

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 14TH JUNE, 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 Melvin Cohen
Councillor Shimon Ryde

Councillor Jim Tierney
Councillor Arjun Mittra

Councillor Alan Schneiderman

Substitute Members

Councillor Graham Old
Councillor Gabriel Rozenberg
Councillor Anne Hutton

Councillor Reuben Thompstone
Councillor Ross Houston
Councillor Jack Cohen

Councillor Alon Or-bach

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Edward Gilbert, edward.gilbert@barnet.gov.uk, 0208 359 3469

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ASSURANCE GROUP

ORDER OF BUSINESS

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| 4. | Report of the Monitoring Officer (If any) | |
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Decisions of the Finchley and Golders Green Area Planning Committee

9 May 2017

Members Present:-

AGENDA ITEM 1

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

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

Apologies for Absence

Councillor Arjun Mittra

1. MINUTES OF LAST MEETING

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

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Mittra.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The Committee noted the Addendum.

6. 1A ACCOMMODATION ROAD - 17/0322/FUL

The Planning Officer introduced the application, which related to 1A Accommodation Road.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|-----|---|
| For | 6 |
|-----|---|

| | |
|---------|---|
| Against | 0 |
| Abstain | 0 |

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

7. 3 ACCOMMODATION ROAD - 17/1179/FUL

The Planning Officer introduced the application, which related to 3 Accommodation Road.

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

Following discussion of the item the Committee agreed to amend recommendations 2 and 3 to refer to the Head of Development Management and not “Planning Performance and Business Development Manager”

The Chairman moved to the recommendation in the cover report, which was to approve the application subject to conditions set out in the report. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

8. 10 AND 12 DUNSTAN ROAD - 17/0794/HSE

The Planning Officer introduced the application, which related to 10 and 12 Dunstan Road.

An oral representation in objection to the application was heard from Sanjay Jain.

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

1. The development hereby permitted shall be implemented in its entirety and completed in full in accordance with the plans hereby approved within 6 months of the commencement of the development hereby approved. If the development hereby permitted is not implemented in its entirety and completed in full in accordance with the plans hereby approved within 6 months of the commencement of the development any buildings or structures erected at the site in connection with this permission shall be demolished and removed from the site in their entirety within 3 months of the failure to complete the development within 6 months of the development being commenced.

Reason: To safeguard the amenities of neighbouring occupiers.

2. 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).

In addition:-

Amend condition 4 by substituting “10” and “12” with “8” and “14”

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

| | |
|---------|---|
| For | 3 |
| Against | 0 |
| Abstain | 3 |

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

9. 15 WYCOMBE GARDENS - 16/8061/FUL

The Planning Officer introduced the application, which related to 15 Wycombe Gardens.

Oral representations in objection to the application were heard from Anthony Woolich and Rosary Hawthorne.

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

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

| | |
|---------|---|
| For | 1 |
| Against | 4 |
| Abstain | 1 |

The Committee therefore RESOLVED to REFUSE the application which overturned the officer recommendation citing the following reasons.

- 1. The proposed development by reason of its size, design, massing, plot coverage, front forecourt arrangement; would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality.**
- 2. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies, CS5 of the Barnet Core Strategy and policies 7.4 and 7.6 of the Mayor’s London Plan.**

10. 23-25 WOODSTOCK ROAD - 17/1028/FUL

The Planning Officer introduced the application, which related to 23-25 Woodstock Road.

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

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

11. 46 AND 48 WOODSTOCK ROAD - 16/8060/FUL

The Planning Officer introduced the application, which related to 46 and 48 Woodstock Road.

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

Following discussion of the item the Committee agreed to add the following additional conditions to the application relating to working hours and layout. As set out below:-

1. 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).

2. The internal layout of the development shall be implemented in accordance with the plans hereby approved before the development hereby permitted is first occupied and shall be permanently retained in accordance with these plans thereafter.

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).

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

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

12. 31 - 33 DOLLIS AVENUE - 17/0864/FUL

The Planning Officer introduced the application, which related to 31-33 Dollis Avenue.

No speakers made representations in regard to this application.

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 addendum. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

13. 97 LICHFIELD GROVE- 16/6793/FUL

The Planning Officer introduced the application, which related to 97 Lichfield Grove.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 5 |
| Against | 0 |
| Abstain | 1 |

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

14. 217-219 REGENTS PARK ROAD - 17/0506/FUL

The Planning Officer introduced the application, which related to 217-219 Regents Park Road.

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

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

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

The Committee therefore RESOLVED to REFUSE the application as per the officer's report.

15. FLAT 8 ULLSWATER COURT 92 HOLDERS HILL ROAD - 16/7639/CON

The Planning Officer introduced the application, which related to the whole of Ullswater Court not just flat 8 as indicated on the agenda.

Oral representations in objection to the application were heard from Alan Grahame and Franklin Dannenberg.

Councillor Graham Old addressed the committee as Ward Councillor.

Following discussion of the item the Chairman moved to defer the item so have an Officer from Environmental Health present to answer questions raised regarding the on levels of noise and nuisance.

Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

The Committee therefore RESOLVED to DEFER the application to the next meeting.

16. TROJAN HOUSE 34 ARCADIA AVENUE - 17/1086/FUL

The Planning Officer introduced the application, which related to Trojan House, Arcadia Avenue.

Oral representations in objection to the application were heard from Tom Giannini and Tomas Piaskowski.

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

Following discussion of the item the Committee agreed to amend recommendations 2 and 3 to refer to the Head of Development Management and not "Planning Performance and Business Development Manager"

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

| | |
|---------|---|
| For | 3 |
| Against | 2 |
| Abstain | 1 |

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

17. 31 ABBOTS GARDENS - 16/7854/CON

The Planning Officer introduced the application, which related to 31 Abbots Gardens.

No speakers made representations in regard to this application.

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 addendum. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

18. 44A CHURCH LANE (FORMALLY KNOW AS LAND AT REAR OF 1 KING STREET) - 17/1022/S73

The Planning Officer introduced the application, which related 44A Church Lane.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

19. 3 REYNOLDS CLOSE - 16/5576/HSE

The Planning Officer introduced the application, which related 3 Reynolds Close.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

20. 3 REYNOLDS CLOSE - 16/5577/LBC

The Planning Officer introduced the application, which related 3 Reynolds Close.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 6 |
| Against | 0 |
| Abstain | 0 |

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

21. 53 AND 55-57 THE MARKET PLACE FALLODEN WAY - 16/8077/FUL

The Planning Officer introduced the application, which related to 53 and 55-57 The Market Place

No speakers made representations in this application.

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 | 6 |
| Against | 0 |
| Abstain | 0 |

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

22. 112 GROVE ROAD - 17/0885/HSE

The Planning Officer introduced the application, which related to 112 Grove Road.

Oral representations in objection to the application were heard from David Beirne and Miriam Kenner.

An oral representation was made by the applicant, Joseph Zekaria.

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, addendum and the amended conditions. Votes were recorded as follows:

| | |
|---------|---|
| For | 4 |
| Against | 2 |
| Abstain | 0 |

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

23. 188 NETHER STREET - 17/0150/HSE

The Planning Officer introduced the application, which related to 188 Nether Street.

No speakers made representations in regard to this application.

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. Votes were recorded as follows:

| | |
|---------|---|
| For | 4 |
| Against | 2 |
| Abstain | 0 |

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

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

Councillor Marshall was joined by the Committee in offering a vote of thanks to the Chairman.

The meeting finished at 8.45 pm

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| | | | |
|-------------------|---|---------------------------|----------------------|
| Location | The Sternberg Centre For Judaism 80 East End Road London N3 2SY | | AGENDA ITEM 6 |
| Reference: | 16/2455/FUL | Received: 14th April 2016 | |
| | | Accepted: 14th April 2016 | |
| Ward: | Finchley Church End | Expiry 9th June 2016 | |
| Applicant: | Daniel Rosenfelder | | |
| Proposal: | Rebuilding of boundary walls. Installation and replacement of existing fences and gates | | |

Recommendation: Approve subject to conditions

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

898.01 F (Site Works- Key Drawing)

898.30 (Contractors Site Access and Compound)

898.31 (Existing Elevation to Basing Way Flats)

898.32 (Proposed Elevation to Basing Way Flats)

898.BW.33 (Woodland Walk Wall Existing Elevation)

898.BW.34 (Woodland Walk Wall Proposed Elevation)

898.35 (Woodland Walk Wall - Details)

898.36 A (Replacement Fence to Site Boundary with St Theresa's School; New Door to Front Wall)

898.37 A (New Wall behind Akiva School)

898.38 (Elevation to Pavilion Mews)

R10494/102 B

18940/301 A

Design and Access Statement.

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

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

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

- 3 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or

development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

- 4 Prior to the commencement of any works hereby approved, a method statement for the demolition, reinstatement and making good of the historic, listed wall shall be submitted to and approved by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 5 Prior to the commencement of works hereby approved, full and proper survey drawings, including a photographic record shall be undertaken of the sections of historic listed wall proposed for demolition and shall be submitted to the Local Planning Authority for approval and record.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 6 Prior to the commencement of any works hereby approved, details of the location, design and measures for the storage of the bricks shall be submitted to and approved in writing by the Local Planning Authority. All bricks, including half batts are to be cleaned, numbered and stored for re-use.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 7 The wall shall be rebuilt using the stored bricks. All other bricks needed should be second hand stocks of a similar nature and date, and shall be agreed in advance by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 8 Prior to the rebuilding of the brick walls, a sample panel of the brickwork proposed for the re-built wall, including expansion joint, shall be prepared for assessment and approval by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 9 The development shall be carried out in full accordance with the submitted arboricultural method statement 170331-SC-MS-03 and tree protection plan 170403-1.2 NLS-TPP-NC and strictly adhered to throughout all phases of development.

Reason: To protect visual tree amenity in the local area.

- 10 a) No site works or development shall take place until a landscape design/proposal and maintenance programme has been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the document and programme as approved under this condition.

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Officer's Assessment

1. Site Description

The Sternberg Centre is located on the south west side of East End Road opposite the junction with Manor View. It occupies a site of approximately 3.03 hectares and comprises (amongst other buildings) an 18th Century moated site which is designated as a Scheduled Ancient Monument and a 18th Century three storey Manor House which is designated as a Grade II* Listed Building. The site is surrounded on all four sides by brick walls of varying heights and architectural detailing, including a number of openings to neighbouring gardens.

2. Site History

There is an extensive site history on the site consisting of planning applications, listed building consents, conditions applications and tree works.

Reference: 16/2456/LBC

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Rebuilding of boundary walls. Installation and replacement of existing fences and gates

Reference: 14/07798/S73

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 27 January 2017

Description: Variation of condition 18 (Hours of Use) pursuant to planning permission reference F/00690/08 dated 24/07/2008 for 'Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavilion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House). Variations to include relaxation of restricted hours of use to allow extension of opening hours of premises between 8.00am and Midnight Fridays and Saturdays and between 7.30am and Midnight on all other days

Reference: F/04726/10

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 8 February 2011

Description: Use of vacant building (Stables block) as a Jewish Military Museum (Use class D1). Internal alterations including extension to existing Mezzanine (25m²). Alterations to roof including insertion of 4 dormer windows facing courtyard. Replacement of all windows and doors with new double glazed windows and doors.

Reference: F/00730/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of Listed Building consent C00403CM/05 dated 30-09-05 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavilion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House) (LISTED BUILDING CONSENT)

Reference: F/00690/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved following legal agreement

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavilion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House).

Reference: C00403CG/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresa's Primary School and extension of existing stable block/Biet Limmud including an auditorium partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

Reference: C00403CF/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresa's Primary School and extension of existing stable block/Biet Limmud including an auditorium partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

Reference: C00403CG/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresa's Primary School and extension of existing stable block/Biet Limmud including an auditorium

partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

Reference: C00403CF/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresa's Primary School and extension of existing stable block/Biet Limmud including an auditorium partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

Reference: C00403CM/05

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 30 September 2005

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavilion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car parking spaces, single storey refuse store and alterations to Manor House.

Reference: C00403CL/05

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved following legal agreement

Decision Date: 30 September 2005

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavilion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car parking spaces, single storey refuse store and alterations to Manor House.

Reference: C00403BW/02

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Withdrawn

Decision Date: 28 April 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresa's Primary School and extension of existing stable block/Biet Limmud including a 310 seater auditorium, together with associated changes to landscaping, car-parking and alterations to Manor House.

3. Proposal

The application seeks consent for the following works:

- Demolition of lengths of unstable wall adjacent to the collapsed section on the northwest site boundary and rebuilding using piled foundations and the existing salvaged bricks, the shortfall being made up with bricks of similar age, size and mortar. Rebuilding a length of the upper part of the southeast boundary wall that has collapsed.
- Stabilisation of the southwest and southeast wall sections that have been defined to be at risk of collapse by means of purpose designed free-standing supporting 'buttress ties'.
- Upgrading of dilapidated fencing and increasing the height of existing fencing in areas of perceived ease of access and upgrading site access doors.
- Removal of trees which are adjacent to the site boundary wall or deemed to put it at risk through root growth and/or leaning trunk.

The mesh fence originally proposed within the application has been omitted from the proposed development.

4. Public Consultation

Consultation letters were sent to 165 neighbouring properties.

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

The objections received can be summarised as follows:

- Proposed mesh fencing and high trellis fencing is out of character and harmful to the setting of the listed building;
- Loss of trees;
- Impact on wildlife;
- Details submitted are vague;
- No comments from English Heritage; and
- Errors within the plans;

Internal and External Consultation

GLAAS: No objection subject to an archaeology condition being attached.

Trees: No objection subject to conditions

The Council's Heritage team and Historic England have been consulted as part of the listed building consent (reference 16/2456/LBC). In summary there are no objections from either consultee.

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, CS7.
- Relevant Development Management Policies: DM01, DM06, DM16

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Impact of the proposals on the character of the listed wall;
- Impact on the amenity of neighbouring occupiers; and
- Impact on existing trees and wildlife.

5.3 Assessment of proposals

Impact on character of the listed wall and setting of listed building

The Manor House which sits at the front of the site is designated as a Grade II* Listed Building and is acknowledged originated from the early 18th century and is noted as a fine 3 storey, 7 bay brown brick house. A large area of the rear of the site is also designated as a Scheduled Ancient Monument and within an Archaeological Priority Area.

Within the submitted design and access statement, it is stated that the proposed works are required as two sections of the wall to the south-east and north-west collapsed in 2015 and also the need for upgraded security. Following the collapse, a detailed survey of the entire length of site boundary was undertaken and revealed several unstable lengths of wall which are deemed liable to collapse at any time.

In terms of the need for improved security, the Council has received confirmation that the Community Services Trust (CST) has advised of the need to have improved security on site and the justification in principle for this need is accepted subject to appropriate design of the proposed measures.

In terms of rebuilding the lengths of walls, it is proposed to re-use existing bricks that have been salvaged from the site and any additional bricks required will be carefully sourced for their colour and size. In principle this would appear to be most appropriate method but where additional bricks are required, careful consideration will need to be taken to ensure that it closely matches the appearance of the existing historic wall. A condition will be attached seeking a sample panel to be approved by the Planning Authority. The 16no stabilisation buttresses are proposed along the south-eastern and south-western boundaries. Officers acknowledge that the proposed columns do not represent the most aesthetically pleasing impact; however, the overall impact is not considered to be significant but considered necessary to allow the wall to be retained in-situ and prevent the likelihood of further collapse.

It is proposed to replace a number of existing fences in poor condition around the site boundary. Along the south-eastern boundary with St Theresa's School, it is proposed to erect a 1.8m feather-edge timber fencing with a 600mm trellis on top. The fence would be finished with a dark green preservative. The existing fencing measures 2.4m high and the proposed total height of the replacement fencing would be 2.7. This is considered to be acceptable.

Along the south-eastern side, it is proposed to replace the existing chain link fence with a new 1.35m fence with 450mm trellis on top. This will be located 3m from the listed wall. Officers have no objection to the construction of this fence. The restoration of wrought iron railings on the south-east elevation is welcomed by officers.

Overall, in discussions with the Council's Conservation officers, the proposed works are considered to be acceptable and would not have an adverse impact on the listed wall and setting of the building.

Impact on neighbouring occupiers

The proposal involves the rebuilding of the existing walls or the replacement of existing fencing. While there may be an increase of the overall height of the proposed new fencing through additional trellis, the overall increase in height is not considered to have a detrimental impact on the amenity of neighbouring occupiers.

Trees

An Arboricultural Method Statement has been submitted which sets out some of the details proposed to repair the wall. This will include the use of pile and beam foundations to bridge roots, remote supporting pillars with steel cable anchors, raft and strip foundations. The report has been assessed by the Council's Arboriculturalist. Overall, there are 10 trees identified for removal - 7 required to facilitate the development and 3 for arboricultural

reasons. Their location in very close or in contact with the boundary wall are considered partially responsible for the walls condition and is why they are proposed for removal. In addition to these, 78 young self-seeded trees have been identified on both sides of the wall that pose a significant future risk to the wall and prevent repair. This has been reviewed by the Council's Arboriculturalist and assessed that the overall impact of the loss of these self-seeded trees is low to medium. However, due to the low significance of the proposed trees for removal, the loss can be adequately mitigated through off-set planting in the region of 10 extra heavy standards and 50 saplings. This will be secured via a landscape and maintenance condition. The proposed tree protection plan is considered to be acceptable. Overall the impact on trees is considered to be acceptable and the method statement and mitigation measures proposed are considered to mitigate any adverse impacts.

Conclusion

The proposals have now been revised following earlier comments and are now considered to be acceptable for this important historic wall and Scheduled Ancient Monument, subject to a number of conditions.

5.4 Response to Public Consultation

Harm to the character of the area and listed building - The proposals have been discussed with the Council's Urban Design and Heritage Team and following amendments, the proposal is considered to be acceptable and not unduly harm the significance or setting of the heritage assets.

Impact on wildlife - Through negotiations with the applicant the total number of trees to be removed has been reduced to 7 individual trees to facilitate the development. The other 3 trees are being for arboricultural reasons and considered reasonable. The overall loss of the self-seeded trees is considered to be low to medium and as such is considered unlikely to impact on local wildlife to such an extent so as to warrant refusal of the application on these grounds alone.

Details submitted are vague - The details submitted clearly show the proposed changes and considered acceptable.

No comments from English Heritage - English Heritage were consulted as part of the listed building consent and in summary consider that the details of the application would not result in undue harm being caused to the significance of the designated heritage asset.

Errors within the plans - A site visit was carried out and any errors within the plans were amended accordingly.

Loss of trees - The proposed impacts on trees has been assessed by the Council's Arboriculturalist and no objections have been raised.

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 works would not have any significant adverse impacts on the designated heritage assets. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. The application is therefore recommended for approval.



| | | |
|-------------------|---|--|
| Location | The Sternberg Centre For Judaism 80 East End Road London N3 2SY | AGENDA ITEM 7 |
| Reference: | 16/2456/LBC | Received: 14th April 2016 Accepted: 14th April 2016 |
| Ward: | Finchley Church End | Expiry 9th June 2016 |
| Applicant: | Daniel Rosenfelder | |
| Proposal: | Rebuilding of boundary walls. Installation and replacement of existing fences and gates | |

Recommendation: Approve subject to conditions

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

898.01 F (Site Works- Key Drawing)
 898.30 (Contractors Site Access and Compound)
 898.31 (Existing Elevation to Basing Way Flats)
 898.32 (Proposed Elevation to Basing Way Flats)
 898.BW.33 (Woodland Walk Wall Existing Elevation)
 898.BW.34 (Woodland Wall Wall Proposed Elevation)
 898.35 (Woodland Wall Wall - Details)
 898.36 A (Replacement Fence to Site Boundary with St Theresa's School; New Door to Front Wall)
 898.37 A (New Wall behind Akiva School)
 898.38 (Elevation to Pavilion Mews)

R10494/102 B
 18940/301 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 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 No demolition or development shall take place until a written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, which shall include the statement of significance and research objectives, and

A. The programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works

B. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. this part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the WSI

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

- 4 Prior to the commencement of any works hereby approved, a method statement for the demolition, reinstatement and making good of the historic, listed wall shall be submitted to and approved by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 5 Prior to the commencement of works hereby approved, full and proper survey drawings, including a photographic record shall be undertaken of the sections of historic listed wall proposed for demolition and shall be submitted to the Local Planning Authority for approval and record.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 6 Prior to the commencement of any works hereby approved, details of the location, design and measures for the storage of the bricks shall be submitted to and approved in writing by the Local Planning Authority. All bricks, including half batts are to be cleaned, numbered and stored for re-use.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 7 The wall shall be rebuilt using the stored bricks. All other bricks needed should be second hand stocks of a similar nature and date, and shall be agreed in advance by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

- 8 Prior to the rebuilding of the brick walls, a sample panel of the brickwork proposed for the re-built wall, including expansion joint, shall be prepared for assessment and approval by the Local Planning Authority.

Reason: To protect the special interest, character appearance and integrity of the listed wall.

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 written scheme of investigation will need to be prepared and implemented by a suitably qualified professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

Officer's Assessment

1. Site Description

The Sternberg Centre is located on the south west side of East End Road opposite the junction with Manor View. It occupies a site of approximately 3.03 hectares and comprises (amongst other buildings) an 18th Century moated site which is designated as a Scheduled Ancient Monument and a 18th Century three storey Manor House which is designated as a Grade II* Listed Building. The site is surrounded on all four sides by brick walls of varying heights and architectural detailing, including a number of openings to neighbouring gardens.

2. Site History

There is an extensive site history on the site consisting of planning applications, listed building consents, conditions applications and tree works.

Reference: 16/2455/FUL

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Rebuilding of boundary walls. Installation and replacement of existing fences and gates

Reference: 14/07798/S73

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 27 January 2017

Description: Variation of condition 18 (Hours of Use) pursuant to planning permission reference F/00690/08 dated 24/07/2008 for 'Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House). Variations to include relaxation of restricted hours of use to allow extension of opening hours of premises between 8.00am and Midnight Fridays and Saturdays and between 7.30am and Midnight on all other days

Reference: F/04726/10

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 8 February 2011

Description: Use of vacant building (Stables block) as a Jewish Military Museum (Use class D1). Internal alterations including extension to existing Mezzanine (25m²). Alterations to roof including insertion of 4 dormer windows facing courtyard. Replacement of all windows and doors with new double glazed windows and doors.

Reference: F/00730/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved subject to conditions

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of Listed Building consent C00403CM/05 dated 30-09-05 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House) (LISTED BUILDING CONSENT)

Reference: F/00690/08

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Approved following legal agreement

Decision Date: 24 July 2008

Description: Erection of synagogue (Variation of planning permission C00403CL/05 dated 30-09-2005 for demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue and Pavillion Mews, new synagogue adjacent St. Theresa's Primary School and extension and alterations to existing stable block/Biet Limmud building including meeting/conference rooms, associated offices and canteen, together with associated changes to landscaping, provision of 50 car-parking spaces, single storey refuse store and alterations to Manor House).

Reference: C00403CG/04

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Refused

Decision Date: 29 July 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new partially submerged Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Therasas Primary School and extension of existing stable block/Biet Limmud including an auditorium partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

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partially positioned below ground level, together with associated changes to landscaping, car-parking and alterations to Manor House.

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Reference: C00403BW/02

Address: The Sternberg Centre For Judaism, 80 East End Road, London, N3 2SY

Decision: Withdrawn

Decision Date: 28 April 2004

Description: Demolition of existing Akiva School, link block, caretakers house and all timber-framed and prefabricated outbuildings, and erection of new Akiva School block adjacent Windermere Avenue, new synagogue adjacent St. Theresas Primary School and extension of existing stable block/Biet Limmud including a 310 seater auditorium, together with associated changes to landscaping, car-parking and alterations to Manor House.

3. Proposal

The application seeks consent for the following works:

- Demolition of lengths of unstable wall adjacent to the collapsed section on the northwest site boundary and rebuilding using piled foundations and the existing salvaged bricks, the shortfall being made up with bricks of similar age, size and mortar. Rebuilding a length of the upper part of the southeast boundary wall that has collapsed.
- Stabilisation of the southwest and southeast wall sections that have been defined to be at risk of collapse by means of purpose designed free-standing supporting 'buttress ties'.
- Upgrading of dilapidated fencing and increasing the height of existing fencing in areas of perceived ease of access and upgrading site access doors.
- Removal of trees which are adjacent to the site boundary wall or deemed to put it at risk through root growth and/or leaning trunk.

The mesh fence originally proposed within the application has been omitted from the proposed development.

4. Public Consultation

A site notice was placed on the 28/04/2016 and the application was advertised in the local press on the 26/04/2016.

Internal and External Consultation

Urban Design and Heritage - Following revisions to the proposed scheme, the proposals are now considered to be acceptable subject to a number conditions.

GLAAS - No objection subject to an archaeology condition being attached.

Historic England - On balance the proposal would not result in undue harm being cause to the significance of the designated heritage asset.

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, CS7.
- Relevant Development Management Policies: DM06

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Impact of the proposals on the character and setting of the designated heritage assets.

5.3 Assessment of proposals

impact on character of the listed wall and setting of listed building

The Manor House which sits at the front of the site is designated as a Grade II* Listed Building and is acknowledged originated from the early 18th century and is noted as a fine 3 storey, 7 bay brown brick house. A large area of the rear of the site is also designated as a Scheduled Ancient Monument and within an Archaeological Priority Area.

Within the submitted design and access statement, it is stated that the proposed works are required as two sections of the wall to the south-east and north-west collapsed in 2015 and also the need for upgraded security. Following the collapse, a detailed survey of the entire length of site boundary was undertaken and revealed several unstable lengths of wall which are deemed liable to collapse at any time.

In terms of rebuilding the lengths of walls, it is proposed to re-use existing bricks that have been salvaged from the site and any additional bricks required will be carefully sourced for their colour and size. In principle this would appear to be most appropriate method but where additional bricks are required, careful consideration will need to be taken to ensure that it closely matches the appearance of the existing historic wall. A condition will be attached seeking a sample panel to be approved by the Planning Authority. The 16no stabilisation buttresses are proposed along the south-eastern and south-western boundaries. Officers acknowledge that the proposed columns do not represent the most aesthetically pleasing impact; however, the overall impact is not considered to be

significant but considered necessary to allow the wall to be retained in-situ and prevent the likelihood of further collapse.

It is proposed to replace a number of existing fences in poor condition around the site boundary. Along the south-eastern boundary with St Theresa's School, it is proposed to erect a 1.8m feather-edge timber fencing with a 600mm trellis on top. The fence would be finished with a dark green preservative. The existing fencing measures 2.4m high and the proposed total height of the replacement fencing would be 2.7. This is considered to be acceptable.

Along the south-eastern side, it is proposed to replace the existing chain link fence with a new 1.35m fence with 450mm trellis on top. This will be located 3m from the listed wall. Officers have no objection to the construction of this fence. The restoration of wrought iron railings on the south-east elevation is welcomed by officers.

Overall, in discussions with the Council's Conservation officers, who visited the site to inspect the collapsed wall, the proposals are now considered to be acceptable for this important historic wall and Scheduled Ancient Monument.

Historic England have reviewed the proposed details and consider on balance consider that the proposals represent a pragmatic approach to conserving the fabric and integrity of the historic walls and would not result in undue harm being caused to the significance of the designated heritage asset. Concerns were raised over the proposed mesh fence proposed along the eastern boundary. Following discussions with the applicant, this has been omitted from the scheme and a close boarded fence is proposed instead. The proposed fencing and gates surrounding the playground has also been omitted from the proposed scheme.

Conclusion

The proposals have now been revised following earlier comments and are now considered to be acceptable for this important historic wall and Scheduled Ancient Monument, subject to a number of conditions.

5.4 Response to Public Consultation

No responses received.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed works would not have any significant adverse impacts on the designated heritage assets. Listed Building Consent is therefore recommended for approval.



Location **The Avenue Tennis Club The Avenue London N3 2LE**

Reference: **16/6509/FUL**

Received: 10th October 2016

Accepted: 10th October 2016

Ward: Finchley Church End

Expiry 5th December 2016

Applicant: Mrs Sally Bentley

Proposal: The installation of floodlighting to one existing tennis court [AMENDED DESCRIPTION]

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

Drawing No. 2016 CAS 010

Drawing No. 2016 CAS 011

Drawing No. 2016 CAS 012

Drawing No. 2016 CAS 013 A Revision A [Uploaded 02 June 2017]

Drawing No. 2016 CAS 016

Drawing No. 2016 CAS 017 A [Uploaded 02 June 2017]

S.F.P.D Outdoor Lighting Design document Amendment Version 2: 02.06.2017 [Uploaded 05 June 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 floodlights operation hereby permitted shall not be in use before 9:00 am or after 21:00 pm on Monday to Fridays and before 9:00 am or after 20:00 pm on Saturday to Sundays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

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 tennis club located on The Avenue in Finchley Church End.

