address the provision of replacement trees.

The proposed alterations do not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations are such that 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, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. It should be noted that approval is not sought for the use of the rebuilt garage building as a separate dwelling but ancillary to the main dwelling house. Numerous other garages have been converted into ancillary accommodation and none have been allowed to be used as separate dwellings, it is considered that a precedent has been set in other applications to allow this application as it is considered to be in keeping with the Conservation Area. The proposed external appearance is similar to the existing garage, with the introduction of improved traditional style garage door and therefore its appearance is considered to better enhance the character and appearance of the host listed building and wider Conservation Area beyond

the contribution that the existing garage provides. A condition is suggested requiring the garage to remain ancillary to the main dwelling house.

The proposed increase in size of the garage; from an existing 5.3m long by 3.2m deep and 4.3m high to a proposed 6m long by 3.6m deep and 4.5m high is considered to be acceptable and proportionate to the size of the garden and setting of the listed building, in no way dominating the rear paved section of the plot. The proposed building line adjacent to the boundary with the neighbouring property at 4 Reynolds Close remains unchanged with the modest additional projection facing away from this shared boundary. It is not considered that the proposed increase in height and footprint will give rise to any loss of amenity to neighbouring occupiers, in particular 4 Reynolds Close.

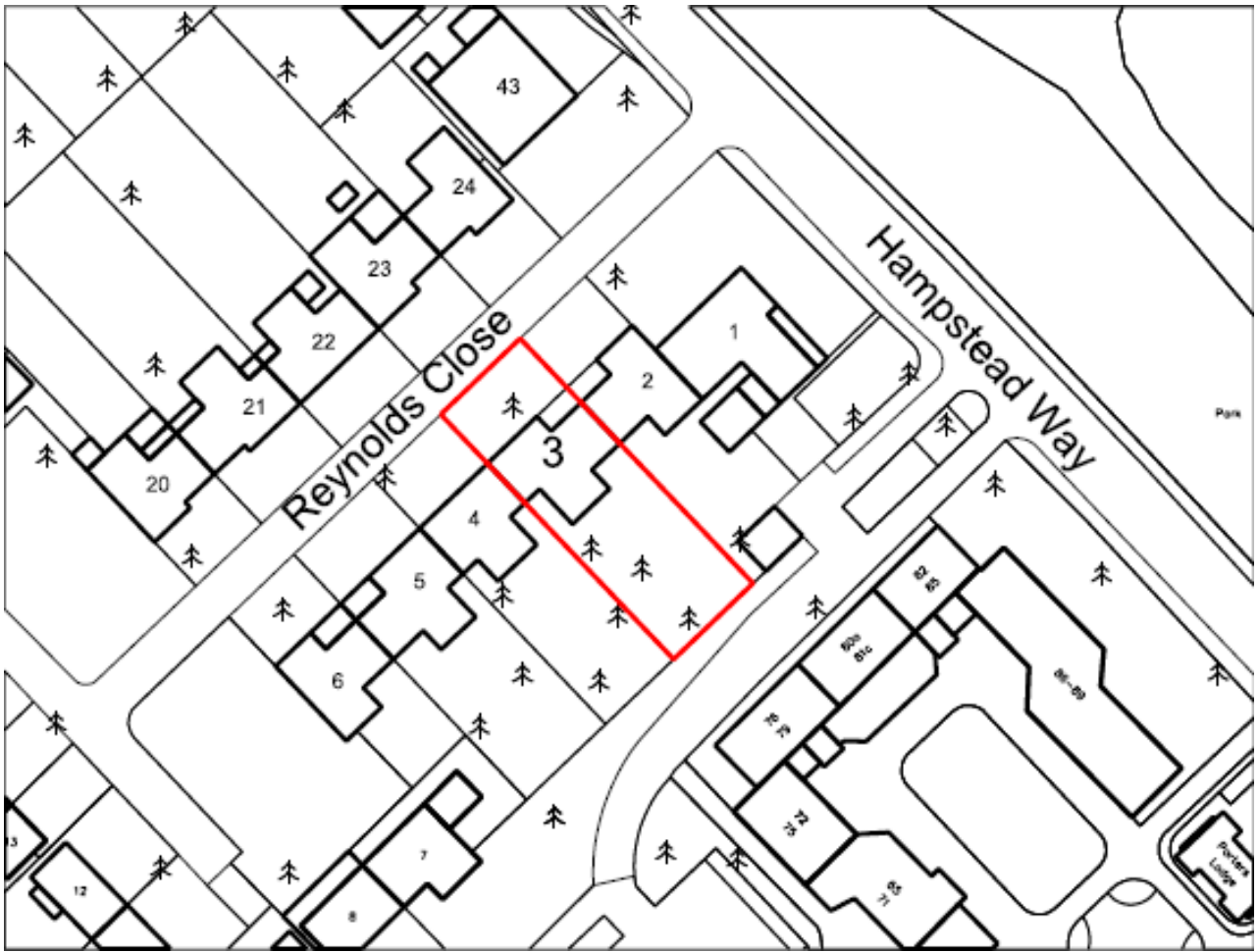
In regards to the impact of the proposed new garage on the health of trees of high amenity value sufficient information to demonstrate how the new building can be constructed without causing harm to these trees must be provided through the imposition of a tree condition. This should include an arboricultural; report, impact assessment, method statement and tree protection plan based on a detailed engineering drawing of the foundations and construction of the new habitable room. Once approved these details must be strictly adhered throughout all development phases.

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.



Location **3 Reynolds Close London NW11 7EA**

Reference: **16/5577/LBC**

Received: 22nd August 2016

Accepted: 25th August 2016

Ward: Garden Suburb

Expiry 20th October 2016

Applicant: Mr Stephen and Mrs Margarita Grant

Proposal: Demolition and rebuilding of existing garage to provide habitable use.
Installation of 1no conservation rooflight

AGENDA ITEM 20

Recommendation: Approve subject to conditions

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

Site Location Plan; 15/857/Sur11; 15/857/Sur12; 15/857/Sur13; 15/857/P18; 15/857/P19

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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

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

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

- 4 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 5 The windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 6 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the replacement garage 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.

