

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 7TH SEPTEMBER, 2017

AT 6.00 PM (PLEASE NOTE START TIME)

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)

Arjun Mitra
Alan Schneiderman

Shimon Ryde
Jim Tierney

Alan Schneiderman

Substitute Members

Ross Houston
Reuben Thompstone
Gabriel Rozenberg

Graham Old
Anne Hutton

Jack Cohen
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: Andrew Charlwood, andrew.charlwood@barnet.gov.uk, 020 8359 2014

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	West Finchley	
6.	The Lodge, Long Lane, London N3 2PY - 17/4102/FUL	5 - 36
7.	Ground Floor Flat, 15 Redbourne Avenue, London, N3 2BP - 17/4160/FUL	37 - 44
	Woodhouse	
8.	124 Friern Park, London, N12 9LN - 17/3192/S73	45 - 66
	Childs Hill	
9.	15 Wycombe Gardens, London, NW11 8AN - 17/4182/FUL	67 - 90
10.	29 Ravenscroft Avenue London NW11 8BH - 17/3818/FUL	91 - 108
11.	Brondesbury Cricket Tennis And Squash Club, 5A Harman Drive, London, NW2 2EB - 17/0239/FUL	109 - 120
12.	Berkeley Court, 39 Ravenscroft Avenue, London NW11 8BG - TPF/0077/17	121 - 134
	Golders Green	
13.	69 Cumbrian Gardens, London, NW2 1ED - 17/3513/FUL	135 - 148

14.	87 Bridge Lane, London, NW11 0EE - 17/3752/FUL	149 - 166
15.	Land R/o 138 Clitterhouse Road, London, NW2 1DN - 17/1872/FUL	167 - 186
	East Finchley	
16.	Viceroy Court Car Park, East End Road, London, N2 8AU - 17/3301/FUL	187 - 206
	Finchley Church End	
17.	11 Primrose Close, London, N3 2RU - 17/0694/HSE	207 - 216
18.	Any item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Location **The Lodge, Long Lane, London N3 2PY**

AGENDA ITEM 6

Reference: **17/4102/FUL**

Received: 27th June 2017

Accepted: 30th June 2017

Ward: West Finchley

Expiry 25th August 2017

Applicant: Mr Y. Shahar, The Lodge Victoria Park Ltd

Proposal: Demolition of existing building. Erection of a two-storey building comprising of 6 no self-contained flats with rooms in roof space; installation of juliet balconies to first floor and roof levels to rear and side elevations; provision of new access from Long Lane, 6no. parking spaces, cycle storage, refuse and recycling storage and associated alterations to hard and soft landscaping.

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Financial contribution of £2000.00 towards costs of altering the Traffic Management Order in Long Lane to provide the new vehicle access.
4. Financial contribution of £3000.00 to provide tree planting in the vicinity of the site within Victoria Park.
5. Monitoring fee: £1000.00.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Head of Development Management/Head of Strategic Planning approve the planning application subject to the following conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice-Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
24158 (location plan), LL-PP3-01, LL-PP3-02 and LL-PP3-03.
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 site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.
 - b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.
Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012), Policy 7.19 of the London Plan 2016 and the Sustainable Design and Construction SPD (adopted October 2016).
- 4 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.

- 5
- a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and an Arboricultural Method Statement that expands on the principles set out in the Arboricultural Impact Assessment submitted with the application (S. J. Stephens, dated 6th June 2017), 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.

- 6
- a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage, telecommunications and installation of electric vehicle charging points including electricity supply cables) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy 2012, Policy DM01 of the Development Management Policies DPD 2012 and Policy 7.21 of the London Plan 2016.

- 7 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 and hard surfaced areas, including a brick panel to be constructed on site and samples of all other exterior materials (other than fenestration and any fences or walls included in the boundary treatment, which are provided for by separate conditions), 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 2016.

- 8 Prior to the commencement of development, details of the proposed fenestration including details of materials, glazing bars and frames and reveal depths shall be submitted to and approved in writing by the Local Planning Authority. The development shall be constructed with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies 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 2016.

- 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 October 2016) and Policy 7.21 of the London Plan 2016.

- 10 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 2016.

- 11 a) Notwithstanding the details shown on approved drawing no. LL-PP3-01, before the commencement of construction works, details of the appearance of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins to be located on the northern side of the pedestrian access path between the approved building and the Long Lane frontage shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 12 a) Notwithstanding the details shown on approved drawing no. LL-PP3-01, before the commencement of construction works, amended vehicle and pedestrian access details that provide a minimum 1200mm width for the pedestrian access path and appropriate hard surfaces for the disabled standard parking space 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 standard of access the complies with Policy 7.2 of the London Plan 2016, Policy DM03 of the Adopted Barnet Development Management Policies DPD (2012) and advice in the Council's Residential Design Guidance and Sustainable Design and Construction SPDs (adopted October 2016).

- 13 a) No development other than demolition works shall take place until details of the appearance and materials for boundary treatment 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 2016.

- 14 a) Prior to the commencement of construction, details of the provision for cycle parking and cycle storage facilities in accordance with a scheme that includes dimensions and appearance shall be submitted to and approved by the Local Planning Authority
- b) The development shall thereafter be implemented in accordance with the details approved under this condition. 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 2012, Policy DM17 of Development Management Policies 2012 and the Council's Sustainable Design and Construction SPD (adopted October 2016).

- 15 Before the existing building is demolished, details of retention, reuse on-site and / or disposal of (salvageable) historic building fabric shall be submitted to and approved by the Local Planning Authority, and the development shall then be implemented and retained in accordance with the approved details.

Reason: To ensure that historic fabric is retained, in accordance with Policy DM06 of the London Borough of Barnet Development Management Policies DPD (2012).

- 16 Before the existing building is commenced, details of the historic record to be retained on site and / or at a specified archive shall be submitted to and approved by the Local Planning Authority.

Reason: To ensure that the site's historic interest is recorded and retained, in accordance with Policy DM06 of the London Borough of Barnet Development Management Policies DPD (2012).

- 17 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 35% 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, Policy 5.3 of the London

Plan 2016 and the Council's Sustainable Design and Construction SPD (adopted October 2016).

- 18 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, Policy 5.15 of the London Plan 2016 and the Council's Sustainable Design and Construction SPD (adopted October 2016).

- 19 The development shall not be occupied until a minimum of 3 parking spaces have been installed with electric vehicle charging points in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The details shall include a minimum of two active charging points. The approved spaces shall be permanently retained and maintained thereafter.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with Policy 6.13 of the London Plan which sets out that new development shall provide at least 20% active and 20% passive car parking points.

- 20 The disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and permanently retained for the use of disabled persons and their vehicles and for no other purpose.

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

- 21 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on the approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 22 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the development (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 London Plan 2016 and the 2016 Mayors Housing SPG.

- 23 The building shall not be occupied until details of the electronically controlled access to these building has been submitted to and approved in writing by the Local Planning Authority and the approved details have implemented.

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 2016 and advice in the Mayor's Housing SPG.

- 24 a) No external lighting shall be installed and used until details of the appearance and luminance of the proposed lighting has 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.

- 25 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 Class A of Part 2 of Schedule 2 of that Order shall be carried out within the approved development.

Reason: To ensure that vehicle access is provided in accordance with the council's standards, in the interests of pedestrian and highway safety and the free flow of traffic, and that control over the design of any future changes to fences and walls in maintained, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 26 Before the building hereby permitted is first occupied the proposed windows serving bathrooms and toilets 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 the occupiers of the approved development and users of Victoria Park, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

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

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 15 September 2017, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason:

The proposed development does not include a formal undertaking to meet the costs of:

1. The council's legal and professional costs of preparing the Agreement and any other enabling agreements.
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.
3. Meeting the costs of altering the Traffic Management Order in Long Lane to provide the new vehicle access.
4. Meeting the costs of providing appropriate replacement tree planting in the vicinity of the site within Victoria Park.
5. Meeting the Council's costs of monitoring the planning obligation.

The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

Informatives:

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. This planning permission is accompanied by a section 106 planning obligation which provides for changes to the Traffic Regulation Order on Long Lane for the purposes of providing a new access, and for additional tree planting within Victoria Park.
3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £10941.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £42201.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

Please visit

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

4. The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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

5. 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.

Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements (ensure that deliveries do not coincide and vehicles are not kept waiting and parked up on public highway causing obstruction), means of (safe) pedestrian and vehicular 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 where necessary on or adjacent to the site. The applicant is also advised that he needs to take into account the traffic sensitive nature of roads in the vicinity of the site and the number of schools in the vicinity of the site.

6. Barnet Council provides a refuse collection service and recycling facilities. The manner in which this service is provided will depend upon the area of the district in which the development is proposed.

Refuse points should be easy to reach for collectors, and adequate access and egress must be provided. If the design principles of this guide are followed the refuse collection vehicle should not have problems nor cause too much inconvenience to residents and other road users. Refuse collection will generally be made within 25m of an adopted road network, however in other cases stored bin collection points, which are suitably screened, should be provided within 25m of the highway. Many areas are now provided with 'wheelie' bins which are more convenient and have greater capacity.

Every dwelling on a new development must be capable of being serviced by refuse vehicles, furniture and other domestic delivery vehicles. Vehicles should be capable of being parked either adjacent to each dwelling or within 25 metres walking distance from an identifiable refuse collection point provided for a dwelling or group of dwellings. Access and other arrangements for the servicing of, and the loading and unloading of goods for industrial, retail and other commercial developments will depend on individual operational needs and should be agreed by both the Local Planning Authority and Highway Authority.

7. 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 4500.

8. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site comprises a detached single-storey dwelling with accommodation in the roof space, within an enclosed area of land at the south-eastern corner of Victoria Park. The enclosure is formed of mature hedging and trees, which provides visual screening up to about the eaves level of the existing building. The property is approximately 30m north-west of the junction of Long Lane, Oakfield Road and Park View Road, with its entrance from Long Lane. The existing building carries one of the principle paths within the park which effectively forms the "front" boundary to the site, and another path runs along the north-eastern side of the building. Apart from the boundaries to the park, the site is located within a residential area, where two-storey dwellings are the predominant form of development.

It was described in the officer's report for the most recent application at the site (refer to Section 2 below) as being within the boundary of Victoria Park. However with reference to the application form for that application, this siting within the Park was the property's historic situation, as the property has since been sold on and is separate from the Park. The building is understood to have been used as residential accommodation for the keeper of the adjacent Park up until about 20 years ago, and was subsequently used as temporary accommodation before finally being vacated.

There is a bus stop directly outside of the property on Long Lane, and some of the surrounding streets are within a Controlled Parking Zone.

The site is not located in a Conservation Area and the building is not statutorily listed or on the Council's Local List of Buildings of Local Architectural or Historic Interest. The application site does not fall within the setting of any listed buildings. Two trees at the site are subject to a Tree Preservation Order, which was served on 31 August 2016.

2. Site History

Reference: 16/4524/FUL

Decision: Refused

Decision Date: 01 September 2016

Description: Demolition of existing building and erection of a three storey building with basement level to provide 8no. self-contained units with associated underground parking, bike, refuse and recycling storage and amenity space

The 2016 application was refused by officers acting under delegated powers, for the following reasons:

- 1 The proposed development by virtue of its bulk, size, scale and massing including the extent of the footprint and proximity to the boundaries would give rise to a cramped and overbearing form of development that would be visually dominant, incongruous and significantly out of keeping with the character and appearance of the area and the streetscene and would negatively affect the setting of Victoria

- Park. As such, the proposed development would fail to accord with policy DM01 of the Local Plan Development Management Policies DPD, Policies CS1 and CS NPPF of the Local Plan Core Strategy and the National Planning Policy Framework (NPPF).
- 2 The appearance of the proposed elevations would fail to achieve a high quality of design, would not respond to the context and character of the surrounding area and would therefore appear unjustifiably incongruous and alien within the streetscene. As such, the proposed development would fail to accord with policy DM01 of the Local Plan Development Management Policies DPD, Policies CS1 and CS NPPF of the Local Plan Core Strategy and the National Planning Policy Framework (NPPF).
 - 3 The proposed development by virtue of the close proximity of the footprint of the development to the boundaries, presence of boundaries the height of the boundary and associated planting would give rise to a poor quality of residential amenity for future occupiers which would result in poor outlook, sense of enclosure and a lack of spaciousness particularly for single aspect one bed flat(s). As such, the proposed development would fail to accord with policy DM01 of the Local Plan Development Management Policies DPD, Policies CS1 and CS NPPF of the Local Plan Core Strategy and the National Planning Policy Framework (NPPF).
 - 4 The proposed development, by virtue of their close proximity to the boundaries of the site and trees subject to a Tree Preservation Order and in the absence of a satisfactory assessment of the development implications on these trees would result in a harmful impact on trees which make a valuable contribution to visual amenity and landscape character. As such, the proposed development would fail to accord with policy DM01 of the Local Plan Development Management Policies DPD, Policies CS1 and CS NPPF of the Local Plan Core Strategy and the National Planning Policy Framework (NPPF).

3. Proposal

The proposal is for a building to accommodate six apartments, two each at ground and first floor level and two within the roof space. The building would be oriented with its front elevation to the south-east where one of the principle paths within Victoria Park runs perpendicular to Long Lane, and a flank wall elevation towards Long Lane itself. Six car parking spaces would be provided with a single vehicle access from the adjacent Lane. The access is shown on the site layout plan as 3.3m wide at the site boundary, with an additional 1.2m width for the pedestrian access.

The building design is based on a simple rectangular plan, to which projecting bays and dormers have been added on all elevations. Maximum height would be 9.5m, dropping to 9.0m on the south-western and north eastern sides. Maximum building dimensions in plan form would be approximately 15 m wide as viewed from the south-east (Park View Road) and north-west (from within Victoria Park and along Long Lane), with a maximum width as viewed from the Long Lane frontage of 10.5m. (Both of these dimensions are inclusive of the projecting bays which form key elements in the design.

The main elevation faces south-east, towards Park View Road, with two bays arranged symmetrically on either side of the building entrance and extending to the full height of the

building. There is a single dormer on this elevation directly above the communal entrance to the building; like the other the dormers this is relatively discreet and, on this elevation, would be set approximately 600mm below the main roofline and 300mm above the eaves. The single projecting bay to the rear is also full height, centred in the north-west facing elevation and flanked with a dormer to each side of it. There would be one Juliette balcony at first floor level on this elevation which would be partially screened in more direct views from Long Lane by the projecting bay. The sides of the building facing Long Lane and on the opposite (north-eastern) side of the building, facing into the park, would also feature subsidiary single bays and a single dormer in each of these elevations. There would also be two Juliette balconies to the north-eastern side, one each at first floor and second floor (roof) levels.

4. Public Consultation

Consultation letters were sent to 659 neighbouring properties.

526 responses have been received at the time of writing, which include 458 letters of objection and 70 in support.

The objections received can be summarised as follows:

- Victoria Park is a green open space for the community
- Building on the site would constitute a precedent for the building over of other green spaces
- The lodge is a building of architectural interest in keeping with the area which the flats are not.
- Inappropriate materials.
- The existing building should be renovated and used for a public or community use.
- The new vehicle access would be dangerous.
- Overshadowing of the children's play area.
- Safety issues for children in the play area from overlooking.
- The Council has a moral duty to preserve its open spaces.
- The development is out of keeping with an area which has a stone church, and predominantly Victorian housing.
- The proposed building has no architectural merit.
- There is a covenant affecting and preventing the development within the park.
- The site is currently surrounded by hedges and trees which provides privacy to the park and to the lodge.
- The development would lead to additional parking pressures close to an awkward junction.
- Change of use of part of a public park.
- Negative visual impact of the proposed development within the streetscape.

- The site is not suitable for new dwellings.
- This development would change the character of the Park.
- It would be inappropriate for the flats to overlook a children's playground.
- The house is very attractive and should be preserved for future generations for its heritage values.
- The building while reduced from the previously refused proposal is still too large, and would constitute an over development of the site.
- The proposed design of the multi storey block is unsympathetic with its surroundings.
- Local crime is not a reasonable justification for the development.
- Access to the park would be compromised.
- The building will completely ruin the view enjoyed from Victoria Park.
- The construction process will be very disruptive for an extended period.
- The scheme is unnecessary and is of no benefit to the community as a whole.

The expressions of support received can be summarised as follows:

- Developing the lodge makes commercial and environmental sense as leaving it to decay would be a waste of resources.
- It will be similar to other flat developments near the park.
- It would replace an existing derelict house and will not take anything from the park.
- The premises are an eyesore and creates a lot of anti-social behaviour
- It is an un-used and derelict site and its use for dwellings would be positive.
- There is a noticeable lack of contemporary flats in the area.
- Redevelopment would improve security in the immediate vicinity.
- The scheme constitutes sustainable development.
- The proposal would increase the availability of small flats, which would help both younger people onto the housing ladder and "downsizers".

The Council's Highways Officer and Tree Officer have also commented on the scheme and have no objections subject to conditions being included in any planning permission resulting from this application.

The London Fire Brigade have expressed no objection to the proposals.

The issues raised in representations and by Consultees are considered in sections 5.3 and 5.4 of this report.

Site Notices were posted in the vicinity of the site on 13th July with additional notices placed on the 18th July.

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 for the next 20 to 25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as such.

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.