The club is accessed via a pedestrian walkway located just off Sylvan Avenue.

2. Site History

Reference: 16/0006/RCU

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 April 2016

Description: Installation of 12 floodlights to existing tennis courts (retrospective application)

Reference: F/04562/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Refused

Decision Date: 02 February 2015

Description: Submission of details of Condition 4 (Photometric Certificate) pursuant to planning permission F/00532/12 dated 12.11.2012

Reference: F/02582/14

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 10 June 2014

Description: Submission of details for condition 3 (Levels) pursuant to planning permission F/004535/13 dated 26/03/2013.

Reference: F/00435/13

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 14 March 2013

Description: Variation of condition 1 (Plans) and condition 4 (Fencing) for "Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site" pursuant to planning permission F/01866/12 dated 10/7/12. Variation includes layout and fencing details.

Reference: F/00532/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 12 November 2012

Description: Installation of 12 floodlights to existing tennis courts and a new children's court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/01866/12

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 10 July 2012

Description: Construction of a new junior tennis court and fence enclosure following the reduction of levels to the rear of the site.

Reference: F/04857/11

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved

Decision Date: 26 January 2012

Description: Submission of details for condition 3 (Materials) pursuant to planning permission F/04618/09 dated 16/2/10.

Reference: F/04618/09

Address: Tennis Club, The Avenue, London, N3 2LE

Decision: Approved subject to conditions

Decision Date: 16 February 2010

Description: Erection of new single storey building to replace existing tennis clubhouse. Installation of 12 floodlights to existing tennis courts.

3. Proposal

The site, as existing, is served by three main tennis courts, as well as a smaller, junior tennis court.

Two of the main tennis courts are currently served by floodlighting (as per the previous approval reference: 16/0006/RCU, dated 14 April 2016). This is comprised of 9 lighting columns, which accommodate a total of 12 light box fittings.

The application proposes to install floodlighting to serve the third main tennis court. This would include 3 new lighting columns along the east of the site, whereby each of these new columns would be served by 1 lighting box fitting. 3 of the existing columns would also be fitted with an additional lighting box fitting in the direction of the third court.

This would result in a total of 12 lighting columns on site, accommodating 18 light box fittings.

The applicant states the reasoning of this application is the need for greater court capacity during outside-daylight hours of the winter months.

4. Public Consultation

A site notice was erected 20 October 2016.

Consultation letters were sent to 49 neighbouring properties.

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

The objections received can be summarised as follows:

- Will increase parking pressure and traffic in the surrounding road
- Will cause unacceptable level of noise, disturbance and activity
- Will increase light pollution
- Will increase and worsen problems with refuse from the club
- Time restrictions regarding use ignored on regular basis

The representations received can be summarised as follows:

- In reference to the previous permission for floodlighting at the site, baffles have been very effective. I have suffered no nuisance nor impact when the lights are used.

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, DM04, DM13, 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)

- 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 visual amenity, character and appearance of the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to local highways network and parking pressure

5.3 Assessment of proposals

Impact on character and appearance of the area:

The application site is not within a conservation area nor is it a listed building. The site is not within the Green Belt or Metropolitan Land. Therefore, there are no designations or restrictions that would preclude development of this type.

The surrounding area is predominantly residential. The tennis courts abut the Wilf Slack Sports Ground to the south of the site.

The proposed 3 new columns would be sited adjacent to an existing 9 columns, which were granted permission in 2016.

As existing, light columns, perimeter fencing and other paraphernalia associated with the tennis club are visible from the houses and gardens surrounding the site. It is therefore not considered that the additional lighting columns or floodlight box fittings would have a significant impact on the visual amenities or character of the area.

Impact on neighbouring amenity:

Impact of illumination:

The Local Planning Authority acknowledges that it is important that any new floodlighting is designed and installed to minimise light spillage so that visual disturbance to neighbouring properties is kept to a minimum, in particular the homes along Lichfield Grove whose rear elevations face the tennis courts.

Upon amendments, the three new columns have been reduced in height from 6.7 metres to 5.5 metres with a tilt angle of 2 degrees, which the agent states will reduce to the spillage figures to the rear gardens serving the properties along Lichfield Grove by 50 to 75%. Upon amendments, lighting levels have been reduced from 88 lux to 26 lux.

The Council's Lighting Technician has been consulted as part of this application.

The closest of the three new columns would be sited at a distance of 8 metre from the rear gardens of the properties serving Lichfield Grove and 17 metres from rear elevations of these dwellings. The three new columns would be sited at a distance of 22 metres from the rear gardens of the properties serving Sylvan Avenue.

The closest new box fitting (installed to the an existing column) would be sited at a distance of 6 metre from the rear gardens of the properties serving Lichfield Grove and over 13 metres from rear elevations of these dwellings. The windscreen is maintained at a height of 3.00m with the existing fencing to this eastern elevation being 3.60m high. Outbuildings in neighbouring properties along Lichfield Grove closest to the proposed columns will also further shield lighting levels. Furthermore, the lighting will be subject to conditions restricting the hours of use.

On the basis of the above, the Lighting Technician is satisfied that the proposals would mitigate impact to an acceptable level.

In addition, the Council's Environmental Health department have confirmed there are no past records of lighting complaints by residents from the existing floodlighting on site.

Impact on outlook and light:

The new columns would be 5.5 metres in height and would be sited at a distance of 8 metre from the rear gardens of the properties serving Lichfield Grove and 17 metres from rear elevations of these dwellings.

By reason of their size and distance from the rear elevations of the adjacent properties, it is not considered the new columns would impact the light or outlook received to these properties or gardens to an unacceptable level.

Impact of noise:

A certain level of noise is expected to emanate from existing sports facilities. The proposals do not increase capacity of tennis club only the usability of the extra court.

Subject to conditions restricting the hours of use, it is not considered that noise from use of a third court would impact the amenity or living conditions of neighbouring residents to an unacceptable level.

Furthermore, the Council's Environmental Health department have confirmed there are no past records of noise complaints by residents from the existing tennis club or floodlit courts.

Impact on highways:

The tennis club is accessed via Sylvan Avenue. During the warmer months, play is continued until dusk. The occurrence of dusk is a variable time throughout the calendar year, but can extend beyond 21.00 pm in the summer months.

The Highways department have been consulted as part of this application.

The Highways Officer has noted that the installation of additional flood lighting may increase the amount of playtime seasonally in winter months similar to other (warmer) months. Therefore if ones takes the maximum daily trip generation in summer months, the addition of flood lights will not exceed the existing maximum daily trips due to the warmer weather.

Furthermore, it is noted that the Controlled Parking Zone on Sylvan Avenue operates Monday to Friday 14.00pm to 15.00 pm. Apart from these times parking is not limited during the remainder of the day, or evening.

As such, it is not considered the installation of an additional three new lighting columns would not cause unacceptable impact on highways or parking.

Provision of sports facilities:

The London Plan (2015) notes in Paragraph 3.110 that sports and recreation facilities are important parts of the social infrastructure, providing a range of social and health benefits for communities and neighbourhoods.

Policy 3.19 of the London Plan states that development proposals that increase or enhance the provision of sports and recreation facilities will be supported.

Policy 3.19 states that the provision of sports lighting should be supported in areas where there is an identified need for sports facilities to increase sports participation opportunities, unless the sports lighting gives rise to demonstrable harm to local community or biodiversity.

As this assessment has discussed, it is not considered that the sports lighting would give rise to demonstrable harm to the local community, including impact on visual and residential amenity. The site does not fall within a Site of Metropolitan or Local Importance for Nature Conservation, a Site of Specific Interest or a local nature reserve. As such, it is not considered the lighting would give rise to demonstrable harm to biodiversity.

On the basis that it is not considered the proposal would give rise to demonstrable harm to the local community, and it will increase opportunity for higher levels of physical activity and participation in sports, this application is, on balance, deemed acceptable. The application is found to be in accordance with Policy 3.19 of the London Plan 2015 and the wider principles of the NPPF (2012) and Barnet Core Strategy (2012) which seek to promote healthy communities.

5.4 Response to Public Consultation

- Will increase parking pressure and traffic in the surrounding road

As assessed above, the addition of flood lights will not exceed the existing maximum daily trips due to the warmer weather. It is not considered therefore that the proposal would impact parking pressure and highways to an unacceptable level.

- Will cause unacceptable level of noise, disturbance and activity

A certain level of noise is expected to emanate from existing sports facilities. Subject to conditions restricting the hours of use, the proposal is not considered to cause unacceptable impact on noise and disturbance. Furthermore, Council's Environmental Health department have confirmed there are no past records of noise complaints by residents from the existing tennis club or floodlit courts.

- Will increase light pollution

As assessed above, the Lighting Technician is satisfied that the proposals would mitigate impact to neighbouring occupiers an acceptable level.

- Will increase and worsen problems with refuse from the club

It is assumed that existing refuse arrangements would continue with the implementation of this proposal.

Considering the proposal is for an additional three floodlights only, it is not considered reasonable or necessary by Officers to attach conditions regarding refuse.

- Time restrictions regarding use ignored on regular basis

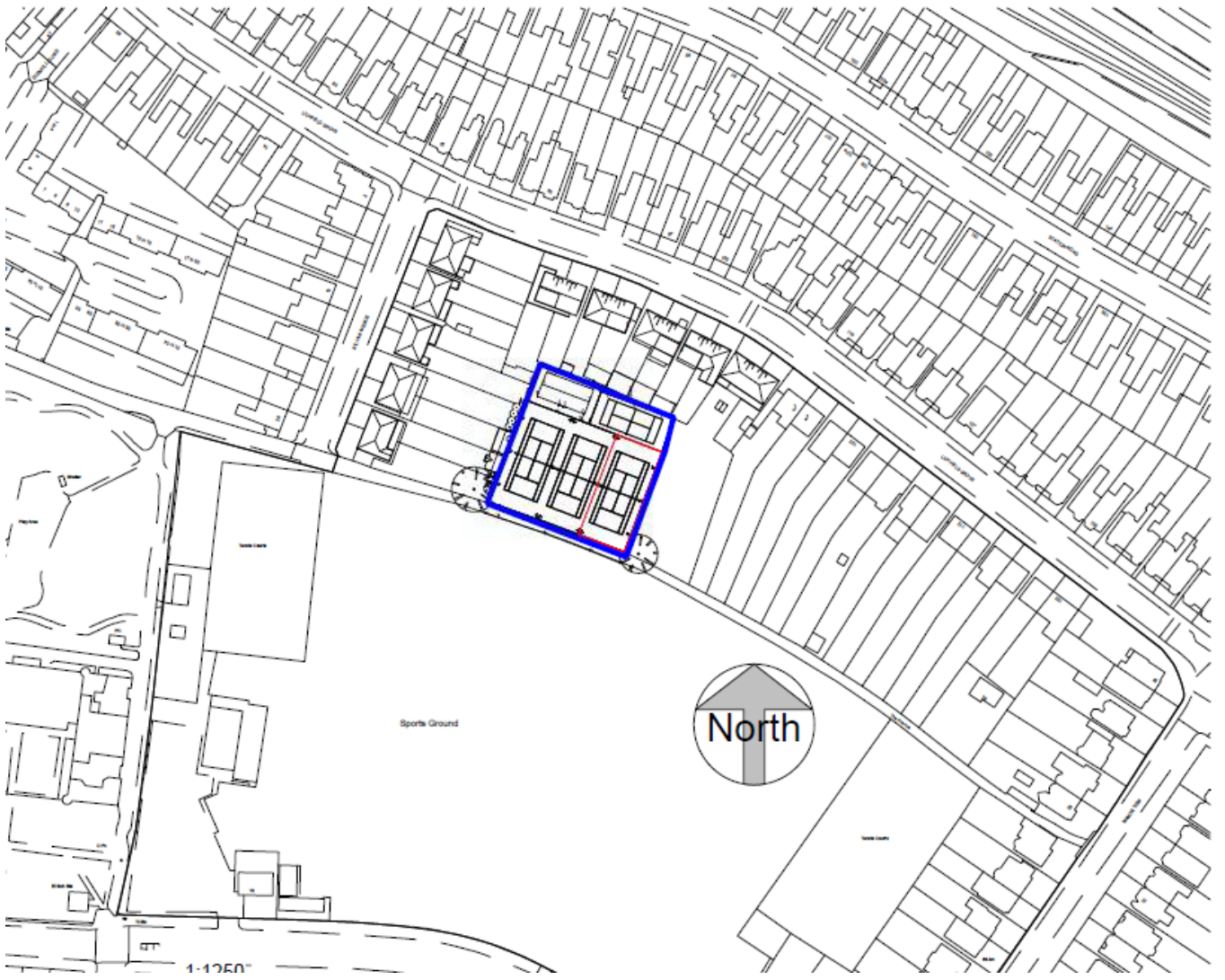
A condition restricting hours of use has been attached. If, in the future, these condition are not complied with then it will be dealt with accordingly as an enforcement matter. Residents should advise the Council if such instances occur.

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 visual amenity, and character and appearance of the application site and wider locality. Subject to conditions, the development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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: Watch Tower House, The Ridgeway, Mill Hill, NW7 1RS

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 9

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.

Following the deferral of the application at the previous FGG committee, it is the intention that Planning and Environmental Health Officers will visit the neighbouring site prior to the committee meeting when the ventilation equipment is in use and will monitor the noise levels. The findings of this visit will be reported at the committee meeting and within the addendum.



Location 1A Pattison Road London NW2 2HL

Reference: 17/0884/FUL Received: 14th February 2017
 Accepted: 27th February 2017

Ward: Childs Hill Expiry 24th April 2017

Applicant: Mr McDonagh, Newman

Proposal: Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement. Associated parking and refuse

Recommendation: Approve subject to conditions

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

2014-304-02.001 Rev D; 2014-304-02.002 Rev D; 2014-304-02.003 Rev D; 2014-304-02-004 Rev D; 2014-304-02.101 Rev D; 2014-304-02.102 Rev D; 2014-304-02.103 Rev D; 2014-304-02.104 Rev D; 2014-304-02-105 Rev D; 2014-304-02.106 Rev D; 2014-304-02.201 Rev D; 2014-304-02.202 Rev D; 2014-304-02.203 Rev D; 2014-304-02.301 Rev D; 2014-304-02.302 REv D; 2014-304-02.303 Rev D; 2014-304-02.403 Rev D; 2014-304-02.501 Rev D; 2014-304-02.502 Rev D; 2014-304-02.503 Rev D; 2014-304-02.504 Rev D; 2014-304-02.601 Rev D; Marketing Report; Daylight / Sunlight Assessment; Planning Statement; Design and Access Statement; WORL - Parklift 405- Car lift information

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

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

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

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

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

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

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

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

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

5 a) No development or site works 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).

- 6
- a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

7 Part 1

Before development commences other than for investigative work:

- a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.
- b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:
- a risk assessment to be undertaken,
 - refinement of the Conceptual Model, and
 - the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

8 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).

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

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

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

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

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

- 10 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).

- 11 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.

- 12 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.

- 13 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.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which

achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 The level of noise emitted from any 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.

- 16 Before the development hereby permitted is occupied, existing parking spaces shall be retained in accordance with the submitted plans. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts and turntable must be submitted to and approval by the Local Planning Authority.

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.

- 18 The entrance gate shall be set back 6.0m from the public highway to allow vehicles entering the site to wait off the public highway and doors should open inwards so as not to cause possible harm to pedestrians using the public highway.

Reason : To allow sufficient space for a vehicle standing area in front of the garage to ensure 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.

- 19 Details of refuse collection must be submitted to and approved in writing by the Local Planning Authority. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should sign a Waiver of Liability and Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area 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.

- 20 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.

- 21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated mixed use has been submitted to and approved in writing by the Local Planning Authority.

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 the amenities of occupiers are not prejudiced by traffic noise/mixed use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2011.

- 22 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- E of Part 1 of Schedule 2 of that Order shall be carried out within the area of _ hereby approved.

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

23 a) No development other than demolition works shall take place until 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.

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

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

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 payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

3 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.

4 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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.

5 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.

Officer's Assessment

1. Site Description

The application relates to a back land site located between Pattison Road, Finchley Road and Devonshire Place, in the Childs Hill ward. The surrounding buildings accommodate a mixture of different uses and architectural styles.

The front of the site faces the rear elevations of properties fronting Finchley Road which benefit from retail space on the ground floor and residential accommodation located above. To the rear of the site are a number of buildings including purpose built apartments as well as a small row of three terraced houses fronting Devonshire Place. To the east are the terraced properties fronting Pattison Road, including a mixture of flats and single family dwelling houses.

The application site itself is a warehouse building most recently used as a car repair garage (vacant and marketed for the past two years). The site is accessed via an unadopted road part of which is in the applicant's ownership

2. Site History

Reference: F/01482/12

Address: 1A Pattison Road, London, NW2 2HL

Decision: Approved subject to conditions

Decision Date: 26 July 2012

Description: Provision of MOT testing bay within existing garage.

Reference: C15640B/06

Address: 1A Pattison Road, London, NW2 2HL

Decision: Split Decision

Decision Date: 12 February 2007

Description: Various signs including non-illuminated projector pole sign and 3 nonilluminated wall mounted customer parking signs.

Reference: C11471C/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Refused

Decision Date: 10 January 2005

Description: Demolition of existing garage and erection of two no. 3-bedroom mews houses and one no. 2-bedroom mews house with associated parking.

Reference: C11471B/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 1 October 2004

Description: Demolition of existing garages and erection of 2no, three bedroom mews house and 1no, two-bedroom mews house.

Reference: C11471A/04

Address: 1A Pattison Road, London, NW2 2HL

Decision: Withdrawn

Decision Date: 30 June 2004

Description: Demolition of existing garages and erection of two, 3-bedroom mews house and one, 2-bedroom mews house.

3. Proposal

This application seeks consent for the Demolition of the existing workshop/garage building and erection of 3no, part two, part three-storey dwelling houses with rooms in basement, with associated parking and refuse provision.

The proposed new dwelling houses measure approximately 8.5m in width, from ground level the height would be 5.7m to the top of the two-storey element which matches the existing eaves line and 8.4m to the top of the three-storey element, which matches the existing ridge line, with a 2.7m high basement beneath ground. The dwellings would measure between 8.4m and 5.4m in depth.

4. Public Consultation

Site Notice: 9th March 2017

Press Notice: 9th March 2017

207 consultation letters were sent to neighbouring properties.
6 objections have been received

The views of objectors can be summarised as follows;

- Proposed application includes a piece of land that does not belong to the site address
- Loss of light
- Loss of privacy
- Damage to existing buildings from construction work
- Noise disturbance from construction works
- Traffic disruption from construction works
- Cannot locate daylight / sunlight report
- Should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened

Internal / other consultations:

Environmental Health- No objection subject to suggested conditions and informative

Highways: No objection subject to suggested condition and informative

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, DM03, DM04, DM08, 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.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Land use

The proposals would seek to redevelop the site for residential purposes.

Policy DM14 of Barnet's Development Management Policies DPD (2012) states that 'loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.'

The preamble to the policy states that effective marketing is where a site has been continuously actively marketed both for sale and rent for a period of 12 months at an appropriate price which can be agreed in advance with the council (at pre-application if appropriate) for re-use or redevelopment for employment use and no interest has been expressed. Furthermore officers consider that the site has limited potential for further employment use given it's awkward shape and relationship to neighbouring buildings.

In response to this, the applicant has submitted a comprehensive marketing report from a commercial and residential chartered surveyor with extensive experience advising on property transactions in the Childs Hill area. The property has been marketed for a period of 2 years in both local and national publications. The property was also well advertised on the agents website used extensively by both applicants and agents.

In terms of interest the agent received numerous enquiries but the majority were from developers requiring plots for residential development and the site failed to meet the specific requirements of other interested parties.

Having taken all the above points into account the loss of the existing warehouse would comply with Policy DM14 and considered acceptable.

Impact on the character of the area

Design

In respect of design and appearance, planners acknowledge that the proposed design is more modern when compared to surrounding buildings, in that the proposals show angular, flat-roofed dwelling houses in comparison to the traditional pitched roofed, gable fronted, terraced properties along the road. However, as this area is not a conservation area and there is a range of architectural styles to be found in the area, there is no in principle objection to this approach as some evolution of the areas character is to be expected.

The proposed materials, in particular the brick, take inspiration from the surrounding area and are considered to provide an interesting development. Formal details of the materials are required through the imposition of a condition to ensure they will appear appropriate in their setting.

Siting

The proposed mews houses would occupy a smaller footprint than the existing warehouse and therefore no concerns are raised over the proposed siting.

Height, scale, bulk and massing

Given the proximity of neighbouring residential properties to the application site, great care was taken to respect the proportions of the existing warehouse.

This has been achieved in the following ways:

- The existing building includes a part pitch roof and part flat roof design. The flat roof element measures 8.7m high which adds considerable bulk. This element has been removed from the proposed scheme.
- The proposed eaves height matches existing.
- The proposed third storey additions have been carefully designed to mimic the pitch of the existing roof.
- The proposed roof design would remove elements of the existing pitched roof adding a certain degree of transparency through the site
- Section A-A shows that a large proportion of the bulk and massing viewed from the Pattison Road has been removed

The existing warehouse is of no architectural merit and in some areas rather bulky. The proposed modern design is considered to improve the character of the area while also reducing the overall bulk and massing. This would accord with policy DM01 of Barnet's Development Management policies DPD (2012).

Quality of accommodation for future occupants

Units sizes (GIA):

| | |
|----------|-------------------|
| House 1: | 174m ² |
| House 2: | 157m ² |
| House 3: | 164m ² |

All three houses would exceed the minimum unit sizes as set out in the London Plan (2016).

Outlook:

All habitable rooms would benefit from sufficient outlook to meet the requirements of Policy DM01. Attention has been paid to the proposed rooms within the basements, served by lightwells. While these rooms may not be provided with the same level of outlook as the floors above, these rooms are ancillary and therefore not required to provide the same level of amenity.

It is recognised that the first and second floor front windows and rear skylights are proposed to be obscure glazed to ensure no overlooking into neighbouring properties, with the return windows provided with clear glazing; the provided daylight and sunlight report demonstrates that these rooms have acceptable levels of light provided to them.

On balance the proposed dwellings would provide an adequate level of outlook for future residents.

Garden:

Barbet's Sustainable Design and Construction SPD (2012) makes reference to private outdoor amenity space. Specifically that houses with 5 habitable rooms should provide 55m² of amenity space in total.

The submitted plans show the following proposed outdoor amenity space:

| | |
|----------|--------------------|
| House 1: | 48.6m ² |
| House 2: | 32.1m ² |
| House 3: | 50.9m ² |

Although the proposed units fall short of this requirement to varying degrees there are material considerations which render this acceptable. Principally, all three houses exceed the minimum unit sizes as set out in the London Plan (2016) which compensates for the limited outdoor space on this back land site and would therefore provide future occupiers with a good standard of living.

It is considered that given the constrained nature of the application site the shortfall in amenity space provision balanced against the over provision of internal space makes the proposed development acceptable. The adopted SPD on Sustainable Design and Construction (2016) suggests that amenity provision should not constrain an otherwise acceptable development, such as this, and therefore on balance the proposed development which provides private amenity space to each unit is considered to be acceptable. Furthermore the application site is situated relatively close to Hampstead Heath and Golders Hill Park providing additional external amenity for future occupiers.

Light:

Since the pre-application scheme fenestration detailing has been improved to maximise light to each unit. The basements include modest lightwells giving some direct sunlight to the non-habitable rooms within. All the units are south facing to maximise light potential; the ground first and second floor units include a high proportion of glazing and roof lights have also been included to the rear to further light into the development.

A daylight/sunlight report has been submitted with the application which demonstrates that sufficient light levels are provided to each of the habitable rooms has been achieved.

It was also requested that daylighting studies were carried out on the houses to the North of the Site, namely those on Devonshire Place, to ensure that the proposal is not detrimental, when compared to the existing, to the levels of light reaching those properties. The study showed that these neighbouring properties would not experience unacceptable loss of light as a result of the proposed development.

Impact on neighbouring occupiers

Care has been taken to maximise both light and outlook to neighbouring occupiers in the following ways:

- The large flat roof element has been removed.
- The proposed eaves height would match existing.
- The overall height would be no higher than existing.
- Due to the crown roof the pitched third floor additions bring the roof form slightly closer towards neighbouring gardens. This is however compensated for by the removal of areas of roof in between.

Overlooking Loss of privacy:

Barnet's Sustainable Design and Construction SPD (2013) include reference to overlooking and a loss of privacy. Specifically:

'In new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden.'

The submitted plans demonstrate that in the main compliance with these requirements has been met. There are however instances where the habitable room window to habitable room window distances fall slightly short of the 21m for example between the application site and the neighbour at 1 Pattison Road which only achieves a distance of 18m. On balance the benefits of providing three new houses would outweigh the harm caused from minimal overlooking of neighbouring residents, taking into account that the view is oblique and that this view is across the end of the neighbours garden.

Noise and disturbance:

The previous use as a car repair garage is likely to have caused certain levels of noise and disturbance from the comings and goings of cars, metal work as well as the operation of machinery. The proposed use of three houses is likely to be a more agreeable neighbour in terms of noise and disturbance and therefore considered acceptable.

Highways and parking

Any proposal for this site will need to demonstrate that it has complied with the relevant development plan policies in respect of parking and highway related matters (for example policy DM17 of the Barnet Local Plan).

The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In this instance the parking requirement for the proposed units would be between 4.5 and 6 spaces.

The Highways department have reviewed the submitted information and raise no objection to the proposals subject to the suggested conditions and informatives. It is considered that there is sufficient visibility for vehicles to have safe access and egress of the application site.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. In regard to the concerns that the proposed application includes a piece of land that does not belong to the site address the agent has confirmed that this incorrect and a correct site location plan and certificate A has been signed.

The concerns raised that the proposed development will result in a loss of light to neighbouring occupiers is disputed as a daylight and sunlight report has been submitted with the application which demonstrates this not to be the case.

The concerns raised that the proposed development will result in a loss of privacy are noted, however, it is considered that the proposals will not give rise to any loss of amenity to neighbouring occupiers; a condition is suggested requiring windows facing neighbours to be obscure glazed to prevent any potential loss of privacy.

Damage to existing buildings from construction work is not a material planning matter.

Noise and traffic disturbance from construction works are not strictly material planning considerations, however, a condition has been suggested restricting the hours of construction, as well as the request for a demolition and construction method statement to be submitted prior to construction to ensure that neighbours experience a minimum of disruption from the proposed construction works.

The submitted daylight / sunlight report has not originally made available to public, however, this was remedied early on and neighbours have been given sufficient time to review the document.

The request that there should be legal clause to ensure green roof does not need maintenance and windows facing neighbour cannot be opened is a civil matter and cannot be dealt with by planning. It should be noted that a condition is suggested requiring windows facing neighbours to be obscure glazed with only a fan light opening.

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 3 Carlton Close London NW3 7UA

Reference: 16/0325/HSE

Received: 18th January 2016

Accepted: 20th January 2016

Ward: Childs Hill

Expiry 16th March 2016

Applicant: Mr & Mrs Hayley & David Silverman

Proposal:

Creation of basement level. Relocation of 1 no. rooflight and installation of 1 no. skylight to front. New patio area. New raised terrace and installation of glass balustrade to rear ground floor level. Installation of new retaining side boundaries walls. Excavation to lower garden to basement level

AGENDA ITEM 11

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 100, 101, 102, 103, 104, 105/B, 106/A, 107/A, 108/A, JL/R150554/R/sh: Site Constraints Plan, JL/R150554/R/sh: Tree Protection Plan and Bartlett Consulting DEVELOPMENT SITE IMPACT ASSESSMENT & METHODS STATEMENT; 17584/R3 Gabriel Geo Consulting - Basement 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 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) 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).

- 5 a) No development or site works shall take place on site until confirmation has been provided to the LPA from the principle designer, indicating that they have checked and approved all method statements and/or temporary works designs with respect to the basement construction, and are satisfied that these are in accordance with the Construction Design and Management Regulations.

- b) In providing the confirmation listed in (a) above, the principle designer shall have regard that:

- The site is located close to the boundary of London clay and Claygate beds, hence ground water levels could vary on a seasonal basis and should be regularly monitored.

- The basement excavations will be below the water table, and this should be taken into account in the method of construction and the Basement Impact Assessment.

- The basement should be designed as watertight in accordance with BS8102.