- 7 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).

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

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

Informative(s):

Officer's Assessment

1. Site Description

The application site is located on the southern side of Reynolds Close, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a Statutory Listed, detached dwelling house. To the rear of the site the service road, additional parking facility and bin store for the adjacent Heathcroft development is located.

The adopted Conservation Area Character Appraisal notes;

"Reynolds Close is a T-shaped cul-de-sac with two communal greens (originally tennis courts). The impression is generally verdant, harmonious and quiet. The eye is drawn to No. 13, the large, central, detached house which unusually lacks a hedge, allowing clear views of the architecture. The other houses have well-established yew hedges of differing heights, creating an informal feel (No. 7 has copper beech). All front gardens survive, with many fine trees. The pavements are extremely narrow, partly due to encroaching hedges, and there are no street trees. A magnificent mature oak in the rear garden of No. 15 is visible above the roofline. One green has a mature ornamental plum tree, the other a few young trees. Gates are generally either white picket with rounded tops or solid timber with open struts at the top, though No. 17's is wrought-iron. The front paths are almost all of york stone (with one crazy-paving exception). The private road, with speed bumps, is in quite a poor state of repair. The vista is inevitably somewhat spoiled by numerous parked cars. Only numbers 1, 2, 3, 4, and 7 have rear off-road parking. Hampstead Way itself runs alongside the Heath Extension and is very wooded and attractive in spite of the heavy through traffic.

Designed by Parker and Unwin in 1910, this group of houses is now Listed Grade II. Intended as middle-class housing, the close has an intimate, homely feel. Informal terraces of houses line the road. Nos. 1 Reynolds Close and No. 43 Hampstead Way flank the entrance, set back from the building line. At the far end, the houses are semi-detached, except for the central, detached No. 13. Each pair is linked to the next by a simple brick arched entrance to rear gardens. All the houses are double-fronted, built of brown brick, with 1 dormer, and large, very steeply-pitched roofs."

2. Site History

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Decision Date: 29 January 2016

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Decision: Approved subject to conditions

Decision Date: 21 July 2016

Description: Replacement of windows. Internal alterations and external refurbishment. External foul and rainwater drainage pipes and gutters to be replaced with traditional cast iron. Decorate the infill panel to the enclosed first floor balcony in a dark grey paint

3. Proposal

This application seeks consent for the demolition and rebuilding of existing garage to provide habitable use. Installation of 1no conservation rooflight to the rebuilt garage.

The proposed new garage structure will measure 6m long by 3.6m deep and 4.5m high. The proposed rooflight widow will be sited on the northern roofslope facing the main dwelling house.

4. Public Consultation

A site notice was erected on 1/9/2016

A press notice was published on 1/19/2016

There is no public consultation for a Listed Building Consent application.

Internal / other consultations

HGS CAAC -Refer to heritage officer

Hampstead Garden Suburb Trust - No objection in principle

Trees-

An arboricultural report was submitted to the Council in March 2017.

The Council's Tree Officer reviewed the information and made the following comments;

"No Objection, subject to confirmation of the following;

The submitted arboricultural method statement is strictly adhered to throughout all phases of construction.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Submission of details about services into the garden room before any construction has started.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Provide a landscape plan showing the replacement of 2 trees removed for this proposal
Reason: To protect visual tree amenity in the local area in accordance with DM01.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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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.

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- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

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

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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.
- 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 Preamble

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.

5.3 Assessment of proposals

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at paragraph 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paragraphs 131-135 set out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Having regard to the above therefore, there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990. The proposals would not harm the significance of the Listed Building.

Under this application it is proposed to demolish the existing garage at the rear of the garden and erect a new garage structure to greater footprint and height, with conservation rooflight window sited on the northern roofslope facing the main dwelling house.

Whilst it is noted that the replacement garage building does benefit from a larger footprint and height to the existing, it is not considered that the increase is significance enough to result in harm to the setting of the listed building, character of the Conservation Area or amenity of neighbouring occupiers. The proposed extension to the garage is relatively small in proportion to the existing building.

The garage is sited at the rear of the plot along the boundary with the service road used by the adjacent Heathcroft development. It is positioned at such a distance, with vegetation surrounding it that even with the increase in size it is considered that it will dominate the plot and detract from the setting of the listed building.

The appearance of the replacement garage is similar to the existing with door and window arrangement facing north towards the main dwelling, with the addition of new conservation rooflight, on the western elevation the garage door will be replaced with a traditional-style timber door which matches the design found on the original archive plan. This introduction is considered to better enhance the setting of the listed building and the Conservation Area by returning to the original design.

The replacement garage will be sited on the same side building line along the flank boundary with 4 Reynolds Close as the existing. The additional projection will face away from this shared boundary thereby removing the potential to detrimentally impact upon the amenity of occupiers at this neighbouring site.

The proposals are not considered to detrimentally impact on the significance or setting of the Grade II listed residential dwelling house or wider Conservation Area and as such are supported.

There is no objection to the introduction of conservation rooflight window which is proposed to the inwards facing roofslope and so not visible along the rear service road.

Upon the request of the Council's Tree Officer an Arboricultural Report including Tree Protection was submitted in March 2017. The Council's tree officer has reviewed the submitted information and raised no objection subject to the report being fully adhered to, confirmation of details of the services and replacement trees.

A condition is suggested requiring the details of the Tree Report and Protective Fencing to be adhered to has been suggested. It should be noted that the agent has confirmed that the existing garage already benefits from access to existing services and these existing routeways will be utilised. A landscaping condition is suggested to address the provision of replacement trees.

The proposed alterations do not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations are such that 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, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. It should be noted that approval is not sought for the use of the rebuilt garage building as a separate dwelling but ancillary to the main dwelling house. Numerous other garages have been converted into ancillary accommodation and none have been allowed to be used as separate dwellings, it is considered that a precedent has been set in other applications to allow this application as it is considered to be in keeping with the Conservation Area. The proposed external appearance is similar to the existing garage, with the introduction of improved traditional style garage door and therefore its appearance is considered to better enhance the character and appearance of the host listed building and wider Conservation Area beyond the contribution that the existing garage provides. A condition is suggested requiring the garage to remain ancillary to the main dwelling house.