Policy 2.18 - Green Infrastructure

Policy 3.3 - Increasing Housing Supply

Policy 3.4 - Optimising Housing Potential

Policy 3.5 - Quality and Design of Housing Developments

Policy 3.8 - Housing Choice

Policy 3.9 - Mixed and Balanced Communities

Policy 3.16 - Protection and enhancement of social infrastructure

Policy 5.2 - Minimising carbon dioxide emissions

Policy 5.3 - Sustainable design and construction

Policy 6.9 - Cycling

Policy 6.10 - Walking
Policy 6.13 - Parking
Policy 7.1 - Lifetime neighbourhoods
Policy 7.2 - An Inclusive Environment
Policy 7.3 - Designing Out Crime
Policy 7.4 - Local Character
Policy 7.6 - Architecture
Policy 7.19 - Biodiversity and access to nature
Policy 8.1 - Implementation
Policy 8.2 - Planning Obligations
Policy 8.3 - Community Infrastructure Levy

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 National Planning Policy Framework - Presumption in favour of sustainable development

- CS1 Barnet's place shaping strategy - the Three Strands approach
- CS2 Brent Cross - Cricklewood
- CS3 Distribution of growth in meeting housing aspirations
- CS4 Providing quality homes and housing choice in Barnet
- CS5 Protecting and enhancing Barnet's character to create high quality places
- CS6 Promoting Barnet's town centres
- CS7 Enhancing and protecting Barnet's open spaces
- CS8 Promoting a strong and prosperous Barnet
- CS9 Proving safe, effective and efficient travel
- CS10 Enabling inclusive integrated community facilities and uses
- CS11 Improving health and well-being in Barnet

- CS12 Making Barnet a safer place
- CS13 Ensuring the efficient use of natural resources
- CS14 Dealing with our waste
- CS15 Delivering the Core Strategy

- Relevant Development Management Policies:

- DM01 Protecting Barnet's character and amenity
- DM02 Development standards
- DM03 Accessibility and inclusive design
- DM04 Environmental considerations for development
- DM05 Tall buildings
- DM06 Barnet's heritage and conservation
- DM07 Protection of housing in Barnet
- DM08 Ensuring a variety of sizes of new homes to meet housing need
- DM13 Community and education uses
- DM15 Green Belt and open spaces
- DM16 Biodiversity
- DM17 Travel impact and parking standards

The Local Plan policies cited in the reasons for refusal are very clear on how local character should be enhanced and preserved in new development, and this is reiterated in the Council's Residential Design Guidance SPD. Policy CS NPPF support a positive approach that reflects the presumption in favour of sustainable development contained in the National Planning Policy Framework. It goes on to state that the Council will always work proactively with applicants jointly to find solutions which mean that proposals can be approved wherever possible, and to secure development that improves the economic, social and environmental conditions in Barnet.

Policy CS1 sets out the Council's "Three strands" approach, which seeks to consolidate growth particularly in the more intensive growth areas identified in the policy, and Policy DM01, in particular part (b) of the policy, seeks to ensure that development is based on an understanding of local characteristics, and that it should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. While not specifically noted in the first reason for refusal, Part (i) of Policy DM01 states that Loss of houses in roads characterised by houses will not normally be appropriate.

Supplementary Planning Guidance and Documents

Mayor of London's Housing SPG

- This sets out a range of Standards for residential in London.

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to assist in the design of new residential development. 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.
- In respect of amenity, development 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.

Planning Obligations SPD (adopted April 2013)

Other relevant planning documents

London Borough of Barnet Characterisation Study (2011)

- This provides a valuable analysis of urban and suburban typologies with detailed descriptions of the main residential types within the Borough.

5.2 Main issues for consideration

The application has been submitted with the aim of addressing the reasons for refusal of the 2016 application by officers acting under delegated powers, ref. 16/4524/FUL. The main issues for consideration relate therefore to the issues raised in that refusal in the 2016 application. Unless there are any other material considerations in this application, the success or otherwise of this application rests on whether those issues have now been overcome.

The reasons for refusal can be summarised by the following points:

Reason 1:

- bulk, size, scale and massing;

- extent of the footprint and proximity to the boundaries
- cramped and overbearing form of development
- visual dominance
- incongruous and out of keeping with the character and appearance of the area
- negative impact on the setting of Victoria Park.

Reason 2:

- appearance;
- quality of design;
- did not respond to the context and character of the surrounding area;
- incongruous and alien intrusion in the streetscene.

Reason 3:

- proximity to site boundaries;
- height of the boundary;
- poor quality of residential amenity for future occupiers;
- poor outlook, sense of enclosure and a lack of spaciousness.

Reason 4:

- proximity to protected trees;
- absence of a satisfactory assessment of the implications on these trees;
- harmful impact on their contribution to visual amenity and landscape character.

There is a certain amount of cross-over in the issues noted in the above reasons, which reflects the closely inter-related but complex reasoning for refusal of the 2016 application. The issues are dealt with here in turn:

Reason 1 - Bulk, scale and mass and the impact on the character of the area

Victoria Park is the setting for the proposed development, and the application site is set within the environs of the Park as originally set out. The wider area surrounding the park is characterised by repeating patterns of two and three storey dwellings, many of which have impressive front elevations that contribute to a strong sense of place and give the area a high-quality suburban character. There are very few instances of modern or less sympathetic development in the area surrounding the park. There are comparatively few apartments and flats within the locality, although there is a three-storey apartment building to the north-west on Long Lane adjacent to the Park and other flats resulting from conversions in the surrounding area. While these developments are in the minority and single family dwellings are the predominant housing type in this location, it is considered that given the site's separation from the long straight terraces and rows of properties, it would be acceptable to provide flats on this site rather than a dwellinghouse or houses.

The density of the site is approximately 114 units and 380 habitable rooms per hectare, which falls within the appropriate density ranges in the London Plan and Residential Design Guidance SPD density matrix for the most accessible suburban areas which have a Public

Transport Accessibility Level (PTAL) of 4-6. This site has a Public Transport Accessibility Level of 3, and the guideline density ratings for mid-sized units in the London Plan and SPD are 40-80 units and 150-250 habitable rooms per hectare. The appropriateness of development on a site is however not based on density alone, and siting, layout, quality of accommodation and amenity also key factors to be taken into consideration. These matters are assessed in more detail below.

The site is not located in a Conservation Area and the existing building is not listed or locally listed. Victoria Park is not a listed park and garden. Despite the history of the building and its relationship to Victoria Park as well as some fine architectural features on the building, the development is not subject to statutory protection. This issue is considered in further detail below, under 'Other matters raised by objectors'.

The proposed siting of the building in the previously refused application was in the rear part of the plot, with a set back from the Long Lane frontage varying between 7 and 10m, a width across the plot of 24m and a depth of over 11m. The resulting building footprint would have been approximately 270 sq.m. Being arranged over three stories with a roof height of just under 11m to the roof and 12.43m for the lift overrun, the refused development appears would have appeared bulky and very dominating within the site. Proximity to the rear and side boundaries would have no more than 2.0m and the frontage would have been substantially given over to hardstanding for vehicle access, parking and turning space. The resulting character would have been strongly urban in character, in what is very suburban location that is accentuated by the verdant setting of the park. As such, and in combination with the removal of trees and other vegetation adjacent to the building, the proposals impacts on character led to the application's refusal.

In the current application, the site layout has been rearranged with the proposed siting being to the northern end of the site and the footprint reduced to a maximum width of approximately 15 m and depth of 10.5m (the latter is the frontage to Long Lane). The front of the building would face south, facing the adjacent access path within the Park, and would be set back 11 – 12 m from its boundary with this part of the Park. As the adjacent land within the Park towards the Park View Road frontage is relatively open, it would effectively face the property on the southern corner of this junction, 55 Long Lane, although with a set back from Park View Road of 30 metres. A flank wall would face the Long Lane frontage, and has been designed in the form of a secondary frontage for the building. This is closer to the street frontage than in the 2016 proposal with the main building, being set 3.5m behind the front boundary hedge and decreasing to 2.7m for the front two-storied bay, which is less than the set-backs of nearby houses although comparable to that in parts of Vines Avenue, Park Avenue, and Long Lane that are within the vicinity. Maximum roof height would be 800 mm lower than the main roof as proposed in the refused application and 3m lower than the highest part of that proposal, (the lift overrun). The highest element in this scheme is limited to the crown section of the roof and unlike the refused proposal; this does not extend across the whole of the footprint of the building.

While the building would still come close to the park boundary along one short section of the rear boundary and as already noted would be closer to the road frontage than those opposite on Long Lane, both the scale now proposed and the more appropriate spacing from the side and rear boundaries results in the building sitting more comfortably in its setting than was the case for the 2016 proposal. In views from Long Lane the building would be within a more verdant setting as compared to the refused proposal, with vegetation at the rear (north-east) and trees on the southern side now protected and retained. Some vegetation would be removed however including two lower quality trees. While these are not of great arboricultural value as individual trees and for that reason they are not subject to the Tree Protection Order that covers parts of the site, this would open up views into the site from the Park and the building while reduced from the refused application would still be conspicuous as seen from the Park. In order to mitigate this, the two trees that would be

removed would need to be replaced. This is discussed in further details below in relation to the fourth reason for refusal of the previous application.

Hardstanding has been reduced in this application, with the vehicle access and parking area to be laid in 'GrassGuard' which is a reinforced mesh system suitable for use in lightly trafficked areas. This would assist in mitigating the setting of the building, albeit that some adjustment to include harder paved areas around the designated disabled car parking space and pedestrian entry path will be required. This is required by the recommended condition 12.

The design of the building provides a more positive response to the late Victorian and early twentieth century character of the area than was the case in the refused proposal, taking in elements of the vernacular of the surrounding area. Provided that high quality materials and fenestration is used in the construction of the building, as also provided for in the recommended condition, it is considered that the building would be of acceptable appearance in this location. Together with the reduced scale and amended layout of the proposed development, and subject to adequate tree planting being secured, it is considered that the proposal sufficiently overcomes the reasons within the first reason for refusal to allow the objections on the grounds set out there to be removed.

Reason 2 - appearance of the building and impacts on the streetscape and the character of the area

The refused building was uncompromisingly modern in its style, with the only comparable property in the vicinity being the flatted development at 51 Long Lane, which is 140m to the north-west and not typical of the site's more immediate context. In addition to Victoria Park this context is typified by a mix of semi-detached properties of varying styles and ages from late Victorian through to mid-twentieth century, with a minor component of flats that include conversion of formerly large houses and more recently constructed purpose-built apartments such as those almost opposite the application site at Oakfield Court. In contrast to the modernist style of the 2016 application, the proposed building has been designed to reflect the vernacular of the nearby residential development in the area, and in size would be comparable to some of the larger pairs of late Victorian to Edwardian semi-detached properties on Park View Road. These neighbouring houses have a common overall form of two stories of main accommodation with accommodation within roof spaces added in many cases, and with a variety of gabled and hipped roof forms. Houses are typically set in garden settings, although in many cases the front gardens have been given over to car parking, with varying degrees of sensitivity to the original garden townscape.

Building materials would be predominantly brick with stone and render detailing on the main elevations, and clay tiles for the roof. The submitted drawings suggest that render would be used on for the base of the building, this would be subject to control by the recommended condition that would require materials to be submitted and approved prior to construction. In both building design and the materials chosen, proposal would emulate this vernacular, although being set apart from the neighbouring houses by the surrounding park, its surroundings both within and outside its boundaries is very much more spacious than the settings of the houses on Long Lane and the other adjacent streets. While the proposed building is larger than nearby houses on this part of Long Lane and some of its side streets, the major changes in the external form and appearance of the proposal are considered to be a positive response to the vernacular of the area. This, along with its reduced scale including the relatively narrow frontage to Long Lane and the more appropriate spacing from the boundaries, when taken together with these other is considered to overcome the objections in the second reason for refusal.

Reason 3 - the amenities of future occupiers

The proposed flats would comply with internal space standards in the London Plan and the Council's Residential Design Guidance and Sustainable Design and Construction SPDs, (minima are 50 sq.m. bedroom flats meet the internal space standards for 1 bedroom, 2 person units and 61 sq.m for 2 two bedroom, 3 person units). Provision for dry storage and cycle stores would also comply with the SPD standards.

The SPDs also set out minimum standards for private and communal outdoor amenity spaces. Complying private gardens are provided for the two ground floor flats, and Flats 4 and 6 would have balconies although these two flats would have a shortfall of private amenity space. Communal garden space to balance this and for the use of the two flats which do not have either private gardens or balconies is also identified on the layout plan. The application submission suggests a shortfall of 17.5 sq.m under the SPD standards for the whole of the development, although the area around the protected Yew has been excluded from the calculations. While this area is not suitable for use as an active garden space because that would necessitate extensive tree work to the multi-stem canopy and this would not be desirable on arboricultural grounds, this small area does however contribute to the passive amenities of the development and is considered to go towards the shortfall in private amenity space. In addition the proximity of Victoria Park is adjacent to the site provides ample space for the enjoyment of future residents.

Part of the third reason for refusal related to proximity to site boundaries, which would in turn have resulted in heavy shading of some room on the north-western side of the building. In this proposal, most of the building is set further away from this boundary than in the refused layout and all habitable rooms have more than one aspect. It is considered that this this overcomes the relevant part of the third reason for refusal.

Future amenity for residents would be improved by a widening of the pedestrian access from Long Lane, where it passes in front of the building. This would require a minor realignment of the adjacent part of the driveway, which is readily achievable. This is recommended as part of condition 11.

Taken together, it is considered that the above points adequately overcome the third reason for refusal.

Reason 4 - impacts on protected trees

The two key trees within the garden are subject to a Tree Protection Order, and are identified in the submission as T1 (the yew) and T5 (a field maple). Development in the form of hard surfacing is proposed within the root protection areas (RPA) of these trees. This would be acceptable if a no-dig method is used, protective fencing installed and no level changes within the RPA of these protected trees. The minor realignment of the adjacent part of the driveway, referred to above is achievable within these parameters.

The proposals would require the removal of two trees, an ash tree (T9) and a cypress (T2). The loss of these trees would be acceptable if suitable replacement planting is provided, either within the site or close by within the park. Planting in either location would assist in softening the setting of the proposed building and ensuring an appropriate setting for it. There is however little room for additional trees of larger stature to develop to their full potential within the site, and any planting within the Park would need to be carried out by Green Spaces. It is recommended that a section 106 contribution be provided to fund the

planting of up to five trees within Park and the vicinity of the site. (Refer also to comments on Highways issues below for the other section 106 requirement for the site.)

Recommended conditions include a requirement for tree protection before, during and following development, and for building levels and service routing to be clarified as part of the pre-commencement requirements. Subject to these conditions, the proposed development is considered to overcome the fourth reason for refusal.

Other issues raised by objectors

The discussion above covers a number of the points made in representations on the scheme. Letters of objection also raised the following issues, which are pertinent to the determination of the application:

Principle of the use of the site

Policy DM01 requires all development to demonstrate high quality design which should be based on an understanding of local character. Proposals should preserve and enhance the local character of the area. Policy DM08 states that development should provide a mix of dwelling types and sizes in order to provide choice. Policy DM15 states that open space will be protected from development. Development in open space will only be permitted where it is small scale ancillary development which supports the use of the open space or can serve to enhance the open space.

When the original building was constructed it provided accommodation for a park keeper which would have been development clearly ancillary to the use of the park. However, the role of the Park Keeper ceased to exist some years ago and the London Borough of Barnet then used the building to provide temporary accommodation. Given this change of use, the existing site ceased to exist as being part of Victoria Park. The building on this land was no longer ancillary to Victoria Park and therefore its loss and the redevelopment of the site would not compromise the existing park and open space. On this basis it is considered that the development would not constitute development of the park. The site is clearly demarcated with separated from the park and the public realm, with a substantial boundary treatment and no means of access to the site. No objection is therefore raised on the basis that it would constitute the loss of land used as public open space or as a public facility. Furthermore it is not considered that the park keeper's lodge constitutes a community facility protected by policy DM13 of the Adopted Barnet Development Management value. It is also not listed as an Asset of Community Value (ACV).

Safety and safeguarding of children

The proposed development overlooks a children's playground and the wider park which is used by people of all ages. Objections have been raised against the fact that the proposed development would facilitate overlooking of children playing the park. Principles of good design and place-making encourages natural overlooking and passive surveillance to contribute to community safety, and it is not considered that refusal of the application on this basis would be justified.

Ownership and disposal of the site

The site is no longer in the Council's ownership. The role of the Council in the disposal of the site is not a planning matter.

Significance as a heritage asset

A number of objectors have stated that demolition of The Lodge would constitute the loss of a heritage asset. The NPPF is the starting point for planning considerations relating to heritage assets. Paragraph 135 of the NPPF states that the effect of an application on the significance of a non-designated heritage asset should be taken into account when determining the application. In weighing applications that affect directly or indirectly non-designated heritage assets, a balanced judgment is required, having regard to the scale of any harm or loss and the significance of the heritage asset. NPPF paragraph 129 states that local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal. Policy DM06 of the Development Management Policies DPD provides for heritage protection at the local level.

Officers consider that whilst the building is of some architectural merit by virtue of the features associated with the building, overall it is not of the value considered to warrant it to be treated as a non-designated heritage asset under paragraph 135 of the NPPF. It is noted that the use of the building as a park keepers cottage ceased some years ago. As noted earlier in this report, the site is not located in a Conservation Area and that the building is not statutorily listed or on the Council's Local List of Buildings of Local Architectural or Historic Interest. The previous application was not refused on the basis of heritage value of the building. Nonetheless, the benefits of the scheme are that a net increase in five dwellings over the existing building would be provided, and the total of six flats to be provided would provide for small households. This contributes to the planning balance of the total loss of the building. It is recommended however that conditions in any planning permission resulting from this application should include provision for the identification, salvage and reuse of any architectural features of value in the existing building, and that archive material be assembled and provided in association with the development.

Impact on amenity of neighbouring occupiers

Any direct impacts on neighbouring occupiers would be limited to some additional window-to-window views to properties on the opposite side of Long Lane. Separation distances between first floor habitable rooms would be approximately 28m, which is typical of suburban areas and in fact greater than in many narrower suburban streets. As such, direct impacts on neighbours are not considered to be significant.

Furthermore the separation distances are such that any impact in terms of loss of light, privacy, outlook, visual or residential amenity; would not be harmful.

Highways safety

The Highways Officer has no objection to this on any grounds including impacts on traffic safety, availability on on-street carparking and traffic congestion. The comments made note that:

- The proposed 4 x 1 bed and 2 x 2 bed flats will have a parking demand of 2-7 spaces. Therefore the provision of 6 spaces is in accordance with the current standard

- The applicant is required to provide 8 cycle spaces in accordance with the London Plan minimum standards and will be conditioned.
- There is considered to be no impact on on-street car parking.
- 20% active and 20% passive Electric Vehicle Charging Points (EVCPs) are required in accordance with London Plan standards.
- The refuse store needs to be within 10m of public highway otherwise the bins will need to be brought to the edge of public highway on collection days.
- A new vehicle crossover is required to be constructed under a S184 agreement with the highway authority. Modifications will be required to the traffic management order to reduce on-street parking bays. A contribution of £2000 is required to amend the traffic management order.

A number of conditions are recommended to cover these requirements, and a section 106 planning obligation is required in order to meet the costs noted above to amend the traffic management order.

Other planning issues

While no objections were raised in respect to the following issues in the 2016 decision, the following points are also pertinent to the determination of the application:

Local Requirements

The information provided with the planning application is fully compliant with the London Borough of Barnet's Local Requirements.