- The property is mid-terrace, the excavation and construction of the basement could cause additional settlement to the adjacent properties which share the party wall. Long term there could be differential movement between properties. This should be allowed for in the design and monitored on site.

- the possible existence of other basements in the terrace, which would have a contributory impact on localised ground water levels.

- c) The development shall thereafter be implemented and, where appropriate, monitored to ensure accordance with the measures confirmed by the principle designer in accordance with this condition.

Reason: In the interests of safety and the mitigation of flood risk, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3 and 5.12 of the London Plan (2015).

- 6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to

minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 off site discharge flow should be agreed with LBB and Thames Water.

Officer's Assessment

1. Site Description

The site property is a three storey terraced single family dwellinghouse located on Carlton Close. The property is one of ten terraces houses all constructed at the same time, and which are found set back from West Health Road. The property is not listed and does not lie within a Conservation Area. However, the site benefits from a communal garden including protected trees at the back.

2. Site History

Reference: F/03982/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 13 November 2012

Description: Alterations to fenestration at rear elevation and rendering.

Reference: F/03137/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 21 September 2012

Description: Retention of alterations to elevations including rendering of wood cladding. Proposed insertion of doors and balustrade at first floor rear elevation and door at ground floor to replace windows.

Reference: F/01830/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 18 June 2012

Description: Alterations to elevations including rendering of wood cladding.

Reference: F/04194/08

Address: 3 Carlton Close, London, NW3 7UA

Decision: Refused

Decision Date: 17 December 2008

Description: Construction of extension on part of flat roof to form a new third floor.

Reference: F/00710/09

Address: 3 Carlton Close, London, NW3 7UA

Decision: Approved

Decision Date: 18 August 2009

Description: Retention of wooden decked area in the rear garden with synthetic grass covering.

3. Proposal

The application seeks permission for the creation of basement level. The basement would extend under the existing dwelling and existing raised terrace.

Others alterations include:

- Relocation of 1 no. rooflight and installation of 1 no. skylight to front.
- New patio area, new raised terrace and installation of glass balustrade to rear ground floor level.
- Installation of new retaining side boundaries walls.
- Excavation to lower garden to basement level.

4. Planning Considerations

4.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

4.2 Main issues for consideration

The main issues for consideration in this case are:

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

4.3 Assessment of proposals

The current application was taken to the Finchley and Golders Green Area Sub-Committee on 13th October 2016.

Members decided to defer the application in order for an independent review of the submitted Basement Impact Assessment (BIA) to be undertaken as the initial study provided requested that a further study of the hydrogeological works required to complete the development was necessary.

CampbellReith Consulting Engineers were appointed to undertake the review and in May 2017 all aspects of the BIA were agreed. The final BIA Audit concluded the following within its Non-Technical Summary;

1.0 NON-TECHNICAL SUMMARY

1.1. CampbellReith was instructed by London Borough of Barnet, (LBB) to carry out an audit on the Basement Impact Assessment submitted as part of the Planning Submission documentation for 3 Carlton Close (planning reference 16/0325/HSES73).

1.2. The Audit reviewed the Basement Impact Assessment for potential impact on land stability and local ground and surface water conditions arising from basement development in accordance with LBB's policies and technical procedures.

1.3. CampbellReith was able to access LBB's Planning Portal and gain access to the latest revision of submitted documentation and reviewed it against an agreed audit check list.

1.4. The Basement Impact Assessment has been carried out by individuals possessing suitable qualifications.

1.5. The property is part of a three storey terraced block of houses and the proposed basement is to be constructed below almost the entire footprint of the existing house and rear terrace. The basement will access the lowered rear garden, generated by two new retaining walls, and will then access the communal garden.

1.6. A ground investigation has determined that the basement will be founded through Made Ground into weathered London Clay. Any groundwater seepages within the Made Ground are capable of being controlled by sump pumping during construction and appropriate waterproofing in the permanent condition.

1.7. A Construction Method Statement has indicated that the basement will be formed using conventional underpinning techniques and provides an indicative temporary works proposal, all of which is acceptable. An acceptable underpinning bay layout has been provided.

1.8. Similarly constructed reinforced concrete retaining walls are envisaged to construct the front basement wall and the rear flank walls to the extended basement beneath the existing rear terrace extending into the rear garden to form raised planters. Design calculations for these retaining walls have now been provided.

1.9. The results of the Ground Movement Assessment are accepted and indicate that with good construction control, damage to surrounding properties will be Very slight (Category 1).

1.10. A Condition Survey prior to commencing the works, together with a formal ground movement monitoring strategy during construction, is proposed in the BIA and is accepted.

1.11. It is accepted that the site is at a low risk of surface water flooding and an assessment has been provided regarding the potential increase in the areas of hard surfaces and paving, which is minimal.

1.12. It is noted that the scheme is not proposing to adopt an attenuation SUDS scheme and off site discharge flow should be therefore be agreed with LBB and Thames Water.

1.13. It is accepted that the proposal will not affect the hydrogeology nor the slope stability of the surrounding area.

1.14. It is accepted that the garden retaining wall locations take into account the proximity of adjacent tree root growth.

1.15. The BIA recommends that non-return valves and pumped loop systems are fitted to the new drainage system serving the basement and rear garden and this is endorsed.

1.16. Queries and requests for further information arising out of this audit are discussed in Section 4 and summarised in Appendix 2. Following receipt of additional information, the criteria contained in policies and technical procedures have now been met.

The independant review accepts the submitted Basement Impact Assessment and considers that the potential impact on land stability and local ground and surface water conditions arising from basement development is acceptable and will not result in detrimental harm to nieghbouring properties.

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

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

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

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

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

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

Barnet's adopted SPD Residential Design Guidance states that the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties. Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view.

The Residential Design Guidance goes on to say that any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should

relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.

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

With regard to basements the Council's SPD 'Residential Design Guidance' states that the Council will normally allow single floor basements which do not project further than 3 metres from the rear wall and the length of any visible basement wall should not dominate a property nor extend its full width.

The property benefits from a raised terrace 3.3 metres deep. The proposed basement would sit below the footprint of the original dwelling and infill the area under the terrace. It would not project further than the existing terrace and no external manifestation would result from the basement development.

The proposal would extend across the entire of the property however given the limited width of the dwelling, in this instance, it is considered acceptable. The proposed sliding doors would be of similar form as the existing. The proposal is not considered to disrupt the character of the host property or the surrounding area.

Regarding the other alterations:

The property benefits from a flat roof including a parapet to the front elevation. The proposed rooflight would not exceed the height of the existing parapet and would not be visible from the streetscene therefore, it is considered acceptable.

The proposed patio area, raised terrace and glass balustrade would replace existing ones. The dimension would remain unchanged therefore the proposals are considered acceptable.

The installation of new retaining side boundaries walls would contribute to maintain the root protection zone around the protected trees and are considered acceptable.

Excavation to lower garden to basement level. The garden would be at the same level as the communal garden which is considered acceptable.

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

The proposed basement extension and rooflight will not be visible to neighbouring dwellings; therefore, they would not adversely impact the visual or residential amenities of the neighbouring occupiers.

The additional alterations to the rear of the property including the terrace, patio and garden would be similar to what is currently on site, therefore, it is not anticipated that they would be harmful to the neighbours' amenities.

5. Public Consultation

Consultation letters were sent to 2 neighbouring properties.
5 responses have been received, comprising 5 letters of objection
Neighbours Wishing To Speak: 2

The objections received can be summarised as follows:

- Out of character with the other houses in the Close and the area
- Material intensification in use
- Over-development
- Construction works will cause massive disruption to the neighbourhood. Neighbouring planning authorities view this as a legitimate planning consideration
- Disruption due to construction works: amount of movement and the noise levels passageway.
- Structural stability neighbouring planning authorities view this as a legitimate planning consideration
- No report has been supplied regarding the structural impact on the terrace
- No ground investigation information
- No hydrogeological Appraisal of the proposed basement
- No detailed structural study
- Major and very costly works were undertaken to stabilise the area around No.1 Carlton Close following clay soil shrinkage exacerbated by tree roots from trees front and rear which were subject to preservation orders. De-stabilise all the good and sturdy work that has been done cost of any necessary reparation
- Parking issues on the street for the residents, visitors and neighbours of West Heath Road
- If the works vehicles use the private road of Carlton Close, their residents' cars will have to move into West Heath Road parking bay
- Increased floor space of the building increases usage and demand on parking, 3 Carlton Close having converted their garage to living space
- Major disruption and probably closure of one of the entrances during long excavation work. This will be in contravention of our lease and our right of way
- No notice on the freehold owners
- Communal garden is not owned by the applicant and does not comprise the individual garden area of 3 Carlton Close
- Communal areas front and rear have limitations as to use and the Freeholders of this land should be consulted
- Possible construction of a later extension/conservatory/orangery
- Long term major disruption to the neighbourhood
- Large scale developments along West Heath Road have left a legacy of broken pavements, displaced kerbstones, and badly filled holes and lumps in the road surface.

The objections raised by objectors are noted. In regards to the proposals resulting in an overdevelopment of the site, the proposed basement will not be visible from the streetscene and the others alterations will replace the existing elements. As such, it is not considered that the proposals will be out of character with the host property, the Close or wider locality.

Extensions and alterations to a residential property are not considered as a change of use.

Structural stability is not a planning matter and therefore, not reason for refusal. Notwithstanding this, internal consultation has occurred with Council's Building Control Department, with the following comments received:

1. The site is located close to the boundary of London clay and Claygate beds, hence ground water levels could vary on a seasonal basis and should be regularly monitored.

2. According to the site investigation results the basement excavations will be below the water table, this should be taken into account in the method of construction and the resulting basement impact assessment.
3. Note, we do not check or approve method statements or temporary works design, however we should request confirmation these have been checked and approved by the principal designer in accordance with the Construction Design and Management regulations.
4. The basement should be designed as watertight in accordance with BS8102.
5. The property is mid-terrace, the excavation and construction of the basement could cause additional settlement to the adjacent properties which share the party wall. Long term there could be differential movement between properties. This should be allowed for in the design and monitored on site.
6. It should be checked if any other properties in the terrace have a basement which could affect the design and the Basement Impact Assessment. If all the properties in the terrace were to have a basement this would have a greater impact on localised ground water levels.

It is considered that the above considerations suggest it is capable of establishing the proposed basement, subject to compliance with several considerations during the separate building assessment process. Appropriate conditions of approval have been recommended in accordance with the advice received in points 1 to 6 above. Furthermore, an independent review of the submitted BIA has been undertaken and it raises no objection to the proposed basement development.

The applicant submitted all required information to allow the assessment of the present application.

The application relates only to the site property. No works are planned in the communal area.

Whilst it is acknowledged that construction works would result in some level of disruption with regards to noise, movement, parking issues, it does not appear reasonable to refuse permission on such a basis.

Each application is judged based on its own merits; therefore it is not possible to consider the impact of possible future developments.

Lease issues are out of scope of the assessment of a planning application and do not constitute a reason for refusal.

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

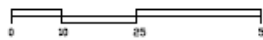
the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



1

SITE LOCATION PLAN

1 : 1250



Location **78 Crewys Road London NW2 2AD**

Reference: **17/2300/FUL**

Received: 7th April 2017

Accepted: 7th April 2017

Ward: Childs Hill

Expiry 2nd June 2017

Applicant: Tango Properties Limited

Proposal: Conversion of existing 6no bedroom HMO to provide 7no bedroom HMO following extension to roof including 1no rear dormer window, 3no. rooflights to front elevation

AGENDA ITEM 12

Recommendation: Approve subject to conditions

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

PL-000 Rev A (received 07/04/2017)
PL-001 Rev A (received 07/04/2017)
PL-002 Rev B (received 07/04/2017)
PL-003 Rev B (received 07/04/2017)
Site Location Plan (received 07/04/2017)

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 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 The maximum number of occupants within the property shall at no point exceed 7.

Reason: To ensure that the proposed development does not prejudice the character and residential amenity of the surrounding area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

2 The applicant is advised that an HMO licence is likely to be required under the Housing Act 2004, either under mandatory or additional licensing requirements. Further information on HMOs and the Council's HMO Standards 2016 can be found on the Council's website:

<https://www.barnet.gov.uk/citizen-home/housing-and-community/private-housing/landlords/houses-multiple-occupation.html>

Officer's Assessment

1. Site Description

The application site consists of a two storey terraced dwelling located at No.78 Crewys Road. The property shares a party wall with the neighbouring premises at No.76 and No.80 Crewys Road.

The site is situated within a predominately residential area.

It is noted that the property is a currently a 6 unit HMO and benefits from a Certificate of Lawfulness with reference 15/05217/192.

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

2. Site History

Reference: 15/05217/192

Address: 78 Crewys Road, London, NW2 2AD

Decision: Lawful

Decision Date: 9 October 2015

Description: Change of use from single family dwelling to HMO

Reference: 15/05218/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 13 October 2015

Description: Rear dormer and 1no. rooflight to front to facilitate change of use from single family dwelling to 7 unit HMO

Reference: 16/7563/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Withdrawn

Decision Date: 17 February 2017

Description: Extension to existing 6no bedroom HMO to 7no Bedroom HMO. Roof extension involving rear dormer window, 3no. rooflights to front elevation to facilitate a loft conversion

Reference: 17/1275/FUL

Address: 78 Crewys Road, London, NW2 2AD

Decision: Approved subject to conditions

Decision Date: 6 April 2017

Description: Demolition of single storey rear extensions and erection of single storey rear extension for existing HMO (retrospective application).

3. Proposal

The application seeks to convert the existing HMO from a 6 bedroom unit to a 7 bedroom unit. The additional room would be provided following a loft conversion. The loft conversion would in turn consist of 1no rear dormer and 3no roof lights to the front elevation.

The dormer window would measure 1.5 metres in height, 2.9 metres in width, and 2.2 metres in depth.

4. Public Consultation

Consultation letters were sent to 71 neighbouring properties.
24 responses have been received, comprising 24 letters of objection

The objections received can be summarised as follows:

- Increase from 6 to 7 bed HMO.
- Impact on neighbouring amenity.
- Noise.
- Impact on traffic and stress on parking.
- Overdevelopment / Density.
- Impact on waste and recycling.
- Antisocial behaviour.
- Condition of the building.

Internal Consultation

Environmental Health HMO - No comments have been received.

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, DM09, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. From 29 May 2016 an Article 4 Direction was introduced to remove the permitted development rights to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Larger HMO are properties occupied by more than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission. Policy DM09 of the Local Plan explains Barnet's policy on Houses in Multiple Occupation. HMO's may require licensing under the Housing Act and Environmental Health Act.

Sustainable Design and Construction SPD (October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers with regards to HMO Standards.
- Impact on Highways.

5.3 Assessment of proposals

Principle of development

It is noted that the property has been previously converted into a HMO of 6 units. Three en-suite bedrooms and the kitchen are located at ground floor whilst two en-suite bedrooms and one single bedroom are located at first floor. All 6 units benefit from bathrooms.

The proposal seeks planning permission for an additional unit in order to convert the property from 6 to 7 bedrooms. In order to enable the additional room, a rear dormer extension has been proposed.

In assessing the principle of HMOs, Policy DM09 states that the Council will seek to retain existing HMO provided they meet an identified housing need. Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

As already mentioned, the property benefits from a Certificate of Lawfulness dated 2015, for the change of use from a single family dwelling to HMO. The VOA council tax bands confirm that the property benefits from 6 units. As this application was implemented, the Planning Authority therefore considers that site to be in lawful use. The application seeks to deliver an additional unit for the HMO, it is therefore not considered to conflict with Policy DM09.

It should be noted that a change from 6 to 7 HMO units would not necessarily be a material change of use requiring planning permission. In the view of officers, given the additional kitchen accommodation and the fact that the area is predominantly characterised by single family dwellings, the change would be material and require planning permission.

Impact on character following loft conversion

Paragraph 14.33 of the Council's Residential Design Guidance (SPD) states that dormer extensions should appear as subordinate features towards the original property. The extensions should generally not exceed half the width or half the depth of the original roof slope. In this instance it is considered that the proposed dormer would comply with the Council's Design Guidance and would not impact on the character of the property.

It is noted that a considerable number of properties along Crewys Road, including the neighbouring property at No.76 Crewys Road, benefit from larger rear dormer extensions. As such, it is considered that this element of the proposal would be in keeping with the character and appearance of the local area. Furthermore, a moderate dormer such as the one proposed, is not considered to harmfully impact on the visual or residential amenities of neighbouring occupiers as it would not appear overbearing and obtrusive.

It should be noted that there would be an argument that a dormer would be permitted development, as use class C4 benefits from permitted development rights. However, in the view of the LPA, the use would fall outside C4 and therefore require planning permission.

Impact on neighbouring residents and future occupiers

In terms of accessibility, the site is located within a PTAL of 3 which is considered of medium accessibility. However, there are higher areas of accessibility in close proximity to the site. The town centre of Golders Green is approximately 1km from the application site. It is noted that there are a number of bus stops to the south of Crewys Road on Cricklewood Lane and Finchley Road with direct connections to central London. There are also good opportunities for cycling and walking. The site is therefore considered to be easily accessible.

In terms of amenity for future occupiers, the Council has produced HMO Standards 2016 which requires the following room standards when the kitchen is in a separate room:

1 person household: 10sqm

2 person household: 14sqm

It is considered that the proposed additional room within the loft would comply with the above standards as it would measure 12.0 square metres in area. The room would benefit from 2no roof lights to the front elevation and 1no window to the rear elevation serving the bathroom. The bathroom would in turn measure 3.0 square metres in area. Overall, it is considered that the proposed unit would benefit from adequate outlook and ventilation. The proposed room would also be the largest accommodation within the HMO. As such, it is not considered that the proposal would harmfully impact on the living amenities of future occupiers.

The proposed room would not benefit from direct access to outdoor amenity spaces to the rear of the property. As such, it is considered that the future occupiers would not substantially increase noise levels and would not harmfully impact on the living standards of the neighbouring occupiers at No.76 and No.80 Crewys Road.

A smaller shared kitchen has also been provided within the loft. The kitchen unit would measure 7.5 square metres in area and benefit from one set of kitchen facilities. Paragraph 4.2.1 of the Adopted Standards for HMO (2016) states that where kitchen units are proposed for communal use the floor area should not be less than 6 square metres. It is therefore considered that the proposed kitchen would meet the required standards. The additional kitchen is also considered to positively contribute to the internal living amenities of the existing HMO as it will alleviate the use of the main kitchen at ground floor.

The existing property benefits from 6 bedroom units. On balance, the increase to 7 units is not considered to harmfully impact on the amenities of existing and future occupiers as well as neighbouring occupiers. The proposal meets the standards requirements for HMO's and the additional kitchen would positively provide further internal amenity space. It is therefore considered that, on balance, the proposal would not be an overdevelopment of the property.

Concerns have been directed towards the potential increase in waste due to the additional unit. Whilst it is acknowledged that an additional room would automatically increase waste to a certain degree, it is not considered that this would be excessive and to the detriment of the HMO occupiers or neighbouring occupiers. Nevertheless, a condition has been attached to the application in order to ensure that details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins would be provided.

Impact on Highways

Further concerns have also been raised with regards to the impact on traffic and stress on parking spaces. The proposed increase in bedroom units is not considered to be so great as to harmfully impact on the traffic and on-street parking. Whilst it is acknowledged that the Crewys Road is already a fairly stressed road, it is not considered that a materially higher demand for parking would result from the proposed development. As per above, the property is located within close proximity to a town centre, and thus benefitting from numerous transportation links. It is therefore considered on this basis that the application is acceptable on highway grounds.

Overall, it is considered that the proposed development would meet the requirements of policy DM01 and DM09. The additional bedroom is not considered to harmfully impact on the existing, future, and neighbouring occupiers.

With regards to the proposed loft conversion, it is considered that the proposed dormer extension, due to the size and siting, would be in keeping with the character of the local area and would not appear obtrusive or overbearing, to the detriment of the visual and residential amenities of neighbouring occupiers.

The application is therefore recommended for approval subject to conditions.

5.4 Response to Public Consultation

Concerns raised throughout the public consultation have been addressed in the report. Given the compliance with HMO Standards, and the provision of one additional kitchen unit, on balance, it is not considered that the proposal would be an intensification of the use of the property, to the detriment of the neighbouring occupiers.

In terms of increase in noise, as per the above assessment, it is not considered that the additional room would not substantially increase noise levels to the detriment of neighbouring occupiers. The proposed room would not benefit from access to the rear of the property.

With regards to an increase in waste, a condition has been attached to ensure that details of enclosures and for the storage of recycling containers and wheeled refuse bins would be provided. This will ensure a satisfactory appearance for the development and satisfactory accessibility to the property as well as to protect the amenities of the area.

Concerns relating to antisocial behaviour and untidy land should be direct to the Police and Planning Enforcement Departments respectively.

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 a detrimental 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 **Brondesbury Cricket Tennis And Squash Club 5A Harman Drive
London NW2 2EB**

AGENDA ITEM 13

Reference: **17/0239/FUL**

Received: 16th January 2017

Accepted: 16th January 2017

Ward: Childs Hill

Expiry 13th March 2017

Applicant: Mr Edward Ben-Nathan

Proposal: Conversion of one natural turf bowls green to one all weather porous
macadam tennis courts with the installation of low level LED floodlighting.
Creation of 16.no new parking spaces and 18.no new cycle spaces.

Recommendation: Approve subject to conditions

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

- Location Plan (2015014010D Rev D)
- Block Plan (2015014011C Rev C)
- Existing Layout (2015014012)
- Proposed Layout (2015014013C Rev C)
- Proposed Elevations (2015014017C Rev C)
- Proposed Car Parking (2015014018A Rev A)
- Brondesbury Sports Club Lighting Assessment (09.01.201).

Drawing 012 and the Lighting Assessment was received on 16.01.2017. All other drawings were received on 07.04.2017.

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 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing No. 2015 014 013C Rev. C shall be provided and shall not be used for any purpose other than parking of vehicles in connection with recreational activities associated with Brondesbury Cricket Tennis and Squash Club. Larger vehicles including coaches or minivans shall not be permitted use of the new parking spaces hereby approved.

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.

- 4 Before the development hereby permitted is occupied cycle parking spaces as per the submitted planning application shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 6 The use of the all weather porous macadam tennis court and the hours of operation of the associated floodlighting hereby permitted shall take place only between the hours of 09:00 and 21:00.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 7 The lighting scheme in the drawings hereby approved shall be carried out in accordance with the approved Brondesbury Sports Club Lighting Assessment (09.01.2017) and maintained as such.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 8 No development shall take place until details of the Noise and Operational Management Plan to detail how the car park will be constructed and managed so as to provide sufficient mitigation for noise generated by vehicles and machinery has been submitted to and approved in writing by the Local Planning Authority.

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) and 7.15 of the London Plan 2011.

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 works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 3 The layout of the parking spaces shall be designed to allow for the parking spaces to be independently accessible.

Officer's Assessment

1. Site Description

The application site is located south of properties on Harman Drive within the Childs Hill Ward. It can be accessed via a private access road located on the bend on Harman Drive. The Cricket and Tennis Club site is large and is surrounded by residential properties and mature tree lines. The proposed location of the all-weather tennis court is immediately to the rear of residential properties on Harman Drive and would replace an unused bowling green. There is an established tree line between the application site and the properties located immediately adjacent to the application site.

The application site is not a listed building and does not lie within a Conservation Area.

2. Site History

Reference: 15/01262/FUL

Decision: Approved subject to conditions

Decision Date: 3 June 2015

Description: Replacement of the existing three lane outdoor cricket nets with a new four lane facility.

Reference: 16/2940/FUL

Decision: Approved subject to conditions

Decision Date: 27 June 2016

Description: Extension to existing tennis pavilion to provide a timber framed structure for use as a toilet facilities and an office

Reference: F/02788/14

Decision: Approved subject to conditions

Decision Date: 17 September 2014

Description: Retention of 8no. x 12 metre high steel masts for cricket/tennis protection netting / fencing.

Reference: F/04431/11

Decision: Approved subject to conditions

Decision Date: 5 March 2012

Description: Erection of 5No. x 6 metre floodlights and installation of additional luminaires onto existing poles to provide illumination to courts 4 and 7.

Reference: F/03540/08

Decision: Refused

Decision Date: 3 December 2008

Description: Variation of condition 2 (Hours of use of Flood lighting) of planning permission C04254H/01 dated 03.07.02 to allow use of floodlights to courts Nos 5 + 6 between 09.00-21.30 hours all year around.

Reference: F/03641/09

Decision: Approved subject to conditions

Decision Date: 20 November 2009

Description: Erection of new single storey building to replace existing tennis shelter.

3. Proposal

The proposed development includes:

- Conversion of one natural turf bowls green to one all-weather porous macadam tennis courts with the installation of low level LED floodlighting (measuring 34.7m in length and 17m in width)
- The proposed tennis court has a:
 - 3.6m High Chain-link Fence surrounding parameter
 - 2.75m High Sound Reflective Timber Fence
 - Nominal 5m High Column with 6.no LED Panel Fitting on each side (total 12.no)
- Low Level Blockwork Retaining Wall
- 2.5m set-back from rear garden wall of no.6 and no.7 Harman Drive
- 23.5m set back from the rear building line of no.7 and 22m from the rear building line of no.6 Harman Drive
- 16.no new gravel car park bays in addition to 5.no existing parking spaces (21.no in total). Loss of a number of mature trees to accommodate no.8 parking spaces (included within total of 16.no new car spaces).
- 18.no New Cycle Bays

4. Public Consultation

Consultation letters were sent to 83 neighbouring properties.

15 responses have been received comprising 13 letters of objection and 2 letters of support.

The following is a summary of public comments:

Letters in support:

- Additional health and social benefits;
- Existing bowling green has been used for years by children during holidays, including for marquees and the cricket team on Sunday mornings;
- No noise complaints have been received to date;
- People bought property knowing a sports club was located close to their houses;
- Limited parking issues.

Letters in objection:

- Lighting and noise issues due to increased use of site;
- Extra car and coach emissions due to increased use of site;
- Lack of on-site parking provision causing parking congestion on adjacent streets;
- Extra traffic due to expanding use of sports club;
- Worry that hard surface will allow its use for additional recreational activities;
- Tennis Courts in close proximity to neighbouring gardens will reduce quiet enjoyment of private amenity space;
- The proposed activity will generate more noise than its existing use;
- Would prefer the site to be used for parking to help mitigate parking / traffic congestion;
- No requirement for additional recreational capacity;
- Concerns that statements regarding parking capacity are incorrect;
- Court surface should be artificial grass and not hard court;
- Court should not be allowed for any other use but tennis;

- Noise Insulation barriers should be constructed and installed to best practice standards;
- Tennis Court to be used by children and therefore used by more than 4 people at any one time.

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): CS
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS10, CS14.
- Relevant Development Management Policies: DM01, DM02, DM04, DM13 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 a tennis court in this location
- ii. The Impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers
- iv. Parking and highways

5.3 Assessment of proposals

The principle of tennis court in this location

Policy 3.19 of the London Plan (2016) demonstrates the importance placed on increasing participation in sports and increasing access to sports facilities. It states that 'development proposals that increase or enhance the provision of sports and recreation facilities will be supported'. The proposed all-weather tennis court is to be located within a designated sports club which already has a number of tennis courts. It is therefore considered that the site is appropriate for recreational activities and a tennis court and is supported by the London Plan (2016).

The Impact on the appearance and character of the area

Development Management Policy DM01 b 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, space and streets'. It is deemed that the proposed all-weather tennis court and associated fencing, 18.no cycle bays and 16.no car parking spaces would have a limited visual impact on neighbouring properties. Given the low level nature of the development (3.6m chain-link fence / 5m columns to accommodate LED lightning), and the fact there is an established mature tree line separating the neighbouring properties and the

proposed tennis court, limited visual disturbance or impact is likely to be caused to neighbouring properties. As the proposed tennis court, associated infrastructure and new parking provision is not visible from the public highway, it has limited impact on the established streetscene. The proposed development is consistent in use and visual appearance to the tennis courts and parking infrastructure currently on site and therefore no visual harm is expected from the development. It is acknowledged that the provision of some of the proposed parking spaces will result in the loss of mature trees. However, these trees are not TPO trees or street trees and therefore no objection is made. The loss of these trees is expected to have a limited impact on the appearance and character of the area given they are not visible from the public highway, the site boundary still retains an acceptable tree coverage and the trees provide no significant visual screening for adjacent properties. It is deemed that the site has limited landscaping value.