The proposed increase in size of the garage; from an existing 5.3m long by 3.2m deep and 4.3m high to a proposed 6m long by 3.6m deep and 4.5m high is considered to be acceptable and proportionate to the size of the garden and setting of the listed building, in no way dominating the rear paved section of the plot. The proposed building line adjacent to the boundary with the neighbouring property at 4 Reynolds Close remains unchanged with the modest additional projection facing away from this shared boundary. It is not considered that the proposed increase in height and footprint will give rise to any loss of amenity to neighbouring occupiers, in particular 4 Reynolds Close.

In regards to the impact of the proposed new garage on the health of trees of high amenity value sufficient information to demonstrate how the new building can be constructed without causing harm to these trees must be provided through the imposition of a tree

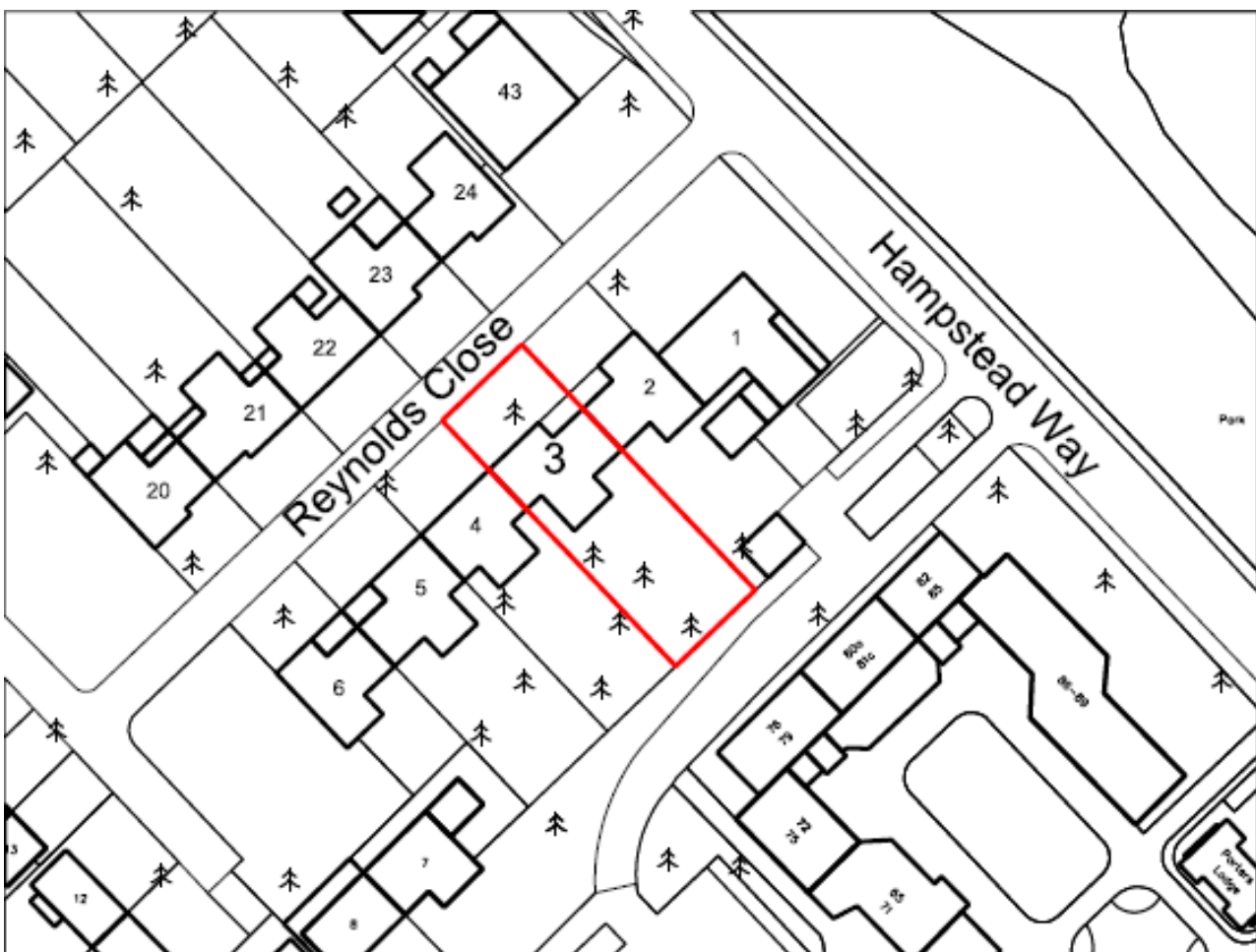
condition. This should include an arboricultural; report, impact assessment, method statement and tree protection plan based on a detailed engineering drawing of the foundations and construction of the new habitable room. Once approved these details must be strictly adhered throughout all development phases.

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 **53 And 55-57 The Market Place Falloden Way London NW11 6JT**

Reference: **16/8077/FUL**

Received: 20th December 2016

Accepted: 3rd January 2017

Ward: Garden Suburb

Expiry 28th February 2017

Applicant: Mr Steve Adams

Proposal: Rear infill extension, new infill doors to the rear with brick to match existing, and new plant area and associated utilities with timber fence surround. New shopfront and fascias across the front of the properties. 2 new satellite dishes to the rear elevation. Fenestration changes at first floor. Changes to pipework and drainage, and new rainwater goods to the rear. Various internal changes and amalgamation of units to facilitate a new convenience store (class A1). [AMENDED DESCRIPTION]

Recommendation: Approve subject to conditions

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

Drawing No. URB FW [08] 00 11 - (Site Location Plan)

Drawing No. URB FW [08] 00 12 - Revision 001 (Existing ground floor plan)

Drawing No. URB FW [08] 00 13 (Existing Elevations)