Highways and access

The new crossover would be created at the end of the parking bay on Long Lane together with a separate pedestrian path. The new access from the site to Long Lane would result in the removal of one car parking space within the CPZ, and the costs to the Council of amending the traffic management order to achieve this would need to be met by the applicant by way of a section 106 planning obligation.

The Highways Officer has noted that the new vehicle access will meet the visibility requirements set out in Manual for Streets (MfS) and that a 6 metre wide turning area within the parking area will be provided, also in accordance with MfS. Six car parking spaces would be provided in accordance with the current standard, and of these a minimum of 20% active and 20% passive Electric Vehicle Charging Points will be required by condition, equating in this case to 3 points with a minimum of two providing active charging. The Highways Officer has also noted that the refuse store need to be either within 10m of the public highway, or alternatively that the bins will need to be brought to the edge of public highway on collection days. The summited drawings show a space inside the site entrance where bins would be moved to on collection days. However as Eurobins would be required to provide sufficient storage capacity for the flats, and moving them to the collection point is likely to be difficult over the proposed vehicle access and manoeuvring surface, it is recommended that the refuse store should be located in the position shown on the drawing as the collection-day point. In order to be of acceptable appearance the refuse and recycling

bins will need to be enclosed in a predominantly brick structure to match the materials in the proposed building. This is included in the recommendations as condition 10.

Secure cycle storage would be provided for each flat in accordance with Transport for London's Cycle Parking Standards, which requires a minimum of one secure space per bedroom.

In order to ensure that pedestrian access is part M4(2) compliant, access width from Long Lane will need to be increased to provide a minimum clear width of 1200mm. This is provided in the recommendations as condition 11.

Subject to all of the above, the development will provide a good level of access, parking provisions and servicing that meet the Council's and London Plan standards.

Highways officers do not consider that the proposals would result in harm to highway or pedestrian safety or the free flow of traffic.

Building sustainability

The application should include a Sustainable Statement which sets out policy and intentions in terms of this aspect of the scheme. While this is a minor development, it is considered that it should be able to provide some renewable energy capacity, perhaps in the form of photovoltaic panels, and that the ability of the proposal to deliver an exemplary scheme in terms of carbon dioxide reduction should be further explored and designed into the scheme. The recommended conditions are intended to ensure that the scheme achieves this, along with low levels of water usage.

In order to comply fully with advice in LBB Policy DM16, Policy 7.19 of the London Plan 2016 and the Sustainable Design and Construction SPD, an ecology survey or surveys of the site should be undertaken prior to demolition and protective measures for any protected species identified would need to be implemented. It should be noted that no protective species have been identified on the site or its immediate vicinity and therefore harm to protected species is unlikely. Conditions are suggested in relation to ecological issues.

Community Infrastructure Levy

The proposed scheme would be liable to provide towards Mayoral Community Infrastructure Levy, based on the additional floor area that would be provided by the new building.

5.4 Response to Public Consultation

A number of residents have raised concerns regarding the consultation process.

Officers would highlight the following:

- The consultation period has exceeded the 21 days required under the Development Management Procedure Order and the 28 days within the London Borough of Barnet's Statement of Community Involvement.
- Site notices have been placed which advertised the application.

Officers have sought to remedy any issues encountered by residents at the earliest opportunity.

The issues referred to in neighbour letters are addressed in the above discussion.

The Council's Environmental Health and Highway Officers have not objected to the proposal, subject to the bin store being relocated. The Conservation Officer considers that further detailed design drawings are required to make the application acceptable.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would replace a former park keepers lodge with a block of 6 flats.

In terms of likely negative impacts, the application has attempted to address these through amendments to the scheme. The proposals are not considered likely to impact users of the park with any protected characteristics, or any local residents.

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach. The development would therefore have a positive effect in terms of equalities and diversity matters. {b 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, 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 and the locality, including the park. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for Approval, subject to conditions.



- 4 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).

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

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The site property is a ground floor flat at no15 Redbourne Avenue which has been divided into flats. The site is located on the south side of Redbourne Avenue which is a predominantly residential area, and the rear garden which measures 30 metres in depth backs onto Hervey Close.

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

2. Site History

Reference: 17/2320/FUL

Address: 15 Redbourne Avenue, London, N3 2BP

Decision: Approved subject to conditions

Decision date: 27 June 2017

Description: Single storey rear extension

3. Proposal

The applicant proposes to erect an outbuilding at the rear of the garden. The proposed building will have a flat roof with a maximum height of 2.5metres, depth of 4.4metres and a width of 4.4metres.

The proposed outbuilding will be set away from the boundary wall of no. 13 by 0.4 metres, 5.4 metres from the boundary with no. 17 and 0.5 metres from the rear boundary with no. 20 Hervey Close.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

16 objections were received during consultation period.

The objections are as follows:

- Concerns that the outbuilding will be used as a separate dwelling.
- Outbuilding will set precedent for large outbuildings in gardens.
- Rendered finish will mean that the outbuilding will be out of character.
- Over intensive use of the space.
- Trees and hedges on land adjacent to proposed development are important for the local landscape character. Mature trees have been felled.
- Refer to other examples of applications in respect of other outbuildings at Hervey Court (appeal decision) and 11 Dollis Park.
- Concerns over foul sewage being disposed of from the outbuilding
- Excessive size.
- Concern about the prospect of rainwater from a flat roof of 20 square metres being discharged in the proximity of neighbouring boundary.
- Loss of outlook.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact on Street scene, Existing Building and Character of the Area:

The proposed outbuilding situated at the rear of the garden would not be in view from Redbourne Avenue therefore having no effect on the character of the street scene. The size and height of the outbuilding is not considered excessive and would not dominate the character of the amenity space for no. 15 Redbourne Avenue. Furthermore the proposed materials of the outbuilding would be sympathetic to materials used on surrounding properties, therefore not detracting from the character of the locality.

Impact on Neighbouring Amenity:

The proposed outbuilding will be set away from the boundary wall of no. 13 by 0.4 metres, 5.4 metres from the boundary with no. 17 and 0.5 metres from the rear boundary with no. 20 Hervey Close. There will be a distance of some 14 metres between the proposed building and the rear of no. 20 Hervey Close and some 26m from the rear wall of neighbouring properties in Redbourne Avenue

Despite the small separation between the outbuilding and boundaries of the curtilage of the dwellinghouse it is noted that the subordinate height of the outbuilding would have an acceptable impact in the neighbouring amenities. Furthermore, the siting, size and distance of the outbuilding from neighbouring properties would mean that the outbuilding would not unduly affect the outlook from adjoining property's habitable rooms and would not create unduly over-shadowing.

Additionally, the remaining garden area would measure at around 120m² which would provide an adequate amount of amenity space for existing and future occupiers. For the above reasons, it is considered that the proposals will not have a detrimental impact on the residential amenities of neighbouring occupiers.

5.4 Response to Public Consultation

-Concerns that the outbuilding will be used as a separate dwelling:

A condition will be attached to the approval of the application to ensure the use of the outbuilding as incidental to the ground floor flat.

-Outbuilding will set precedent for large outbuildings in gardens:

Each case is assessed on its own merits.

-Rendered finish will mean that the outbuilding will be out of character:

Neighbouring properties to 15 Redbourne Avenue feature render finish on rear outriggers making the rendered finish to the proposed outbuilding a sympathetic feature to the character of the area.

-Over intensive use of the space:

The size of the outbuilding will allow for sufficient amenity space to remain.

-Trees and hedges on land adjacent to proposed development are important for the local landscape character. Work being started due to the felling of trees:

-The felling of trees within the land adjacent to the application site does not constitute the commencement of development. The trees within the site are not protected by a Tree Preservation Order and therefore the removal of these trees does not require permission from the LPA.

-Concerns over foul sewage being disposed of from the outbuilding:

The agent has confirmed that there will be no disposal of foul sewage from the outbuilding and the application form has been amended accordingly

-Loss of outlook and excessive size:

With the proposed outbuilding being situated at the rear of the garden some 21 metres deep and measuring 2.5 metres in height it would mean that it would not be overbearing in terms of outlook from adjoining property's habitable rooms and would not unduly over-shadow neighbouring properties.

-Concerned about the prospect of rainwater from a flat roof of 20 square metres being discharged at or in the proximity of the boundary of my property:

Issues in relation to drainage are not a planning consideration.

-Reference to Hervey Court and no. 11 Dollis Park Road:

The appeal decision relating to Hervey Court was in regards to an application for the construction of a single storey house on land rear of Hervey Court whereas the application at 15 Redbourne Avenue seeks permission for a rear outbuilding incidental to the dwelling. Furthermore the application at 11 Dollis Park Road was refused at committee following an officer's recommendation for approval.

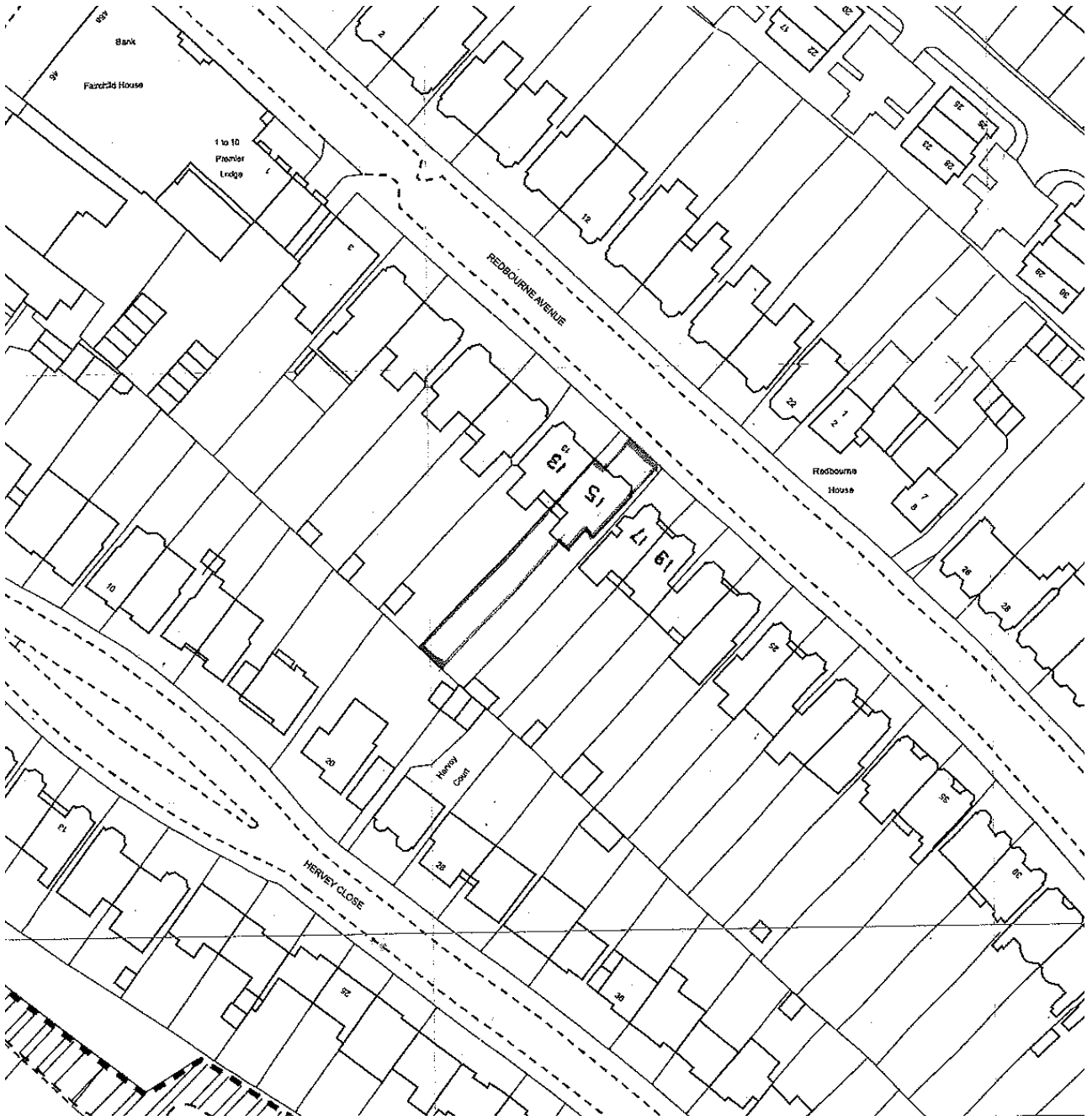
6. Equality and Diversity Issues

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.

Appendix 1 – Site Location Plan



Location 124 Friern Park London N12 9LN

Reference: 17/3192/S73

Received: 17th May 2017

Accepted: 17th May 2017

Ward: Woodhouse

Expiry 12th July 2017

Applicant: Mr Philip Deeley

Proposal: Variation of condition 1 (Plans Numbers) of planning permission 16/7238/FUL dated 16/05/2017 for `Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.` Amendments include relocation of the bin store from front to rear

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site Location Plan; 370/17/PL100 Rev A; 370/17/PL1001; 370/17/PL501; 01187_BA_01 Rev P01; 01187_BA_02 Rev P01; 01187_BA_E_01 Rev P01; 01187_BA_E_02 Rev P01; 01187_BA_E_03 Rev P01; 01187_BA_E_04; Tree Survey; 24 Acoustics - Noise Impact Assessment

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

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

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

- 3 a) No development 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) Before the development hereby permitted is first occupied, details of the refuse collection strategy shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

8 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 122 and 126 Friern Park shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

- 11 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).

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

Informative(s):

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

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

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

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

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

The application site consists of a detached dwelling house on the southern side of Friern Park. The street is characterised by a mixture of dwelling types and building types. Adjoining the site to the east is a two storey building which has been converted into flats. The adjoining building to the west is a newly constructed block of flats which has been built to replicate the adjoining dwelling to form a semi-detached pair. Within the street on both sides of the road are substantial purpose built flatted blocks. Architectural styles fluctuate in respect of traditional dwelling house types to rectangular flat roof blocks with large footprints.

The road slopes from west to east downhill and significantly downhill from the street frontage to the site's rear boundary with significant steps down from the ground floor level. There is a front forecourt laid to hardstanding with a garage to the eastern flank of the building. There is substantial mature planting and landscaping particularly to the side and rear gardens of the property.

The site is not in a conservation area. The site is not a listed building and the application property is not within the setting of a listed building. There are no Tree Preservation Orders affecting the site.

2. Site History

Reference: 16/7238/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Approved subject to conditions

Decision Date: 27 January 2017

Description: Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space

Reference: 16/4307/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Refused

Decision Date: 12 October 2016

Description: Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.

The above application was refused at Committee by Members for the following reasons:

1 The proposed development, by reason of its size, siting, scale, bulk and design and the introduction of car parking within the rear garden, would constitute overdevelopment of the site, would fail to respect, and would detract from, the established character and appearance of the site property and the wider area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2 The proposed development, by reason of the location of the proposed car parking area and access thereto, would result in the introduction of car movements and associated noise and disturbance into the rear garden area, which would be detrimental to the residential amenity of neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2013) and Adopted Sustainable Design and Construction SPD (2013).

The appeal made to The Planning Inspectorate was withdrawn.

Reference: 15/06884/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Refused

Decision Date: 18 February 2016

Description: Demolition of existing dwelling and construction of a new three storey property with 8no self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space.

The above application was refused at Committee by Members for the following reasons:

1. The proposed development, by reason of its size, siting, scale, bulk and design and the introduction of car parking within the rear garden, would constitute overdevelopment of the site, would fail to respect, and would detract from, the established character and appearance of the site property and the wider area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. The proposed development, by reason of the location of the proposed car parking area and access thereto, would result in the introduction of car movements and associated noise and disturbance into the rear garden area, which would be detrimental to the residential amenity of neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2013) and Adopted Sustainable Design and Construction SPD (2013).

The application was appealed and allowed by The Planning Inspectorate in February 2016, reference: APP/N5090/W/16/3153155:

The Inspectors comments on the proposals included;

"Character and appearance

6. The proposed building would have a relatively deep plan. I note the Council's point that where existing houses have a deep plan form, roof forms and lower heights of rear additions break up the overall mass. However, I saw on my site visit that there are flat roofed blocks in the immediate vicinity of the appeal site which have comparable depth of plan and that elsewhere in the street there are blocks with very long continuous ridges. Friern Park is not within a conservation area and none of the adjacent buildings are Listed. The architectural diversity of the street is part of the character of the area. Within this context I do not consider that the design, height, and massing of the proposed building would be inconsistent with its surroundings.

8. I saw on my site visit that there are other examples of parking at the rear of flatted developments on Friern Park. Whilst I note the Council's point that these parking areas were created in either larger gardens or as part of the redevelopment of several plots, parking at the rear of developments is nevertheless an established feature in the area and, as previously noted, the Council is not contending that the development would result in an inadequate level of amenity space for the future occupiers. Therefore this would not be inconsistent with other developments in the street.

Living conditions of adjoining residents

12....The Council's reason for refusal focuses solely on detriment caused by noise and disturbance

13. The appellant has submitted a noise assessment with the appeal which concludes that the noise levels generated by the use for parking cars would only result in minimal increases in noise levels and that the resultant noise levels would be well within the guidelines contained in the British Standard. The noise assessment also recommends the provision of an acoustic fence to further mitigate possible noise from vehicle movements. However, as the noise levels would not exceed the guidelines in the British Standard, it is not necessary to require its installation through a planning condition.

Other matters

17. The proposed development would provide 8 car parking spaces, which is in line with the Council's car parking standards, and whilst the development would result in additional vehicles movements to and from the site, Friern Park has a wide carriageway and is not heavily trafficked and, consequently, I am satisfied that the development would not cause harm to highway safety in the area. No substantive evidence has been submitted by either party in respect of local housing need, and whilst the proposed development would result in the loss of a family sized house, it would lead to an increase in overall housing supply which would be consistent with the objective of the Framework to boost the supply of housing. I note that the Council have not raised any concerns in respect of these matters."

3. Proposal

This application seeks consent for a variation of condition 1 (Plans Numbers) of planning permission 16/7238/FUL dated 16/05/2017 for `Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.`

The proposed amendments include relocation of the bin store from front to rear of the site, adjacent to the proposed car parking.

4. Public Consultation

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

The views of objectors can be summarised as follows;

- Had enough of all the applications and appeals
- Overlooking

- Noise and disturbance locating bin store next to residential gardens
- Bins will attract foxes and bad smells
- Loss of light
- Loss of green space at rear of site
- No bin collection strategy submitted with the application

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The acceptability of the proposed new self-contained f
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

This application follows the previously approved scheme which was supported by Members at the January Finchley and Golders Green Area Planning Committee. This application solely seeks consent to relocate the previously agreed bin store from the front of the site towards the rear, adjacent to the proposed car parking and behind the proposed new flatted development.