The impact on the amenities of neighbouring occupiers

Development Management Policy DM13 states that 'new community or educational uses should ensure that there is no significant impact on the free flow of traffic and road safety. New community and educational uses will be expected to protect the amenity of residential properties'. A range of public comments have been raised outlining potential amenity impacts resulting from the proposed development and these are addressed separately below:

Noise

The site is an existing sports club and therefore already generates associated noise. What is in question is will the additional noise generated from 1.no tennis court and 16.no new car park spaces be detrimental to the amenity of neighbouring occupiers. While it is accepted that noise will be generated from the use of the court by single or multiple players, it is deemed that the noise generated will be limited and isolated and the times of use will further help to reduce any potential impact on neighbouring amenity. It has been noted that the court may be used for groups of children which will likely involve more than 4 players using the court at any given time. However, weight has been given to the fact these group sessions will be supervised at all times by a qualified adult coach, school groups will mainly occur between the hours of 9am-3pm and after school hour lessons will again be supervised by a qualified adult coach and finished before 9.30pm. In addition, children already have use of existing tennis courts located on the site and sited close to the rear of adjacent residential properties on Harman Drive. As the existing courts are located closer to residential properties than the proposed court, it is therefore considered that the proposed would also be acceptable from an amenity perspective. Significant weight has been given to the fact the tennis court is located in excess of 22m from the rear building line of the nearest adjacent residential properties. This is in excess of the recommended 21m separation outlined in section 7.3 of the Residential Design Guidance SPD (2016) for new residential properties to protect against overlooking and noise disturbance and to maintain appropriate levels of privacy. It is therefore concluded that given the significant distance between the proposed tennis court and adjacent properties and given the fact the proposed use is already employed on site (multiple courts), it is not considered that the noise generated by no.1 isolated tennis court would significantly impact neighbouring residential amenity, or result in an unacceptable or disproportionate level of noise disturbance. It is also noted that the proposed tennis court is not a change of use from an unused portion of land, but from a bowling green, which is also open to larger groups of participants should the club decide to reactive its use as such.

The proposed no.8 parking spaces closest to the tennis court are located 16m from the rear building line of the nearest adjacent property and the no.8 proposed parking spaces to the east of the site are more than 20m from the nearest adjacent property. In addition, there is an established tree line along the site boundary providing a further screen against any potential noise resulting from additional vehicle capacity and use. The proposed parking spaces have a greater separation from adjacent properties than existing spaces located along the private access route to the sports club. Considering the parking spaces address a fundamental need and issue raised by public comments, it is considered that their benefit in relieving localised parking stress, in addition to the outlined set-backs and existing tree line, are an appropriate and essential part of the proposal. As the proposal is for a single tennis court only and there is only a limited amount of people a tennis court can accommodate at any given time, even when in use by children, it is not considered that there would be a significant increase in traffic flow and subsequent noise. Larger vehicles, including coaches will not have access to these parking spaces given space restrictions preventing access and turning; this will be conditioned. Therefore, the parking spaces included within this application, will only be used by smaller vehicles with less potential to emit unacceptable levels of noise. In addition, there is no other location on the site which would suitably accommodate additional parking and associated access routes. Should, as some members of the public have suggested, the application site (bowling green) be developed and used as a club car park, it is deemed the impact on residential amenity via noise and pollution would potentially be more acute than the proposed layout and use.

The loss of a number of trees along the eastern edge of the proposed car park is not expected to have a significant impact on noise disturbance to adjacent residents, particularly given the presence of an existing tree line along the site boundary and the more than 20m separation between the proposed parking spaces and the rear building line of adjacent properties. Having considered the above, the potential increase in noise from the proposed parking spaces is expected to be localised, limited and acceptable. Nominal noise impacts are expected from the cycle bays located adjacent to neighbouring residential properties.

Lighting

Concern has been raised regarding lighting as the low level LED lights are fixed at a height of 5m. Barnet Development Management Policy DM01 f states that 'development proposals for lighting scheme should not have a demonstrably harmful impact on residential amenity or biodiversity'. The Local Authority's street lighting team were consulted about the low level LED lighting proposed around the tennis court and no objection was made. A condition around a lighting curfew was recommended and will be conditioned to better protect the amenity of neighbouring properties.

Traffic, Parking and Access

Development Management Policy DM17 18.8.2 states that each location for new development will be based on 'the level of public transport accessibility, parking stress including the level of on-street parking control, the population density and parking ownership of surrounding areas and ease of access by cycling and walking'. The Local Authority's highways team was consulted on the above proposal and having considered the local transport infrastructure and parking stresses, raised no objection. Much of the public objection concerned site / street parking and access provision. The objections raised and solutions proposed ranged from more on-site parking to a rejection of the proposal. It has been noted that parking and accessibility to and from the site is an issue

and this has been further exacerbated by the increase in the use of the site over time. However, having considered the limited scale of the proposed development and the oversupply of car parking spaces and cycle bays provided, it is deemed that the proposal would have a positive impact on the existing on-site and on-street parking stress identified by some of the public comments. Not only does it provide 16.no additional parking spaces in return for 1.no new tennis court which has a limited use capacity at any one given time, it also relieves some of the on-street parking pressures caused by club members using the site for other recreational activities.

According to the London Plan (2016), 1.no cycle space is required per 20 peak period visitors. The 18.no proposed cycle spaces would accommodate 360 peak period visitors, an oversupply based on current peak period use. This is considered an oversupply of cycle provision which benefits the wider sports club and encourages alternative modes of transport to the site. Weight is also given to the fact many of the club users are based locally and either walk or cycle to the site and not all club members access the site via car. It is also considered that 1.no additional tennis court would not result in a significant increase or sudden influx of new club members requiring access to the site. Therefore, were this application refused, it would leave the site exposed to the same demand for parking from its current club members (which total in excess of 500), but without no.16 much needed parking spaces and 18.no cycle spaces. Therefore, while the local residents concern is understood, it is deemed that the application, which is for 1.no additional tennis court only, results in limited additional demand on infrastructure capacity but provides a significant supply of parking and cycle space which will have a demonstrable site benefit that will improve site accessibility and reduce on-street parking stress.

Pollution

It is not deemed that the site will experience a significant increase in pollution caused by the introduction of no.1 additional tennis court. Indeed, it is not considered that the proposed tennis court will result in a significant increase in site vehicular access over and above existing use and that the provision of no.16 new parking spaces simply helps to accommodate vehicles which already use both the site and adjoining streets to park. Therefore, the net increase in vehicular use on the site and adjoining roads and the subsequent increase in pollution is expected to be nominal.

Additional impact on amenity

As the application site is currently used for multi-person recreational activity and parking, it is not expected that this application, which in essence represents a change of use, will significantly impact existing privacy levels. Due to the nature of the development, no overlooking, overshadowing or an increased sense of enclosure is expected.

Summary

- The development is a change of use from a bowling green to a tennis court and therefore the Local Planning Authority consider the intensification of use on the site to be negligible, with a decision to refuse planning permission as entirely unreasonable based on its planning merits.

- Street / site lighting is considered acceptable.

- Environmental Health considers the proposal acceptable on a Noise and Operational Management Plan basis.

The proposal is acceptable on highways grounds with the proposed parking and cycle arrangements a significant improvement to the current sports club parking provision. The

proposed additional parking spaces will help to alleviate local on-street parking which is currently a significant issue experienced by local residents.

- Any increase in pollution is expected to be negligible with the removal of no.16 cars (total new parking spaces provided) currently parked on adjacent roads relocated to a more centralised location on the sports club grounds; a significant benefit to local residents.

5.4 Response to Public Consultation

The public comments raised have been considered as part of this application process and have informed the proposed site layout. All material planning considerations raised via public comments have been addressed in the assessment above. Public comments not directly addressed above, are considered below:

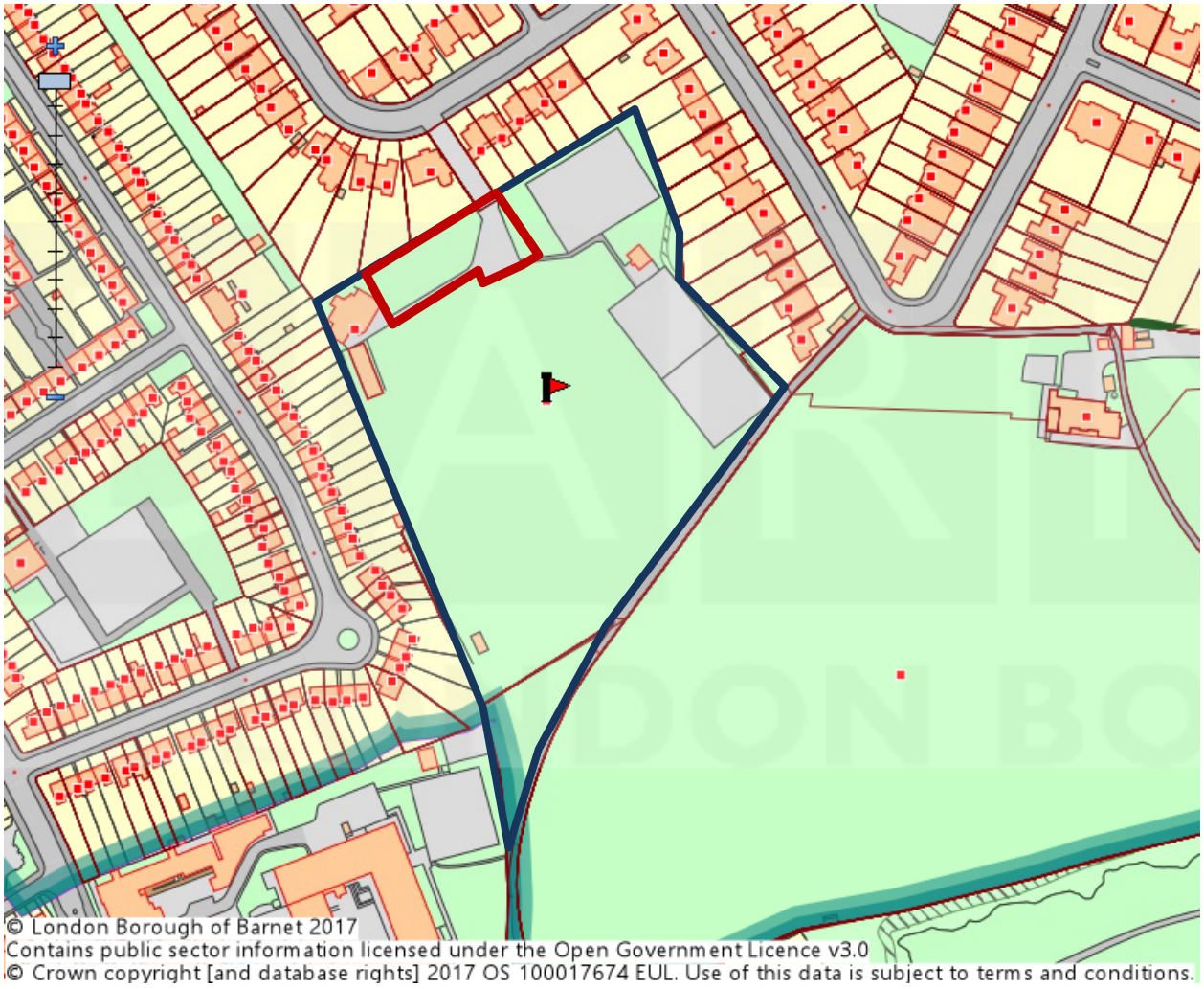
- No demand for additional tennis court: this is a commercial decision for the sports club and not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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 an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location **Ground Floor Flat 15 Redbourne Avenue London N3 2BP**

Reference: **17/2320/FUL**

Received: 7th April 2017

Accepted: 11th April 2017

Ward: West Finchley

Expiry 6th June 2017

Applicant: Mr Virji Patel

Proposal: Single storey rear extension

AGENDA ITEM 14

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.no.SV508/P/01 (Site Location Plan), drg.no.SV508/P/02 Rev.A, drg.no.SV508/P/03 Rev.A and drg.no.SV508/P/04 Rev.A.

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

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

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

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

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

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

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

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 dwellinghouse that has been converted into flats. It is located on the western side of Redbourne Avenue, which is predominantly residential in character. The property is not listed and does not fall within a designated conservation area.

2. Site History

None

3. Proposal

This application seeks a single storey rear extension with 1no. rooflight. The scheme has been amended since the original submission and the extension has been reduced in depth.

The host property benefits from a two storey outrigger.

The proposed single storey rear extension, will infill the gap between the boundary fence with neighbouring property at no.13 Redbourne Avenue and the outrigger at the host property. It will extend 3m in depth beyond the rear wall.

It has a flat roof with a height of 3m and 3.1m to the top of the rooflight.

4. Public Consultation

07 consultation letters were sent to neighbouring properties.

13 responses have been received.

Objections have been summarised below:

- Flat accommodating 5 or more people with tenants changing regularly which effects the character of the street
- Assume the applicant wants to turn the house into a HMO, leading to noise nuisance
- Would be an over intensive use of the flat
- Too many cars, too much rubbish and noise
- Proposed Parking Layout is unsuitable
- Adverse effect on the character and appearance of the area
- Oppressive tunnel in the area
- Reduction in the view of the garden for present of future occupants
- Risk to security to the flat above
- Emergency vehicles having manoeuvring difficulties due to increase in vehicles on the street
- The proposed total occupancy of 11 equals to the recently refused on appeal for 3-flat development at no.8 Redbourne Avenue.
- The submitted drawings and information do not accurately represent the proposed increase in occupation
- Not possible to properly assess the proposal because critical dimensions are not shown

- It is overbearing and will cause overshadowing, with significant undue harm to amenity of neighbouring property.
- Depth and height will cause sense of enclosure, loss of outlook and light
- The proposed change of the lounge to a bedroom will result contrary to Residential Design Statement.
- The extension will not sit comfortably within the main building and protrudes beyond prominent building lines
- Current parking is close to capacity and increased occupancy will put further demands on parking with loss of amenity for local residents and others.

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 is a common form of extension across the borough and is small enough in scale to be considered a proportionate and subordinate addition to the host property. It is considered that it does not detract from the character of the host building, the neighbouring properties and the wider locality.

Impact on the living conditions of neighbouring residents

The host property and the adjoining property at no.13 benefits from a veranda approximately 1.7m deep, that line up with each other. It has a pitched roof with a maximum height of approximately 3.5m and an eaves height of approximately 2.68m.

The proposed extension will replace the existing veranda with an extension that will extend along the boundary fence of no.13 with a depth of 3m. It will project approximately 1.3m beyond the existing veranda of the adjoining property at no.13 and will be set away approximately 2.8m away from the side window located on the outrigger facing the host property. It will have a flat roof with a height of 3m and a maximum height of approximately 3.1m to the top of the proposed rooflight.

The proposed extension will not extend beyond the outrigger of the host property. There are no windows proposed to the side elevations and as such there would be no overlooking or loss of privacy to the neighbouring properties at no.13.

The proposed extension is considered to be small enough in scale, not to have a detrimental impact on the amenities of neighbouring properties at no.13, in terms of loss of light, loss of outlook, overshadowing, be overbearing or result in a sense of enclosure to this neighbouring property.

Due to the siting of the proposed extension it will not be visible to neighbouring properties at no.17 Redbourne Avenue, furthermore the proposed extension will not project beyond the existing outrigger at the host property and as such it is not considered to have a detrimental impact on the amenities on this neighbouring property.

Given the size and design of the proposed extension and the relationship between the proposal and the neighbouring properties, it is not considered that this proposed extension would be detrimental to the amenities of the occupants of any neighbouring property, in term of loss of light, loss of privacy and loss of outlook.

It is not considered that the occupation and use of the proposed extension would result in any additional levels of noise and disturbance such as to materially detract from the residential amenities of neighbouring residents such as to warrant refusal.

Whilst the proposed extension would be visible from the upper floor levels at 15 Redbourne Avenue and neighbouring property at no.13 Redbourne Avenue, it is not considered that this would result in any loss of visual amenity.

Given this relationship it is not considered that the proposed extension would adversely affect sunlight reaching the rear habitable room windows of no.13, nor would it be overbearing or visually obtrusive such as to affect the outlook from no.13.

Furthermore, the Residential Design Guidance SPD states that the depth of single storey rear extensions normally considered acceptable for a semidetached property is 3.5m and should not cause 'a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.' The proposed extension would comply with this requirement of Barnet's Residential Design Guidance.

The proposals would comply with the aforementioned policies and Council Residential Design Guidance and would be a proportionate addition to the dwelling house. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers. It is therefore recommended for conditional approval.

5.4 Response to Public Consultation

Use as HMO, will require planning permission and is not part of this application.

With regards to highways parking issues, the proposed extension does not attract additional parking requirement. It does not affect highways conditions and traffic flow.

With regards to accuracy of plans, the plans are satisfactory to enable applications to be considered.

Other concerns have been dealt with in the body of the report.

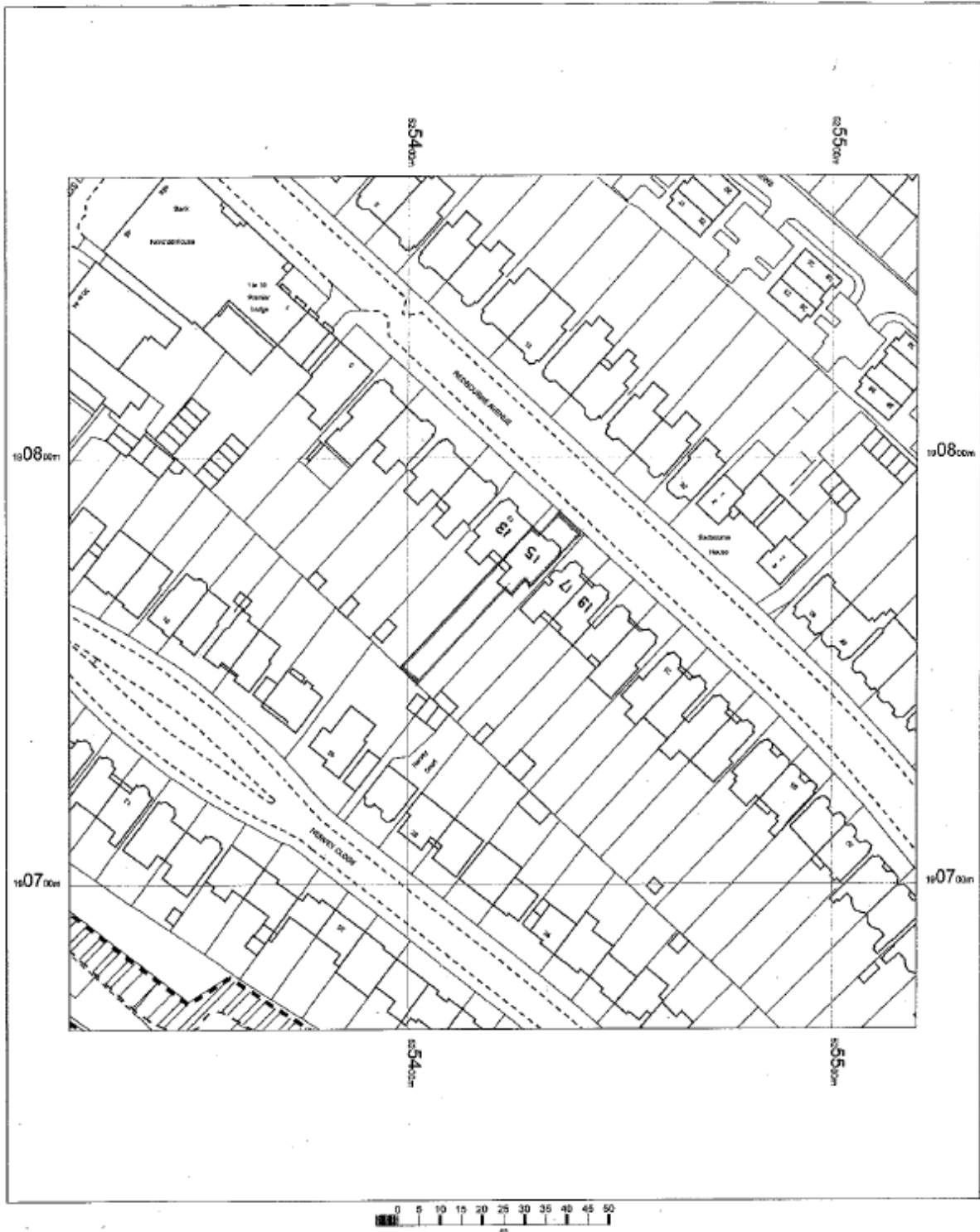
6. Equality and Diversity Issues

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.

Location Plan



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COMMITTEE REPORT

LOCATION: Big Site Allotments – Land between Coleridge Walk, Addison Way, Hogarth Hill, Wordsworth Walk (adjacent 27 Wordsworth Walk) London NW11

REFERENCE: TPF/0183/17 **Received:** 4 April 2017

WARD: GS **Expiry:** 30 May 2017

CONSERVATION AREA Hampstead Garden
Suburb

APPLICANT: MWA Arboriculture Ltd

PROPOSAL: 1 x Oak (applicant's ref. T1) – Remove, T7 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (applicant's ref T1), T7 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree(s) shall be agreed in writing with the Local Planning Authority and the tree(s) shall be planted within 6 months (or as otherwise agreed in writing) of the commencement of the approved treatment (either wholly or in part). The replacement tree(s) shall be maintained and / or replaced as necessary until 1 new tree(s) are established in growth.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Recommended Informative if consent is approved:

The applicant should note that the felling of the tree has ground heave potential which may affect neighbouring properties.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 27th April 2017

Consultees:

Neighbours consulted: 5 also Hampstead Garden Suburb Trust
Replies: 204 2* representations 4** support 199 objections

3 of the objections and 1 of the representations were received after the expiry of the consultation period.

* It should be noted that 1 of the representations submitted via the website as 'Comments neither objecting to or supporting the Planning Application' was listed as such in error, as the respondent's detailed comments were clearly in objection.

** Similarly, 2 'Comments in support of the Planning Application' submitted via the website were listed as such in error, as the respondents' detailed comments were clearly objections.

Because of the volume of consultation responses and the amount of detail some included, a representative selection of extracts has been included at Appendix 1 to this report.

The main grounds are summarised below:

Representations:

- Suggests Oak is 75 – 80 years old
- Tree causes shading and deposits debris in neighbouring gardens and the twitten
- Experts should decide whether the tree should be felled or not – but it does need to be managed

Support:

- Hampstead Garden Suburb Trust has not responded to previous requests to prune the tree to restrict its growth so no surprise that there is an application to fell
- Would support the application that this tree (T1) should either be removed, or at least drastically cut back. It is far too big for a residential area and greatly reduces the light to our house. It has now started to take over the whole of our garden.
- Tree is causing structural damage. It could be preserved, at great expense, either to the taxpayer or to the insurance company. There are consequences in both of these cases. This is not a case of tree-lovers versus faceless, cruel bureaucrats. It's a

question of common sense and practical difficulties for suburb residents and those who look after the suburb's environment.”

Objections:

There were a considerable number of objections - some of which provided no detailed comments; some of which were from several different people at the same address; and others included non-existent addresses or were from places as distant as Pretoria and New York. The grounds of objection can be summarised as:

- Oak is an original boundary tree that predate houses
- Presence of trees influenced design and layout of area
- Tree shown on Unwin 1911 plan of Hampstead Garden Suburb
- Oak significant to streetscene and allotments
- Importance in framing streetscene and contribution to quiet rural atmosphere
- Wonderful healthy tree of good size and fine shape at meeting point of two twittens can be viewed from the paths, the roads, and the allotments
- Amenity value increased by its particular accessibility to the many commuters, parents and children who use the path to reach public transport, shops and the Garden Suburb school.
- Quite exceptional public amenity value
- Oak integral part of Suburb's history
- Mature trees essential to unique green character and appearance of Suburb Conservation Area
- Oaks iconic species in Hampstead Garden Suburb
- Tree irreplaceable if removed / take generations to replace
- Importance for wildlife, particularly birds
- Role of tree in filtering pollution and noise
- Provides shade, reduces evaporation
- Tree is splendid / beautiful / magnificent / 'one of the two or three finest trees in the whole Suburb'
- CAVAT value of tree £87,695 – well in excess of the extra £58K for work required if the tree is not removed
- Alternatives to tree removal
- Need to preserve the native trees in the Suburb as much as the houses, and look after both in equal proportions
- Damage is only classed as BRE category 2 “slight”
- Proposed felling is irresponsible and disproportionate
- Inaccuracies in supporting information submitted by applicant
- Risk of heave
- Alternative causes for alleged property damage
- Tree felling is insurance company default position
- Argument based on cost to insurers does not take account of wider cost to community
- Potential setting of precedent
- The Hampstead Garden Suburb Trust submitted their own structural engineer's comments

- A number of detailed technical queries were received from one resident (see Appendix 2) – they have been addressed where appropriate by our Structural Engineer and are discussed in the body of this report.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak Tree

(n.b. submitted treeworks applications have not all used the same 'site address' so it is difficult to search the full pruning history)

TREC12138 – Application to undertake unspecified pollarding of the Oak T7 of Tree Preservation Order

- refused 6th September 1995

TREC12138A – Oak – Reduce density by 25% (T7 of Tree Preservation Order)

- conditional approval 16th November 1995

TREC12138C/99 – Oak - thin density by 25% and lift clear of footpath by 3m, standing in T7 of Tree Preservation Order.

- conditional approval 31st January 2000

TPO/00119/10/F – 1 x Oak – Thin by 10% as specified (T7 of Tree Preservation Order)

- conditional approval 20th April 2010

TPO/00285/11/F – 1 x Oak – Lift to 4m and shorten spreading branches as specified in annotated photographs submitted by the applicant on 15th August 2011. T7 of Tree Preservation Order

- refused 24th August 2011

TPO/00215/13/F – 1 x Oak – Remove deadwood only. T7 of Tree Preservation Order

- Exemption Notice issued 2nd May 2013

27 Wordsworth Walk

C12158 – Alterations to rear elevation

- conditional approval 27th September 1995

C12158A – Erection of side gate

- conditional approval 30th October 1996

C12158B – Single storey rear extension

- conditional approval 13th December 1999

The 1995 planning permission for alteration to the rear elevation involved enlarging a window to create French doors and semi-circular steps to link with the rear patio. The rear patio itself is built up above the level of the twitten. The 1999 planning permission was for

a single storey infill extension (as a pair with the adjacent property) – because of the sloping site, the ground beam was positioned over the existing combined drains with the new walls built above, inside the floor level is set below that for the rest of the ground floor.

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of the Oak tree close to the boundary of the allotments in connection with alleged property damage at 27 Wordsworth Walk was submitted via the Planning Portal in March 2017. The applicant initially believed that the Oak was not subject to a Tree Preservation Order (TPO), so had submitted a s211 Notice of Intent. Although there is only one standard treeworks application form, more supporting information is required for a TPO application. Our Structural Engineer commented that there were discrepancies and shortcomings in the information – clarification was thus requested.

On 4th April 2017 an e-mail was received from the applicant noting “You have confirmed that the S211 notification has in effect been accepted by the council as a TPO application and we will therefore treat it as such under the legislation. With regard to the oak roots identified, our survey of the site and immediate environment identified no other potential source of the roots. We are satisfied that the origin of the roots identified is tree T1 of the MWA report. The level monitoring is has been reviewed and the readings are confirmed as recorded. A deep datum was installed in the front garden to ensure stability. Vertical movement of 25mm broadly equates to a crack width of 2.5mm which is consistent with the cracks described in the Crawford Technical report. The Crawford Addendum report states that tree work (removal) can proceed without risk of heave damage being created. Irrespective of this information a heave assessment is not a requirement for TPO applications. All necessary technical information listed within the guidance and legislation pertaining to Tree Preservation Order applications has been submitted and on this basis we ask that the council register the application (as a TPO) and confirm the registration date to us in writing. In the event the council refuses to register the application as submitted, we will be left with no option other to proceed to appeal on the basis of non-determination.”

2. Appraisal

Tree and Amenity Value

The subject Oak stands just inside the boundary of the almost triangular allotments between Wordsworth Walk, Coleridge Walk, Hogarth Hill and Addison Way (sometimes known as Big Site Allotments), on land owned by Hampstead Garden Suburb Trust. It is located at the apex of the twittens linking Erskine Hill and Willifield Way (via Coleridge Walk and Wordsworth Walk), opposite the junction of the rear garden boundaries of 27 Wordsworth Walk and 28 Coleridge Walk, almost 25 metres from the rear elevation of 27 Wordsworth Walk.

The mature Oak subject of this application is approximately 15 metres in height, with a trunk diameter (at 1.5m above ground level) of 75cm and a girth of 235cm. The tree forks

at approximately 2 metres to form a broad spreading crown. It has been previously lifted and thinned regularly (there is some resultant end-weighting), but the Oak appears to be in reasonable condition with no major faults apparent.