Drawing No. URB FW [08] 00 14 (Sections)

Drawing No. URB FW [08] 00 15 (Proposed Plan)

Drawing No. URB FW [08] 00 16 (Proposed roof plan)

Drawing No. URB FW [08] 00 17 (Proposed elevations)

URB-FW A3 90 01-D00 (Design and Access Statement)

Planning & Heritage Statement by Peacock and Smith Ltd, dated December 2016

Transport Statement by ADL Traffic Engineering Ltd, dated December 2016

Noise Impact Assessment by AB Group Limited, dated 15 December 2016

Email dated 10 March 2017 regarding window details by Mr R. Phillips of Urban Edge

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

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

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

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

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

- 4 The use hereby permitted shall not be open to members of the public before 7.00 am or after 11.00 pm.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

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

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

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

- 6 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 07.00 am or after 11.00 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 7 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 9 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 10 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the retail use; as measured within habitable rooms of the building shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

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

- 4 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.

- 5 This permission does not confer advertising consent. Seperate advertising consent would be required for any advertisements on site.

Officer's Assessment

1. Site Description

The application site forms part of a terrace of properties (No. 17 to No. 57) along the north side of Falloden Way, also known as The Market Place.

They group are not statutory listed or locally listed buildings.

It is considered a 'Positive Building' within the Conservation Area.

The terrace is characterised by commercial units at ground floor and residential flats on the upper floors.

2. Site History

Reference: C07654

Address: 53 The Market Place London NW116JT

Description: New shopfront

Decision: Approved subject to conditions

Decision date: 9 February 1982

Reference: C07654A/07

Address: 53 The Market Place London NW116JT

Description: Formation of new flat roof at rear of ground floor shop.

Decision: Approved subject to conditions

Decision date: 11 February 2008

Reference: C11959

Address: 55 The Market Place London NW11

Description: Change of use from retail (Class A1) to hot food take-away (Class A3).

Decision: Refused

Decision date: 8 February 1995

Reference: F/00189/09

Address: 55 The Market Place, London, NW11 6JT

Description: Demolition and reconstruction of unstable retaining walls to lightwell area to rear of property and replacement of adjacent steps and hardstanding.

Decision: Approved subject to conditions

Decision date: 13 March 2009

Reference: F/01815/09

Address: 55 The Market Place, London, NW11 6JT

Description: Submission of details of condition 3 (Railings - Details) pursuant to planning permission F/00189/09.

Decision: Approved

Decision date: 08 June 2009

Reference: C02374B

Address: 57 The Market Place London NW11

Description: Internally illuminated fascia and projecting box sign

Decision: Approved subject to conditions

Decision date: 27 June 1989

3. Proposal

The application proposes the following:

- Rear infill extension,
- Various internal changes and amalgamation of units to facilitate a new convenience store (class A1)
- New plant area and associated utilities with timber fence surround
- New shopfront and fascias across the front of the properties
- New infill doors to the rear with brick to match existing,
- 2 new satellite dishes to the rear elevation
- Fenestration changes at first floor
- Changes to pipework and drainage, and new rainwater goods to the rear

4. Public Consultation

85 consultation letters were sent to neighbouring properties.

A site notice was erected on 12 January 2017

A press notice was published on 12 January 2017

14 responses have been received, including a petition with 324 signatures.

The representations received can be summarised as follows:

- A large proportion of objections stated that the area already benefits from convenience stores and that an additional convenience store is not needed. Objectors stated that this will impact local independent businesses.
- Comments were received regarding the ethics of the Co-Op company.
- Concerns with proposals' impact on parking and traffic.
- Concerns regarding possible increases in crime
- Concerns regarding resultant increase in rubbish

The petition raised the following concerns: there are more than adequate facilities in the area for food shopping; it will impact local independent businesses. Will impact parking and increase traffic incidences, particularly deliveries.

Transport for London has the following comments for the proposal:

TfL understand that the applicant proposes changes to the existing parking bays on Falloden Way, directly outside. TfL believe that the proposed site can satisfy its servicing requirements under the existing arrangements but may review changes to the parking bays in the future. Based on the above being understood, TfL have no further comment.

Hampstead Garden Suburb CAAC:

The Hampstead Garden Suburb Conservation Area Committee were consulted at a meeting on the 8th March 2017. They raised no objection to proposals.

Hampstead Garden Suburb Trust:

Although not a formal consultee of planning applications, the Local Planning Authority are aware that the Hampstead Garden Suburb Trust have granted Trust approval for these works within their separate planning application process.

Highways:

Acceptable subject to conditions. See assessment below.

Environmental Health:

Acceptable subject to conditions. See assessment below.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

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

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.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of use is acceptable
- Whether the extensions and alterations would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether proposals would be of detriment to highways safety and parking pressures

5.3 Preamble

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.

5.4 Assessment of proposals

Principle of use:

The application proposes internal changes to create new openings between No. 53 and No. 55-57 which are currently two separate commercial units, in order to amalgamate them into one unit.

The units, as existing, are lawful A1 uses, in accordance with the Town and Country Planning (Use Classes) Order 1987 (as amended). Both units are currently vacant.

The proposed use is a convenience store, which is considered an A1 use. Therefore, no change of use will occur and as existing, both units can lawfully trade as an A1 use.

The site is located within the retail frontage of a 'Local Centre', as designated by Barnet's Development Management Policies Document (2012).

Core Strategy Policy CS6: Promoting Barnet's Town Centres sets out that the variety of town centres in the borough all have different roles and functions to play. The local centres and parades are particularly important for those less mobile. Policy CS6 seeks to protect and enhance more 'local' neighbourhood centres and parades of shops in terms of their potential contribution to sustainable suburbs and shopping.

Protecting retail uses (Class A1) from change of use in local centres is a policy priority. The application does not represent a loss of, or change of use from, A1 and therefore is not in conflict with development plan policy. In accordance with Policy DM12, the Council will seek to protect all retail uses (Class A1) in existing local centres; the scheme is in accordance with this policy.