The principle of the proposed development and its expected impact on the character of the area has already been assessed resulting in the approval of the proposed flatted development, with bin store provided at the front of the site.

The previously approved area for the storage of recycling and refuse bins is proposed to be relocated from the front of the site to a more central location behind the existing car parking spaces. The approved position is considered to give rise to the front forecourt appearing cramped and the bin enclosure is considered to appear too dominant within the

street scene, detracting from the approved flatted development and detrimentally impacting upon the character and appearance of this part of the street.

Whilst it is recognised that this relocation does encroach into the rear communal garden area it is considered that the benefits of improving the front of the site and not impacting so much on the existing street scene, is greater than the harm caused by reducing the external amenity area. This is especially true as the majority of the proposed flatted units do also benefit from private balcony areas which contribute to their individual external amenity provision.

Impact on neighbours

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development for relocated bin store towards the rear of the site would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

5.4 Response to Public Consultation

The comments made that neighbouring have had enough of all the applications and appeals are noted. However, there is no restriction in the number of application that can be made and it is considered that this application could improve upon the character and appearance of the resultant development when viewed from the street.

In terms of the potential noise and disturbance resulting from locating bin store next to residential gardens

The concerns raised that the bins will attract foxes and bad smells are noted. However, all rubbish is proposed to be contained within a sealed, lidded bin which will be sited within an enclosure, as shown on plan no. 370/17/PL501. As such it is not considered that the bins will attract foxes or create bad smells to neighbouring occupiers.

It is not considered that the relocation of the bin store towards the rear of the application site will result in any overlooking or loss of light to neighbouring occupiers. It is shown to be located away from the built form of neighbouring properties and far enough away from shared boundaries not be detrimental to residential amenity.

The objection received that the proposed relocation of the bin store from the front of the site will result in a loss of green space at rear of site is noted. However, the majority of the proposed residential units have private balconies provided in addition to access to the communal rear garden and therefore, on balance it is considered that the small loss of green space, measured against the improvement to the street scene in removing this feature is acceptable.

It is recognised that no bin collection strategy submitted with the application, but this has now been provided, stating that the management company will take the bins to the front of the site on collection day and return them to the bin store after collection.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development to relocate the bin store 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.



Appeal Decision

Site visit made on 20 September 2016

by John Dowsett MA DipURP DipUD MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 7th November 2016

Appeal Ref: APP/N5090/W/16/3153155

124 Friern Park, North Finchley, London N12 9LN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Mr Y Shahar of Legacies of London (Friern) Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref: 15/06884/FUL, dated 10 November 2015, was refused by notice dated 4 February 2016.
 - The development proposed is demolition of the existing dwelling and construction of a new three storey property with 8no. self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space.
-

Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and construction of a new three storey property with 8no. self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space at 124 Friern Park, North Finchley, London N12 9LN in accordance with the terms of the application, Ref: 15/06884/FUL, dated 10 November 2015, subject to the conditions in the attached schedule.

Procedural matter

2. During the course of the planning application the scheme was amended. The original description on application form included underground car parking which was removed before determination. The application description was changed to that used on the decision notice and which I have used for the purposes of the appeal.

Main Issues

3. The main issues in this appeal are:
 - The effect of the proposed development on the character and appearance of the area; and
 - The effect of the proposed development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance.

Reasons

Character and appearance

4. Friern Park is a long, mostly residential, street. It is composed primarily of two and three storey buildings of a wide variety of ages and built form, ranging from single detached houses to large blocks of flats. There is also a diverse assortment of materials and, in addition to hipped and gabled roofs, a number of flat roofed buildings are present. As such the street has no strong, defining, architectural characteristics.
5. The proposed building is of a fairly traditional design, that includes architectural elements and materials that are present elsewhere in the street. Although the proposed building would be taller than the house that it would replace, there are other buildings in the street which are also taller than the existing house. It is proposed to lower the ground levels on the site which would result in the new building being perceived as being the same height as the neighbouring building at number 122a Friern Park. Whilst the new building would be taller than the short terrace of 126-130 Friern Park, this is set behind where the front wall of the new building would be and the height difference would consequently be less evident.
6. The proposed building would have a relatively deep plan. I note the Council's point that where existing houses have a deep plan form, roof forms and lower heights of rear additions break up the overall mass. However, I saw on my site visit that there are flat roofed blocks in the immediate vicinity of the appeal site which have comparable depth of plan and that elsewhere in the street there are blocks with very long continuous ridges. Friern Park is not within a conservation area and none of the adjacent buildings are Listed. The architectural diversity of the street is part of the character of the area. Within this context I do not consider that the design, height, and massing of the proposed building would be inconsistent with its surroundings.
7. The proposed development would introduce parking onto what is presently the rear garden area of the house, although this would not occupy the whole area and a communal garden would be formed in addition to there being a small private garden for one of the units. It is not suggested that inadequate outdoor amenity space is being provided for the development. As the car parking is to the rear of the proposed new building, it would not have any significant effect on the street scene. Although it would introduce parking and associated activity to the rear of the building, this would largely be concealed by the boundary fences and the sense of openness experienced at the rear of the adjoining houses would not be significantly altered. Whilst the proposal would result in the loss of some garden area, this of itself, would not warrant refusing planning permission.
8. I saw on my site visit that there are other examples of parking at the rear of flatted developments on Friern Park. Whilst I note the Council's point that these parking areas were created in either larger gardens or as part of the redevelopment of several plots, parking at the rear of developments is nevertheless an established feature in the area and, as previously noted, the Council is not contending that the development would result in an inadequate level of amenity space for the future occupiers. Therefore this would not be inconsistent with other developments in the street.

9. The Council suggest that the proposed development is an over-intensification of the residential use of the site based on units per hectare densities identified in the London Plan in relation to the Public Transport Accessibility Level (PTAL) rating for the area. Based on the sites PTAL rating, Table 3.2 of the London Plan suggests a density of 150–200 habitable rooms/ha, and 50–75 units/ha for the appeal site. The density of the proposal would be 154 habitable rooms/ha and 77units/ha which is marginally above the suggested densities in the London Plan.
10. Density alone cannot be the determining factor in assessing the quality of a scheme and, indeed, the supporting text to the relevant policy in the London Plan states that these densities are broad ranges and should not be applied mechanistically. The proposed development only marginally exceeds the guideline density and, as I have found that the design of the building is not inconsistent with its surroundings, I do not find the Council's argument that the proposal is an overdevelopment of the site a compelling one.
11. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies CS1 and CS5 of the Core Strategy; DMP Policy DM01 and the Barnet Residential Design Guidance SPD which seek to ensure that new development is of a high standard of design that has regard to the local context. It would also be consistent with the requirement of the National Planning Policy Framework (the Framework), which seeks a high standard of design in all new developments.

Living conditions of adjoining residents

12. It is common ground between the parties that the proposed development will not cause harm to the living conditions of the occupiers of neighbouring properties due to matters of loss of privacy, loss of outlook, overshadowing or loss of light. The Council's reason for refusal focusses solely on detriment caused by noise and disturbance arising from the proposed car parking area to the rear of the development.
13. The appellant has submitted a noise assessment with the appeal which concludes that the noise levels generated by the use for parking cars would only result in minimal increases in noise levels and that the resultant noise levels would be well within the guidelines contained in the British Standard. The noise assessment also recommends the provision of an acoustic fence to further mitigate possible noise from vehicle movements. However, as the noise levels would not exceed the guidelines in the British Standard, it is not necessary to require its installation through a planning condition.
14. The Council, whilst contending that increased vehicle movements will give rise to harmful levels of noise and disturbance, has not submitted any technical evidence in respect of noise to challenge the findings of the noise assessment. Nor has it challenged the assumed number of vehicle movements that the noise assessment is based on.
15. It is suggested that vehicle movements at night, when drivers are using headlights, will cause increased disturbance. Currently the rear garden is enclosed by a mix of timber fences and hedges, all of which are a minimum of approximately 1.8 metres high. A fence of this height would block car headlights from shining into adjoining garden areas or windows at the rear of

neighbouring properties. Whilst the headlight beams of vehicles turning into the access from Friern Park would potentially sweep across the frontage of the neighbouring property at number 126, this would be fleeting and, as the house is set well back from the carriageway, any disturbance resulting from this would not, in my view, be sufficiently severe as to warrant refusing planning permission on this ground alone.

16. In the absence of any substantive evidence to the contrary, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. The development would comply with the requirements of Core Strategy Policy CS5; DMP Policy DM01; the Barnet Residential Design Guidance SPD; and the Barnet Sustainable Design and Construction SPD which seek to ensure that new development protects the living conditions of existing residential occupiers. It would also be consistent with the requirements of the Framework, which seeks a good standard of amenity for all occupiers.

Other matters

17. The proposed development would provide 8 car parking spaces, which is in line with the Council's car parking standards, and whilst the development would result in additional vehicles movements to and from the site, Friern Park has a wide carriageway and is not heavily trafficked and, consequently, I am satisfied that the development would not cause harm to highway safety in the area. No substantive evidence has been submitted by either party in respect of local housing need, and whilst the proposed development would result in the loss of a family sized house, it would lead to an increase in overall housing supply which would be consistent with the objective of the Framework to boost the supply of housing. I note that the Council have not raised any concerns in respect of these matters.
18. It is suggested that the existing house on the site is a non-designated heritage asset that is worthy of protection, and that it has been put forward for inclusion on the Council's local list. At present the building has no local or national protection and the Council have not identified it as a non-designated heritage asset in their evidence. The Planning Practice Guidance recognises that a substantial majority of buildings have little or no heritage significance and only a minority have enough heritage interest for their significance to be a material consideration in the planning process. I am mindful of the fact the Council have an established local list that is up to date, and given the age of the building, had it been considered to have significant heritage interest, it would already have been included on this. Whilst the existing house is a relatively attractive, old building, it is not a non-designated heritage asset and I can give only very limited weight to this point.
19. Whilst the garden area will have some biodiversity value, there is no substantive evidence that the proposed car parking area will lead to a significant loss of habitat or affect any protected species. I am satisfied that an appropriate landscaping scheme would mitigate any harm that might arise from a loss of part of the garden area to car parking.

Conditions

20. I have had regard to the list of conditions suggested by the Council. In order to provide certainty as to what has been granted planning permission I have

attached a condition specifying the approved drawings. The application contains only general details of the proposed external materials, boundary treatments and refuse storage. In order to ensure that the development is in keeping with the surrounding properties, it is necessary it attach a condition requiring details of these to be submitted for approval. Similarly, the application only contains general details of landscaping and, consequently, in order to ensure that appropriate landscaping is provided, a condition requiring the full details to be approved is necessary. As the landscaping condition should identify any trees on the site to be retained it is necessary that the landscaping conditions are pre-commencement.

21. In order to ensure that the development does not have an adverse effect on the privacy of neighbouring occupiers it is necessary to attach a condition requiring that details of the privacy screens shown on the drawings are approved and the screens installed. For the same reason, it is also necessary to attach a condition requiring that the secondary windows in the side elevations of the building are fitted with opaque glazing.
22. The proposal involves lowering the ground levels of the appeal site. Full details of these have not been provided and in order to ensure that the development is implemented as proposed it is necessary to attach a condition requiring the finished levels to be submitted for approval. As this is fundamental to the setting out of the building it is necessary for this condition to be pre-commencement.
23. As the proposal is for the redevelopment of a site within an existing residential area, in order to ensure that any disturbance to existing residents is minimised, conditions restricting the hours of working at the site and to manage the operation of the construction site are required. As the site management method statement is required to cover the whole construction period, this condition must be pre-commencement.
24. The Council's development plan contains policies which seek to ensure that new development is accessible, water efficient, and minimise carbon dioxide emissions. On 1 October 2015 new optional national technical standards came into force, which allow such conditions to be imposed with reference to the nearest equivalent national technical standard. The Councils suggested condition on water efficiency specifies 105 litres per person which is not the figure specified in the optional requirement in the Building Regulations. I have therefore amended the wording to reflect the 110 litres figure in the Building Regulations optional requirement.
25. The Council's suggested condition relating to carbon dioxide emission reduction refers to Target Emission Rates in the 2010 edition of the Building Regulations. Following the introduction of the optional technical standards local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water efficiency, and an optional nationally described space standard. Where there is an existing policy relating to energy efficiency and carbon dioxide reduction, or which references the now withdrawn Code for Sustainable Homes, it is possible to impose a condition requiring a level of energy performance equivalent to that in the Code for Sustainable Homes. Policy DM02 of the DMP does not refer to a specific Code Level that would be sought in new developments and Policy 5.2 of the London Plan relates only to major

developments. On this basis I do not consider that there is sufficient justification that this condition is necessary and it would, in any event, duplicate the requirements of the building regulations.

26. The Council have suggested a condition requiring Sound Insulation Test Certificates to be submitted, however, this is not covered by the optional technical requirements and replicates the requirements of the Building Regulations. No substantive reason is given as to why this condition is required in order to make the development acceptable and is it therefore does not meet the test of being necessary in order to allow planning permission to be granted.
27. The Council have also suggested a condition preventing the change of the approved scheme to other uses falling within Use Class C3 or C4. The reason cited for the condition is to enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area. This is not supported by any evidence which would show that the other uses within Use Class C3 or C4 would cause harm. The Planning Practice Guidance is clear that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider that the reason suggested by the Council is, of itself and in the absence of any evidence to demonstrate harm, sufficient to demonstrate exceptional circumstances and the condition does not pass the test of necessity.

Conclusion

28. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

John Dowsett

INSPECTOR

Schedule of conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 124FP-PP1-01 Rev B (Existing Section and Site Plan _Proposed Site Plan); 124FP-PP1-02 Rev D (Proposed Floor Plans); 124FP-PP1-03 Rev C (Proposed Floor Plans); 124FP-PP1-04 Rev D (Proposed Elevations); and 124FP-PP1-05 Rev D (Proposed Sections).
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, the adjoining land and highway and any other changes proposed in the levels of the site have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas, as well as boundary treatments hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the materials and details as approved under this condition.
- 5) 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. The development shall thereafter be implemented in accordance with the measures detailed within the statement.
- 6) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Before the development hereby permitted is first occupied, details of enclosed 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. Thereafter 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.
- 8) 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.
- 9) 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.
 - 10) Any existing trees shown to be retained, or any 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.
 - 11) Before the building hereby permitted is first occupied the proposed windows in the side elevations facing 122 and 126 Friern Park shall be glazed with obscure glass only and shall be permanently fixed shut with only a fanlight opening and shall be retained as such thereafter.
 - 12) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
 - 13) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new flats 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 thereafter.
 - 14) Prior to the first occupation of the new flats 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 flat shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 110 per head per day or less. The development shall be maintained as such thereafter.

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

AGENDA ITEM 9

Reference: **17/4182/FUL**

Received: 29th June 2017

Accepted: 29th June 2017

Ward: Childs Hill

Expiry 24th August 2017

Applicant: MLE PROPERTY LTD

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

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Survey Site Plan; Survey Ground Floor Plan; Survey First Floor Plan; Survey Roof Plan; Survey Side Elevation East; Survey Side Elevation West; Survey Rear Elevation; Survey Front Elevation; Drawing no. 16GW-EX-Site Plan; Drawing no. WG16-PL-A201 Rev B; Drawing no. WG16-PL-A202 Rev E; Drawing no. WG16-PL-A203 Rev E; Drawing no. WG16-PL-A204 Rev E; Drawing no. WG16-PL-A205 Rev E; Drawing no. WG16-PL-A207 Rev E; Drawing no. WG16-PL-A208 Rev E; Drawing no. WG16-PL-A209; Drawing no. WG16-PL-A212; Design and Access Statement by SIAW; Planning Statement by DRK Planning dated June 2017; Sustainability Checklist; Supporting Document- summary of amendments by SIAW; Arboricultural Survey Impact Assessment Report dated 14th December 2016 with amendments 21st June 2017 by Marcus Foster Arboricultural Design and Consultancy; Transport Assessment by Paul Mew Associates dated 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 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 including grass paves hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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

- 7 Before the building hereby permitted is first occupied the proposed first floor rear windows facing no.13 and no.17 Wycombe Gardens, the side dormer facing no. 13

Wycombe Gardens and the side dormers of Unit B and C, 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 October 2016).

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing no. WG16-PL-A201 Rev B, shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

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

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

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

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

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

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

- 19 Prior to the commencement of the development or any works associated with this consent starting on site full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and

approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approve under this condition prior to its being occupied or brought into use.

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (Adopted October 2016).

- 21 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.

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

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

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

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

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

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

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

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

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £19,810.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £94,489.15 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.
- 5 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.
- 6 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
- 7 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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

- 8 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The

construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 10 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.

Officer's Assessment

1. Site Description

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

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

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

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

The site is located in a Controlled Parking Zone.

2. Site History

Reference: 16/8061/FUL

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused (Committee overturn)

Decision Date: 17 May 2017

Description: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roof space

Reasons for refusal: Reason 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. 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.

3. Proposal

The applicant seeks planning permission for the demolition of the existing building and erection of 2 pairs of semi-detached family houses (3no dwellings with rooms at basement level and roof space).

Planning permission was previously refused by the Finchley and Golders Green Planning Area Committee for a terrace comprised of four family dwellings (reference 16/8061/FUL). The application was refused on character grounds due to its size, design, massing, plot

coverage and front court arrangement considered to result in an overdevelopment of the site.

The proposal would involve 4 x 3 bedroom dwellings (2 x 3b 4p, 1 x 3p, 1 x 3b 6p).

The proposed buildings would have a depth of 9.6m measured along the boundary with no. 13 Wycombe Gardens and 6.9m along the boundary with no. 17. All four properties would benefit from a single storey projecting wing with a maximum depth of 2.8m which would be less than half the width of the width of each property and set away from the boundaries with no.13 and no.17.

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

The buildings would follow the bend of the road; the building line of proposed Unit A would be at the same level as the building line of no.13 and properties C and D would be staggered forward (approximately 0.6m). Properties B and C would be sited a distance of 1.2m. The previous scheme benefitted from a gap of 0.9m at ground floor only.

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

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

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

The basement would generally be sited underneath the footprint of the dwellings, it would also project beyond the front building line to provide open planned kitchen/dining and storage space for all the dwellings, however there would be no manifestations to the front of the site.

4. Public Consultation

Consultation letters were sent to 62 neighbouring properties.