The Hampstead Garden Suburb Tree Survey (undertaken by volunteers in 2012 from the Residents Association with some assistance from Hampstead Garden Suburb Trust and a Tree Officer) notes of the Oak in the Overview of Area 2:

“The oak in the corner of Big Allotment that can be seen down the twittens leading from both Wordsworth and Coleridge Walks is quite exceptional in its age, condition and beauty. It is certainly one of the two or three finest trees in the whole Suburb.”

In the survey schedule for Area 2, it is described as:

“huge healthy oak, magnificent shape. One of the most impressive oaks in the Suburb viewable along twitten in either direction, Exceptionally fine tree”

The form of the mature Oak indicates that it has been open-grown (rather than having its branching constrained by proximity to competitors) and its size suggests that it is about 100 years old – however, rate of growth is affected by a number of factors, so the only certain method to establish age would be by counting tree rings (e.g. by test bore). Whether or not the tree is marked on the old Suburb map dating from 1911 drawn by Parker and Unwin (the Suburb’s master-planners) or, as seem likely, on the 1909 Charles Paget Wade map, it does seem to be an integral part of the design and layout of this part of the Artisans’ Quarter – the Oak is very clearly aligned as a focal point for both the twittens and allotments as well as the layout of roads and buildings.

The part of the Artisans’ Quarter bounded by parts of Hogarth Hill, Addison Way, Erskine Hill, Asmunds Hill, and Willifield Way is roughly kite-shaped with the large open ground (tennis courts, croquet, allotments) to the rear of Fellowship House forming a square block to the south; the triangular ‘Big Site Allotments’ centred to the north-west; the triangular alignment is continued in the shape of the boundaries of the rear gardens of 27 / 29 / 31 Wordsworth Walk and 28 / 30 / 32 Coleridge Walk; on either side is an almost symmetrical arrangement of cul-de-sacs (Wordsworth Walk and Coleridge Walk) and allotments / gardens between the cul-de-sacs and larger roads; all symmetrically bisected by the twittens. The Oak stands right at the heart of this layout – at the apex of the allotments, by the angle of the twittens, and the line of arrow-shaped garden boundaries; its visibility at the high point of the allotments enhanced by the topography – this is unlikely to be a coincidence.

Although it is difficult to zoom in with sufficient clarity for certainty, the 1935 aerial photograph available on the “Britain from Above” historic collection, does seem to show a mature tree at the apex of the allotments in the position of the subject Oak; similarly, looking at historic photographs available on Google Earth, suggests that the Oak clearly identifiable as the subject Oak in the 2015 and 1999 photographs is present in the 1945 image as well.

Hampstead Garden Suburb is internationally renowned for the way in which mature landscape features have been incorporated into the built environment. The presence of trees such as this Oak was an integral part of the design ethos during the development of

the Garden Suburb. The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- “Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb”.
- “Wherever possible, in laying out the design for “the Garden Suburb” particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that “Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers”.
- “Unwin’s expressed intention, which he achieved, was: ‘to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.’”
- “Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere
 - Informing the layout of roads and houses with mature field boundary trees
 - Providing links with pre-development landscape and remaining woodland
 - Creating glades, providing screening and shade, and marking boundaries
 - Framing views, forming focal points, defining spaces and providing a sense of scale
 - Providing a productive, seasonal interest and creating wildlife habitats

As the Conservation Area Character Appraisal Statement notes “The Artisans’ Quarter was designed as a new kind of community in which attractively designed housing for a wide range of income groups was set within a green environment. The provision of large gardens and open recreational spaces was central to the vision.....The density of development is relatively high for the Suburb. However, houses were provided with generous gardens and there are areas of allotments, tennis courts and greens which provide generous open green spaces. Housing layouts were designed to retain existing mature trees.” In describing the overall character of the Artisans’ Quarter it notes “The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses.” and included amongst the Principal positive features are “mature oaks from earlier woodlands or field boundaries still thrive, particularly in allotments and back gardens or as focal points in the layout”; “trees and greenery rise above cottages in some areas”; and “there are glimpsed views, between houses, of greenery”.

The Oak is considered to be of special amenity value - in terms of its historical significance in the layout of the Suburb; its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area; its arboricultural value as a tree in its own

right; and its environmental benefits. The number of, and detailed comments in, the objections (see appendices) bear testament to the significance of the tree in the context of the Hampstead Garden Suburb Conservation Area and to many residents – even the consultation responses that were not ‘objections’ referred to the possibility of tree management by pruning as an alternative to felling. If this mature Oak was removed any replacement planting would take many years to attain a similar size and stature and its historic attributes would be lost - thus there would be considerable detriment to public amenity for decades and substantial harm to the character and appearance of the Conservation Area.

The application

The application submitted by MWA Arboriculture Ltd was registered on 4th April 2017. The reasons for the proposed removal of the Oak (applicant’s reference T1) cited on the application form is:

The above tree has been implicated in a subsidence claim to No. 27 Wordsworth Walk, NW11 6AU

The supporting documentation comprised:

- MWA Arboricultural Appraisal Report dated 7 April 2015
- Crawford Technical Report dated 5th March 2015
- Crawford Addendum Technical Report dated 30th January 2017
- CET Site Investigation Factual Report dated 10th March 2015
- CET Site Investigation Factual Report dated 27st July 2015
- level monitoring 26/1/16 – 25/1/17

Subsequently additional and updated monitoring data was submitted:

- crack monitoring 15/3/16 – 3/4/17
- level monitoring 26/1/16 – 3/4/17

It may be noted that the ‘Instruction date’ on the crack monitoring data sheet is cited as 03 May 2016, whereas the level monitoring ‘Instruction date’ is given as 9/3/15. However, despite repeated requests for monitoring going back to March 2015, the agent stated as recently as 2nd June 2017 that “Our client has confirmed that all of the valid monitoring data has been provided to us / you.”

The Council’s Structural Engineer having visited the site and assessed the information, notes:

Trees

The MWA report shows the locations trees of around the property. Their report shows the Oak tree T1 in the adjacent allotment at a distance of 22m from the building and 21m high. The other tree indicated is a Tulip tree, T2, 7m from the building and 3m high.

Damage

The damage to 27 Wordsworth Walk was discovered in October 2014.

The damage consists of cracking to the left hand side of the house.

The damage is classified as category 2 in accordance with BRE Digest 251.

During our inspection of 23/5/17 the owner advised external redecorations and filling of the external cracks was carried out 18 months ago and the cracking has re-occurred.

Repaired cracks were visible to the rear of the adjacent house, no. 25 Wordsworth walk.

There is a 2m high hedge along the boundary opposite the flank wall.

The owner advised that since his occupation in 1990 the Oak tree T1 has increased in overall crown size.

Subsoil investigations

CET carried out a subsoil investigation on 10/3/15. This consisted of one trial pit and borehole at the rear LHS corner of the house TP/BH1, and one borehole(control bore) in the front garden of the property, BH2. Both boreholes are 3m deep.

Results of the investigation were as follows;

1. The house foundations are 950mm deep.
2. Firm/Stiff Clay was encountered under the foundations.
3. Roots extend full depth in BH1.
4. Oak roots were identified at 3m depth in BH1. The most likely source of the oak tree roots is T1. Ligustrum (privet hedge) roots were identified at the underside of the foundation.
5. Roots extended to 1.5m depth in BH 2, not identified but probably privet roots.

Soil Testing

The soil analysis results indicate desiccation at 1.5m to 2.5m depth in BH1.

Soil moisture contents at 1m depth in BH1 are high.

The soil shear strength at the underside of the foundation is slightly low.

Ground heave calculations were not provided.

Monitoring

Level monitoring has been carried out from 26/1/16 to 3/4/17 using a deep datum in the front garden.

Most of the recorded movement is occurring at the rear left corner, with the maximum overall movement of 25mm. The pattern of movement appears to be modified by the dry winter of 2016/17, however the monitoring results do indicate a seasonal trend of movement to the left hand side rear corner of the house.

Crack monitoring has been carried out from 15/3/16 to 3/4/17. The results do not show a closure of crack over the winter which would be expected with seasonal movement, however this may be due to the dry winter of 2016/17.

Drainage

The drains were surveyed 21/7/15, some defects were noted however main runs between manholes passed the water tests.

The gully at the LHS corner of the house appears to have been leaking.

The drains were repaired in October 2015.

Conclusion

The site investigation results indicate that; the clay under the foundation is desiccated, there is seasonal movement to the corner of the house and Oak tree roots were identified beneath the foundations.

On the basis of the above the Oak tree T1 is likely to be implicated in damage to the left hand side of the building.

Other possible contributory factors are the drains next to the flank wall and the large privet hedge.

The condition of the drain is likely to be a contributory factor because the gully next to the flank wall appears to have been leaking, and the relatively low strength clay at the underside of the foundation. Considering the re-occurrence of damage the drains should be re-tested to ensure the repair has been effective.

The privet hedge opposite the flank wall could also be implicated in the damage due to its proximity and privet root at the underside of the foundation.

The severity of the damage is classified as slight. Therefore a reduction of the Oak tree may be sufficient to stabilise the building and allow superstructure repairs only to be carried out. The Oak tree would need to be regularly reduced to maintain at the reduced size.

The Oak tree appears to pre-date the property and this together with the deep desiccation of the clay soil indicates ground heave could cause further damage to no. 27 and other surrounding properties. A ground heave assessment was requested but has not been provided.

The option of a root barrier has been discounted by Crawford on the basis that there is not enough room for machinery to access the rear garden. Access is largely restricted by the privet hedges on the boundaries of the properties, the partial temporary removal of the hedges may be sufficient to allow a root barrier installation to proceed.

To be effective the barrier would need to be installed across the adjacent gardens and pathway, as well as in the garden of no. 27, and be 2.5m to 3m deep subject to ground conditions.

The main damage, as described in the March 2015 Crawford Report and observed on site, is to the rear left hand corner of the property of 27 Wordsworth Walk, taking the form of vertical cracking in the grout joints to ceramic tiles above and below the bathroom window, a tapered crack above the rear bedroom door, a tapered crack to landing wall at the foot of the stairs and a crack along the ceiling line internally; and a diagonal crack above the main entrance arch, cracking of the storm porch outer wall, and cracks below the bathroom window. The damage is reported as first being noted in October 2014. Drain repairs were carried out in October 2015. In May 2017, the householder advised that external filling and redecoration was undertaken about 18 months ago but that cracks had started to reappear

about 9 months ago, albeit not as wide as before. The householder also confirmed that no internal repairs or redecoration had taken place – it is therefore not possible to assess whether the maximum extent of cracking of the bathroom grouting precedes or post-dates the drain repair works.

The cracks are described as being within BRE Category 2 - BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "*Cracks easily filled. Recurrent cracks can be masked by suitable linings. Cracks not necessarily visible externally; some external repointing may be required to ensure weather-tightness. Doors and windows may stick and require easing and adjusting. Typical crack widths up to 5mm.*" The BRE Digest concludes "Category 2 defines the stage above which repair work requires the services of a builder. For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building. For the cause of damage at this level to be accurately identified it may be necessary to conduct detailed examinations of the structure, its materials, the foundations and the local clear ground conditions. Consequently, unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage." No information has been provided to suggest that damage has progressed above Category 2.

It appears from the MWA Arboricultural Appraisal Report (April 2015) that their opinion and recommendations are made on the understanding that Crawfords "*are satisfied that the current building movement and associated damage is the result of clay shrinkage subsidence and that other possible causal factors have been discounted.*" However, the March 2015 Crawford Report had not discounted other possible causal factors – it suggested the cracking to be "*indicative of an episode of subsidence*" and causation "*appears to be clay shrinkage*" – recommending "*Unfortunately, current legislation requires certain investigations to be carried out to support an application for the tree works.*" Crawfords seem to have concluded that the tree was implicated in causing the subsidence damage in the absence of any trial pits to determine the depth and type of footings, any borehole information about the nature of subsoil, any monitoring indicating seasonal movement; or any drainage survey data.

The agent declined to provide ground heave calculations. Our Structural Engineer notes that "*ground heave could cause further damage to no. 27 and other surrounding properties*".

Although Crawfords have discounted the option of a root barrier because of there being "*not enough room to get machinery to the rear of the property*", it may be noted that there are techniques currently available that allow for the installation of root barriers in restricted areas – and it has previously been possible to construct a rear extension to the property.

Our Structural Engineer observes "*The severity of the damage is classified as slight. Therefore a reduction of the Oak tree may be sufficient to stabilise the building and allow superstructure repairs only to be carried out. The Oak tree would need to be regularly*

reduced to maintain at the reduced size.” The MWA Arboricultural Appraisal Report notes that whilst *“the most predictable solution is to remove T1. The reduction of the tree may reduce the amplitude of movement however this is unpredictable with the risk of damage recurring at some point in the future.”*

Given the importance of the Oak in the streetscene; the apparent presumption that the tree is implicated in subsidence damage; that the damage is assessed as BRE Category 2; and the potential heave implications (especially in the light of the implications for neighbouring properties), it may be questioned whether the proposed removal of the prominent TPO Oak at this juncture is excessive / premature. However, our Structural Engineer has noted that *“Oak tree T1 is likely to be implicated in damage to the left hand side of the building”* - albeit that he suggests *“Other potential contributory factors are the drains next to the flank wall and the large privet hedge”* as well as having concerns about heave potential.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other).

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have ‘outstanding’ or ‘special’ amenity value which would remove the Council’s liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the applicant has indicated that *“Repairs are estimated to be if the tree is removed total £12,000.00. Underpinning localised to the affected areas of the damaged properties will be needed if tree felling is blocked. The cost of this work is estimated to exceed £70,000.00.”* [sic]

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or

alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has noted that "*Oak tree T1 is likely to be implicated in damage to the left hand side of the building*" - albeit having significant concerns about other factors and heave implications.

However, although the Council may not have the powers to require lesser treeworks, it should be noted that the Oak is owned by the Hampstead Garden Suburb Trust – there would be no reason why the Trust could not submit application(s) to prune the Oak as part of a programme of cyclical management that may lessen the risk of alleged tree-related property damage – indeed, there is an arboricultural argument for some reduction to address the end-weighting regardless of other potential concerns.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

As noted above, for treatment of this Oak, which is owned by the Trust, consent would be required both in accordance with statutory provisions and contractual obligations. Liability for any compensation arising from the tree preservation legislation would be borne by the Council; however, there would be a separate liability for damages if the Trust were to refuse consent.

Underpinning appears an excessive remedy on the basis of current information for BRE category 2 crack damage – for which BRE guidance notes "For domestic dwellings, which constitute the majority of cases, damage at or below Category 2 does not normally justify remedial work other than restoration of the appearance of the building Unless there are clear indications that damage is progressing to a higher level it may be expensive and inappropriate to carry out extensive work for what amounts to aesthetic damage."

If it is concluded that addressing other factors together with pruning would resolve the alleged problem, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £58,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

CONCLUSION

The applicant, MWA Arboriculture Ltd, proposes to fell the significant mature Oak standing at the apex of the Big Site Allotments because of its alleged implication in subsidence damage to 27 Wordsworth Walk.

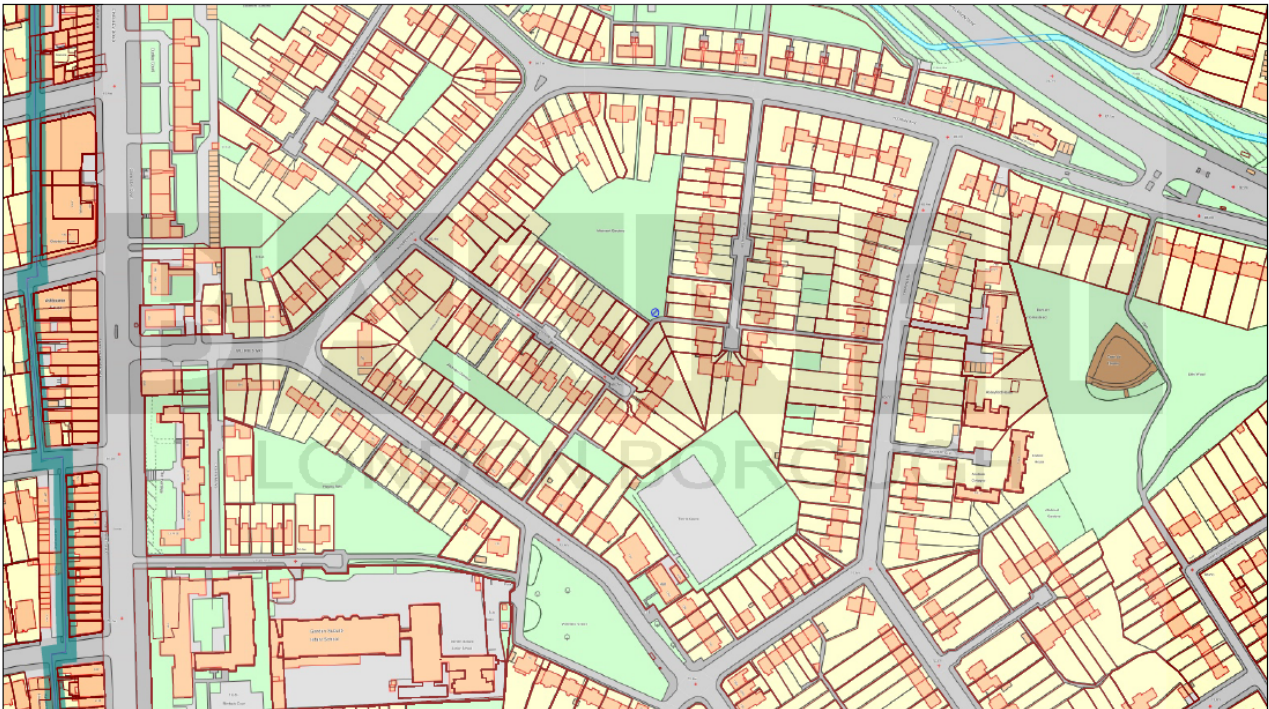
The proposed felling of the Oak would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is the closest to the property and the most likely source of roots found at the underside of the foundations. However, there are shortcomings in the information provided. There are also concerns about other possible contributory factors and about heave implications.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided, particularly in the light of the Structural Engineer's concerns about other contributory factors, heave, and the potential that lesser works may address the BRE category 2 damage.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £58,000 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that on the basis of available information that removal of the Oak is excessive and has not been demonstrated to be necessary; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.



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APPENDIX 1

Illustrative extracts from consultation responses

Representations

One of the representations can be summarised as:

- I live [in] one of the four houses directly affected by the oak tree under discussion. My wife and I have lived here since 1973 and have watched the tree grow from around 20 feet high, with a correspondingly restricted coverage of the ground area, to its considerable size today. Indeed in 1973 the area around the tree was so unrestricted that used the area close to the tree to grow his prize vegetables. I give this information solely to make the point that comments made to you by many objectors on the age of the tree are totally inaccurate. The tree has a circumference of 6 feet 8 inches and using the Woodland Trusts "Ready Reckoner" for aging oak trees would put its age around 75-80 years. This would account for the fact that the Hampstead Garden Trust says that it was not an "Unwin" tree, i.e. a tree in place when the Suburb was built.
- When we purchased [our property] we enjoyed a sunny S.W. facing garden with sun lasting until 9 o'clock in mid summer, unaffected by what was then a small oak tree. Over the years steady encroachment by the tree has curtailed that to 5 o'clock. With a view to restoring at least some of the sunlight I approached the HGST to consider some judicious pruning of the southern side of the tree, where the tree is growing strongest. After inspection by Mr George the Trusts tree advisor he agreed that reasonable pruning was possible. This was over-ruled by council staff who did not inform me of their decision.

- The present size of the tree means it produces considerable quantities of leaves and twigs which need to be collected to avoid making use of the twitten (pathway) unpleasant or even hazardous in winter.
- You will recognise from the tone of this message my frustration that management of this tree and its effects on our homes is totally absent. Most of the objections to this application are from people with no knowledge of the tree, its history and in some cases even its location. I do not know if the tree should be felled, that is for experts to decide, but a tree in a residential area needs to be properly managed. Its ever increasing impact needs attention.

* It may be noted that the other representation submitted via the website as 'Comments neither objecting to or supporting the Planning Application' was listed as such in error, as the respondent's detailed comments were clearly in objection:

- "This is a beautiful well preserved fine oak tree Trees such as these must be preserved not destroyed. It seems to be far enough away from the nearest two houses that would not cause structural damage. Removing the tree would in all likelihood cause more damage to the ground and surrounding areas. I strongly object to the proposal to fell this tree".

Support

The grounds of support can be summarised as:

- "We have approached Hampstead Garden Trust for several years to request this tree be pruned to restrict its growth. We have had no response what so ever from the Trust. It does not surprise me that a request from another neighbour...has been submitted to the Council to have the tree cut down. So I would support the application that this tree (T1) should either be removed, or at least drastically cut back. It is far too big for a residential area and greatly reduces the light to our house. It has now started to take over the whole of our garden."
- "I too love this beautiful oak tree, as I do all the great oaks in the suburb and on the Heath. However, this tree is causing structural damage to one of the cottages in the Suburb, a cottage which has been beautifully preserved for many years by its owners. The tree also casts another property into darkness during the summer months. Trees, like all of nature's bounties with which we share our environment, can sometimes cause unnecessary distress and expense. This tree could be preserved, at great expense, either to the taxpayer or to the insurance company. There are consequences in both of these cases: Barnet services are already starved for funds and have been drastically cut back, and insurance premiums go up and up and up. If it is removed, another tree will hopefully be planted, a sapling to be nurtured and treasured by all those who watch it grow to maturity. This is not a case of tree-lovers versus faceless, cruel bureaucrats. It's a question of common sense and practical difficulties for suburb residents and those who look after the suburb's environment."

**It may be noted that 2 'Comments in support of the Planning Application' submitted via the website were listed as such in error, as the respondents' detailed comments were clearly objections:

- "whatever the reason given for removing this tree, please don't do it think about its beauty, shade and contribution to fresh air"

- “Do not cut that old tree! Its precious!”

Objections

The grounds of objection can be summarised as:

Importance to character and appearance of Hampstead Garden Suburb Conservation Area

- There is a splendid view of this magnificent Oak as one walks down the twitten from Willifield Way
- “The tree is part of the Suburb flora, framing the street view, and the surrounding houses would have been deliberately designed and built to enable the tree to be seen by the public. These magnificent trees make the Suburb what it is – a unique and green environment.”
- “This Oak is a beautiful specimen and should not be felled, it graces the Suburb and possibly predates the building of the houses around it. It is not in anybody’s garden and neither is it close enough to houses to be a problem.”
- “Oak trees are what gives the Suburb its flavour”
- “Whatever the technical arguments, it is simply unacceptable to fell a historic oak tree dating from the time of the original farmland on which Hampstead Garden Suburb (HGS) was built. Raymond Unwin's master plan expressly took into account the locations of important existing trees and intended them to serve as landmarks and to enhance the environment of HGS for the rest of their natural lives, which in many cases could well stretch into the 22nd century.”
- “The oak in question is a fine tree, in a splendid position, and gives pleasure each time I walk through from Wordsworth Walk to Coleridge Walk.”
- “This particular tree has enormous amenity value: it is near a path and so can be seen by everyone living nearby and also by all passers by. Indeed, it is one of the original Unwin oaks that grew here long before the Suburb was created, and was incorporated into the plans. If this tree is destroyed, the visual impact of the loss will be colossal, to everyone living nearby and to everyone who is used to seeing it as they pass by. The whole area will suffer the aesthetic loss. I would think everyone would be horrified and hugely saddened at such outrageous vandalism.”
- “As a resident of Erskine Hill, I often walk down the hill and through the twitten where this magnificent oak is situated, towards Willifield Way. My main reason for doing so is to enjoy the quiet rural atmosphere generated by the gardens and mature trees. It would be a crying shame to remove this wonderful tree in particular, which must have been here long before the Suburb was even thought of.”
- “Tree has great visual amenity. It is vastly more important to the neighbourhood than any neighbouring buildings, which can also be repaired or replaced for more easily”
- “It is a significant public amenity, by dint of its beauty, position, provision of shade, provision of wildlife habitat and so on..... The damage inflicted by destroying one of the most beautiful Oaks in the Trust protected area of Hampstead Garden Suburb is in no way outweighed by the relatively low level of damage. Trees of this kind are central to the character of the Suburb and are protected for good reason.”
- “This tree is one of the finest in the area and its removal would greatly dimi[ni]sh the amenity value of the area for residents. This young mature oak should remain for the benefit of all residents for perhaps over another 150 years.”

- “The Garden Suburb was laid out with great sensitivity for the pre-existing landscape retaining major trees in key locations. There is no valid justification for removing the tree. It makes a significant contribution to the character, appearance and amenity of the conservation area, which is of national importance. There is an overwhelming case for its retention.”
- “Trees like this oak help make the suburb unique.”
- “I object strongly to the proposal to fell this magnificent, much-loved oak tree. It is in a commanding position by the meeting point of the Wordsworth and Coleridge Walk twittens and its removal would be a great loss to the neighbourhood. Houses with subsidence issues can be underpinned if necessary; it's what we pay our insurance premiums for. The insurance company is just trying to save itself money. The fine shape, health and position of this great mature tree, one of the best on the suburb, make it absolutely irreplaceable.”
- “This oak tree must not be felled as it is an integral part of the landscape - ie Hampstead Garden Suburb. It is the quick, easy and lazy option to remove. The correct way is, firstly, find out who is responsible for this tree and then, they are required to have it pruned to restrict it's growth..... We all appreciate the beauty of our environment and likewise, we must all be responsible in protecting it. That includes the Trust (which is their raison d'etre).”
- “As a resident of Hampstead Garden Suburb I am extremely concerned about the proposed felling of one of our finest oak trees. The whole raison d'être of the Suburb was to preserve as much of the country within the town, and this is what makes it such special place in which to live. Those who object to having trees near their houses should not live here. The risk of subsidence, regularly put forward by insurance companies as a reason for removing a tree, is often spurious.”
- “I grew up in Hampstead Garden Suburb and am an old girl of the Henrietta Barnett School. The emblem of the school is the mature oak tree. How paradoxical that you would want to fell an iconic tree in the garden suburb, an area which was founded to preserve the natural environment for its residents. This tree should be protected at all costs.”
- “This wonderful tree, at the meeting point of two twittens, can be viewed from the paths, the road and the allotments. It therefore has very high amenity value and is, moreover, healthy, of good size and fine shape. Other trees in the Suburb are closer to houses than this one without any apparent deleterious effect and indeed the cracks are minimal. I urge the Council to save this tree from needless destruction, so that it can continue to give pleasure for centuries to come.”
- “This is such an outstanding tree, I pass it every day bringing my children to school and even in an area where we are surrounded by trees, this is one that immediately catches your eye because it is so beautiful. It had the chance to grow "in all directions" due to it's location showing it's full beauty. All the direct neighbours benefit from seeing it as well as passers by (or a little more distant neighbours like me). It is not replaceable. It gives protection to the pathway when it's raining, makes the school run feel special, it relaxes the eye to walk towards it. My ten year old daughter comments: "they want to cut this down, they can't, it is perfect, I love it" - walk the pathway towards it and you'll understand, it's like cutting down the secret garden.”
- “Far too many trees are being cut down, and without good enough reason. These parts of London are treasured for having retained beautiful greenery

throughout. Take away that, and all we would be left with is another part of London that is nothing but buildings, greys, and smog. Every tree counts in this present, avoidable destruction. And this tree, being apposed to be cut down, doesn't just represent this, it also represents our respect, in retaining the wonderful history of which we know it. This tree is a very old tree, a significant landmark for most of us, something many of us have seen every day for many years, something that makes the place our home. It's far more than 'just a tree'."