It is noted by Officers that in regards to Sequential Tests, Paragraph 12.3.1 of Barnet's Development Management Document DPD (2012) states: 'The council also expects this approach to be applied to the amalgamation of existing retail units in local centres or parades which result in a single unit exceeding 200m² gross.'

The proposal would result in a single unit exceeding 200sqm gross, at a floorspace of 252 sqm.

As there is no change of use, it is considered that there is no scope to object to the use as a supermarket.

The agent has undertaken a retail of survey of the local centre which confirms that 13% of units along the Market Place are vacant. The agent states that Unit 53 and Unit 55-57 have remained vacant since July 2011 and March 2015 respectively. The agent has stated that despite the letting agent's best efforts and both units having good frontages on to the busy A1, the market response has been poor from the retail sector and they have struggled to find suitable tenants. Information supporting this has been provided.

The agent also highlights that the Council's own retail evidence base (Town Centres Floorspace Needs Assessment, April 2009) for the Local Development Plan states at paragraphs 6.34, 6.49 and 13.59 that the designated local centres of East Barnet, West Hendon and Friern Barnet have benefited from having a small anchor food store, which is absent in Market Place. The Council's Policy Team have been consulted and agree that this is acceptable.

On balance, considering the application would not represent a change of use as the units could lawfully operate as A1 shops as existing, and the proposal would bring two vacant

units back into use, it is deemed that, in the absence of a sequential test, the application is acceptable and would be in general accordance with the aims of Policy CS6.

It is noted that a significant amount of public consultation responses object to a new convenience store opening on the basis that there are already convenience stores in the area and/or the proposal may run other shops out of business.

Officers emphasise that the units, as existing, can lawfully operate as A1 convenience stores. Furthermore, the Royal Town Planning Institute states that opposition to business competition is not a material planning consideration in the assessment of planning applications. The company who is occupying a unit is not a matter for planning control.

The existence of other convenience stores in the area therefore would not constitute reasonable grounds for refusal in this instance.

Physical works, including extensions and alterations:

Subject to a condition stating that materials should be matching, the ground floor rear infill extension and doorways are deemed acceptable. Set at ground level, the infill extension would not impact the amenity of residential occupiers of the upper floor flats.

The existing shop fronts in their current vacant state they add little to no contribution to the character and appearance of the conservation area. The new shopfronts are therefore deemed acceptable.

The application proposes to replace 3 no. uPVC front windows at first floor serving the first floor flat at No. 53 Falloden Way, with new metal windows. The agent has confirmed that these will be made by Clement of the Brooking range with double glazed units of 14mm in thickness. These are deemed acceptable details and will represent an improvement to the appearance of the building.

2 no. satellite dishes would be sited on the rear elevation, which is acceptable. The drainage rationalisation to the rear elevation is also deemed acceptable.

It is considered that when assessed individually and cumulatively, the proposed physical works would preserve the character and appearance of the conservation area, in accordance with Policy DM06 of the Development Management Policies Document (2012).

Impact on highways:

A Highways Officers has assessed the application and concluded that the application is acceptable, subject to conditions.

The proposal will not provide any parking spaces. The Highways Officer notes that the Transport Statement submitted by the applicant demonstrates that local residents already visit the shopping parade where the proposed site is located, there would therefore, not be expected to be any significant increase in trip movement due to the proposal itself.

With regard to loading, there is already a loading bay on the public highway which can also be used by the proposed premises. There is also already a disabled parking bay in close proximity to the public highway in addition to standards car parking spaces. The road is served by regular bus services. Furthermore, London Plan Policy 6.13 (Parking) only sets maximum parking standards that can be provided.

For these reasons the application is deemed acceptable on highways grounds, subject to conditions.

It is also noted that TfL have raised no objection to the proposal and believe that the proposed site can satisfy its servicing requirements under the existing arrangements.

Impact on Environmental Health:

The application proposes a new plant with a timber surround fence. According to the submitted Noise Impact Assessment this includes air conditioning units, a refrigeration condenser and refrigeration pack.

The application has been assessed by an Environmental Health Officer who has deemed the proposal acceptable, subject to conditions, which have been attached to this recommendation.

5.4 Response to Public Consultation

- Business competition

As discussed in the main body of the report, Planning Officers emphasise that the units, as existing, can lawfully operate as A1 convenience stores. Furthermore, Competition is not a material planning consideration in the assessment of planning applications. The company who is occupying a unit is not a matter for planning control. Business competition therefore would not constitute reasonable grounds for refusal in this instance.

- Ethics of the Co-Op company.

This is not a planning matter.

- Concerns with proposals' impact on parking and traffic.

As discussed in the main body of the report, the Transport Statement submitted by the applicant demonstrates that local residents already visit the shopping parade where the proposed site is located, there would therefore, not be expected to be any significant increase in trip movement due to the proposal itself.

With regard to loading, there is already a loading bay on the public highway which can also be used by the proposed premises. There is also already a disabled parking bay in close proximity to the public highway in addition to standards car parking spaces. The road is served by regular bus services. Furthermore, London Plan Policy 6.13 (Parking) only sets maximum parking standards that can be provided.

As such, Highways Officers have concluded the application is acceptable on highways ground subject to conditions.

- Possible increases in crime

It is not considered that the proposal would increase crime to such a level to justify a reason for refusal, in this instance.

- Increase in rubbish

The applicant's Planning Statement has advised that all Co-Op stores have no rubbish collections because they practice waste backhauling- the process of filling the delivery vehicle with waste goods for the return journey.

In terms of dedicated waste storage, the refuse and recycling would be located internally in the 'back of house' area (of No. 53 Falloden Way) so it can be easily wheeled to the rear of the emptied delivery vehicle simultaneously with unloading.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the 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 property, street scene, conservation area, and area of special character.