16 responses have been received, comprising 6 letters of objection, 8 letters of support and 2 letters of comment.

The objections received can be summarised as follows:

- Loss of family unit- Building is not a block of flats
- Out-of-character development
- Increase in parking pressures and traffic congestion
- Less permeable ground due to size of basement
- Loss of front garden/ concrete frontage without landscaping

- Flooding
- Roof terrace
- Length of works
- Similar to previously refused application
- Overbearing
- Basement construction is out of character /other properties on Wycombe Gardens do not have basements
- Impact on outlook and daylight due to building at the rear
- Removal of trees
- Insufficient refuse storage
- Too large in scale and height for the surroundings

In addition, Councillor Jack Cohen requested that the application was referred to the Planning Committee as he considered that the reasons would not overcome the reasons for the refusal.

The representations received can be summarised as follows:

- Would prefer one pair of larger semi-detached houses on the site (keeping the site to 2 families as at present with similar car use needs and giving the site a less cramped appearance), I recognize that the semi-detached houses in the road are of a similar width to those proposed.
- Welcome some thought to landscaping the front line of the plot (low walls or more vegetation) so that the four houses do not appear to have a car-park along the whole frontage.
- Want to ensure bins storage is used.
- Proposed buildings would be an improvement to the existing building
- Prefer to see houses rather than flats
- No objection to basement as long as adequate safeguarding
- Width of the plot is similar to width of 4 typical houses on the road
- Design is in keeping with the style and shape of houses on Wycombe Gardens
- Height of the building is suitable
- No objection however design would be better incorporating garages

A site notice was erected on the 6th July 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08 and DM17

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether adequate amenity would be provided for future occupiers
- Impact on Highways
- Impact on Trees
- Sustainability and Accessibility

5.3 Assessment of proposals

Impact on the character of the area

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). In this instance, the proposal should also have regard to the distance to neighbouring boundaries.

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 application site currently features two flats. The principle of demolition and the principle of four dwellings on the site were not objected to previously and there are no material considerations which would change this assessment.

The Council would not object to the principle of redeveloping the application site to provide two pair of semi-detached dwellings. It is noted that the pre-dominant character along Wycombe Gardens is semi-detached single family dwellings and therefore the proposal would be in accordance with the established character of the area.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms, with 3 bed houses being of medium priority. Whilst the proposal is for 3 bedroom dwellings in accordance with the medium priority of the Council, the scheme would also replace an existing building accommodating flats which would be more in keeping with the predominant character of family dwellings on the road.

The proposed density on the site is comparable to the previous scheme, which was considered to be within the recommended range for the site as defined by the London Plan, however it must be noted that this is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

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

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

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

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

The previous application was refused on the grounds of size, design, massing, plot coverage, front forecourt arrangement. The proposed scheme has resulted in two pairs of semi-detached dwellings which would introduce a gap between the buildings (unlike the previously proposed terrace building and the existing building). The gap between the buildings would result in an actual and perceived reduction in the massing and size of the building, allowing views between the building similar to the bulk and massing of other properties in the area. It is considered that the proposed buildings would relate well to the streetscene and reduce the plot coverage.

Insofar as the design of the buildings, the scheme would also be modern like the previous proposal, however there has been a significant reduction in the amount of fenestration which would result in the buildings sitting more harmoniously on the streetscene.

With regards to landscaping at the front, the scheme proposes "grasscrete" surfacing for the parking spaces at the front combined with landscaping which would be secured through a condition. The proposed grasscrete allows for cars to park on drivable grass thereby softening the appearance of the parking at the front and ensuring the site is not entirely occupied by hardstanding. In addition, parking spaces 5 and 6 have been sited adjoining each other thereby reducing the perceived size of this material on the forecourt.

It is considered that the amendments have suitably addressed the previous objections and the proposal would make a positive contribution to the streetscene and character of Wycombe Gardens.

Impact on the amenities of neighbours

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.

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

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

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

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

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

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

The proposal is not considered to result in a detrimental impact on neighbouring occupiers and as such the proposal is supported in this regard.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (MALP 2016); the minimum standard for a 3 bed house with 6 occupiers is 108sqm, the minimum standard for a 3 bed house with 5 occupiers is 99sqm and the minimum standard for a 3 bed house with 4 occupiers is 90sqm. The proposed houses would all comply with and exceed the minimum space standards for 3 dwellings.

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

with these requirements; the room labelled as studies would fall below the standard for a single bedroom and are therefore not considered as such.

All proposed residential development should provide suitable outlook and daylight for future units. All habitable rooms would benefit from suitable outlook; the bedrooms at roof level would benefit from dual aspect views and therefore the proposed condition restricting clear glazed windows to the flank elevations would not be considered to impact the outlook to these rooms.

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

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

Whilst the outdoor amenity space provision for three of the units would fall below the standard, the plot depth is relatively shallow compared to other properties on this section of the road. Consideration has also been given to the other benefits of the proposed dwellings for future occupiers including exceeding the minimum standards. In addition, the site is within close proximity to Childs Hill Park. On balance, the shortfall in private garden space to the proposed units, is outweighed by other benefits and this reason alone is not considered acceptable to recommend refusal. It must be noted that the previous application was not refused due to the size of the gardens; no new material considerations have been presented to justify recommending refusal of the current application on these grounds.

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

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Highways

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

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

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

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

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

The proposed development comprising 4 x 3 bedroom dwellings requires the parking provision of up to 8 parking spaces. The application has been accompanied by a parking survey which indicates that the parking stress is around 42% street parking with 21 spaces available. The proposal would include the provision of 6no parking spaces at the front. Therefore this proposal with a shortfall (of 2 spaces) in parking provision is acceptable on highway grounds. The proposal will require the removal of parking bays. If this is factored into the parking survey there remains the availability of spaces.

Highways officers are satisfied that even with the reduction of existing on-street capacity, the provision of 6no parking spaces is acceptable. Therefore the scheme is acceptable on highway grounds without a restriction on permits for future occupiers.

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

With regards to the refuse arrangements, although the appearance of the bins has not been specified (details will be conditioned), the siting is indicated to the front of the property. This falls within 10m of the public highway and therefore the refuse collection will continue with the same arrangement as the previous dwelling.

The proposal is considered to have an acceptable impact on highways grounds, subject to recommended conditions. It must be noted that no objection was previously raised on Highways grounds.

Trees

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

The applicant has submitted an Arboricultural Impact Assessment with the application which details suitable protection measures during construction. The report recommends the protection of the Horse Chestnut tree which would be conditioned.

The tree report also states:

"A final landscaping scheme must be agreed in writing by the Local Authority to confirm levels within the RPA of tree T2 and also to confirm construction method of car parking area to accommodate tree roots and avoid compaction and damage for the long term."

In addition, the report recommends the removal of a birch tree which is in a poor state at the rear of the site; the scheme would also result in the removal of another birch tree

located at the front of the site. The removal of both trees is considered acceptable given that these are of poor quality.

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

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

On balance, subject to conditions, the proposal is not considered to be harmful to the existing trees on site or the general streetscene, and the proposal is recommended as acceptable in this regard. It must be noted that the previous application was not refused due to impact on trees.

Accessibility and Sustainability

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

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

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

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

Community Infrastructure Levy

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

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

The proposal with a proposed internal floorspace of 867sqm (566 sqm chargeable area including the deduction of the demolition of the existing building with an area of 301sqm), would be liable for £94,489.15 of Barnet's CIL and £19,810.00 of Mayor's CIL.

5.4 Response to Public Consultation

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

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

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

"Roof terrace"- The proposal would not include a roof terrace; a condition is recommended to prevent the use of the flat roof of the building other than for maintenance. It is considered that this condition would address this ground for objection.

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

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, is deemed to have overcome the previous reason for refusal, and is therefore recommended for approval.



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Location **29 Ravenscroft Avenue London NW11 8BH** **AGENDA ITEM 10**

Reference: **17/3818/FUL** Received: 15th June 2017

Accepted: 27th June 2017

Ward: Childs Hill Expiry 22nd August 2017

Applicant: .

Proposal: Change of use from existing basement ancillary storage to 1no self-contained flat.

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Daylight or Sunlight Assessment, Site Location Plan, Sustainability & Energy Statement, Assessment of Car Parking Provision and drg.no.1607-PL05 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 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

- 4 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.

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

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

- 6 a) Notwithstanding the details shown in the approved plan, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 a) Notwithstanding the details shown in the approved plan, before the development hereby permitted is first occupied refuse and bin enclosure details shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 The basement flat hereby approved shall be laid out in accordance with the floor plans hereby approved prior to first occupation and thereafter shall be permanently retained as such.

Reason: To ensure the flat provides acceptable outlook for future occupiers in order to comply with policies DM01 and DM02 of the Development Management Plan (2012).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £0 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 £0 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The site property is a two storey building (previously a single family dwelling) on the south side of Ravenscroft Avenue. The surrounding area is predominantly residential, consisting of houses and houses converted into flats. There are a few notable exceptions such as a hotel opposite the site and a purpose built development of flats currently under construction at the junction with Wentworth Road.

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

The property was granted consent for the conversion into 3no self-contained flats with associated basement for storage space for the flats; previously planning permission had been refused for the conversion in to 4no flats. The approval has been implemented, and the building is comprised of three flats at ground, first and second floor levels and with ancillary storage at basement level, with three car parking for three vehicles on the site frontage and with shared amenity space to the rear.

The application relates specifically to the use of the basement.

2. Site History

Reference: 15/01641/S73

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved subject to conditions

Decision Date: 24 June 2015

Description: Variation of Condition 1 for F/04631/14 (29/10/2014), for the conversion of the property into three flats, variations to include repositioning of three selfcontained units on Ground, First and Second floor each, with ancillary use on Basement level.

Reference: 15/07217/CON

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Split Decision

Decision Date: 6 January 2016

Description: Submission of details of conditions 4 (Refuse) 6 (Subdivision) 8 (Sound Test) 9 (Lightwells) 11 (Landscaping) pursuant to planning permission 15/01641/S73 dated 16/06/15

Reference: 16/0922/CON

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved

Decision Date: 24 March 2016

Description: Submission of details of condition 9 (Enclosure of lightwells) 11 (Landscaping) pursuant to planning permission 15/01641/S73 dated 16/06/15

Reference: 16/5659/FUL

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Refused

Decision Date: 21 October 2016

Description: Conversion of basement into two self-contained flats. Associated cycle storage, refuse and recycling store, amenity space

A subsequent appeal against this decision was dismissed by the Planning Inspector by letter dated 3rd May, 2017 (copy attached as an appendix)

Reference: F/04631/14

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Approved subject to conditions

Decision Date: 29 October 2014

Description: Retention of 3No self-contained flats involving two-storey side extension and first floor side extension. Creation of basement level and a ground floor rear extension

Reference: F/03185/14

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Refused

Decision Date: 19 August 2014

Description: Conversion of single dwelling property into four self-contained flats. Creation of basement level and a ground floor rear extension and a two-storey side extension

Reference: F/04854/13

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Lawful

Decision Date: 11 April 2014

Description: Conversion of garage into habitable room. Alterations to existing roof to create rooms in roof space.

Reference: F/04888/13

Address: 29 Ravenscroft Avenue, London, NW11 8BH

Decision: Prior Approval Required and Refused

Decision Date: 17 April 2014

Description: Single storey rear extension with a proposed depth of 6metres from the original rear wall of the dwelling and the original garage. Eaves height of 3metres and a maximum height of 3.17metres.

3. Proposal

The application seeks to change of use from existing basement ancillary storage to 1no self-contained flat with associated cycle storage, refuse and recycling store and amenity space

The accommodation would be comprised of 1no flat, 2no bedrooms (with en suite bathrooms) to provide accommodation for 4 people. It would have a gross internal floor area of some 150sq.m. and would be laid out with the two bedrooms and a living room being serviced b windows at the rear, the rooms at the front of the basement would comprise a dining area / kitchen and home office which would be sreved by a light well some 1m deep running the whole frontage of the basement.

4. Public Consultation

Consultation letters were sent to 73 neighbouring properties.

2 response have been received comprising 1 letter of objection and 1 letter of support.

The response can be summarised as follows:

- Noise disturbance
- Need for more car parking space for residents and visitors

Internal Consultation:

Highways Department
No objection subject to condition

Councillor Zinkin has requested that the application be referred to committee as he understands that the basement flat is unsuitable and would result in substandard space. The development would be in breach of the existing permission.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, 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

Residential Design Guidance (October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposal provides satisfactory living accommodation for future occupiers
- Whether harm would be caused to the living conditions of neighbouring residents.
- Refuse and recycling storage
- Parking and Highways
- Sustainability

5.3 Assessment of proposals

Background

In 2016, an application (reference 16/5659/FUL) was submitted for the conversion of the basement into two self-contained flats. Associated cycle storage, refuse and recycling store, amenity space.

This application sought to split the basement to provide a studio apartment at the front serviced by a light well some 1m deep (unit 1). The proposed one bed unit at the rear would be serviced by a considerably deeper and more open stepped terrace (unit 2).

The application was refused for the following reasons:-

1 The proposal by virtue of the size of the basement, depth and proximity of the front lightwell, and siting of habitable rooms at basement level would result in poor outlook, which would be exacerbated by the single aspect design at basement level, to the detriment of future occupiers. The proposal would therefore fail provide adequate living conditions for future occupiers of the dwellings and the scheme would fail to accord with Policy 3.5 of the London Plan (MALP 2016), policies DM01 and DM02 of the Development Management Plan (2012), Residential Design Guidance SPD (adopted October 2016), and Sustainable Design and Construction SPD (adopted October 2016).

2 The proposed addition of 2no flats totalling 5no flats on the site would result in a harmful level of noise and disturbance to neighbouring occupiers through associated general activity. The proposals would be contrary to policies DM01 and DM04 of the Adopted Barnet Development Policies 2012.

In dismissing the appeal the Inspector commented:-

With respect to Unit 1, the Inspector considered "the outlook from Unit 1 would not be adequate to provide satisfactory living conditions for future occupiers".

In respect of Unit 2, it was considered that "the overall outlook for the occupants of Unit 2 would be considerably less enclosed and oppressive than unit 1. As such Unit 2, would provide satisfactory living conditions for future occupiers with regards to outlook."

It was not considered that the proposal would result in levels of activity that would materially increase the level of noise or disturbance experienced by neighbouring occupiers. Nor was any issue raised in respect of access to outdoor amenity space.

Impact on the character of the area

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Council's Development Management Policies, 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 is damaging to 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 particularly where they are highly accessible. However, even in such locations they can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries."

The principle of a flatted accommodation on this road is considered to be acceptable and has already been established on the site; consent has already been granted on the site for the conversion into 3no flats under reference F/04631/14. The approved scheme (including approved variation) has already been implemented.

Furthermore, the locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

1 Ravenscroft Avenue = 3 Flats
3 Ravenscroft Avenue = 3 Flats
10 Ravenscroft Avenue = 3 Flats
12 Ravenscroft Avenue - 2 Flats
Ravenscroft Court, Ravenscroft Avenue = 13 Flats
Chesterfield Court, Ravenscroft Avenue = 5 Flats
Ayla Court, 21 Ravenscroft Avenue = 5 Flats
29 Ravenscroft Avenue = 2 Flats
33 Ravenscroft Avenue = 2 Flats
35 Ravenscroft Avenue = 2 Flats
8 Ravenscroft Avenue = 11 Flats
10 Ravenscroft Avenue = 3 flats

In this case, it would be considered that the principle of the proposed conversion of the basement into 1 self-contained flat would be suitable on this site.

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

In terms of the impact on the character, there would be no proposed changes to the exterior of the building.

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

The application site has good access and benefits from a PTAL of 4 and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 200-350 habitable rooms per hectare and 45-130 units per hectare.

The density was previously assessed under reference no. 16/5659/FUL for the conversion of the basement into 2 self-contained flat and was found acceptable. Under the current application the proposal has been reduced to provide 1 self-contained flat. As such it is considered that the density is considered to be acceptable.

The proposal is therefore considered to have an acceptable impact on the character of the area and the appearance of the existing building.

Whether the proposal will provide suitable accommodation for future occupiers

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The proposed flat would provide 2 double bedrooms, bedroom 1 would have a floor area of 21 sq.m, and bedroom 2 would have a floor space of 30 sq.m. Therefore the proposed flat would comply with the minimum space standards as stipulated in the London Plan (Minor Alterations 2016).

All proposed residential development should provide suitable outlook, privacy and daylight for future units. The applicant has provided a Daylight and Sunlight assessment to confirm that there would be suitable light to the proposed unit.

Under the current application the proposal has been downsized to convert the basement into 1no. 2 bed flat. Both bedrooms proposed under this application are in the same position as (Unit 2) in the previously appealed application. The only changes to the bedrooms under this application compared to the last are an increase in size. The Inspector's comments during the appeal, found that the outlook for Unit 2 was adequate and therefore pose no issues of concern with regards to outlook under this application.

Whilst the rooms at the front would still suffer from the poor outlook previously identified it is considered that, as these rooms are no longer the sole habitable rooms for the proposed flat, the occupants of the proposed flat would have an acceptable outlook from the remaining habitable rooms at the rear.

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 are regarded as key for Barnet to deliver the highest standards of urban design. In line with Table 2.1 within the Sustainable Design and Construction SPD (and the London Plan Standards), all units comply with the minimum space standards. In this regard the proposal would provide adequate accommodation 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 vertical relationship with the existing flats in the building. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. Whilst the proposed unit would not have its own private amenity space, the unit will have direct access to the rear communal amenity space, with additional open access to the front and central light wells. This is consistent with the previous appeal scheme which was not objected to in this respect.

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

The use of the building is remaining as residential, however with an additional unit. The conversion of the basement into one self-contained flat is not considered to result in additional footfall that would give rise to unacceptable noise disturbance to the detriment of the amenities of neighbouring properties to an unacceptable level.

Furthermore, the living conditions of the neighbouring occupiers were considered by the planning inspector for the previous 2 Unit appeal. The inspector concluded that the proposal would not be harmful to the living conditions of neighbouring occupiers with regards to noise and disturbance. Under the current application the proposal is for one self contained unit, and as such it can be concluded that this reduced scheme would have an acceptable impact on the living conditions of neighbouring residents.

Refuse and recycling storage

Whilst no details of refuse storage facilities are provided it is nevertheless considered that these can be provided at the rear of the site and a suitably worded condition is recommended to secure this provision.