- "This magnificent oak, which from its size must be contemporary with the establishment of the Suburb in 1907 or earlier, is a key feature of the landscape and the original planners clearly intended trees of this stature to be visible between the cottages and seen from their gardens as part of their design. It is an important contributor to the visual amenity of the area. Design features such as this are especially valuable because they give the Suburb the appearance of having developed organically over the centuries, with dwellings giving way to important trees such as this fine specimen. Trees of this age are particularly valuable for their contribution to environmental diversity and habitats as well as for their visual amenity."
- "This tree is of exceptionally high and significant special public amenity value. Its loss would result in a significant and irreversible detrimental effect on public amenity and the environment, and contribute further to the erosion of the unique character of the Suburb. It is irreplaceable, certainly for the next 2 to 3 generations. It is a total privilege to have this tree in our area, and felling it would be an act of sheer vandalism."
- "This is an iconic tree in an iconic location & is likely one of the boundary oaks that was designed into the Garden Suburb scheme as were "big site" allotments in which it stands. This tree has been enjoyed by generations of local residents walking their children to the local school in a safe car free environment. All will have stopped under it at some point to either take shelter or watch one of its many inhabitants. My children have seen their first, tree creeper, nuthatch, woodpecker, carrion crow, tawny owl, sparrow hawk & even a gold crest over the years of walking to & from school. There is no reason to deprive future generations, it has a TPO for good reason."
- "The Big Allotments Oak is a tree of quite exceptional public amenity value. Already significant on a map of 1913, over the intervening century it has attained a form and majesty that few other areas can boast. The oak is in good health and may well continue to ornament the Suburb for another hundred years. The presence of such trees exemplifies the very intention and purpose of the Garden Suburb and their preservation typifies the duties of the local authority towards the conservation areas under its care. Located on the angle of a well used twitten, the amenity value of the oak is increased by its particular accessibility to the many commuters, parents and children who use the path to reach public transport, shops and the Garden Suburb school. Any passer-by will notice the meaning that the tree has to small children. As some comments here show, the Big Allotments Oak is a landmark not only to current but also to former Suburb residents, remaining with them in memory long after they have left the area."
- "This tree has enormous amenity value to the surrounding area. Its removal would have a significant negative impact on the local environment and its enjoyment by the public. Its particular importance is due to its great size and remarkable form, its

potential to continue to be a valuable amenity for future generations, its cultural and historical value (many regard it as symbolic of the Suburb and it appears on a map from 1913), its position at the top of Big Allotment and its visibility from both ends of the Coleridge Walk-Wordsworth Walk twittens. It is "one of the two or three finest trees in the whole Suburb" (HGS tree survey)."

- "Looking at all the objections received, there is no question that this is an iconic tree in the Suburb. This is the kind of tree that adds wonder and majesty to people's daily lives. Its situation on the bend in the twitten also marks it out as special. This is not just any old tree."
- We must as a community have the vision to celebrate and continue to protect this tree. Having such a magnificent tree on a public pathway to be enjoyed by all is exactly what makes the Suburb so special."
- "By cutting down the tree you are taking away part of the neighbourhood. The tree should stay in place as it is as much a part of this community as the people."
- "In June 2016 the Hampstead Garden Suburb Trust, supported by Barnet, completed their Tree Survey of the whole Suburb to provide information to assist the Trust and Barnet in the work relating to their respective responsibilities in the Suburb. The Overview of Area 2 of this survey makes particular note of this tree saying:

The oak in the corner of Big Allotment that can be seen down the twittens leading from both Wordsworth and Coleridge Walks is quite exceptional in its age, condition and beauty. It is certainly one of the two or three finest trees in the whole Suburb."

Arboricultural considerations

- "This particular one is the most beautiful shape"
- "It has great aesthetic value, having a majestic and near-perfect form, which is admired by myself (daily) and all my visitors, and I expect by all passersby."
- "I agree it should perhaps be thinned at the appropriate time but not felled"
- "This particular one is old, protects so much bird life and is much loved. Please do not ruin this."
- "It sounds to me as though this tree should get a good prune but not be felled."
- "Please invest in saving our trees and the wildlife of this area. Pruning and managing rather than destroying should be the primary motive of the Council."
- "A mature tree of this age is irreplaceable.....It has high amenity value; its needless loss would be a travesty."
- "It is always possible to consider whether the beauty of a tree is outweighed by any inconvenience it might cause when purchasing a house."
- "Apparently this tree is sound and has many more years of healthy life ahead of it. It has created no problems that I am aware of. But it has created beauty and shade and a host of benefits to our environment."
- "I understand that nearby householders object to its impact - but two things here: (a) the tree would have been there when they bought the house, and (b) the tree could be pruned to make it airy and thus reduce its shade considerably. Compulsory (and careful, expert) pruning could be a possible solution here.
- "I strongly oppose the removal of such an amazing native tree. There are many native trees in in the suburb that could cause structural damage or light issues to

the houses, but the least invasive route of active pruning and management should always be taken. We need to preserve the native trees in suburb as much as we preserve the houses, and look after both in equal proportions.”

- “It's beauty and age is loved by passers by. Green that can be seen by all is important for our mental health. I understand that removal may result in more problems for houses than leaving the trees and managing their growth.”

Nature and extent of property damage

- “I note that the damage to 27 Wordsworth Walk is only categorized as “slight”. Some subsidence is the price we pay for living on clay soil with the abundant vegetation that makes the Suburb so special.”
- “I believe the costs quoted for underpinning are inflated deliberately to cause alarm (£70,000) and am unclear why removal of the tree is considered to be ‘without risk of heave’.”
- “Hairline cracks appear in houses on clay soil, regardless of nearby trees – it does not mean a house needs to be underpinned, there are other solutions, especially as this seems to be a very small and recent problem.”
- “It is up to residents and the HGS Trust in cases of proven subsidence to find engineering solutions that protect properties from further damage, after making good and/or consolidating any damage already suffered. Felling protected trees in one of the most important Conservation Areas in England cannot form part of such solutions.”
- “There is also the potential of heave. When a tree is chopped down, the roots shrink as they die and the steadiness of the whole surrounding ground changes. This is always unpredictable and the time scale can be long drawn out, making lasting solutions tricky. The impact on neighbouring houses is an unknown and could be bad.”
- “The full economic cost of the tree should be considered, not just the cost to the insurance company for their work. The University of Nottingham had to redesign its sports centre as Nottingham Council disallowed the felling of a few oak trees as the trees were deemed too valuable to cut down. Barnet Council should uphold this view too and protect its precious oak trees.”
- “It is sad that the insurance companies look for a quick ‘fix’ and deem that “vegetation” must be removed. Most of the oak trees in the suburb predate the houses. Apart from ignoring the potential impact of heave, we enjoy living in this green garden suburb because of the trees and plants and need to preserve these great oaks for us and future generations.”
- “The arguments of the insurance company that Barnet would have to pay for the extra underpinning costs if the tree is preserved should be resisted as the felling would probably result in “heave” problems for all the surrounding houses over the next up to 20 years.”
- “This is not the first time that wonderful trees have been threatened or destroyed due to insurers not willing to “risk” the so called potential problems they might cause a property. We should insist that every possible avenue be investigated, even if costly, to save this wonderful tree. There are not many of these magnificent trees left in London, it would be a great shame to destroy one, just because someone is too lazy or miserly to find an alternative solution. Please don't take the easy option!”

- “I would urge the council to reconsider removing this beautiful and irreplaceable tree - perhaps there is a less costly way of maintaining structural integrity of the adjoining structures. Surely a good pruning would reduce the water uptake of the tree and then the situation could be monitored over time.”
- “If it is causing any damage, solutions other than felling must be found to deal with it, even if they are not the cheapest or most expedient. On the basis of the information in the application, the removal of the TPO and the felling of the tree is not remotely justified, neither is underpinning. The application refers to the damage as being Category 2 of Table 1 Building Research Establishment Digest 251 which is 'slight' (typical crack widths up to 5 mm)..... The action proposed in this case is therefore wholly disproportionate in any event and I would ask you accordingly to refuse the application.”
- “In my view slight subsidence does not warrant an over ruling of a TPO. Those of us who choose to live near trees take the risk of some subsidence, and factor this in to our decisions to choose this area to reside. Whilst the removal of some trees may on occasion be justified, the felling of magnificent trees such as this need to be extremely carefully and thoroughly considered. It is a ridiculous to say 'replacement planting maybe considered'. There is no replacement, to something unique, which people in the local area have a personal relationship with. Reading the reports, I felt there was an overall lack of determined effort to find an alternative solution. The minimal was done. For example, an estimate of 70k for underpinning. It seems exaggerated to me. How was the estimate drawn up, was there a second or third estimate sought? If not, why not? Or is it not at least worth trying to prune and maintain the tree, and monitor the impact of this, rather than just concluding the outcome of this would be unpredictable, and therefore let's not bother? In conclusion, from what I have seen the damage does not warrant the distraction of this tree. Additionally alternatives to minimise further damage do not seem to have been explored with the necessary depth and thoroughness.”
- “Felling it for only cat.2 (slight) damage with cracks reported to be 1-2mm that can be "easily filled" according to the BRE would make a mockery of the TPO system setting an unwelcome precedent putting all the trees in the area at risk.”
- “This application arises from subsidence damage, described as "slight", affecting an old house on clay soil. This is a common issue in London and elsewhere. The companies applying for the destruction of the Big Allotments Oak, RSA Insurance and Crawford & Company, are large concerns who will be able to call upon an abundance of resources, experience and techniques in handling such common cases. It is therefore quite unacceptable that RSA and Crawford, while presenting publicly as "responsible" companies, should propose such destructive and disproportionate action. While the documentation of the problem is copious, far less attention seems to have been paid to risks and alternative solutions, e.g. the possibility of "heave" subsequent to felling has apparently been dismissed out of hand. Discounting then technical incompetence, the impression created is frankly of companies who are trying it on, in an attempt to pass off their responsibilities onto the local authority.”
- “For 100 years this tree has coexisted happily with the neighbouring houses..... Throughout this period it has been a mature tree, and has not caused inconvenience to neighbouring properties. The reason given for subsidence in the property affected is dry soil - we have had a series of dry summers and droughts

which have no doubt affected moisture levels in the soil. A much better and simpler solution would seem to be for the property owners to ensure the ground is properly irrigated, making for moister soil and less stressed trees. This would allow the tree to remain and rectify the subsidence problem.”

- “Pressurising Barnet to remove the TPO, override conservation area regulations and fell a magnificent, healthy tree is an irresponsible and disproportionate response to subsidence. The Arboricultural Survey itself defines the damage as 'slight'. Subsidence is common, especially in old houses on clay soil. Insurers, loss adjusters and specialist advisers must investigate alternative technical solutions e.g. underpinning, CAREFUL pruning that maintains the crown, and root barriers (ways can be found to bring in the equipment).”
- “The bigger and older a tree when it is removed, the greater the risk of heave occurring over a long period, leading to further damage. This has not even been addressed in the documents attached to the application. Granting permission to fell this Oak could set a worrying precedent. Would it lead to many more applications, pertaining to far less significant trees?”
- “Inaccuracies. The house and street was built in 1911, not 1930 as stated in the expert's report. The oak was already large at the time, not younger than the house, as stated in the report. It was the express vision of the founder of the Suburb that mature trees on the original farm land be retained. Therefore, the oak and this property have coexisted for over 100 years, yet subsidence was first noted in 2015, after the house and the Oak had spent a century together. Secondly, the tree diagrams by the arboriculturalist show spreading roots to all 3 trees. Oak trees have a tap root. The tree is 22 m from the houses in question. I find it hard to credit that the oak tree's roots are the cause of the minimal subsidence noted. More likely it is recent dry summers (and winters) which may well self correct as the clay re-hydrates. Thirdly, cost: It would be far cheaper to provide localised root barrier to the foundation than the £70,000 quoted, and more expensive to remove the tree than the £12,000 quoted. Other objectors have given detailed comment on the cost of removing the tree; as an architect I can say that a barrier system to protect the foundation does not require heavy machinery as stated in the report.”
- “Key points: The very recent and minor amount of subsidence in contrast to the magnificence of the oak tree; the fact that no other remedies have been tried (e.g. watering in dry weather or directing storm water to it); misleading cost information; lack of any evidence of effect of recent dry seasons on trees and buildings generally in London clay - the more likely cause of the subsidence.”
- “I object to the removal of this ancient tree (one of the finest in the Suburb) unless and until it has been definitively demonstrated by an independent expert that the tree is the sole cause of cracks in, and subsidence of, nearby buildings. An oak tree takes 100 years or more to grow to its full height. This tree should not be cut down without full, professional and, above all, unhurried investigation of all the issues. Once removed, it can never be replaced. TPOs are there for a purpose and should never be lightly overridden.”
- “A tree of this magnificence needs to be the cause of very major damage before it may be felled. However page 8 of the Crawford Technical Report shows the damage to be only category 2 (slight) which, according to the Building Research Establishment Digest 251, is easily filled. This level of damage does not justify felling such a fine tree, especially as the reported damage range from 1 to 2mm is

all well within the lower half of category 2. This 'slight' damage also questions why the estimated necessary cost of £70k for repair, given on page 3 of the Crawford Addendum Technical Report should the tree remain, is so much higher than the £12k with the tree removed. Even if those costs are realistic, with a trunk circumference of about 8ft., this tree is in CAVAT Stem Diameter band 12 (70-84.9cm) giving it a CAVAT Quick Method value of £87,695 – well in excess of the extra £58k for work required if the tree is not removed.

- The Hampstead Garden Suburb Trust noted: “The evidence that has been supplied in support of the application to Barnet has, for the most part, been previously reviewed by the Trust's consultant engineer. The additional information provided has also been reviewed by the Trust's engineer. In summary, the information supplied suggests that the movement may be due to soft soil in the rear left hand of the building (as viewed from Wordsworth Walk) causing consolidation settlement. This could be caused by leaking drains in that area as identified by a drainage report dated 21 July 2015, which showed the inspector was unable to fill a nearby drainage run. To date, the insurers have refused to carry out the reasonable and economic suggestion to repair this drain and then monitor the movement to establish whether the apparent downward movement is eliminated. If drain repairs rectified the apparent movement, there would be no need to remove such a significant tree that could not be replaced in anything less than many decades. Additionally a heave analysis should be provided to assess potential upward movement should the tree be removed. For the reasons above, the Trust suggests the application should be refused until such time as repairs to the drains and subsequent monitoring have eliminated the drains as a potential cause of the damage, and a heave analysis provided.”
- “Concerns about the accuracy of the Applicant’s Report materials. In particular, concerns about the thoroughness and quality of the Applicant’s research and the validity of the conclusions built upon that research. Some things I have noted include:
 - Wrongly identified tree as belonging to local authority; it belongs to the HGS Trust.
 - Wrongly identified age of tree as younger than the properties that it alleges to affect; it is much older, being an original oak on-site when the Suburb was built, as is documented elsewhere.
 - My property is a similar distance from the tree as No 27 Wordsworth Walk. There is no subsidence at my property, leading me to question the way that the applicant’s Report portrays the tree’s root system, and it’s alleged importance in the “slight” damage reported at No 27 Wordsworth Walk.
 - Heave: From my experience there is no question but that heave will result. There is currently a balance in the sub-soil structure around the locality of the tree that will be affected by its removal and there can be no way of predicting the outcome and how it will affect neighbouring properties (including mine) – contrary to the Report’s statement. In my experience, trees are removed very carefully over a 3 year period (with monitoring) to minimise this effect. I presume that Barnet is insured against the legal actions that may result from heave damage to the neighbouring properties.
 - Size of cracks in reported damage and their cited cause. Shallow foundations are a problem and a contributing factor that is independent of on-site vegetation, and I do not think has been properly addressed in the Applicant’s research. ... it is my

understanding that the majority of properties across the suburb are built with shallow foundations on clay and this may well be the case at Wordsworth Walk which has many cottages. The clay is subject to seasonal movement, from shrinkage and expansion, as its water content varies. This movement, when applied to buildings and structures having shallow foundations, produces fine cracks of the same order as quoted in the Applicant's Report.My point is that there are multiple factors that

influence seasonal movement of clay, and risk of damage cannot be completely eliminated anyway if the building has shallow foundations. For example, the tree could be removed but No 27 may still experience damage due to shallow foundations affected by clay movement originating from mains water flooding, summer drought, etc.

-Therefore the tree cannot be uniquely identified as being the main cause of the damage to No 27 Wordsworth Walk, contrary to the Applicant's Report statement.

- In my experience, the "slight" damage reported (1-2 mm) is consistent with seasonal clay movement due to multiple factors, including consequences of shallow foundations, and is something many HGS Suburb property owners experience and handle without felling trees."

- A number of detailed technical queries were received from one resident (see Appendix 1) – they have been addressed where appropriate by our Structural Engineer and are discussed in the body of this report.

Environmental benefits

- Important to birdlife, transition site between Big Wood, Hampstead Heath Extension and other surrounding trees.
- "This is such a beautiful majestic Oak that is home to so many creatures: insects, birds, fungi and a wonderful oxgenat[or] that we need in the Suburb and London with the pollution levels of concern as highlighted in recent news reports"
- "Oak trees support more wildlife habitat than any other British tree and this is a wonderful specimen from the days when the land here was still undeveloped farmland."
- "Oak trees are exceptionally beneficial to our environment. They support over 400 different kinds of wildlife (the next most beneficial is hawthorn which supports only half that number)."
- "ALL large trees have a huge effect on air quality, especially crucial in a city - and London air quality is particularly poor, leading to around 20,000 deaths a year (particularly respiratory diseases but also as a contributory factor in other diseases such as cancer and heart disease). Various cities around the world have been transformed by enlightened and substantial tree planting. The last thing we should be doing is chopping down any large trees! Every one is valuable."
- "This is our favourite Oak tree. Even my kids (6 and 9) were horrified and their first comment was that they are taking away the air that the tree makes for us to breath."
- "I'd add to other objections made by local people about the beneficial effect this tree has in the neighbourhood. It's located very near the A1 and North Circular roads. The London Mayor has alerted us all to the toxic effect of nitrous oxide emissions. There's no indication that anyone has thought about the proximity of the tree to Garden Suburb School, as well as to properties nearby."

- "... this tree has coexisted happily with the neighbouring houses, reducing road noise for those houses to its south and providing shade, beauty and a rich habitat for wildlife. I often hear owls in it at night."
- "It helps to keep the air clean and recycle carbon. It provides much-needed shade during summer, and protects the soil from water evaporation that would result from direct exposure to the sun. It provides a habitat for diverse forms of wildlife; I recently noted the presence of a stag beetle, which I believe is a protected species."

Other matters

- "As the tree is within the area of the HGS Trust, which also must give consent for any work on the tree, it would be inappropriate for the LB Barnet to undermine the standing of the HGS Trust by reducing the protection given by the Borough to this special tree which is situated in the Article IV Conservation Area."
- "I have an unwin oak that is similar to this tree. It must be similar in age. If you pass this application on such spurious grounds I shall apply for the same treatment cite the same stupid rationale. You won't be able to reject having established precedent."
- "Lack of consultation..... I only found out about it because a concerned person put up a couple of notices in the twitten yesterday, with a deadline to comment today."

APPENDIX 2

Resident's detailed technical queries

However, as an ordinary member of the public with no technical knowledge, I did not understand all the results of the investigations which were provided, and there were a number of issues and points arising out of the application which I did not understand, or could not find the answers to, and which I would appreciate knowing about as follows (in no particular order of priority). If they are inappropriate please excuse this.

1. What is the current level of damage? I cannot see this stated.

- In March 2015 it was categorised as Category 2 of Table 1 of the B.R.E Digest, which I understand is slight. The damage appeared at the lower end of this Category. Is this in fact still the case?

2. I understand Category 2 damage requires only such remedial treatment as 'filling cracks, masking recurrent cracks by suitable linings, possibly some external repointing, and easing or adjusting of doors and windows'.

- I therefore do not understand why they are proposing the drastic action of removing the tree and referring to underpinning, rather than the appropriate works for this type of damage. This seems extraordinary.

- Why are costs of £12,000 and £70,000 being quoted for the remedial works apparently required. How are these actions or figures applicable in, or relevant to, this case.

3. Even if such action and works were appropriate, which in no way do they seem to be, no evidence is provided as to how these figures are arrived at - they appear to have been just randomly plucked out of the air.

4. I am not clear as to where the damage is. There seems to be a conflict between what is stated in the Arboricultural Appraisal and what is stated in the Technical Report.

5. There is apparently some confusion as to whether the house is older than the tree, younger or possibly they are of a similar age. Significance?

6. Were the investigations in 2015 comprehensive enough to establish conclusively that the damage is related to clay shrinkage subsidence and that the tree is the cause of the movement.

- I understand that the presence of roots in trial pits under foundations is not conclusive evidence of damage being caused by the tree whose roots they are.

- Given the importance of this tree, surely a thorough investigation should have been made, using all possible tests.

- It may be that some or all of these tests are inappropriate, but I could see no mention of:-

* DNA test on root found under foundations.

* Brick course level survey, if relevant.

* Tests on current situation of drains or in fact previous condition of drains . Evidence of the impact of the drains is not set out, it is only alluded to. Was there drain damage and leakage prior to the end of 2014 which gave an incentive for roots to go beneath the foundations in the first place, or which resulted in the presence of more roots than there would have been otherwise.

* It is not clear why although the house and tree appear to have co-existed without problem for very many decades, there was suddenly a problem. This issue has not been addressed.

* There are no doubt other tests available of which a lay person would not be aware.

7. The original investigations appear perfunctory and inadequate in the circumstances in 2015 and appear even more so in 2017.

- It seems that, apart from the level monitoring, no further investigations have been carried out since those in 2015, to see whether between March 2015 and January 2017, (about 23 months) the damage has progressed to a higher category, if at all, or higher within category 2. All the other papers I could see refer to the 2015 investigation.

- The technical Report of 2015 states in the 'Recommendations' that 'certain investigations' were required and that it might be necessary to carry out monitoring for up to a 12 month period.

- However, apart from the level monitoring, the Addendum technical report appears to refer to the investigations carried out in 2015 some 23 months ago, although this is not expressly stated. In fact the implication is that the investigations referred to in the Addendum report are to 'further' ones, not the original 2015 ones.

- I would have thought that investigations should be considerably more current. Is this in fact the case, or have they done enough.

- The Addendum technical report refers to 'further investigations' but apart from the level monitoring, there appear to be none.

- Was there a new CET report as referred to in the Addendum technical report - I could not find this.

8. With regard to the level monitoring report itself, to my amateur eye this did not appear to show a great deal of change.

- Only one row (row 8) shows movement between the beginning and end of the period in the first 2 places after the decimal point - 10.0015 to 9.9814. Is this significant?
- Does it in fact show what is claimed in the 4th paragraph of the Investigations section of the Addendum Report?

9. They are proposing to remove an in effect irreplaceable, magnificent tree of exceptionally high amenity value, which will be a great loss and detriment to the suburb, which was an action clearly not justified by the 2015 investigations,

- In these circumstances should they not have:

- a. repeated all previous investigations to monitor extensively for change, and to establish whether the level of damage merits such drastic action, and
- b. carried out a more detailed and thorough set of investigations to establish exactly what is going on.

10. No other possible causes of the movement seem to have been considered except, in passing, comments re drains.

- For example:

a. If there has been movement, could it have been caused by seasonal factors rather than subsidence i.e. the pattern of movement found in any normal structure on shrinkable clay soils whether or not trees are present.

b. Had any changes been made to the property its curtilage or the surrounding area prior to the cracks appearing which could have affected the equilibrium between the house and the tree. e.g. total or substantial clearance of vegetation resulting in gradual rehydration and swelling of the ground, laying of hard standings etc.

c. They are alleging that the situation appeared in October 2014 and worsened in the winter of 2014- 2015. However, I understand that dry soils rehydrate in winter months causing clays to swell and cracks to close.

- I do not understand what has happened here. Does it indicate that the cause is not abstraction of water and desiccation of the ground by trees or was it an exceptionally dry winter. Presumably the tree was dormant during this period.

d. The tree seems quite far from the building i.e. 19 m, rather than the 9.5 m Kew say is the area within which 50% of damage is found.

e. There is reference to a single story extension, but I am not clear where this is, when it was added or whether it is the part of the house affected, although it seems not. Could this be relevant?

- There is no evidence that any of the above were considered

11. There is no reference in any of the papers to 25 Wordsworth Walk that I could see, yet the Addendum states 'The oak is also seen to be the cause of subsidence damage at 25 Wordsworth Walk' No evidence whatsoever is provided for this glib statement.

12. There is reference in the EPSL Certificate of Analysis to 'oaks (both deciduous and evergreen). Does this mean there was evidence of the roots of more than one tree.

- If so, it is not clear where the evergreen oak is/was. There is only one shown on the plans and referred to in the papers.

13. Is what they say in the Discussion section of the Technical Report justified by the evidence they have produced or could there be other causes not considered

- Assuming the tree is the cause of significant damage, and I do not see how this has currently been shown in the first place, little, if any, attention seems to have been given to other ways of dealing with the problem other than removing the tree or underpinning.

- For example:

a. root pruning if appropriate

b. the possibility of using a root barrier is casually dismissed in the sentence 'Unfortunately there is not enough room to get machinery to the rear of the property to install a root barrier'. Is this even true?

- I do not know how big the equipment required is, but depending on this it appears that access to the twitten could be widened by the temporary removal of the hedges and pathways bordering 27 Wordsworth Walk. These could then be reinstated after completion of the root barrier works easily and relatively inexpensively.

c. There is no mention of using 'piled rafts' - this may be because it is inappropriate in this case.

- No doubt there are other technical solutions, of which I am unaware.

14. On the issue of adverse consequences of removing the tree, these have been dismissed in a sentence '.. the tree work can proceed without heave damage being created' - no reason or evidence being provided for this assertion.

- Even if this is correct are there no other possible adverse consequences of the tree removal e.g.

a. excessive re-hydration

b. root decay over a number of years could result in collapse of as support for the ground from the root weakens and eventually goes altogether with consequent damage to property.

15. The application contains a number of 'general' observations, statements and information not relevant to this case, and appears to be based on a standard precedent in which a few details are changed. Removal of a tree seems to be a standard solution regardless of the specific circumstances of each case.

- I find it incomprehensible that an application to fell any tree, let alone one of this importance and significance, is considered to be appropriate on the basis of what appears to be extremely slight damage to a property, easily rectified at reasonable cost by any competent builder. It does not make sense, and is almost beyond belief.

- If the TPO legislation cannot protect this tree, then the legislation is totally unfit for purpose.

- It should not be possible to obtain consent to fell TPO trees, even if the application to fell has little or no merit, by the simple expedient of threatening to make large claims for costs for damage allegedly caused by the tree, if consent is refused.

- Quite apart from the fact that in the case of this tree (for all the reasons stated in the objections on your website) felling should not be an option in any event, and other solutions to any problem there may be should be found, agreeing to lift the TPO will set a disastrous precedent, in effect giving the green light to the lifting of the TPO and the felling of any tree in the Suburb.

This application is a disgrace, and the system which allows it to be entertained is in serious and urgent need of review and reform.

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Location **18 Clifton Gardens London NW11 7EL**

Reference: **17/0998/FUL**

Received: 20th February 2017

Accepted: 22nd February 2017

Ward: Garden Suburb

Expiry 19th April 2017

Applicant: Mr BOAZ ZILBERMAN

Proposal: Conversion of existing semi-detached dwelling into four self-contained flats. Associated refuse/recycling storage. Provision of cycle parking and 3no. off-street parking spaces. Demolition of existing garage

AGENDA ITEM 16

Recommendation: Approve subject to conditions

1 Covering letter by Simon Miller Architects dated 22nd February 2017; Parking Assessment by Paul Mew Associates dated April 2017; Energy and Sustainability Statement by EAL Consult Building Suitability dated April 2017; Design and Access Statement by Simon Miller Architects dated 17Th February 2017; Drawing no. 414 PL00 Rev A; Drawing no. 414 EX01; Drawing no. 414 EX02; Drawing no. 414 EX03; Drawing no. 414 EX04 Rev B; Drawing no. 414 EX05 Rev A; Drawing no. 414 EX06 Rev A; Drawing no. 414 EX07 Rev A; Drawing no. 414 EX08 Rev A; Drawing no. 414-2PL-01 Rev B; Drawing no. 414-2PL-02; Drawing no. 414-2PL-03; Drawing no. 414-2PL-04 Rev C; Drawing no. 414-2PL-05 Rev B; Drawing no. 414-2PL-06 Rev B; Drawing no. 414-2PL-07 Rev B; Drawing no. 414-2PL-09 Rev B; Drawing no. 414-2PL-10.

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

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

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

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

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

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the development hereby permitted is first occupied, the amenity area shall be subdivided and shall be implemented in accordance with the details indicated on Drawing no. 4142PL01 Rev B before first occupation or the use is commenced and retained as such thereafter.

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

- 5 Before the development hereby permitted is first occupied, the high privacy hedge enclosing the terrace for Flat 2 as indicated on Drawing no. 414 2PL01 Rev B shall be planted before first occupation or the use is commenced, shall not be higher than 1.2m and shall be retained as such thereafter.

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

- 6 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

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

- 7 The building shall not be occupied until parking space(s) has/have been laid out within the site in accordance with the approved plan Drawing no. 414 2PL01 Rev B and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 October 2016).

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 30% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 10 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 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 policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 12 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).

- 13 Before the development hereby permitted is first occupied, 5 cycle parking spaces and the cycle storage facilities indicated on the hereby approved Drawing no. 414 2PL01 Rev B shall be provided 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.