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Location 112 Grove Road London N12 9EA

Reference: 17/0885/HSE

Received: 14th February 2017

Accepted: 24th February 2017

Ward: Woodhouse

Expiry 21st April 2017

Applicant: Mr Joseph Zekaria

Proposal: Part single, part two storey side extension with ground floor terrace at rear of existing garage. Part single, part two storey rear extension. Roof extension involving hip to gable, rear dormer window, two rooflights to front and one rooflight to rear to facilitate loft conversion. Removal of chimney. (Amended Description)

AGENDA ITEM 22

Recommendation: Approve subject to conditions

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

- Site Location Plan Drawing No PI 001
- Existing and Proposed Block Plan Drawing No PI 002
- Existing Elevations Drawing No PI 004
- Existing Ground and First Floor Plan Drawing No PI 003

All Recieved 14 February 2017

- Proposed Sections Drawing No PI 008 Rev 27.03.2017
- Proposed Ground, First Floor Plans Drawing No PI 005 Rev 27.03.2017
- Proposed Elevations Drawing No PI 007 Rev 27.03.2017
- Proposed Loft and Roof Plan Drawing No PI 006 Rev 27.03.2017

All Received 27 March 2017

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

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The property is a two storey end of terrace house with an attached garage at the front side located on the east side of Grove Road N12. The rear garden is bordered to the north by the rear gardens of 4-9 Northwood Gardens. The house benefits from an existing part single, part two storey flat roof rear extension along the boundary with number 110 Grove Road.

The street has a mixture of terraced and semi-detached properties.
The site is not in a conservation area nor is it a listed building.

2. Site History

n/a

3. Proposal

The proposal includes the addition of a two storey side extension following removal of the existing garage. At ground floor level the extension will measure 3.3 metres in width and 7.2 metres in depth. The extension will be set in 0.5 metres from the front building line with a pitched roof with a maximum height of 3.2 metres. The roof of the ground floor side projection that extends beyond the first floor will be pitched from 3.2 metres to 2.8 metres in height at the boundary. At first floor level the extension will measure 2.1 metres in width and 6.6 metres in depth. From the front building line, the extension will be set in 1 metre.

At the rear of the property it is proposed to extend 3 metres from the original rear wall adjacent to 110 Grove Road and infill the L shaped footprint with a depth of 7.4 metres from the original recessed wall. The ground floor rear extension will have a total height of 2.9 metres with a pitched roof sloping to 2 metres at the boundary. One window has been included in the side elevation of the ground floor rear extension facing Northwood Gardens. Two rooflights are proposed in the ground floor rear extension. Ground floor terraces are proposed on the property accessed from the proposed living room. The proposed first floor extension will extend an existing two storey rear projection and infill the recess to the boundary. The width will measure 1.7 metres and the depth will measure 3.5 metres. It will have a flat roof 5.6 metres high above ground level and incorporate the flat roof of the existing first floor extension.

The additions to the roof involve a hip to gable conversion, and creation of a rear dormer. The rear dormer will measure 1.5 metres in height, 2.3 metres in width and 2.1 metres in depth. Two rooflights will be included in the front elevation. The existing chimney will be removed.

The proposed development has been amended from the original proposal at the request of the case officer. The amendments included:

- removal of a first floor terrace
- alteration of ground floor rear infill to create a pitched roof to reduce the height of the ground floor extension
- removal of the second floor rear extension
- reduction of the size of the rear dormer
- reduction of width of first floor side extension to provide setback from the boundary

4. Public Consultation

Consultation letters were originally sent to 12 neighbouring properties. 13 responses were received, comprising 13 letters of objection.

The objections received can be summarised as follows:

- The bulk of extensions are not in character with the area
- the proposal will result in a loss of light into neighbouring properties
- the height and size of the development will result in a loss of outlook for neighbouring properties
- Light spill from rooflights
- Loss of privacy
- Addition of materials not in keeping with rest of property
- Removal of garage will cause a loss of parking on site and impact on street traffic and parking
- No information on how the parking spaces will be accommodated
- Noise effects during construction
- The increased number of bedrooms will result in increased noise for neighbouring residents
- Request for a tree preservation order and restriction on removal of garden

The proposal was re-consulted on the amended plans. Letters were sent to 17 neighbouring properties. Two additional responses can be summarised as follows:

- Clarification is needed on the detail of the fence
- New dormer will affect light and amenity into rear garden of neighbouring property
- The scale of the proposal has not changed in any material way and is still out of proportion with other terrace properties.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.3 Assessment of proposals

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

This application proposes a part single, part two storey side extension. Barnet's Residential Design Guidance states that pitched roofs can help extensions fit into the street. The proposed side extension incorporates pitched roofs at ground floor level to help the extension tie in with the original elements of the host property and improve the appearance of the proposed front elevation. Barnet's Residential Design Guidance for side extensions states side extensions should not usually be more than half the width of the original house. The proposal does not comply with this guidance as the ground floor element is wider than half the width of the original house.

The guidance also states first floor side extensions should be set back 1 metre from the main front wall of the house and maintain a minimum gap of 1 metre between the first floor extension and the boundary. The original proposal did not comply with this guidance. The applicant was asked to reduce the width of the side extension and create setbacks from the boundary and front building line. The first floor element was subsequently reduced. Although the proposal is still wider than the policy recommends at ground floor level, the changes that have been made have reduced the visual impact. The roof of the first floor element incorporates a gable roof end. The gable roof will not unbalance the terrace as the other end terrace also has a gable end. Overall, the part single, part two storey side extension appears as a subordinate addition to the host property.

At the rear of the property, a part single, part two storey rear extension is proposed. The extensions will extend an existing part single, part two storey rear projection which is characteristic of the attached terraced properties. The ground floor element will extend the depth of the rear wall by 3 metres and the width of the extension by 1.7 metres. At first floor, the extension will increase the width of the rear projection by 1.7 metres. The proposal will alter the characteristic 'L' shaped footprint of the property. However it is noted that there are other examples of infill extensions in the area such as 106 and 73 Grove Road. The proposal will still maintain the characteristic part single, part two storey rear projection but with a wider footprint and deeper ground floor extension. The proposal is not considered to harm the character and appearance of the host property or terrace properties within the locality.