Parking and Highways

Whilst the proposal fails to meet parking standards (would require one additional off street parking space) it is nevertheless considered that taking into consideration the following factors:

- The site is located in a town centre location close to local amenities
- The site has a public transport accessibility Level (PTAL) score of 4 which is considered as medium to good accessibility
- The site is within an all-day Controlled Parking Zone
- The applicant has also submitted a parking beat survey as required by our policy DM17 which demonstrates that there are parking spaces available on roads in the vicinity of the development.

Highways officers consider that the proposal would be acceptable on highways grounds. In accordance with the London Plan, Cycle Parking Standards, cycle parking spaces needs to be provided. The applicant has not provided these details. It is recommended that a condition can be made requiring a cycle store plan to be submitted for approval prior to occupation of the development.

Sustainability

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

In terms of water consumption, the applicant has confirmed that the scheme has been designed and 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). A condition would be attached to ensure compliance with the Policy

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

5.4 Response to Public Consultation

Comments have been addressed in the body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



Appeal Decision

Site visit made on 25 April 2017

by Simon Warder MA BSc(Hons) DipUD(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 3 May 2017

Appeal Ref: APP/N5090/W/17/3167943

29 Ravenscroft Avenue, Golders Green, London NW11 8BH

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Quill Developments Limited against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/5659/FUL, dated 26 August 2016, was refused by notice dated 21 October 2016.
 - The development proposed is the conversion of basement from ancillary storage space into two self-contained flats.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are the effects of the proposal on:
 - the living conditions of future occupiers with particular regard to outlook;
 - the living conditions of neighbouring occupiers with particular regard to noise and disturbance.

Reasons

Living Conditions of Future Occupiers

3. The appeal building has been converted into three flats with living accommodation at ground, first and second floor levels and ancillary accommodation at basement level. Planning permission has also been granted for a scheme of three flats¹ which would allow the basement to be used to provide one of two bedrooms, plus bathrooms, a study and utility/storage in two of the flats. Planning permission was refused² for a scheme of four flats which proposed both bedrooms, plus bathrooms, a study and utility/storage in two of the two bedroom flats. In both cases the lightwells outside the basement windows at the front and rear of the building would be smaller than those currently proposed.
4. The appeal proposal would allow the basement to accommodate two self-contained flats. Unlike either of the earlier proposals, therefore, the only outlook available for occupants of the flats would be from the basement level.

¹ Application reference F/04631/14

² Application reference F/03185/14

Unit 1 would be a studio apartment with all accommodation except the bathroom in a single open plan space served by four openings at the front of the building. The adjoining lightwell would span the full breadth of the room. However, it would be little more than 1m wide and the adjoining ground level would be only slightly lower than the top of the glazing in the openings serving the room. As such, the level view from the openings would be of the lightwell wall at close range. Occupants would have a very restricted upward view of the sky from the front of the room and virtually no view of the sky from the rear of the room. The outlook from the main living and sleeping area of the apartment would, therefore, be oppressive.

5. Although the bathroom window would face rearwards, it would be obscured glazed and look onto an enclosed lightwell. Effectively, therefore the Unit would have a single aspect. Overall therefore, I consider that the outlook from Unit 1 would not be adequate to provide satisfactory living conditions for future occupiers.
6. Unit 2 would have an open plan living and kitchen area and two separate bedrooms. The openings serving each of these rooms would face a stepped terrace. Whilst the ground level around the terrace would be at approximately the same level as the top of the glazing of these openings, the terrace would be considerably deeper and more open than the lightwell at the front of the building. Therefore, although sky views from the rear of each of the rooms would be restricted, the overall outlook for occupants of unit 2 would be considerably less enclosed and oppressive than from Unit 1. As such, I consider that Unit 2 would provide satisfactory living conditions for future occupiers with regard to outlook.
7. The appellant has drawn my attention to the approval of a scheme including single aspect basement flats at 823 Finchley Road³. However, the cross-section drawing of that proposal included with the Council's evidence indicates that the outlook from those flats would be significantly more open than that from Unit 1 of the appeal scheme. Therefore, whilst I recognise that the single aspect basement flats may be acceptable in principle, the cited example does not provide a robust justification for the appeal proposal.
8. There is nothing to suggest that the proposed flats would be unsatisfactory with regard to the size of the floor space or that they would receive inadequate levels of sun or daylight. The flats would also have access to an external amenity area. However, these considerations do not outweigh my concerns regarding the outlook from Unit 1. For that reason, I find that the proposal would conflict with Policy DM01 of the Council's Development Management Policies 2012 (DMP). Among other things, this policy requires proposals to provide adequate outlook for potential occupiers.
9. Nor would the proposal accord with paragraph 7.5 of the Council's Residential Design Guidance Supplementary Planning Document 2016 or Table 2.4 of its Sustainable Design and Construction Supplementary Planning Document 2016 to the extent that they have similar aims. Further, the proposal would not accord with London Plan 2016 Policy 3.5 insofar as require requires housing development to be of the highest quality internally and externally.

³ Application reference 16/3462/FUL

10. The first reason for refusal also cites DMP Policy DM02 and. However, the Council's submissions do not adequately explain how the proposal would conflict with its objectives.

Living Conditions of Neighbouring Occupiers

11. By virtue of their basement location, the proposed flats would not share party walls with the neighbouring single family dwellings at Nos 27 or 31. A degree of separation between the openings in Unit 1 and No 27 is provided by the existing entrance to the appeal building flats; the garage to the side of No 31 performs the same function with regard to that property. The openings serving Unit 2 are set in from both side boundaries. Together with noise insulation of the building structure, these characteristics would help to limit direct noise reaching the neighbouring properties. The creation of two self-contained flats would add somewhat to the comings and goings at the appeal building, although no additional vehicle parking is proposed. I am not persuaded that the resultant activity would materially increase the level of noise or disturbance experienced by neighbouring occupiers.
12. Consequently, I conclude that the proposal would not be harmful to the living conditions of neighbouring occupiers with regard to noise and disturbance. As such, it would not conflict with DMP Policy DM01 insofar as it requires proposals to demonstrate a high level of environmental awareness or Policy DM04 which presumes against development that generates unacceptable levels of noise close to noise sensitive uses.

Other Considerations

13. National Planning Policy Framework paragraph 47 seeks to boost the supply of housing and paragraph 17 favours the effective use of previously developed land. Nevertheless, the creation of two additional dwellings would make a very limited contribution to the supply of housing in the area. Moreover, there is no substantive evidence to suggest that the Council cannot demonstrate a five year supply of housing land or that there is a particular need for the form of housing proposed.
14. I have had regard to the other concerns expressed locally, but none has led me to a different overall conclusion.

Conclusion

15. For the reasons set out above, the appeal should be dismissed.

Simon Warder

INSPECTOR

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

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

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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 (09.01.2017)
- Brondesbury Sports Club Management Plan (21.08.2017)

Drawing 012 and the Lighting Assessment was received on 16.01.2017, the Management Plan on 21.08.2017, with all other drawings 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.

- 9 Before the tennis court is brought into use, the Management Plan hereby approved shall be implemented in full and adhered to at all times 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 2016.

Informative(s):

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

The item was deferred from the meeting on 14/06/17 for the applicant to provide management statement for the proposed tennis court.

Officers consider that this illustrates satisfactorily how the tennis courts could be managed without causing harm to neighbouring amenity. A condition is suggested in order to ensure that the development will operate in accordance with this management plan.

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 (no younger than 8 years old) 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. The applicant has worked with the local residents to draft a Noise Management Plan which limits junior tennis players and programmes to hours of use before 7.30pm on weekdays and 6pm on weekends, with a ratio of 1 coach to 6 junior players. It is considered that the times and supervision are reasonable and should ensure noise from the use of the proposed tennis court is contained to appropriate hours.

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:

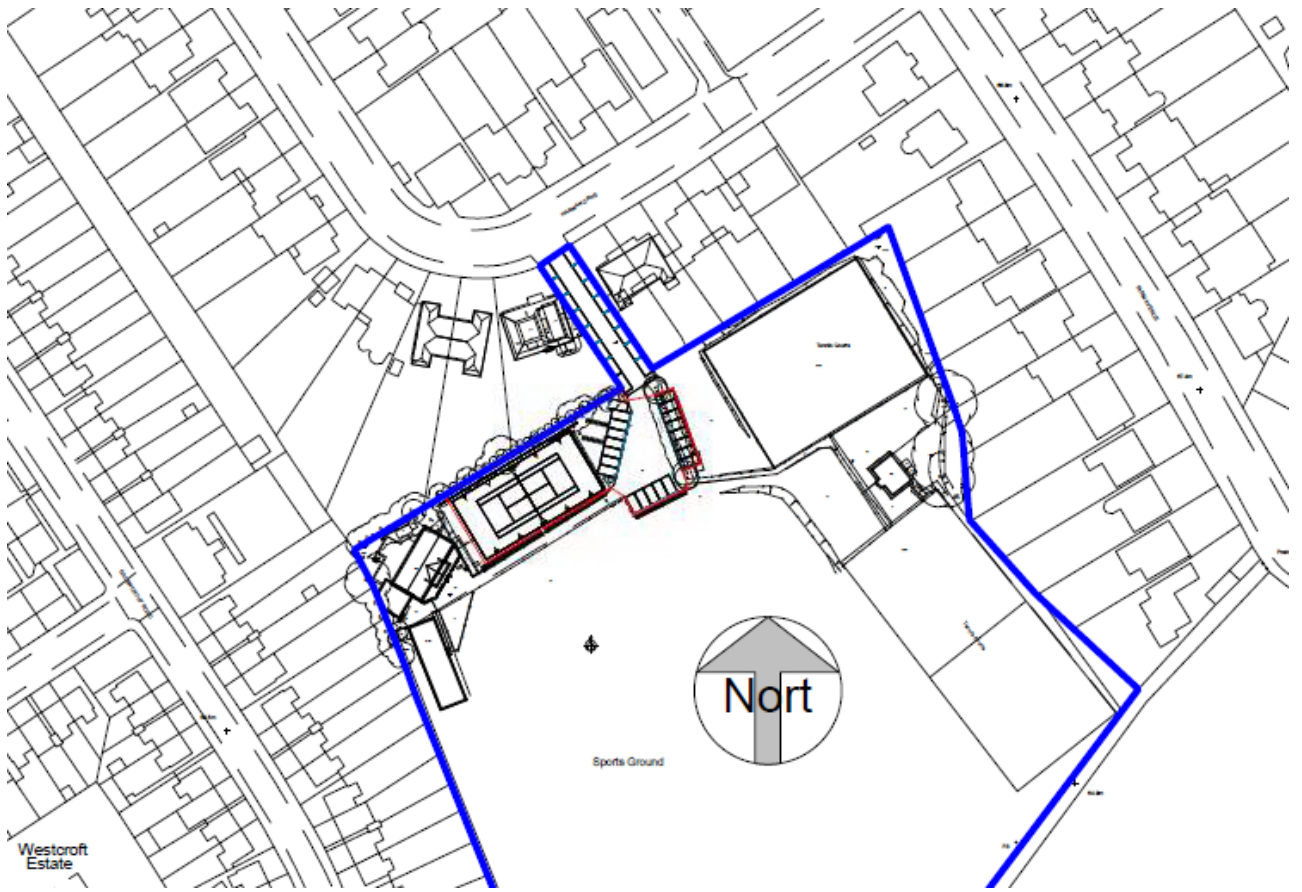
- No demand for additional tennis court: this is a commercial decision for the sports club and not a material planning consideration.

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.





COMMITTEE REPORT

LOCATION: Berkeley Court, 39 Ravenscroft Avenue, London NW11 8BG

REFERENCE: TPF/0077/17 **Received:** 21 April 2017
WARD: Childs Hill **Expiry:** 16 June 2017
CONSERVATION AREA -

APPLICANT: Mr Chandu Hirani **AGENT:** Keoghs LLP

PROPOSAL: 1 x Oak (applicant’s ref. T1) – Remove, T1 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), T1 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: 25th May 2017

Consultees:

Neighbours consulted: 25

Replies: 3 0 support 3 objections

The grounds of objection can be summarised as:

- Magnificent old tree which gives pleasure to residents and the public and is a haven for birds
- It would be an irreplaceable loss to Beechcroft Avenue which has lost other fine old trees due to construction
- The applicant's engineering report appears to accept there is some risk of heave
- If heave were in fact to occur, the cost of damage to Berkeley Court could greatly exceed the cost of damage to the applicant's property allegedly caused by the oak, which the report acknowledges is 'slight' damage only
- Before felling is permitted there should first be tried major pruning of the crown volume, followed by pruning at regular intervals to see if this is effective to prevent further damage. I note the option of 'severe pruning' as an alternative to felling is referred to in the applicant's report.
- The felling of this tree should be permitted only as a last resort
- Trees are being overpruned and felled regularly in this area.
- This area is being ruined with over development and to lose mature trees will leave a barren depressing new build area
- Importance of trees in tackling air pollution
- It took many years for this tree to grow to fell it will help downgrade and ruin this once leafy area
- An arboricultural consultant's report obtained by Ravenscroft Management Ltd (the Management Company of Berkeley Court) in 2012, in connection with previously raised concerns about the Oak's alleged involvement in property damage concluded that on the balance of probabilities the subject Oak was not responsible (*extract supplied by objector*)
- There has been previous correspondence between Keoghs and Ravenscroft Management Ltd (*extracts supplied by objector*) but, although acknowledging that more extensive investigation and monitoring was conducted in 2016, Ravenscroft Management Ltd still does not believe that Keoghs have adequately established that the Oak is implicated as being the main cause or even seriously implicated.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak Tree

C03450K/06/TRE – 1 x Oak - Lift to 5m, Thin 25%, Remove Deadwood. T1 of Tree 122
Preservation Order

- conditional approval 14th September 2006

TPO/00164/09/F – 1 x Oak – Reduce Crown 40%. Cut back to leave a bare frame work for future management

- withdrawn 14th April 2009 (work proposed to a different tree not included in the Order)

TPP/07143/14 – 1 x Oak (applicant's ref. T6) - Crown thin 20%, crown lift to 4 metres (including removal of 1 branch as specified). T1 of Tree Preservation Order

- conditional approval 11th August 2015

158 Golders Green Road

C03786 – change of use from house to 7 bed-sitting room flats and two ground floor ? room classrooms for languages tuition

- refused 5th July 1972

C03786A – Change of use from dwellinghouse to guest house, with car parking area at front

- refused 4th February 1992

C03786B – Conversion to three self contained flats with forecourt parking

- conditional approval 5th February 1993

C03786C – Dormer window to front elevation

- conditional approval 9th February 1994

C03786D/02 – Change of use from 2 residential units to offices for legal and financial services (Class A2).

- withdrawn 5th March 2003

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of the Oak tree at the rear of Berkeley Court in connection with alleged property damage at 158 Golders Green Road was submitted via the Planning Portal in January 2017. There were discrepancies and shortcomings in the information – clarification and additional information was thus requested.

On 21st April 2017 a letter responding to the queries and providing additional documentary evidence was received from the agent and the application was registered accordingly. However, as discussed below, further clarification was requested following the site visit undertaken by the Case Officer and Structural Engineer – in response to which Keoghs noted that their originally named Case Handler was on outside secondment and requested additional time to provide the information. The application is being referred to the first available Finchley and Golders Green Planning Committee Meeting following receipt of further information.

158 Golders Green Road has been divided into three tenanted flats. The TPO application has been submitted by an agent acting on behalf of Mr Chandu Hirani who is named as Insurance Policyholder.

2. Appraisal

Tree and Amenity Value

The subject Oak stands to the rear of Berkeley Court communal garden adjacent to the parking area, close to the boundary with 158 and 160 Golders Green Road. Berkeley Court stands on the corner of Ravenscroft Avenue and Beechcroft Avenue. It is a part 3- / part 4-storey building comprising 11 flats with 3 integral garages and a row of 8 garages with vehicular access from Beechcroft Avenue (conditional planning permission C03450G was granted 25th January 1978).

The mature Oak subject of this application is approximately 15 metres in height and just over 1 metre in trunk diameter (at 1.5m above ground level). The tree has been previously lifted, thinned, and cut back to provide clearance (including some sizeable branch removals in distant past which are well occluded); there is some deadwood, but the Oak appears to be in reasonable condition with no major faults apparent. Both the trunk diameter and historic Ordnance Survey maps suggest that the Oak was formerly a field boundary tree pre-dating the suburban development of Golders Green.

The mature Oak is clearly visible from Beechcroft Avenue (it aligns with the vehicular access to Berkeley Court) and is visible above and between properties in Ravenscroft Avenue; but, although visible from the rear of properties, public views from Golders Green Road are restricted because of the height and close spacing of built form.

The Oak stands just outside, but very close to, the Golders Green Town Centre Conservation Area – the boundary of which extends to include Golders Green Library, immediately adjacent to 158 Golders Green Road.

The application

The application submitted by Keoghs Ltd was registered on 21st April 2017. The reason(s) for the proposed removal of the Oak (applicant's reference T1) cited on the application form is:

The tree I am requesting to be felled is an Oak Tree ('T1'). T1 is located within the grounds of Berkeley Court, Ravenscroft Avenue, London, NW11 8BG which neighbours 158 Golders Green Road, London, NW11 8HE ("the Property"). The site plan is located in the Arboricultural Report of Margaret MacQueen of OCA UK Limited dated 31st August 2016. This report is appended to this application.

We are requesting that T1 be felled and for the stump to be chemically treated. This is due to subsidence damage to the Property caused by the roots of T1. Evidence in support of the application is appended.

The evidence which has been gathered shows that T1 is the substantive and effective cause of subsidence damage to the Property. The current instance of damage began in 2014 which is the third occasion of subsidence damage at the Property caused by T1 since 2010.

Evidence has been collated in order to establish that damage has been caused by T1. This evidence can be summarised as follows:

1. Site investigations

Investigations were performed by CET who determined that the soil was of a clay variety and that the tests observed soil desiccation to a depth of 3.5m below ground level. Furthermore tree roots recovered from a trial pit and a borehole showed live roots of an oak variety present within close vicinity of the property.

2. Level Monitoring

Level monitoring data has been gathered between 5 February 2015 and 20 December 2016. This has shown clear signs of cyclical movement indicative of tree root subsidence.

3. Arboricultural Assessment

Margaret MacQueen, within her report dated 31st August 2016, has confirmed that T1 is causing/contributing to the subsidence damage. So as to prevent further damage/further instances of damage occurring the only recommended course of action at this stage is for T1 to be felled and for the remaining stump to be chemically treated. This recommendation is summarised within the report from OCA dated 31st August 2016.