- 14 a) The building shall not be occupied until details of the vehicular gate at the rear of the site have been 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 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.

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance

to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

- 3 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.

- 4 The Demolition and Construction Management Plan for the demolition of the existing rear garage and construction of the proposed replacement with parking spaces at the rear of the site to facilitate the new development shall take into consideration the likely impact of the proposed development on the pedestrian and highway safety due to the location of the access in a close proximity of the Scheduled footpath and the location of the primary school on Alyth Gardens.

The Demolition and Construction Management Plan will inform of how the Demolition and Construction activities will take place without impacting on the pedestrian and highway safety an any detrimental impact on the school operation in Alyth Gardens.

- 5 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

Officer's Assessment

1. Site Description

The subject property is a two storey semi-detached single family dwellinghouse, located on the south eastern side of Clifton Gardens within the Garden Suburb.

The site does not fall within a conservation area and the proposal property is not listed. There are no protected trees on the site or protected assets in the vicinity.

At the time of the site visit, the property benefitted from numerous extensions including a part-single part two storey side and rear extension, which benefits from permitted development, and a loft conversion including a large dormer which complies with permitted development.

In addition, at the time of the site visit, the outbuilding had already been erected. Although this element does not benefit from a certificate of lawfulness, officers consider that it complies with the requirements of permitted development.

2. Site History

Reference: 16/6168/192

Address: 18 Clifton Gardens, London, NW11 7EL

Decision: Lawful

Decision Date: 12 October 2016

Description: Single storey rear and side extension. Rear dormer and 2 no. rooflights to front to facilitate loft conversion

Reference: 16/7861/HSE

Address: 18 Clifton Gardens, London, NW11 7EL

Decision: Approved subject to conditions (decision made under delegated powers)

Decision Date: 09 February 2017

Description: Part single, part two storey side and rear extensions

3. Proposal

The applicant seeks planning permission for the conversion of the property into 4no self-contained flats.

The proposed mix would be as follows:

- 2 x studio flats (1 bed 1p)
- 1 x 1 bed 2p flat
- 1 x 2bed 4p flat

The proposal would offer 3 parking spaces, 1 at the front as existing, and two at the rear from Alyth Gardens following the removal of the detached garage.

As mentioned above, the property benefits from numerous extensions, including the part single part storey side and rear extension (which has planning consent) and the roof extension. A certificate of lawfulness was sought for the loft conversion and this was considered to be lawful. However, at the time of site visit, it was established that a larger dormer extension had been constructed by the applicant. Since then, the dormer has been

reduced to a size with photographic evidence provided for the changes and now the roof extension is considered to comply with the requirements of Class B and C of the General Permitted Development Order 2015.

In addition, at the time of the site visit, the applicant had erected the outbuilding. Although there is no certificate of lawfulness for this element, the dimensions are considered to comply with permitted development.

In the interests of clarity, the proposed scheme does not rely on any additional extensions over and above what is considered lawful (roof extension and outbuilding) or previously approved extensions (rear/ side extensions assessed under reference 16/7861/HSE).

4. Public Consultation

Consultation letters were sent to 135 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Additional vehicular comings and goings adjacent to neighbouring gardens.
- Development commenced before permission granted
- Large outbuilding
- Monster exterior extension
- Intensification/ other properties converted into 2 flats but not 4.
- Noise and disturbance/ inconvenience during construction
- Extensions have resulted in loss of light
- Noise from future occupiers
- Pollution from exhaust fumes in rear gardens
- Rights of access for no.18 to access road at rear
- Reduce value of neighbouring properties
- Loss of privacy/ Extensions overlook
- Dangerous and a potential health risk to neighbours to have parking at the rear.
- More congestion by additional occupiers
- Increased parking pressures
- Unattractive changes
- Additional rubbish on street
- Flats are likely to be rented out
- Slowly pushing local residents out.

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

Since the original submission, an amended site location plan has been provided to include the access path within the red line of the site. Neighbours have been reconsulted to consider the amended plan. At the time of writing, the following additional comments have been received:

- Four new dwellings with visitors at all times and associated parking problems.
- Change to the character of the road.
- Confirmation that flat roof will not be used as balconies

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, 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:

- Principle of conversion
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether suitable amenities will be provided for future occupiers
- Parking and Highways impact
- Sustainability

5.3 Assessment of proposals

Principle of conversion and Impact on the character of the area

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

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

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

The principle of conversion of the property is considered to be acceptable; the road is characterised by a mixture of conversions and single family dwellinghouses.

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 2 (poor). The site is approximately 0.04 hectares in size and the development includes 4 self-contained flats. Calculations show that the proposed scheme's density would be 100 units per hectare, and falls outside of the density range of 35-95 u/ha for a suburban site of this size.

Although this is marginally in excess of the recommended density, this is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. 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. This calculation is therefore not considered as a reason for refusal in itself but is considered with other elements of the scheme discussed in more detail below.

The principle of converting the premises into four self-contained flats would be acceptable in principle and would not represent the over intensive use of the property.

Impact on the character of the area

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

The impact of the extensions that have been implemented on the property have previously been assessed, and were considered acceptable.

As mentioned above, the proposed conversion would not be out of character.

A condition has been added to ensure that the outbuilding is used only in connection with the main building; this is indicated as a gym and storage for future residents and should not be used in any as a self-contained unit.

The siting of the refuse at the front is not considered to be uncommon on this section of the road, although it is accepted that there would be additional bins. Again, this is not uncommon in other flatted conversions on the road. Notwithstanding this, details of refuse storage are secured by a condition to ensure that there is no harmful impact to the streetscene.

The access at the rear has been established already, even if there is a question of whether the existing garage is in operation. Therefore the parking at the rear is not considered to be out of character.

The proposed development is considered to be in keeping with the general character of the area, and as such the proposal is considered to have an acceptable impact on the character of the area.

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.

As mentioned, the extensions have already been considered acceptable and therefore there is no additional impact in terms of loss of visual amenity to neighbouring occupiers.

Whilst the proposed conversion would result in additional occupiers on the site it is important to consider that the existing dwelling including the extensions could accommodate up to 9 occupiers based on the number and size of bedrooms. The proposal would result in 4 households with up to 8 occupiers. Although it is accepted that these would be separate households, the level of activity can be argued to be comparable to some degree. On balance and subject to conditions, it is not considered that the proposed use would cause any greater harm on the amenities of neighbouring occupiers than the existing building (including extensions) would offer. Furthermore a condition has been added to ensure adequate sound insulation.

Whilst it is acknowledged that there would be additional vehicular movement at the rear by virtue of an additional parking space, it is not considered that this would cause sufficient noise and disturbance to warrant refusal of the application on this reason alone. The use of these parking spaces is likely to be intermittent and infrequent (i.e. leaving for work and arriving in the evening) and on balance it is considered acceptable.

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 standards, as set out in the London Plan, are as follows:

- Single storey studio unit (1 occupier) is 39sqm/ 37sqm where there is a shower room instead of bathroom;
- Single storey 1 bed unit for 2 occupiers is 50sqm;
- Single storey 2 bed unit for 4 occupiers is 70sqm.

The proposed units would offer the following floor areas:

- Flat 1 is a studio unit (1p) providing a floor area of 37.4sqm;
- Flat 2 is a one bed unit (2p) providing a floor area of 73.3sqm;
- Flat 3 is a two bed unit (4p) providing a floor area of 83.7sqm;
- Flat 4 is a studio unit (1p) providing a floor area of 47.5sqm;

The proposed flats would meet and in the case of units 2, 3 and 4 exceed with the minimum space standards and this is acceptable.

All proposed residential development should provide suitable outlook and daylight for future units. It is considered that all habitable rooms would provide adequate outlook and daylight for future residents and this is acceptable.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. Table 2.3 within the Sustainable

Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

The proposed development would provide a communal garden with an area of 110 sqm for all flats. In addition, unit 2 would benefit from a private terrace with an area of 22.3sqm. This is considered to comply with the standards and offer ample outdoor amenity space for future occupiers.

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.

Impact on Highways

Highways officers have reviewed the scheme and provided a response on the highways implications of the proposed conversion of the house into flatted development and the demolition of the rearward garage.

The site currently benefits from one-off street parking space at the front and a detached garage at the rear of the site accessed from Alyth Gardens. The PTAL benefits from a rating for the site 2, which is considered to be low. The site is within a Controlled Parking Zone (CPZ) zone TF which operates an all-day restriction 0930 - 1800 Monday to Friday and 1400 to 1800 on Saturdays.

The site is within walking distance of a town centre location.

The proposal for 4 units (2 x studio, 1 x 1 bed, 1 x 2bed) would provide 3 off street parking spaces, one existing is to remain and 2 will be created to the rear of the property that will be accessed from Alyth Gardens.

In accordance with Policy DM17, the proposal would require the parking provision of 2-5 spaces. Taking into account the PTAL rating of 2 for the site, 4 parking spaces should be provided.

It is noted that the applicant has submitted a parking beat survey in support of the planning application. The parking survey has been updated over the course of the application and indicates that the availability of parking in the vicinity of the site would accommodate the overspill from this development.

In addition, taking that the proposal seeks a flatted conversion, the site being located in a CPZ and the site being within walking distance of town centre and local amenities, on balance the parking provision with a shortfall of 1 parking space would be acceptable on highway grounds.

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 5 spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The plans indicate the provision of 4 spaces; however it has been conditioned that the store should accommodate 5 spaces to comply with this policy.

Bin storage has been proposed to the front of the property within 10m of the public highway. Further details would be conditioned with regards to the store, however in principle this is acceptable.

There is an existing access from Clifton Garden for one parking space. A second access is proposed at the rear of the site for 2 parking spaces.

The proposed rear access will be from Alyth Gardens; there is currently an existing garage at the rear of the site which is accessed from Alyth Gardens. The proposed access to the revised parking arrangement at the rear from Alyth Gardens remains as per the existing arrangement. It should be noted that there is a scheduled footpath that runs off the existing vehicular access from the rear and will remain. There is no vehicular right of way over the scheduled footpath.

As the access arrangement to the rear of the property is an established use the access arrangement is acceptable on highway grounds.

Highways have recommended that it is proposed to demolish the existing garage at the rear of the site to facilitate the new parking spaces and taking into consideration that the location of the access to the garage is in very close proximity to a primary school and the restricted nature of the access to the rear of the site, a robust Demolition and Construction Management Plan will need to be submitted explaining how this activity will be carried out with a minimum impact on highway and pedestrian safety.

This application is recommended for approval on highway grounds subject to the recommended conditions and informatives.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 30% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

CIL

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

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

As the proposal would not involve any net increase in floorspace and the extensions, which have prior consent, have been generally been completed, the proposal would not be CIL liable.

5.4 Response to Public Consultation

It is considered that the planning related objections have generally been addressed in the report above. The following responses are considered relevant to other comments:

"Development commenced before permission granted" - As addressed above, the extensions have consent and this was being constructed at the time of the site visit; it is not considered that the conversion however has been brought into use. Notwithstanding this, the assessment of the scheme would remain as above.

"Noise from future occupiers" - A condition has been added requiring suitable sound insulation which would mitigate the noise between the units themselves and also neighbouring properties.

"Rights of access for no.18 to access road at rear"- This is not a planning consideration.

"Loss of privacy/ Extensions overlook" - As above the application is not considering the extensions which have consent. There are no additional windows being introduced.

"Flats are likely to be rented out"- this is not a material consideration in the determination of the application.

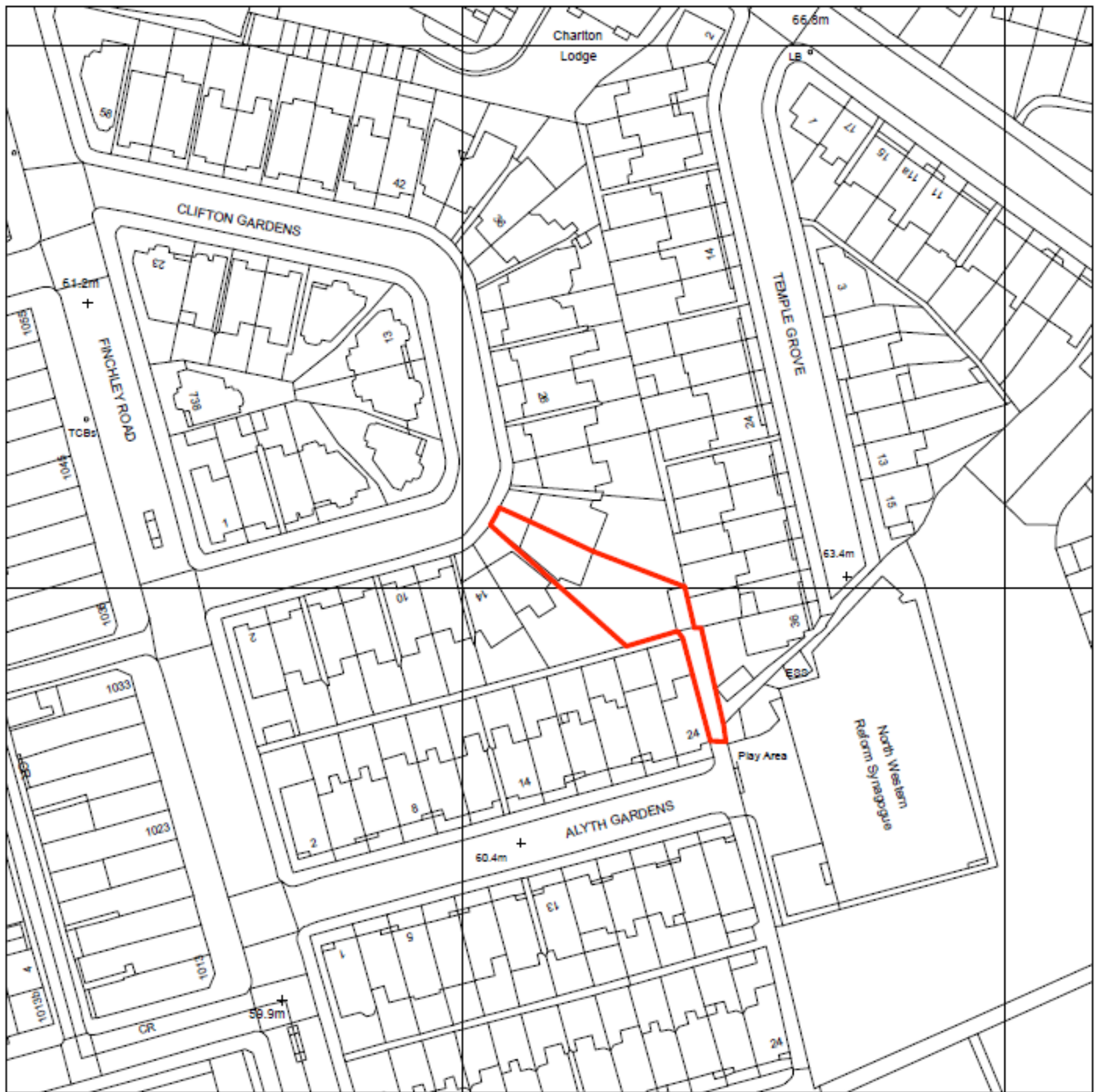
"Confirmation that flat roof will not be used as balconies" - The current application does not include extensions to the building. The previous approval for the extensions (16/7861/HSE) has a condition which prevents the use of the flat roof for balconies. It is not considered to be justified to add this condition for the current 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 **69 Friern Watch Avenue London N12 9NY**

Reference: **17/0490/HSE**

Received: 27th January 2017

AGENDA ITEM 17

Accepted: 30th January 2017

Ward: Woodhouse

Expiry 27th March 2017

Applicant: Mr & Mrs Kaplan

Proposal: 4no roof lights to front elevation, 2no rooflights to side elevation and 3no rooflights to rear elevation to facilitate a loft conversion. Two storey side extension following demolition of existing garage. Part single, part two-storey rear extension. New front porch

Recommendation: Approve subject to conditions

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

PA_001 REV A
PA_002 REV A
PA_003 REV A
PA_004 REV A
PA_005 REV A
PA_006 REV A
PA_007 REV A
PA_008 REV A
PA_009 REV A

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 67 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site relates to a semi-detached single family dwelling situated in the north side of Friern Watch.

The property is not listed or situated within a conservation area.

2. Site History

None

3. Proposal

The proposals under this application include:

- A part single, part two storey rear extension. At ground floor level the rear extension will have a depth of 5.2 metres and a width of 6.6 metres. The ground floor will have a height of 2.7 metres to eaves level and a maximum height of 3.8 metres. At first floor level, the rear extension will have a depth of 3 metres and a width of 5.6 metres. The height of the first floor rear extension will be 5.7 metres to the eaves level and a maximum height of 7.7 metres.
- A part single, part two storey side extension. At ground floor level the side extension will have a depth of 9.1 metres and a width of 4.3metres. The ground floor will have a height of 2.3 metres to eaves level and a maximum height of 3.3metres. At first floor level, the side extension will have a depth of 7.1 metres and a width of 3.4 metres. At first floor level, the eaves of the side extension will be 5.7 metres and the maximum height will stand at 8.6 metres. There is a set down from the main ridge line of approximately 0.5 metres.
- The erection of a new front porch with a square footage of 3 metres and an eaves height of 2.3 metres with a maximum height of 3 metres. The porch will extend forward of the established front elevation by 1 metre at a width of 2.4 metres.
- 4No. roof lights to be added to the front elevation , 2No. Roof lights to be added to the side elevation and 3 No. roof lights to be added to the rear elevation to facilitate a loft conversion

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

1 response was received during consultation amounting to a letter of OBJECTION which can be summarised as follows:

- the proposals would lead to a loss of light and heightened sense of enclosure
- the plans provided are not accurate in relation to the size of extensions at the proposal site and the neighbour extensions at No. 67.
- issues of character

-the proposals would constitute overdevelopment of the site.

The application was called to committee by Councillor Hutton on the 27th of March 2017 to ascertain the impact of the proposals on the amenities of the neighbouring residents and to ascertain whether or not the proposals would be stylistic of the local area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.2 Main issues for consideration

The main issues in this case are considered to be covered under two main areas:

Impact on the character and appearance of the property and general locality (Principle):

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The Council's Residential Design Guidance SPD outlines that extensions to houses can have a profound effect on the appearance of an area. In regard to character, Policy DM01

of the Council's Development Management Policies outlines that development proposals should be based on an understanding of local characteristics and seek to preserve or enhance local character. Further, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

Planning permission is sought for a part single, part two storey side and rear extensions, the erection of a new front porch and a rear dormer extension to facilitate a loft conversion. It is noted that the proposals under this application are designed to be of similarity to the extensions at the neighbouring property at No. 67. Other examples of similar extensions exist at No. 64. Additionally, the two storey side and rear extension has been moved away from a pre-existing ground and first floor bay window during the process of this application in order to facilitate the appearance of subordination. As such, in its' current form, the structure is deemed to be an appropriate subordinate feature to the original dwellinghouse as well as the street scene and wider locality.

Loft conversions involving dormer windows are common along Friern Watch Avenue and as such, the uses of roof lights are deemed to form an appropriate addition to the dwelling house and the street scene. It is noted that a dormer was removed from the application through amendments as to ensure the character of the original dwellinghouse was protected and that the host site did not enter a state of overdevelopment.

Porches are not characteristic of the area; however the proposed shape incorporating a pitched roof structure would respect the character of the proposal site and also the wider locality of Friern Watch Avenue. It is also noted that the porch extending outward of the current front elevation of the property will not impact the established street scene of the property for bay window features already exist to the eastern side of the current entrance and as such, the street scene will not be negatively impact through the erection of a new front porch.

As such, it is not found that the proposals under this scheme would have a negative impact on the street scene or the wider locality.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites. Any subsequent application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impacts on daylight and sunlight.

At ground floor level the rear extension will be built up to the common boundary shared with No. 67 however, as this property has already extended, the proposals under this application will not extend beyond the pre-existing extension at this site. It is noted that the proposal is to replace an existing garage at the site and therefore no change will be experienced in terms of depth under the proposals than what is existing on site.

The extension to the rear is set away from the common boundary shared with No. 71 by approximately 4.5 metres and therefore this neighbouring amenity is also protected in this respect of the plan. The first floor element of the rear proposals is set away from the boundary by the same distances as it's' ground level counterpart. At first floor level, the rear extension is set away from the common boundary shared with No. 67 by 1.4 metres and thus any impact to neighbouring amenity should be avoided.

The side extension is again to be built up to the common boundary shared with No. 67 and will not be visible from No. 71 and as such, it is not found that these proposals will have a detrimental impact on either neighbouring properties amenities'. At first floor level, the side extension is set away by 2.2 metres from the front elevation of the property, and it set away by 1.4 metres from the common boundary shared with No.67 and 2 metres from the nearest side wall to this neighbouring property. There are no windows serving this elevation on the property at No. 67 and as such this neighbour will not experience a loss of light, privacy, and outlook nor would the structure appear overbearing in this respect.

Additionally, the roof lights to be used in order to facilitate the loft conversion will not protrude the roof slope by more than 150cm and as such, will not have a negative impact on the amenities of the neighbouring residents in this respect. Moreover, the rooflights to be added to the side elevation will be obscurely glazed as to protect neighbouring amenity.

Due to the size and siting of the porch, located between the aforementioned ground floor side extension and a pre-existing bay window at ground floor level, it is not found to have a detrimental impact on the amenities of either neighbouring occupier.

5.4 Response to Public Consultation

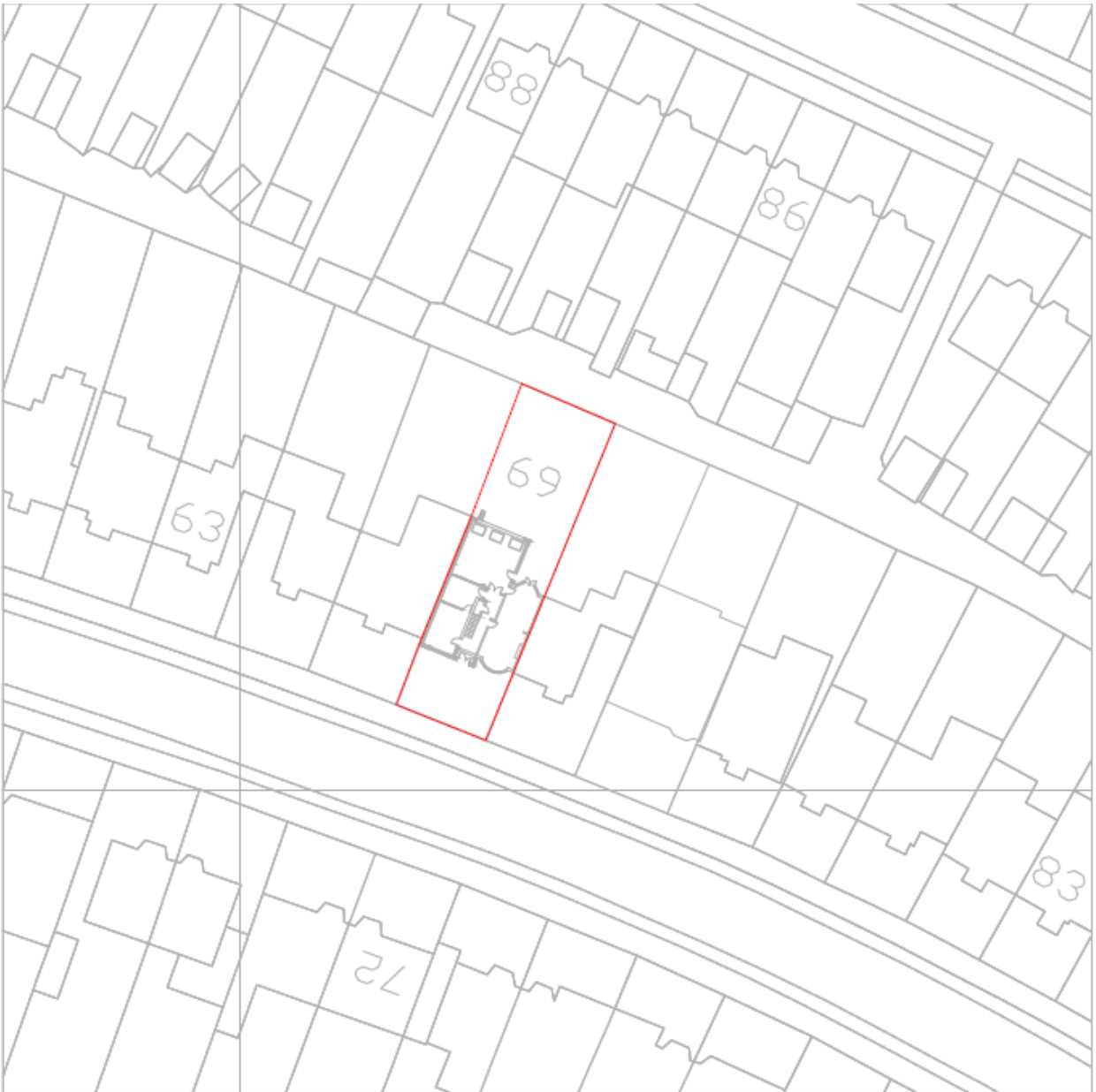
Comments have been addressed in the body of the report.

6. Equality and Diversity Issues

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **939 High Road London N12 8QR**

Reference: **17/0947/HSE**

Received: 16th February 2017

AGENDA ITEM 18

Accepted: 20th February 2017

Ward: Woodhouse

Expiry 17th April 2017

Applicant: Mrs Chris Li

Proposal: Single storey rear extension

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan and drg.no.939IS-PP-01 Rev A.

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

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

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

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

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

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

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

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 application site is a four storey end of terrace, single family dwelling house. It is a new build property within the mixed residential redevelopment of the former Metropolitan Police Garage on the west side of the High Road, N12.

This site is bounded by Highwood Avenue to the south and south west, Limes Avenue to the west and Woodside Grove to the North.

The house was granted permission as part of the Imperial Square development (see application ref.F/02217/13 in relevant planning history section of the report).

The house is more specifically located in the southern part of the Imperial Square development and shares its rear boundary with no. 8 and no.10 Highwood Avenue to the south. Its adjoining neighbour to the east is no.937 High Road and to the west on the unattached side is no.941 High Road.

The house has a rear garden approximately 11.9m deep.

2. Site History

Reference: 16/6910/NMA

Address: 931 High Road, London, N12 8QR

Decision: Approved

Decision Date: 17 November 2016

Description: Non material amendment for planning permission F/02217/13 dated 05/12/13 for "Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping" Amendments include installation of a glazed window to the first floor southern elevation of a projecting bay window to Building

Reference: F/02217/13

Address: 931 High Road, London, N12 8QR

Decision: Approved following legal agreement

Decision Date: 6 December 2013

Description: Demolition of existing buildings on the site and the construction of new buildings between three and five storeys in height, to provide 84 self contained flats and 11 houses (all Use Class C3), together with associated access, parking facilities, private amenity space, communal amenity space and landscaping

The following conditions are particularly relevant to the current application:

Condition 29:

Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan.

Condition 31:

Notwithstanding the details shown on the plans submitted and otherwise hereby approved prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site (both to enclose the site and to divide areas within the site) shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved, be permanently retained as such thereafter and, notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order), the means of enclosure erected at the site shall not be altered in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development protects the amenities of the occupiers of neighbouring and future properties, provides a safe and secure environment and to protect the character and visual amenities of the site and wider area in accordance with policies CS5 and DM01 and DM02 of the Barnet Local Plan and policies 1.1, 7.3, 7.4, 7.5 and 7.6 of the London Plan.

3. Proposal

The proposed single storey rear extension will project along the common boundary wall of adjoining house no.937, with a depth of 3m, full width of the rear wall measuring 6.1m wide. It would have a crown roof with an eaves height of 2.6m and a maximum height of 3.1m. The roof would host two roof lights that would be flush with the roof.

The proposed extension would be set away from the common boundary fence with the neighbouring house at no.941, to the west, by approximately 1.1m. The rear south facing wall of the proposed extension would be approximately 8.95m from the sites rear boundary with no.8 and no.10 Highwood Avenue.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

9 responses have been received.

Objections have been summarised below:

- Wrong Location Plan
- Application site address misleading
- Consultation should have been extended to more residents
- Set precedence

- Encroach on privacy
- Bring living space closer to noise closer to the boundary
- Out of character
- Parent application confirmed no extensions will be allowed
- Parent application in breach as it allowed a bay window to one of the houses
- Amenity, privacy and overlooking issues
- Loss of light
- Risk of ground slippage and collapse to our garden and paving
- Boyer Report should be considered as part of this application
- Proposal will materially alter the approved development and should not be approved pursuant to S96A of the Town and Country Planning Act 1990 (as amended)
- The application should have been turned away as ineligible
- Reference to a contractual agreement with the developer of the whole complex, including the application site and the rest of the terrace of which it forms part, which contains the following clause:
"Not for a period of 5 years from the date hereof to make external alterations or to erect any garage, or garden shed outbuilding extensions or temporary building on the property wall without consent in writing of the transferor"

The author comments that the developer has not approved the proposed plans.