The proposed roof additions would alter the existing roof from a hipped roof to a gable end. The Residential Design Guidance for roof extensions states extensions should not unbalance a short terrace or reduce the degree of visual separation between houses or glimpsed views of the street. The short terrace has a gable end roof at the opposite end and the alteration would balance the symmetry of the roof. The size of the proposed rear dormer was reduced in height and width and now complies with residential guidance which states dormers shall be half the width and half the height of the roof slope.

Overall, the proposed development represents a moderate enlargement of the host property. The proposal has been amended significantly from the original proposal to reduce the footprint and improve the impact of the development on the character of the host property and area.

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

The two storey side extension will extend the existing two storey element of the property. At first floor the extension has been set in 1 metre from the boundary with the neighbouring property and set back from the front building line to comply with Residential Design Guidance. The set in at first floor prevents terracing and allows for a view through to the street. The set in also helps the extension to appear as a more subservient addition to the property. There are no side windows proposed in the extension which would cause any overlooking to the neighbouring properties. Furthermore, there are no windows in the side elevation of 114 Grove Road to be overshadowed by the development. It is not considered that the proposal would be overbearing or visually obtrusive to the neighbouring property at 114 Grove Road.

The ground floor rear extension will project 3 metres from the existing rear wall adjacent to the boundary with 110 Grove Road. The neighbouring property is not extended. It is noted that a depth of 3 metres is generally considered acceptable for extensions on terrace properties. Furthermore, an extension constructed under permitted development could be built from the rear wall out to a depth of 3 metres. While permitted development would only allow for a 3 metre extension from the rear wall of the existing rear projection and could not apply for the total width of the dwelling, the effect to the neighbour at 110 Grove Road of the ground floor extension is likely to be same. This relationship is considered to be acceptable.

The ground floor extension will extend 7.4 metres along the boundary with 9-8 Northwood Gardens. The proposal has been amended to a sloped roof lowered to 2 metres at the boundary with the Northwood Gardens properties. The height of the structure at the boundary is the same height as a permitted boundary fence. The amendments have been made to reduce the effects to the neighbouring properties. With the sloped roof, the outlook and light for these properties is reduced. Furthermore, the extensions are at the rear of the Northwood properties gardens which have a depth of some 10 metres.

At the rear, the infill section will not project any further rearward than the rear wall of the existing two storey rear projection. Therefore the extension will not be visible when viewed from the neighbouring properties on the southern side. The two storey extension will increase the width of the existing two storey element. The extension will be 3 metres from the boundary except for an approximate 0.7 metres which will adjoin the boundary with 8-9 Northwood Gardens. The extension will be visible for residents in Northwood Gardens but as it will infill a recessed gap and does not protrude any further than the current rear wall, it is not expected to detrimentally affect the amenity of neighbouring occupiers.

The applicant has removed a first floor terrace from the original plans at the request of the case officer as there were concerns the terrace at a raised level would result in overlooking and a loss of privacy for neighbouring occupiers. The applicant has included a Juliet balcony for the first floor rear window. The outlook from these windows will be over the rear of the property. No access is obtained onto the balcony so the inclusion of the balcony will not harm the privacy of the neighbouring occupiers. The ground floor terraces are not expected to harm the amenity or privacy of neighbouring occupiers. The terraces are not elevated from ground level and there is no increased ability to overlook. While the details of the boundary fencing has not been shown but it is expected that a standard fence of 2 metres high will screen the terrace.

The proposal includes the insertion of a number of rooflights. The proposal is to add 3 rooflights in the front roof slope and 1 rooflight in the main rear roofslope, and 2 in the

ground floor rear extension. The outlook from these rooflights is not expected to be of an angle that could result in overlooking into neighbouring properties.

The window proposed in the side elevation of the ground floor rear extension facing Northwood gardens is 3 metres from the boundary and overlooking the internal terrace. While it is noted that the existing side elevation has no side facing windows, the proposed window is at ground floor level and is set back 3 metres from the boundary of the site and an estimated 10 metres from the facing windows of the Northwood Garden Residences. Furthermore, boundary fencing will obscure the view from the window.

5.4 Response to Public Consultation

Trees

- It was considered the trees fail to meet the public amenity criteria necessary and are inappropriate for inclusion in a Tree Preservation Order.

Privacy

- Concern was raised that the development will reduce privacy and result in overlooking. In particular, the terrace and the rooflights were mentioned. The first floor terrace has been removed from the proposal and the rooflights are not positioned at an angle on the slope where they are likely to give any outlook into neighbouring properties. The one window facing directly onto residential units is in the ground floor of the rear extension. Due to its non-elevated height and setback from neighbouring properties, the window is not likely to result in any undue overlooking for neighbouring properties. Any boundary fencing is likely to obscure the view from the window beyond the application site.

Loss of light

- Concern was raised about a loss of light for neighbouring properties as a result of the developments. The most directly affected property is 114 Grove Road. The first floor side extension may result in some loss of light into the rear garden, but this is not sufficient to justify refusal. It is noted there are no side windows facing 112 Grove Road.

- The properties along Northwood Road are located some distance away and the extensions are not expected to result in a significant loss of light to these properties.

- Properties to the south of the application site, including 110 Grove Road will be unaffected.

Out of character

- Concern was raised that the developments would be out of character for the property and terrace housing in the area. The additions are not considered to harm the character and appearance of the host property or detract from the character of the area.

Materials not in keeping

- A condition will be added to the consent that the materials to be used are in keeping with the existing materials.

Noise from construction

- A condition restricting the hours of construction noise will be imposed.

Noise from future residents

- The proposed development is not expected to give rise to any significant noise disturbance to neighbouring occupiers.

Parking

- The removal of the garage will not impact on street parking as one parking space can be retained on site.