4. Structural Engineer Assessment

Michael Robinson, within his report of 12th August 2016, considered the evidence and confirmed that the effective and substantive cause of the damage was due to clay shrinkage exacerbated by the moisture demands of T1. Mr Robinson has recommended that T1 be removed and has confirmed that there is not an unacceptable risk of heave.

The supporting documentation comprised:

- OCA Arboricultural Assessment Report dated 6 March 2015 revised 31 August 2016
- Cunningham Lindsey Engineering Appraisal Report dated 16th February 2015
- Cunningham Lindsey Engineering Appraisal Report dated 12th August 2016
- CET Site Investigation Factual Report dated 22nd January 2015
(including trial pit / borehole data and soil testing 22/1/15; root id 28/1/15; drainage report 23/1/15)
- CET level and crack monitoring 5/2/15 – 20/12/16
- photographs of the damage
- copy letter from Keoghs to Ravenscroft Management Ltd dated 29th September 2016 with some details of repair works in respect of historic damage and holding out liability in common law negligence and nuisance
- confirmation that no repair works including any drain repairs have been undertaken in relation to the current damage
- Cunningham Lindsey Heave prediction calculation dated 7th April 2017

Following the site visit by the Case Officer and Structural Engineer, an e-mail was sent to the agent which included:

I have received comments from our Structural Engineer which include the following:

- 1. The soil test results are inconclusive with regards to desiccation in the zone of tree root depth, this may be due to the time of year of the SI (Jan 2015) or possibly leaking drain.*
- 2. Previous SI results from 2010 and 2011 not provided.*
- 3. Drains in a poor condition, no water test done to check for leaks.*

4. *Ground heave assessment dated 7/4/17 uses control bore results which have not been provided, the results indicate a potential ground heave of 48mm.*
5. *The brickwork below dpc has deteriorated due to frost action.*

He advises a full assessment of the ground heave potential for causing damage to this and other surrounding properties should be undertaken

Leaking drains / overflowing gullies were observed on site

I would be grateful for any information / observations you may have to address these matters.

The agent's substantive response, received on 14th July 2017, included:

"1. It is not agreed that the soil test results are inconclusive. The soil testing completed in January 2015 demonstrated desiccation at depths of 1.5m and 2.5m. Roots were observed at the underside of the foundation and within the borehole to a depth of 1.3m. The evidence concludes that the subsoil has been affected as a result of moisture extraction from the adjacent Oak tree.

2. I attach copies of the site investigation reports from October 2011 and October 2010.

3. Following completion of the CCTV survey, drainage repairs were undertaken in August 2015. Thereafter, monitoring has demonstrated a clear pattern of cyclical movement that cannot be related to possible drain leakage.

4. With regard to the heave assessment, a remote borehole was not utilised. The calculations were based upon interpolation of the suction readings from the borehole and with an upper limit line of the anticipated equilibrium profile being based upon the readings taken at 3.5m, 4.5m and 5.0m.

5. The issue of possible frost damage to areas of brickwork is irrelevant to the property damage caused by tree root subsidence.

A full assessment on the ground heave potential has been completed in accordance with BRE Digest 412. Our client's appointed Structural Engineer considers that a potential heave risk of 48mm is within acceptable limits. A degree of upward movement may correct some of the subsidence damage which has occurred to the rear of the property and any additional movement would be accommodated within the superstructure repairs."

Updated monitoring data was provided to 4/7/17.

No additional heave information was supplied.

The Council's Structural Engineer having visited the site and assessed all the submitted information, notes:

Further to your request to review the site investigation results at the above, with regard to the tree preservation order for Oak tree T1, located in the grounds of Berkley Ct, and alleged subsidence at 158 Golders Green Road, I would comment as follows;

Trees

The OCA report shows the locations trees of around the property. Their report shows the Oak tree T1 in the grounds of Berkley Ct at a distance of 23m from the building and 14.2m high.

Damage

The damage to 158 Golders Green Road was first discovered in Summer 2010, damaged returned in October 2011 and additional cracking noted in September 2014.

The damage consists of tapered cracking to the rear extension of the house. The crack pattern is consistent with subsidence of the foundations.

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

Subsoil investigations

CET carried out a subsoil investigation on 30/9/10, 18/10/11 and 22/1/15. These consisted of trial pits and boreholes to the rear of the property. No control borehole was undertaken to compare and contrast results.

Results of the investigation were as follows;

1. The foundations are between 850mm to 1.0m deep.
2. Stiff Clay was encountered to the full depth of the borehole 6m deep.
3. Roots extend to 1.5m depth.
4. Oak tree roots identified below foundations.

Soil Testing

The soil analysis results indicate desiccation at 2.5m depth and to a lesser extent at 1.5m.

Ground heave calculations indicate a heave potential of 48mm.

Monitoring

Level monitoring has been carried out from 5/2/15 to 4/7/17.

Most of the recorded movement is occurring at the rear of the property, with the maximum overall movement of 13mm. The pattern of the monitoring results indicates a seasonal trend of movement to the rear extension.

Crack monitoring has been carried out from 5/2/15 to 4/7/17.

During this period the cracks open during the summer and close during the winter which indicates seasonal movement of the building.

Drainage

The drain survey of 30/9/10 did not identify any serious defects to the underground pipes. The gullies are in a poor condition and were overflowing during our inspection. However these are remote from the area of damage.

Conclusion

The site investigation results indicate that the Oak tree T1 is likely to be implicated in damage to the rear of the building.

The ground heave calculation was carried out without the benefit of a control borehole and is based on an interpolation of soil test results which could affect the reliability of the assessment. The estimated potential ground heave of 48mm relates to the rear of no. 158 Golders Green Road only, however other properties within the influence zone of the Oak tree could also be affected by the removal of the Oak.

Of particular concern is the rear of Golders Green Library, it closer to the Oak tree T1 than 158 Golders Green Road approximately 16 metres from the tree, and appears to be built circa 1920 and is likely to have relatively shallow foundations.

It is recommended the extent of the site investigations are increased to include Golders Green Library and any other properties within the influence zone of the Oak tree, and the ground heave assessment based on the soil test results from a control bore to compare the results.

The maximum desiccation occurs at a depth of 2.5m however the Oak root depth is recorded as 1.5m. Even allowing for the possibility tree roots will affect the soil below the depth they have reached, it is unlikely this would extend to one metre deeper than the tree roots.

Without the benefit of a control borehole to compare results it is difficult to know if this is an anomaly of the soil or a rogue result.

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 main area of damage, as described in the August 2016 Cunningham Lindsey Report, "is to the rear addition and takes the form of tapering diagonal cracks. This pattern of damage indicates a downwards movement to the rear. The damage which forms the subject of this claim is a continuation of the earlier damage." The Report notes that "There has been a history of damage to the property with cracking initially developing during Summer 2010The Third Party tree owners were approached regarding the influence of an Oak tree with a request that the tree be felled. However as the house was let to tenants who had raised concerns regarding the extent of damage to the property a decision was made to proceed with superstructure repairs so as to avoid a protracted claim for loss of rent whilst mitigation measures were being pursued. Localised repairs were completed in around April 2011. Damage returned in October 2011 and further investigations were undertaken....Following discussions it was agreed with the Adjusters that a subrogated claim would not be pursued against the Third Party if the tree were to be reduced and it was on this basis that it further repairs were undertaken and with the Third Party being placed on notice. Repair works were carried out in June 2013 but some additional repairs were found necessary and the claim was noted closed off until April 2014. However additional cracking was noted in September 2014...It is this damage which forms the subject of this claim."

Whilst on site the Case Officer and Structural Engineer observed an unrelated problem with a blocked and leaking drain that had been leaking for so long that damp had penetrated the solid wall into the kitchen / living area – this was referred to Environmental Health.

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.

The agent declined to provide a full assessment of the ground heave potential for causing damage to 158 Golders Green Road and other surrounding properties – instead relying on a soil suction method calculation without benefit of a control borehole. The applicant's Structural Engineer apparently "considers that a potential heave risk of 48mm is within acceptable limits. A degree of upward movement may correct some of the subsidence damage which has occurred to the rear of the property and any additional movement would be accommodated within the superstructure repairs." However, this assertion disregards the heave implications for other surrounding properties – objectors have voiced concerns about the potential effect on Berkeley Court and our own Structural Engineer has identified that:

"The ground heave calculation was carried out without the benefit of a control borehole and is based on an interpolation of soil test results which could affect the reliability of the assessment. The estimated potential ground heave of 48mm relates to the rear of no. 158 Golders Green Road only, however other properties within the influence zone of the Oak tree could also be affected by the removal of the Oak.

Of particular concern is the rear of Golders Green Library, it closer to the Oak tree T1 than 158 Golders Green Road approximately 16 metres from the tree, and appears to be built circa 1920 and is likely to have relatively shallow foundations.

It is recommended the extent of the site investigations are increased to include Golders Green Library and any other properties within the influence zone of the Oak tree, and the ground heave assessment based on the soil test results from a control bore to compare the results."

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 Cunningham Lindsey Report refers to previous discussions with the tree owner in which it was agreed that a subrogated claim would not be pursued if the tree were reduced – however, no application was submitted for such treatment nor was any reduction undertaken. The only treework application since 2010 (indeed since 2006) was for lifting to 4m and 20% thinning (TPP/07143/14). In

addition, the estimated repair cost options refer to the tree as being 'removed / severely pruned' – again suggesting that lesser works may be an alternative.

Given the public amenity value of the Oak; that the damage is assessed as BRE Category 2; the possibility that lesser works may be a solution; 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 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 rear of the building”* – albeit that he suggests *“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”* 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.

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 application submissions indicate that *“If the [Oak] tree is removed / severely pruned then I consider that works including structural crack repair and redecoration at an approximate cost of £5,500 will be appropriate in order to repair the damage. If the [Oak] tree is not removed / severely pruned then it may be necessary to consider underpinning of the foundations of the property in the area of damage, in addition to structural crack repair and redecoration needed to repair the damage. A claim for loss of rent will also need to be considered. The total cost of this option is estimated at £34,000.”*

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 rear of the building*" - albeit having significant concerns about other factors and heave implications.

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.

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 £28,500 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.

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

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

CONCLUSION

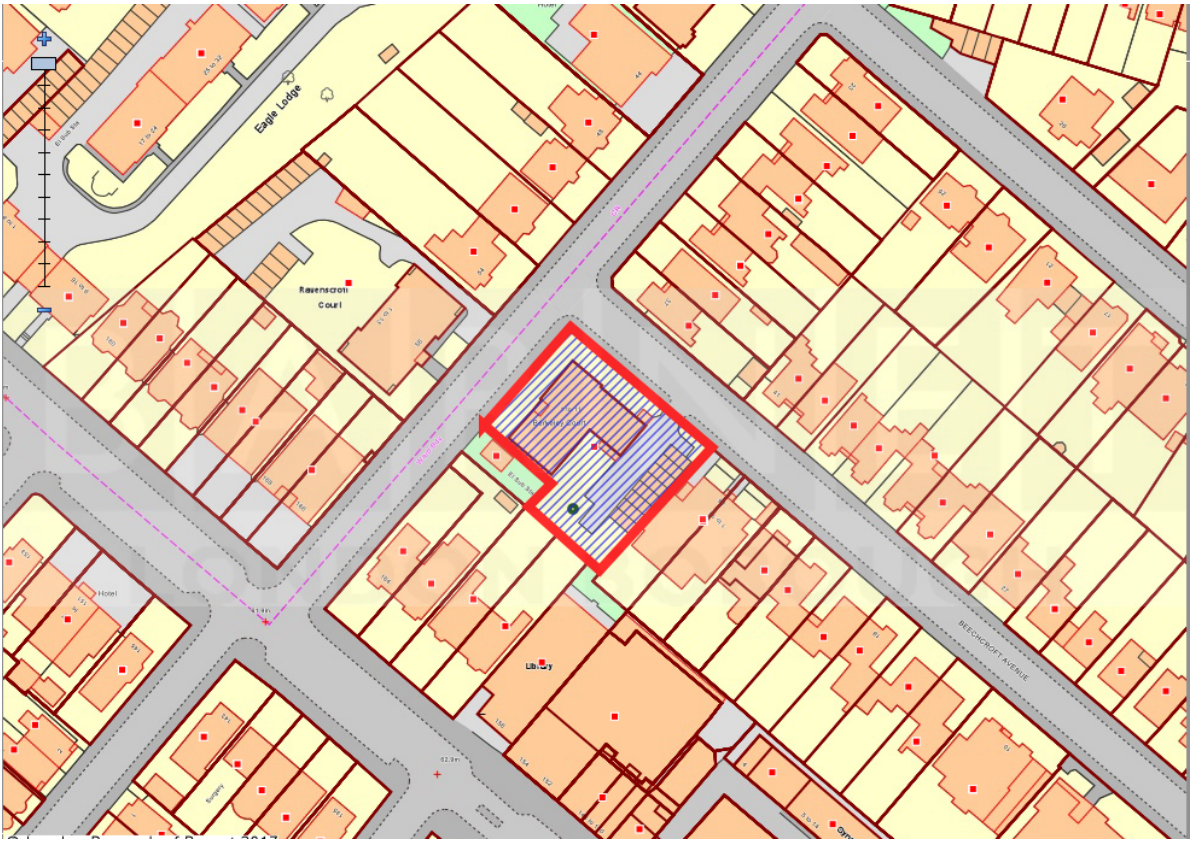
The agent, Keoghs Ltd, proposes to fell the significant mature Oak standing in the communal garden at Berkeley Court because of its alleged implication in subsidence damage to 158 Golders Green Road.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is likely to be implicated in damage to the rear of the building. However, there are shortcomings in the information provided. There are also concerns about heave implications for other properties, some of which are closer to the tree.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree, 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 heave (including Golders Green Library), 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 £28,500 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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Location **69 Cumbrian Gardens London NW2 1ED**

Reference: **17/3513/FUL**

Received: 1st June 2017

Accepted: 1st June 2017

Ward: Golders Green

Expiry 27th July 2017

Applicant: Mrs Heather Meyer

Proposal: Conversion of existing dwelling into 2no self-contained flats involving first floor rear extension. Associated refuse and recycling store, amenity space, cycle storage and parking

AGENDA ITEM 13

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

T090417C-0 (Site Location Plan)

T090417C-1

T090417C-2

T090417C-3

T090417C-4

T090417C-5

Design and Access Statement

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the first floor extension hereby approved, facing No. 67 Cumbrian Gardens and No. 71 Cumbrian Gardens.

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

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

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

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

- 7 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.

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

Reason:

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

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. T090417C-5 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 11 a) Notwithstanding the submission of drawing No. T090417C-5, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with

Informative(s):

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

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

The application site is a two storey semi-detached property situated on the south eastern side of Cumbrian Gardens, close to its junction with Purbeck Drive, within the Golders Green ward. Cumbrian Gardens comprises semi-detached dwellinghouses, six of which have been converted into flats.

The proposal property benefits from a single storey rear extension, a roof extension involving a hip to gable and rear dormer as well as a single storey outbuilding which were constructed following the approval of a Lawful Certificate under reference 17/2506/192 dated 24/05/2017.

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

2. Site History

Reference: 17/2506/192

Address: 69 Cumbrian Gardens London NW2 1ED

Decision: Lawful

Decision Date: 24.05.2017

Description: Erection of new outbuilding. Single storey rear extension. New front porch. Roof extension involving hip to gable, rear dormer window, 2no. rooflights to front elevation to facilitate a loft conversion.

3. Proposal

The application seeks consent for the 'Conversion of existing dwelling into 2no self-contained flats involving first floor rear extension. Associated refuse and recycling store, amenity space, cycle storage and parking'.

The proposed first floor rear extension would be built above the existing ground floor extension. It would be built above the north eastern part of the ground floor extension and measure 3m deep, 3.1m wide. It would have a half hipped roof, eaves matching existing with the proposed ridge height being some 5.5m to the eaves from the ground level and 6.7m high to the top of the pitched roof. It would set back 2.5m from the common boundary with No.71 Cumbrian Gardens, the adjoining half of the semi. It would line up with north east flank wall of the existing house, being approximately 1.3m from the common boundary with No. 67 Cumbrian Gardens.

Flat 1 (Ground floor): 1 bed / two person - 53m² floor area.

Flat 2 (First and second floor): 2 bed / three person - 77.5m².floor area.

The total garden amenity space would measure 77m².

4. Public Consultation

Consultation letters were sent to 59 No. neighbouring properties.

13 No. objections have been received, together with 4 requests to speak.

The objections received can be summarised as follows:

- Plans inaccurate
- Fails to provide a family unit (3 beds plus) with the appropriate amenity space as required in the local plan.
- The two small student flats proposed have a poor layout, contrary to policy and do not comply with lifetime homes
- Proposed extension will result in overlooking and loss of privacy, inappropriate design and scale, create obstruction, loss of outlook and loss of light
- House unsuitable for conversion.
- Out of character
- No similar extensions in the area
- Would result in increased parking pressure
- Multi occupancy out of character with the area, result in increased levels of noise and disturbance compared to a single family house detrimental to neighbour amenity
- Create an unacceptable precedent
- May be contrary to covenants
- Result in increased highway problems in the area.
- Outbuilding out of character, result in loss of privacy, may be used for residential accommodation
- Extended porch will reduce parking provision on the forecourt

"This development is in breach of basic NPPF principles par 64 "Permission should be refused for development that fails to take opportunities to improve the character and quality of an area, and the way it functions.

This development decreases the quality of the street and the Golders Green Estate, it creates an ugly, overbearing extension which affects the amenity and privacy of neighbouring properties.

With regards to the London plan this development is in breach of creating long term sustainable quality family dwellings and it further creates poor quality rental accommodation and therefore counters Barnet's intention to provide with good quality homes (CS04) and protecting/enhancing Barnet character (CS05)

This development fails to meet Barnet's SDG in many ways: Amenity - loss of privacy, loss of outlook, it creates a sense of enclosure, loss of garden, loss of parking spaces (further parking pressure)... Loss of harmony/consistency: double height extensions are only allowed in the corner properties. In addition to this, the depth of the 1st floor extension is too bulky

The dormer roof extension recently built unbalances the roof as it has not been built to match the existing height of 71's

The Golders Green Estate is the "forgotten neighbourhood" by Barnet and now that the Brent X

development is finally gaining speed, it would be a great opportunity for our Estate to re-emerge

and reach its potential as a high quality residential area

Poor quality rental accommodation will invariably bring overcrowding, noise and general loss of

amenity. Please help us to protect our little Estate!"