- Area already overdeveloped
- Proposed extension will add to intrusiveness of the existing recently constructed buildings.

Neighbouring properties were reconsulted in respect of an amended plan, reducing the height of the proposed extension.

2 Objections were received

- Previous objections to be taken into consideration
- Noise and nuisance

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.

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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.

u\ 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

Background:

Planning permission for the above development was approved subject to conditions on 6/12/13 via ref.no. F/02217/13. Condition 29 of this approval states;

"Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the buildings hereby permitted shall not be extended in any manner whatsoever without the prior receipt of express specific planning permission in writing from the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality, the amenities of future occupiers of the dwellings proposed and the enjoyment by neighbouring occupiers of their properties in accordance with policies CS5, DM01 and DM02 of the Barnet Local Plan."

This condition takes away permitted development rights to give the Local Planning Authority (LPA) the opportunity to control all forms of extension in the interest of the character of the area and to ensure that the amenities of neighbouring residents are not adversely affected by any extension that could otherwise be carried out under permitted development.

It is important to note that this condition does not prohibit applications for extensions being submitted, nor does it dictate the outcome of any such applications. Applications for extensions to these properties will be assessed against the Development Plan and other material considerations in exactly the same way as other house extension and if it is found they comply with policy and there are no other material planning considerations which indicate otherwise then planning permission should be granted.

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The dwelling has an existing depth of approximately 9.5m, the applicant is proposing to further extend from the rear wall of the dwelling, with a depth of 3m. The proposed extension will be single storey with a crown roof to be reflective of the existing roof forms of the main building and the roofs of the neighbouring properties.

The proposed extension will be in line with the main body of the original building, not projecting to the side and leaving approximately 1.1 metre to the shared boundary fence with adjacent neighbouring property at no.941.

Whilst this is the first extension proposed to a house in this development that does not mean it is unacceptable. The proposed extension is a common form of extension across the borough and is small enough in scale to be considered a proportionate and subordinate addition to the host property. It is considered that it does not detract from the character of the host building, the neighbouring properties and the wider locality.

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

The proposed extension would project 3m in depth, with an eaves height of 2.6m and a maximum height of 3.1m along the common boundary wall of the adjoining property at no.937. It will extend the full width of the rear wall and will be set away from the adjacent neighbouring boundary fence with no.941 by approximately 1.1m.

The Residential Design Guidance SPD states that the depth of single storey rear extensions normally considered acceptable for a terraced property is 3m and should not cause 'a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.' The proposed extension would comply with this requirement of Barnet's Residential Design Guidance.

There are no windows proposed to the side elevations and as such there would be no overlooking or loss of privacy to the neighbouring properties to either side.

The rear wall of the host property is set away by approximately 11.9m from the common boundary with neighbouring properties at Highwood Avenue and approximately 26m to the nearest habitable windows of the dwellings on this street.

Barnet's Residential Design Guidance states that "Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications."

The proposed extension would reduce the gap between the extension and the neighbouring boundary to 8.95m. The distance between the rear windows in the proposed extension and neighbouring properties on Highwood Avenue, would be approximately 23m which exceeds the 21m distance referred to in Barnet Residential Design Guidance.

In addition there is an existing wall approximately 1.8m high with trellising 0.9m high above, which measures approximately 2.7m in height separating the host property and the properties on Highwood Avenue which will be retained as required by condition 31 of the original permission. As such it is considered that there is adequate screening between the proposed single storey extension and these neighbouring properties, to mitigate and reduce any detrimental impact, the proposed extension might have in terms of overlooking, loss of privacy.

The proposed extension would be clearly visible from the neighbouring properties no.937 and no.941. With regards to no.937 the proposed extension would be to the west of this property and this combined with the height and depth of the extension is such that there would not be a significant loss of sunlight such as to warrant refusal. The proposed extension would not be overbearing or visually obtrusive, the outlook of no.937 would not be significantly affected.

The application site has a staggered relationship to no.941, with the rear wall of the application property projecting approximately 3m beyond that of no.941. The gap between the flank walls of the two houses is approximately 2.3m. Given this relationship it is not considered that the proposed extension would adversely affect sunlight reaching the rear habitable room windows of no.941, nor would it be overbearing or visually obtrusive such as to affect the outlook from no.941. The presence of a 1.8m high boundary fence together with the extension being set back from this boundary mitigates its impact.

The proposed single storey rear extension would be approximately 8.9m for the sites rear boundary with no.8 and 10 Highwood Avenue to the south. These properties have rear gardens approximately 13.5m deep. It is considered that this relationship is such that, combined with the presence of the existing boundary fence, the proposed extension would have a limited visual impact when viewed from the ground floor rear habitable rooms and gardens of these properties. Whilst the proposed extension would be visible from the upper floor levels of these properties it is not considered that this would result in any loss of visual amenity. The orientation is such that the proposed extension is to the north of these houses in Highwood Avenue, accordingly there would be no loss of sunlight.

Given the size and design of the proposed extension and the relationship between the proposal and the neighbouring properties, it is not considered that this proposed extension would be detrimental to the amenities of the occupants of any neighbouring property, in term of loss of light, loss of privacy and loss of outlook.

It is not considered that the occupation and use of the proposed extension would result in any additional levels of noise and disturbance such as to materially detract from the residential amenities of neighbouring residents such as to warrant refusal.

5.4 Response to Public Consultation

- Wrong Location Plan

It was noted that an incorrect Location Plan was uploaded along with the correct one, this was corrected and neighbouring properties were reconsulted with the correct Location Plan.

- Application site address misleading

The site address is considered to be correct. The site was originally known as Plot 6 located within 931 High Road and has been given a new house number, 939 High Road.

- Consultation should have been extended to more residents

All the relevant neighbouring properties have been consulted. In this instance, being a householder application all neighbouring properties immediately adjoining the host property have been consulted as statutorily required.

- Set precedence

Each planning application is considered on its individual planning merits. The LPA's ability to consider any applications elsewhere would not be fettered by any decision in respect of this current application.

- Parent application confirmed no extensions will be allowed

Whilst Condition 29 of the parent application restricts any extensions to the site without a planning application, it does not prevent the applicant from making an application to the London Planning Authority or if it is considered acceptable when assessed against the development plan and other material considerations being granted planning approval.

- Parent application in breach as it allowed a bay window to one of the houses
The bay window does not relate to this site and does form part of this application. It is not material to the consideration of this application.

- Risk of ground slippage and collapse to our garden and paving
The above concern is a private matter and is not a material planning consideration.

- Validity of the application
The correct form of application has been submitted and it is valid. It is not being considered as a "non material minor amendment". It requires planning permission and is being considered as such.

- Contractual agreement with the developer
This is a private matter between the parties concerned. It does not affect the planning merits of the proposal nor does it fetter the ability of the LPA to determine this planning application. It is not a material planning consideration.

- Intrusiveness / overdevelopment
As stated previously it is not considered that the proposal would be overbearing or visually obtrusive. The small scale nature of the proposal is not considered to be overdevelopment either in its own right or cumulatively as part of the larger development of which the host property forms part.

- Boyer Report should be considered as part of this application
Reference has been made to the "Boyer Report" which was submitted in support of application ref F/02217/13.

The objection comments refer to the planning history of the site and comments "The Boyer report shows why previous applications were refused / withdrawn, including improvements to amenity, privacy and overlooking issues which also meant moving the houses back adding a longer garden. An extension would negate this condition."

The following extracts from the Boyer Report are referred to:-

"4.3 The refused 2009 application is of particular relevance. The application was put forward to Barnet's Members with a recommendation for approval but was refused. This decision, along with discussions referred to below have informed the current design. Key differences between the refused 2009 scheme and the current proposal include:

- o Removal of commercial floorspace from the development, which enables a higher quality of residential amenity to be provided within and adjoining the development.

- o A significant reduction in the number of dwellings and density, with consequent improvements to the quality of internal and external amenity.

Some of the specific scheme alterations that have been made following the 2009 application include:

- o Reduced building heights and more considered building placement and layout to integrate more appropriately with the urban grain, and reduce overbearing and enclosure.

- o Significant reduction in overall number of dwellings, resulting in less pressure from overlooking and loss of privacy.

- o Inclusion of more landscaped open areas within the development which serve to improve outlook over the site from neighbouring properties and act as buffers between residential properties to avoid overlooking and noise impacts.

Privacy

- o Potential overlooking and consequent loss of privacy is a major consideration for neighbouring occupiers and considerable effort has been made to ensure the proposed

development would not cause any unreasonable loss of privacy. Potential harmful overlooking has been addressed primarily through the layout of the proposals (discussed further in the accompanying Design and Access Statement); the matter was thus an integral part of the scheme's design.

o The proposed buildings have been located to ensure that separation distances between facing habitable room windows and balconies significantly exceed 20 metres, and overlooking distances between habitable windows and gardens have also been maximised to minimise loss of garden privacy. Additional measures, including proposed planting and boundary treatments would ensure a high degree of privacy is retained for existing neighbours and provided for new residents."

It must be noted that the Boyer Report has not been submitted as part of this current application for single storey rear extension to the application property. Whilst the comments referred to are noted they were addressing those issues related to the residential redevelopment of the whole site and not this application for a householder extension.

The topic areas referred to namely character, overlooking and loss of privacy are material planning considerations and have been fully considered earlier in this report. As stated above the relationship of the proposed extension to neighbouring properties is such that the amenities of neighbouring residents would not be prejudiced by overlooking or loss of privacy nor would the single storey extension detract from the character and appearance of the host property or the surrounding area.

Concerns raised in respect of overlooking / loss of privacy, character, noise from the proposed extension, loss of light, loss of visual and residential amenity have been addressed previously in this 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. Human Rights Act

The Human Rights Act 1998 incorporated provisions of the European Convention on Human Rights (ECHR) into UK law. The general purpose of the act is to protect human rights and fundamental freedoms and to maintain and promote the ideals and values of a democratic society. It sets out the basic rights of every person together with the limitations placed on these rights in order to protect the rights of others and of the wider community.

The articles of the act relevant to planning include Article 6 (Right to a fair and public hearing), Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

Officers have considered the proposals against the Human Rights act and do not consider that the proposals would be in breach of this.

8. Conclusion

Having taken all material considerations into account, the proposed development would have an acceptable impact on the character and appearance of the application site and the streetscene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

Highwood Avenue



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Location Stanhope Court 53 - 55 Stanhope Road London N12 9DZ

Reference: 17/1586/FUL

Received: 13th March 2017

Accepted: 31st March 2017

Ward: Woodhouse

Expiry 26th May 2017

Applicant: Mr Neil Hawes

Proposal: Extension to existing three-storey building including erection of new mansard roof to create 1no additional self-contained flat with rooflights (4no to front elevation, 2no to rear elevation and 2no to side elevation) in roofspace and recessed dormer with balcony to rear elevation

AGENDA ITEM 19

Recommendation: Approve subject to conditions

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

PL00- Existing Site Location Plan; PL01- Existing Site Plan; PL101- Existing Ground Floor and First Floor Plan; PL102- Existing Second Floor and Roof Floor Plan; PL103- Existing Section A-A; PL104- Existing Front and Left Side Elevation; PL105- Existing Rear and Right Side Elevation; DLBalcony- Proposed Mansard Roof Floor and Roof Plan (Amended 05/06/2017); PR02- Proposed Section A-A and 3D View; PR203- Proposed Front and Left Side Elevation; PR204- Proposed Rear and Right Side Elevation

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 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).

- 4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

- 5 The internal layout of the proposed unit shall remain as shown on the hereby approved plans and must not be changed without the prior written permission of the Local Planning Authority.

Reason: To safeguard the amenities of future occupiers.

- 6 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).

- 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).

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

Stanhope Court is a block of six flats located at 53-55 Stanhope Road, just off North Finchley High Road.

The block has an L-Shaped footprint and is three stories high with a flat roof.

The street is mainly characterised by residential 2 story single family dwellings, although there are purpose built flats situated further up the road.

2. Site History

Reference: 15/02559/FUL

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Approved following legal agreement

Decision Date: 3 December 2015

Description: Formation of mansard roof with 9 no. rooflights to provide 1 no. self-contained flat

Reference: F/01176/10

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Approved subject to conditions

Decision Date: 24 May 2010

Description: Formation of mansard roof to provide two new self contained flats.

Reference: F/03632/09

Address: Stanhope Court, 53 - 55 Stanhope Road, London, N12 9DZ

Decision: Refused

Decision Date: 1 December 2009

Description: Formation of additional storey to provide two self contained flats.

Proposal

This application seeks consent for an extension to existing three-storey building including erection of new mansard roof to create 1no additional self-contained flat with rooflights (4no to front elevation, 2no to rear elevation and 2no to side elevation) in roofspace and recess dormer with balcony to rear elevation.

The proposed additional unit would comprise of three bedrooms and have a proposed internal floor area of 106.22sqm.

Public Consultation

Press notice: 6th April 2017

85 consultation letters were sent to neighbouring properties.

6 objections have been received.

The views of objectors can be summarised as follows;

- Impact of development on traffic and parking
- Overdevelopment
- Overlooking
- Noise disturbance from future occupiers
- Loss of light
- Scale, design and appearance out of keeping
- Loss of privacy
- Consent given to add further storey of building without work being carried out by buyers of nearby properties
- Proposed development does not respect internal stacking
- Proposals result in imposing building

Internal / other consultations

Highways: The proposal is acceptable on highways grounds subject to a Legal Agreement contribution of £2000 to amend the existing traffic order which regulates the Controlled Parking Zone.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)
Sustainable Design and Construction SPD (2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Character and Appearance

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.

The proposal would result in a mansard roof extension to create an additional unit with recessed dormer incorporating balcony to the rear. It is considered that the proposed roof alterations would be acceptable.

A proposal for the formation of mansard roof to provide two new self-contained flats on the site was first approved by the sub-committee (ref F/01176/10 dated 24 May 2010) and a subsequent consent was approved for additional self-contained flatted unit, subject to a Section 106 agreement to remove parking permits for future occupiers, reference 15/02559/FUL dated 3.12.2015, as detailed above.

These schemes were approved without the addition of recessed dormer and balcony to the rear. The proposed balcony would measure 3.4m in width, with a proposed depth of 1.3m and provision of railing, giving 4.38sqm of external amenity to future occupiers of the new self-contained unit.

Given that the physical manifestations of the proposal have not significantly changed since the previous applications the proposed development it is considered acceptable under the current application.

The proposal would comply with the abovementioned policies and Council's Residential Design Guidance and would be a proportionate addition to the existing building. It would

have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

Amenity of neighbouring occupiers

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

The Council's policies seek to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity, however the policies, and the preamble in the preceding paragraphs, do not offer any guidance for assessment. It is therefore necessary for a judgement to be made by the decision maker with regard to this issue in each case.

It is the requirement of the Sustainable Design & Construction SPD to protect and enhance the character of the boroughs built environment and to give a reasonable degree of privacy to properties by requiring a minimum distance of 21 metres between the windows of habitable rooms facing one another. The rear windows of the closest rear projection on the two-storey residential dwelling houses along Grove Road are noted as being approximately 30m away from the proposed development and with the additional projection of the host application property providing further shielding from any potential noise disturbance, this is therefore considered to a sufficient distance away not to result in loss of amenity to these existing neighbouring occupiers. The proposed development is shown as being approximately 65m away from the rear windows on properties along Castle Road to the rear of the site, and is therefore not considered to be detrimentally impacted by the proposed development.

The shape of roof and impact to houses on Grove Road is unchanged from the previously approved scheme and therefore there would be no additional impact.

The additional recessed dormer window and balcony would be located close to the boundary with no.51 Stanhope Road. This would face rearwards so that would be no direct overlooking to the property. It is noted that the dormer would to oblique angles look across the garden of no.51. It is not considered that the appearance of the recessed dormer; which is set back from the face of the building by 0.5m, would give rise to harmful perceptions of overlooking. This is because the nature of this recessed balcony area would be similar to that of a Juliet balcony, and such arrangements are not uncommon within suburban environments. The balcony would not allow residents of the flat to sit out beyond the rear face of the building and therefore look across into the rooms of no.51.

The proposal is not considered to have a detrimental impact on the amenity of the area with regard to overlooking, loss of sunlight and over dominance. It is also considered that the proposal would not result in unacceptable levels of noise disturbance because the scheme is for residential use only.

Living conditions of future occupiers

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

The proposed development would provide the following accommodation:

F7- 3bed unit: 106.22sqm

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Given fact that no other units in the block have access to an area of private amenity space and the scheme has been previously approved without any private ameity space for the new unit, on balance it is acceptable to allow the proposed balcony of only 4.32sqm to the proposed unit which is shown to have 6 habitable rooms.

The existing refuse and recycling provision would be utilised for the new units, further details are required through condition.

Highways

The site has a good PTAL rating of 3 with close proximity to bus routes and town centre amenities, and is located within a controlled parking zone (CPZ) immediately around the site limiting parking to permit holders between 9am and 05:30pm Monday to Saturday.

The proposal is not in accordance with the parking standards, as the proposed development does not offer any car parking provision for future occupiers. There are no Highways related changes being proposed for this site from the previous application with reference number 17/02559/FUL.

Taking into consideration the site's location in close proximity to public transport facilities and the existing parking pressure in the area it is considered appropriate to exempt residents from purchasing residential permits to park within the CPZ. To effect this exemption it would be necessary to amend the Traffic Regulation Order that covers the Controlled Parking Zone. The cost of the amendments is £2,000 and should be included as part of a Legal Agreement Contribution

5.4 Response to Public Consultation

As detailed in the above report, it is noted that the principle for the proposed development for additional flatted unit to the existing six flat block has already been established in granting consent for two similar schemes. A development was first approved by the sub-committee (ref F/01176/10 dated 24 May 2010) and a subsequent consent was approved for additional self-contained flatted unit, subject to a Section 106 agreement to remove parking permits for future occupiers, reference 15/02559/FUL dated 3.12.2015.

Therefore it is considered that issues ranging from the scale, design and appearance of the proposed development resulting in an out of keeping, overdevelopment of the existing application property, the impact of the proposed development on traffic and parking, noise disturbance from future occupiers, the development not respect internal stacking

Other issues such as potential overlooking, loss of light and privacy could be exacerbated by the creation of rear recessed dormer window and balcony, however, as noted the

proposed development is considered to be a sufficient distance away from neighbouring residential properties not to result in any loss of amenity to these occupiers.

It is not considered that the fact that consent has been previously given to add further storey to building without work being carried should deter buyers of nearby properties, and this is not considered to be a material planning consideration when assessing the proposed development.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



LOCATION PLAN Scale: 1/1250

Location Land Rear Of 123-131 East End Road London N2 0SZ

Reference: 17/1732/CON

Received: 17th March 2017

Accepted: 21st March 2017

Ward: East Finchley

Expiry 16th May 2017

Applicant: safeland plc

Proposal: Submission of details of conditions 3 (Materials) 9 (Cycle Parking/Storage) 11 (Refuse) 12 (Enclosure) 13 (Levels) 18 (Tree Protection Plan) pursuant to planning permission 16/2025/FUL dated 11/10/16

AGENDA ITEM 20

Recommendation: Approve

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 plans accompanying this application are:
 - Proposed Site Plan (4906 Rev. 04)
 - Tree Retention and Protection Plan (ESTENTRP-FEB17)
 - BS5837 Tree Survey, Tree Constraints and Tree Protection for Proposed Development (J:015 BS5837jan16End Rd Finchley BS5837 protection report BJUFC jan17.doc)

All of the above were received on 17.03.2017, except the Proposed Site Plan which was received on 02.05.2017.

Officer's Assessment

1. Site Description

The application site is a triangular plot situated to the rear of properties along East End Road and Sedgemere Avenue. To its East the site borders Sherwood Hall, a group of four, three storey blocks set within a small estate. The site contained a number of garages and was historically used for commercial purposes. The site had been vacant for some time, with the remaining garages in a very poor state of repair and much of the site overgrown. The site is currently being developed without all conditions being discharged. That includes the removal of trees, laying of foundations and erection of external walls. Work has since stopped pending full discharge of conditions.

There are no site planning restrictions and the site is not located within a conservation area.

2. Site History

Reference: 16/2025/FUL

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved subject to conditions

Decision Date: 11 October 2016

Description: Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces

Reference: 17/0612/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved

Decision Date: 7 March 2017

Description: Submission of details of condition 6 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/2025/FUL dated 11/10/16

Reference: 17/0769/S73

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved subject to conditions

Decision Date: 3 April 2017

Description: Variation of condition 8 (Carbon dioxide emission) pursuant to planning permission 16/2025/FUL dated 11/10/2016 for "Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces". Variation include amendments to carbon dioxide emission

Reference: 17/0847/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Withdrawn

Decision Date: 17 March 2017

Description: Submission of details of condition 3 (Materials) 9 (Cycle Parking/storage) 11 (Refuse) 12 (Enclosure) 13 (Levels) 14 (Landscaping) 18 (Tree Protection) pursuant to planning permission 16/2025/FUL dated 11/10/16

Reference: 17/1973/CON

Address: Land Rear of 123-131 East End Road, London, N2 0SZ

Decision: Approved

Decision Date: 9 May 2017

Description: Submission of details of conditions 14 (Landscaping) pursuant to planning permission 16/2025/FUL dated 11/10/16

3. Proposal

Planning permission was granted for an application for the 'Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces' (Barnet reference: 16/2025/FUL, approved on 11/10/2016).

This application seeks approval to discharge the following conditions pursuant to planning permission 16/2025/FUL, dated 11/10/2016:

- Condition 3 (Materials);
- Condition 9 (Cycle Parking / Storage);
- Condition 11 (Refuse);
- Condition 12 (Enclosure);
- Condition 13 (Levels);
- Condition 18 (Tree Protection Plan).

4. Public Comments

6 public comments were received containing 6 objections. Below is a summary of those public comments:

- Loss of previously agreed 'green screening'.
- Development has a negative impact on the protection of wildlife and the safety of children and pedestrians.
- Developer has removed all screening from the south and west perimeters including the few remaining healthy trees which look to be replaced with a totally unsuitable solid wall/fence with no greenery.
- Developer should keep tree T8 which is a healthy tree that greatly helps to mitigate the pollution coming from all the traffic from East End Road.
- At the committee when the dwellings were approved, the applicant stated that the only trees they would remove were Oak trees that only had 10 years left. They have already removed 2no. Lawson & Leylan Cypress (T6 & T7).
- Planning Committee stated screening was to be maintained. This application is in contravention to that.
- Important that the Borough of Barnet's Planning Department uphold the agreements reached at the Planning Committee meeting.
- Lack of consultation from Local Planning Authority.

5. Policy Context

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5, CS14.
- Relevant Development Management DPD (2012): Policies DM01.
- Waste and Recycling Guidance SPD (2015)
- Residential Design Guidance SPD (2016)
- Sustainable Design and Construction SPD (2016)

6. Assessment of proposal

This application seeks approval to discharge the following conditions pursuant to planning permission 16/2025/FUL, dated 11/10/2016:

- Condition 3 (Materials);
- Condition 9 (Cycle Parking / Storage);
- Condition 11 (Refuse);
- Condition 12 (Enclosure);
- Condition 13 (Levels);
- Condition 18 (Tree Protection Plan).

It is acknowledged that the applicant has started development on the site without discharging all conditions. Work on site has included removing some trees (T6 & T7 due to their incorrect location on the drawings submitted for planning permission and consequently being located within the footprint of one of the proposed buildings) and shrubbery which provided screening to adjacent properties, the laying of foundations and the erection of some external walls. An enforcement case was opened (Ref: ENF/348/17) and the developer was told to cease development until all conditions were discharged. As outlined in the site history section above, all conditions have now been discharged except the 6.no conditions relating to this application. Notably, a landscaping condition has been approved (Ref: 17/1973/CON dated 09/05/2017) which ensures the developer will replace lost trees and shrubbery and put in place an acceptable level of screening to protect neighbouring residential properties. The tree (T8) which has been referred to by the public above has been retained within the approved landscaping plan. The enforcement case currently open will ensure all approved conditions are implemented in full. Below provides an assessment of each condition:

Condition 3 - Materials

The proposed site materials including Terca Brick Cassandra Multi Brick (65mm), Dark Grey Marlet Eternit Cedral weatherboarding, Dark Grey aluminium window frames and black roofing slate are considered acceptable from a visual amenity and character perspective. A site visit was conducted and visual confirmation of the proposed brick was achieved. The proposed paving (Natural Sandstone and Mistral Priora Permeable Block Paving) is also considered acceptable and is expected to complement the site's approved soft landscaping provision (Ref: 17/1973/CON dated 09/05/2017). Consequently, the discharge of condition 3 is recommended for approval.

Condition 9 - Cycle Parking / Storage

The London Plan (2016) requires that 2.no secure and sheltered cycle spaces are provided per 2.no bedroom unit. The applicant has proposed 6.no secured cycle spaces (2x 3 Rawlinson Bicycle Storage Units sized for 2.no bicycles). This would be considered acceptable and in compliance with the London Plan (2016). Consequently, the discharge of condition 9 is recommended for approval.

Condition 11 - Refuse

Details of the proposed timber refuse and recycling storage units were proposed. These are considered to be sufficient to comply with the requirements outlined in Barnet's Waste and Recycling Strategy (2017). An area has been designated on the site for bins to be

positioned for pick-up on collection day. This is considered to be acceptable. Consequently, the discharge of condition 11 is recommended for approval.

Condition 12 - Enclosure

Details of proposed enclosure provision, including adjoining fences / walls have been received and are considered acceptable. Further boundary treatments including hedges and trees, which form a significant part of the site's boundary screening, have been addressed via the aforementioned approved landscaping plan. Consequently, the discharge of condition 12 is recommended for approval.

Condition 13 - Levels

Details of the proposed site levels and their relationship to the adjoining land and public highway were received. They demonstrate no significant level changes which would impact residential amenity. They are considered acceptable. Consequently, the discharge of condition 13 is recommended for approval.

Condition 18 - Tree Protection Plan

A site visit was conducted to review the current status of the trees on site. It is clear that some trees and shrubbery have been removed contrary to the plans submitted at permission stage. One reason for this is two trees (T6 & T7) were incorrectly shown on the plans and upon further review were found to be located within the footprint of a proposed building. Another tree was lost without any consultation, as were some hedging along the boundary. As the site was originally a little overgrown, some of the removal has been in relation to this and some has been unauthorised. It is worth noting that the site is not part of a TPO area. A revised landscaping plan has been approved with acceptable mitigation measures. The Tree Protection Plan therefore relates to existing and future trees and not the landscaping plans included with the original planning permission. The measures proposed in the Tree Protection Plan are satisfactory and are expected to be strictly adhered to. The plan should be read in conjunction with the approved landscaping plan (Ref: 17/1973/CON dated 09/05/2017). Consequently, the discharge of condition 18 is recommended for approval.

7. Equalities and Diversity Issues

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

8. Response to public comments

Public comments have been received and have informed the conditions applications. An enforcement case was opened to stop unauthorised construction and the approved landscaping plan was revised a couple of times to ensure an acceptable level of tree and shrub protection / replacement in order to maintain appropriate levels of amenity to adjacent residential properties. It is acknowledged that the developer should not have started works on the site until conditions had been discharged, but as soon as the council was informed enforcement action was taken to have the construction works ceased. Due to the incorrect location of trees T6 and T7 during the planning permission stage and therefore their subsequent loss to accommodate one of the approved units, the council understands the stress and confusion this has caused. It is expected that the approved

landscaping plan which includes the retention of tree T8, will protect the visual amenity of neighbouring properties, especially when new replacement trees reach full maturity. As aforementioned, the active enforcement case will monitor the on-going progress of the development and ensure all permissions are implemented in full.

In response to public comments around the lack of consultation, it is worth noting that a Local Planning Authority does not statutorily have to consult with neighbouring properties on conditions applications. However, the council has acted upon public comments in regards to enforcement action and improving the approved landscaping plan.

9. Conclusion

Having taken all material considerations into account, it is considered that sufficient information has been submitted to recommend approval of Condition 3 'Materials', Condition 11 'Refuse', Condition 12 'Enclosure', Condition 13 'Enclosure' and Condition 18 'Tree Protection Plan' pursuant to planning application 16/2025/FUL dated 11/10/2016.