6. Equality and Diversity Issues

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

7. Conclusion

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

Location 188 Nether Street London N3 1PE

Reference: 17/0150/HSE

Received: 11th January 2017

Accepted: 11th January 2017

Ward: West Finchley

Expiry 8th March 2017

Applicant: Mr Shanaka Katuwawala

Proposal: Part single, part two storey side extension following demolition of existing garage. Single storey rear extension to have a new bay window. New raised terrace. Roof extension involving rear dormer window with juliette balcony, rooflights to front and rear elevations to facilitate a loft conversion (Amended description)

AGENDA ITEM 23

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.no.188NS-PP-01 Rev A and Drg.no.188NS-PP-02 Rev A.

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

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

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

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

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

- 4 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).

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

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

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.186 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a semi-detached dwelling house on the north west side of Nether Street, its rear boundary backs onto Cedar Court, The Drive, N3 1AE.

It is not in a conservation area and is not a listed building.

2. Site History

Reference: 17/0449/PNH

Address: 188 Nether Street, London, N3 1PE

Decision: Prior Approval Required and Refused

Decision Date: 17 February 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3.37 metres and maximum height of 3 metres

Reference: 17/1014/HSE

Address: 188 Nether Street, London, N3 1PE

Decision: Application Returned

Decision Date: No Decision Made.

Description: Single storey rear extension

Reference: 17/2465/192

Address: 188 Nether Street, London, N3 1PE

Decision: Application Received

Decision Date: No Decision Made.

Description: Alteration of roof from hip to gable end; rear roof extension (involving conversion of roofspace to habitable use); and installation of two rooflights to front, roofslope

3. Proposal

The proposal involves a part single, part two storey side extension following demolition of existing garage. A single storey rear extension to have a new bay window. New raised terrace. Roof extension involving rear dormer window with juliette balcony, rooflights to front and rear elevations to facilitate a loft conversion.

Side and Rear Extension:

The ground floor element of this extension will be set back from the front wall of the house by 1m, it will have an overall depth of 16m and be 2.7m wide, set back approximately 0.5m from the boundary wall with no.186 and approximately 4m to the flank wall of this neighbouring property. The single storey element would have a flat roof with a height of 3.4m

The first floor element will line up with the ground floor front wall and be of the same width, It would be 9.5m deep to line up with the rear wall of the main house. It will have a crown roof with an eaves level matching the main roof and would be 7m high above ground level to its ridge which would be 1.7m lower than the main ridge.

The side extension will replace the existing garage and will link in with the existing single storey rear extension. This rear extension is set away from neighbouring property at no.190 by 3.5m and will have a depth of 3.3m. It will have an additional depth of 1m and a width of 3.6m to incorporate the bay window. It will have a flat roof with a maximum height of 3.5m.

The side extension will have 1 roof light and the rear extension will have 4 roof lights.

Roof Extension:

The application also involves a rear dormer window with a juliette balcony and 1 rooflight to front and 1 rooflight on top of the rear dormer to facilitate a loft conversion. The rear dormer will be 2.5m high, 2.4m deep and 3.5m wide.

The raised terrace will be extended full width and will have a height of 0.37m.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties.

11 responses have been received.

Objections have been summarised below:

- Not compliant with Barnet's guidance
- Block the space between No.188 and no.186
- Overbearing
- Block Light
- Overdevelopment
- Out of Character
- Out of proportion with the existing house
- Unwelcome precedent
- Parking space along the side will be lost

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This

applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

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

Sustainable Design and Construction SPD (adopted April 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

Impact on the living conditions of neighbouring residents

Side and rear extension:

Due to the change in levels in the street, no. 186 lies at a lower level than the application property (approximately 0.4m). Further to this, there is an existing garage at the host property that has been built up to the boundary wall of this neighbouring property, towards the rear of the dwelling.

This garage measures 3m wide, 5.9m deep, 2.5m high to the eaves and 3.6m high above ground level to the ridge of the pitched roof.

The side extension will replace this garage and will be set away from the boundary wall of no.186 by approximately 0.5m and approximately 4m to the flank wall of this neighbouring property. It is considered that there is a sufficient buffer distance between the proposed extension and the flank wall of this neighbour. It will project approximately 3.5m beyond the rear wall of this neighbouring property and as such no harm is likely to result to this neighbouring property in terms of visual amenity and loss of light. It also complies with Barnet's Residential Guidance which states that a depth of upto 3.5 meters for a semidetached property is acceptable. Whilst the extension has moved closer to no.186, it has maintained a reasonable distance between the two neighbouring properties and is considered to be a proportionate and subordinate extension.

Whilst windows are proposed at the ground and first floor level, the windows will be obscure glazed.

The windows at the ground floor is located 1.7m when measured from finished floor level, therefore the proposed roof lights is not considered to have an impact on the character of the host property, neither will it have an impact on neighbouring properties in terms of overlooking and loss of privacy.

Whilst the rear extension will measure 4.3m in depth (including the bay window) adjacent to neighbouring property at no.190, it is set away from this neighbouring property by approximately 3.5m. Notwithstanding the depth of the extension, it is considered that there is sufficient buffer distance between the additional bay window and the boundary wall with no.190. And as such this element of the proposal will not have a detrimental impact on the amenities of this neighbouring property either.

Whilst it has been noted that the proposal would replace the existing garage and increase the foot print of the dwelling, the property would still benefit from a reasonable amount of onsite parking.

Roof extension:

In regards to size and design, the adopted Residential Design Guidance SPD (2013) Paragraph 14.33 states that a new dormer on a semi-detached property should be set in at least 1 metre from the party wall and should not occupy more than half the width or half the depth of the roof slope. Dormer windows should not be wider than the windows below and dormer cheeks should be kept as narrow possible.

Notwithstanding that the proposed roof extension exceeds the size of dormers which are normally considered acceptable under Barnet's Supplementary Design Guidance, it is noted that the dormer will have volume of 10.4cubic metres and these exact types of dormers can be undertaken under permitted development. This section of the road is characterised by larger dormers and the proposed dormer is not considered to be out of character or result in a detrimental impact on the amenities of neighbouring occupiers and therefore this does not warrant reasons for refusal.

It is also considered that no harm would be caused to the living conditions of both neighbours.

5.4 Response to Public Consultation

Objections to the proposal has been largely addressed in the body of 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.