Site Notice dated 08 June 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 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, DM08 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 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 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:

- The principal of flats in this location
- Parking and Highways
- Potential Impact on Trees
- Amenity and living conditions of future occupiers
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The principal of flats in this location

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

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Development Management Policies states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Through searching the council tax records for Cumbrian Gardens it was noted that the following properties had been converted into 2 flats: 1 Cumbrian Gardens, 49 Cumbrian Gardens, 54 Cumbrian Gardens, 89 Cumbrian Gardens and 115 Cumbrian Gardens. As 5 properties on Cumbrian Gardens have already been converted into flats and 49 Cumbrian Gardens is in close proximity to the application site at some 5 doors away, it is considered that the conversion of the application site into two flats would be acceptable in principle provided the proposal meets the necessary requirements.

In addition, the Officers Report of a recent approval at No. 4 Cumbrian Gardens (application reference: 16/7965/FUL, dated 26.01.2017) confirmed that the conversion of a dwellinghouse into self-contained flats is acceptable within this vicinity. This consideration was also based on an assessment of records of the Valuation Office Agency website and a planning history search of Cumbrian Gardens.

In light of this it is considered that the sub-division into flats and potential increase in people movements would not result in an unacceptable level of noise and disturbance for neighbouring occupiers.

The Extensions

The proposal includes a proposed first floor rear extension which would be built above the existing ground floor extension. It would be built above the north eastern part of the ground floor extension and measure 3m deep, 3.1m wide. It would have a half hipped roof, eaves matching existing with the proposed ridge height being some 5.5m to the eaves from the ground level and 6.7m high to the top of the pitched roof. It would set back 2.5m from the common boundary with No.71 Cumbrian Gardens, the adjoining half of the semi. It would line up with north east flank wall of the existing house, being approximately 1.3m from the common boundary with No. 67 Cumbrian Gardens.

It is considered that due to the size, siting and design of the first floor extension and the adequate set away from the neighbouring side boundaries, that the extension would have an acceptable impact on the proposal property, character of the area and neighbouring amenities. Furthermore, no windows are proposed within the side elevations and thus the extension would not result in overlooking on to the neighbours private amenities at No. 67 and No. 71 Cumbrian Gardens. The extension would not result in a sense of enclosure to the neighbouring properties and is considered to be a proportionate addition to the rear element of the property.

Parking and Highways

Following a meeting with the Highways officer, the continued provision of 2 parking spaces for use by the occupants of the proposed development is in accordance with highways parking standards. The proposal is acceptable on highway grounds subject to condition(s). Whilst an indication has been made of where the cycle storage could go at the front of the site, details submitted within Drawing No. T090417C-5 is considered insufficient and a condition has been added in order for the applicant to provide further detail for cycle storage.

Potential Impact on Trees

The proposed development would not impact the health or quality of the trees on the site or neighbouring sites. Furthermore, there are no designated Tree Preservation Orders on site, or neighbouring the site.

Amenity and living conditions of future occupiers

Floorspace standards:

Table 2.1 of the Sustainable Design and Construction SPD 2016: Minimum Residential Space Standards states the following:

*1 bed 2 persons flat should provide 50m² of internal floor area.

*2 bed 4 persons flat should provide 70m² of internal floor area.

The proposal would provide the following:

Ground floor flat - 1b 2 p - 53m²

First floor flat -2 b 3 p - 77.5m²

This meets the minimum residential space standards set out in Table 2.1 of the adopted Sustainable Design and Construction SPD (2016).

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout and stacking is considered sufficient to prevent any unnecessary noise or disturbance.

Outlook, light and privacy:

All proposed habitable rooms would be provided with sufficient light and outlook to provide future occupiers with a reasonable standard of living as recommended in the Sustainable Design and Construction SPD (2016). Occupiers would benefit from an acceptable degree of privacy.

Private amenity space:

Table 2.3 of the Sustainable Design and Construction SPD 2016: Outdoor Amenity Space Requirements states the following:

For flats

*5m² of space per habitable room

The ground floor flat and first/second floor flat would provide a total of approximately 77 sqm of outdoor private amenity space. Furthermore, the outbuilding provides 27m² of amenity as a play/leisure room.

Therefore the proposed amenity space would exceed the requirements set out in Table 2.3 of the adopted Sustainable Design and Construction SPD (2016).

However, a condition has been added into the approval requesting a demarcation of the amenity space to be separated into two parts in order to accommodate private gardens for the two flats.

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

As mentioned above, the proposed extension and resultant conversion of the existing dwellinghouse into 2 No. flats would not have an adverse impact on the character and appearance of the existing building, current streetscene and the wider locality. The proposed first floor rear extension is considered to be a proportionate addition to the existing property and is thus considered acceptable under the current application. The proposal would therefore comply with Chapter 2 of the Core Strategy and policy DM01 of the Development Management Policies.

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

Policy DM01 of the Development Management Policies (2012) states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. It is considered that the proposal including the first floor rear extension would have an acceptable impact on the living conditions of the neighbouring amenities in relation to overlooking and loss of privacy. In this regard, the proposal would not have an adverse impact on the amenities of the immediate neighbouring occupiers at No. 67 and No. 71 Cumbrian Gardens. No windows are proposed within the side elevation of the extension and a condition would be added into the planning permission ensuring that no window could be inserted at first floor level without planning permission, in order to further protect the privacy of the neighbouring occupiers.

Conclusion

It is considered that the proposed flat conversion and associated extension and alterations by reason of its size, siting and design would fall within the above mentioned planning policies and would have an acceptable impact on the proposal property and site, character of the general locale, current streetscene and neighbouring amenities. The application is therefore recommended for approval, subject to conditions.

5.4 Response to Public Consultation

Comments mostly dealt with within the main body of the report. However, it should be noted that the ground floor extension, roof extension and outbuilding were approved under a Certificate of Lawfulness under reference 17/2506/192 dated 24.05.2017 and have already been constructed and thus do not form a part of the proposal as such.

Furthermore, in relation to comments on the proposal creating an unacceptable precedent, it should be noted that each application is decided on its individual merits. Lastly, comments received in relation to the proposal possibly being contrary to covenants, the issue is not a

planning consideration and the approval does not override and legal implication or obligations of the applicant.

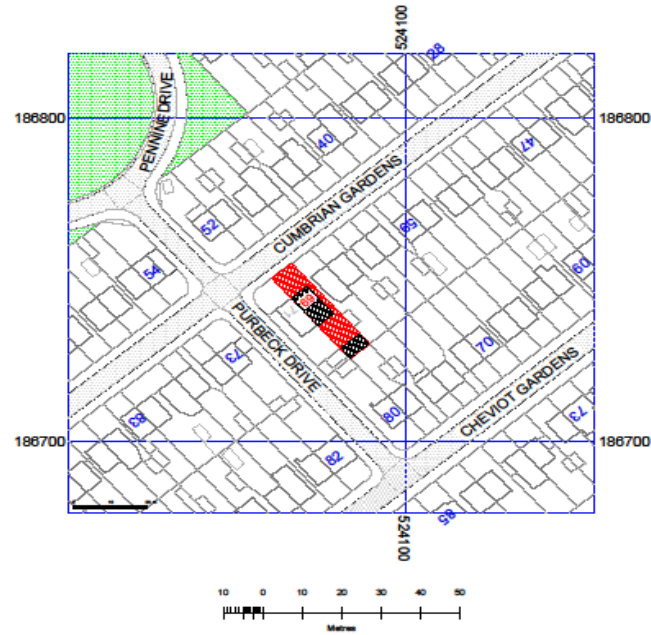
6. Equality and Diversity Issues

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

7. Conclusion

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

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contact: 07877474354

PROJECT: 69 CUMBRIAN GARDENS LONDON NW2 1ED

TITLE: FIRST FLOOR PART REAR EXTENSION
CONVERSION INTO 2 SELF-CONTAINED FLATS

DRAWING NO: T090417C-0

SCALE: 1:1250

DATE: MAY 2017

Location **87 Bridge Lane London NW11 0EE** **AGENDA ITEM 14**

Reference: **17/3752/FUL** Received: 13th June 2017
Accepted: 14th June 2017

Ward: Golders Green Expiry 9th August 2017

Applicant: Mr Nissim Bitton

Proposal: Demolition of existing buildings and erection of two semi-detached dwelling houses with rooms in the roof space and basement level to include allocated off street parking, cycle storage, refuse storage and amenity space

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- BRILA-L301 Rev. B
- BRILA-P300 Rev. A
- BRILA-P301 Rev. B
- BRILA-P302 Rev. B
- BRILA-P303 Rev. B
- BRILA-P304 Rev. B
- BRILA-E301 Rev. A
- BRILA-E302
- BRILA-S301 Rev. A
- BRILA-P001
- BRILA-P002
- BRILA-P003
- BRILA-E001
- BRILA-L001
- BRILA-L002

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

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

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

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

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 2016 MALP.

- 4 Before the building hereby permitted is first occupied the proposed ground floor window, first floor windows, and dormer window that face no. 89 Bridge Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2016 MALP).

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

Reason:

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

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

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

- 9 No unit within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details shown on Drawing No. BRILA-L301 Rev. B. The cycle parking and cycle storage shall be permanently retained thereafter.

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

- 10 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 October 2016) and Policy 5.21 of the London Plan (2016 MALP).

- 11 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 2016 MALP.

- 12 a) Notwithstanding the details shown on Drawing No. BRILA-L301 Rev. B, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 13 a) Before the development hereby permitted is first occupied or the use first commences, parking space(s) and turning space(s) as shown on Drawing No. BRILA-L301 Rev. B; shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016 MALP.

- 15 Before the development hereby permitted is first occupied, the boundary treatment around the proposed amenity areas shall be implemented in accordance with the details shown on Drawing No. BRILA-L301 Rev. B, Drawing No. BRILA-E301 Rev. A, and Drawing No. BRILA-E302. The boundary treatment around the amenity areas shall be permanently 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).

- 16 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).

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

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

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

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

- 19 The basement level of the dwellings hereby approved shall be used as shown on Drawing No. BRILA-P300 Rev. A and it shall not be used at any time as a habitable room(s).

Reason: To ensure that the development does not prejudice the amenity of future occupiers of the application site in accordance with policy DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £12,188 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 £47,011 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 point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that

the Council's refuse collection department is consulted to agree a refuse collection arrangement.

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

Officer's Assessment

1. Site Description

The application site is a large rectangular plot on the western side of Bridge Lane, currently accommodating a detached property containing two flats, for which council tax records are available. Bridge Lane is characterised by a mixture of both semi-detached and detached properties with similar architectural style and detailing.

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

2. Site History

Reference: 16/1899/FUL

Address: 87 Bridge Lane, London, NW11 0EE

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

Decision: Refused.

Decision Date: 30 June 2016

Reference: F/00526/12

Address: 87 Bridge Lane, London, NW11 0EE

Proposal: Demolition of existing building and existing rear garages. Erection of two storey detached single family dwelling with basement and rooms in roofspace, and associated amenity space..

Decision: Approved subject to conditions.

Decision Date: 21 June 2012

Reference: F/00534/11

Address: 87 Bridge Lane, London, NW11 0EE

Proposal: Extension to roof including two rear dormer windows, following a creation of a 1bed self-contained flat in roof space to facilitate a loft conversion.

Decision: Approved subject to conditions.

Decision Date: 16 June 2011

Reference: F/03775/10

Address: 87 Bridge Lane, London, NW11 0EE

Proposal: Demolition of existing garage to rear and erection of a single storey dwelling to the rear of 87 Bridge Lane including bicycle store.

Decision: Withdrawn.

Decision Date: 11 November 2010

3. Proposal

The demolition of existing buildings and erection of two semi-detached dwelling houses with rooms in the roof space and basement level. The proposal includes allocated off street parking, cycle storage, refuse storage and amenity space.

The proposed building has pitched roof with a ridge height of 9 metres and an eaves height of 5.5 metres. The main body of the proposed building has a width of 13.4 metres and depth of 11 metres. It has and two storey front projection with a depth of 2 metres, a width of 3.9 metres, a ridge height of 8.5 metres and an eaves height of 5.5 metres.

The building has 2 no. rear dormer windows and 1 no. dormer window on each side elevation.

There is a lightwell at the rear of the building that serves the basement level.

4. Public Consultation

39 consultation letters were sent to neighbouring properties.

A site notice was erected on 22/06/2017.

8 objections were received in response. The objections concerned the following issues:

- Due to the number of bedrooms in the proposed building, the proposal constitutes an over development.
- The proposed properties are overly large for semi-detached houses.
- The design of the proposed building is out of keeping with the other properties within the streetscene. The loss of soft-landscaping at the front of the property would be detrimental to the character of the streetscene. The current proposal has less soft landscaping than the proposal refused through application ref: 16/1899/FUL.
- Due to the size of the proposed building and the number of proposed occupiers, the proposal would have a material negative impact on the occupiers of neighbouring and adjoining properties; particularly a loss of privacy.
- Due to the high number of occupiers of the proposed building there would be an unacceptable stress on parking provision in the local area.
- The proposal contains more bed spaces than the previously refused application for flats. Each property could provide accommodation for at least 10 no. people and possibly more. Although 1 no. bedroom in each property is below the space standard for a double bedroom, these rooms are large enough to be used as doubles. Areas in the basement level could also be used as bedrooms.
- The proposed houses should not be used as HMOs or subdivided into flats. If the Council was minded to grant permission then a condition should be included restricting the use of the property to single family dwellinghouses only.
- There is inadequate space on the application site for off street parking, cycle storage, refuse storage, and amenity space.
- The proposal is a pure business property development and it has no consideration for the neighbouring residents.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2016 MALP

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM07, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance (October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.3 Assessment of proposals

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of dwellinghouses in this location in this location:

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

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

Bridge Lane is characterised by two storey detached and semi-detached houses functioning in the main as single residential dwellinghouses. Due to its width and depth the proposal site is considered large enough to accommodate 2 no. semi-detached dwellinghouses. For these reasons the proposal is considered acceptable in principle provided that it meets the requirements stated below.

Density:

The proposal is for 2 no. residential units with a combined total of 14 no. habitable rooms. The application site has a size of 0.06 hectares. The London Plan density matrix calculator was used to assess the proposal.

The proposal has a density of:

Unit per hectare: 33.33 u/ha

Habitable rooms per hectare: 233.33 hr/ha

The application site is located in a suburban area and it has a Public Transport Accessibility Level (PTAL) of 2. A location such as this can have a maximum density of between 150-250 hr/ha and 35-65 u/ha. The proposal does not exceed this density. For this reason the erection of the 2 no. proposed dwellinghouses is not considered to be an over intensification of the use of the application site.

The Impact on the appearance and character of the area:

Policy DM01 seeks to protect and enhance Barnet's character to create high quality places and development should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed building has the same height, width, depth, roof design, and sitting as the building that was refused through application 16/1899/FUL. Application 16/1899/FUL was dismissed at appeal (ref: APP/N5090/W/16/3154902) because it was considered that introducing 4 no. flats in this location would generate a significant increase in activity on the site and as such would undermine the established character of the area. The inspector

has no issue with the design or size of the proposed building. The appeal decision letter for APP/N5090/W/16/3154902 states:

"The appeal development would span four floors including a basement and loft space but would be designed to have the appearance of a two storey residential building. During my visit, I saw that properties in the area tend to fill the width of their plots, and I saw many examples of roof extensions incorporating side and rear dormers. As a result, I consider that the appearance of the proposed building would not be at odds with that of the surrounding built form."

It is considered that the principle of having rear dormer windows on the proposed building is acceptable and due to their size and position on the rear they would not visually over dominate the rear elevation of the proposed building. Although the proposal includes basement floor space, the basement is to be served by a lightwell rather than a sunken terrace so therefore it would not appear incongruous within the streetscene.

The design of the fenestration of the proposed building respects the suburban vernacular architecture of the surrounding area.

There are many examples of semi-detached properties within the streetscene. While it is noted that the properties either side of the proposed building are both detached properties, it is considered that due to the design and position of the doors and fenestration, the division of the proposed building appears to be subtle. Although the proposal is to sub-divide the application site, the envelope of the proposed building is the same as that of the building assessed through APP/N5090/W/16/3154902, the size of which the inspector had no issue with. In the current application, the main body of the proposed building has a width of 13.4 metres. The residential properties on Bridge Lane have widths of between approximately 8 metres to 15 metres, so therefore the width of the proposed building is within this range. For these reasons it is considered that the 2 no. semi-detached properties would not appear incongruous within the streetscene.

The material used for the proposed building should match the materials used for existing properties within the streetscene. Details of the materials shall be secured through condition.

The existing front amenity space on the application site contains a significant amount of hard standing and the proposal would increase the amount of hard standing within the front amenity space. The proposed front amenity space is provided with soft landscaping next to the northern and southern boundaries of the application site and there is soft landscaping along the middle of the front amenity space. The proposed soft landscaping is considered to provide visual interest when viewed from the streetscene and it subtly divides the front amenity space between the 2 no. dwellinghouses. In order to confirm the species of trees and hedges that are to be planted on the application site, a condition shall be included in the decision notice requiring that a scheme of soft and hard landscaping is submitted to the LPA for approval.

Details of enclosures and screened facilities for the storage shall be secured through a condition in order for the proposed bins not to have a negative visual impact on the character of the streetscene.

For these reasons the proposed dwellinghouse would not appear incongruous on the application site and nor would it have a negative impact on the character of the streetscene.

Whether the proposal provides a satisfactory living environment for future occupiers:

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

Floor Area:

The 2 no. proposed dwellinghouses have the following gross internal area (gia):

House 1	5 bedrooms	9 persons	on four stories	249.5 m ²
House 2	5 bedrooms	9 persons	on four stories	249.5 m ²

The London Plan (2016) and Barnet's policies and Sustainable Design and Construction SPD (Oct 2016) set out the minimum gia requirements for residential units. These tables do not contain specific space standards for a 5 bedrooms unit for 9 persons on four stories, but the requirement for a unit with 5 bedrooms for 8 persons on three stories is 134 m². The proposed dwellinghouses both exceed this requirement by 115.5 m² so on balance the proposed units are considered to have an acceptable gia.

Bedroom size:

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 2 no. dwellinghouses meet these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Both of the proposed dwellinghouses have floor to ceiling heights that meet this requirement.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. Both of the proposed 2 no. dwellinghouses are dual aspect. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight.

None of the rooms at basement level have any outlook. The pool areas receive daylight/sunlight via lightwells but the gym and shower rooms receive no daylight/sunlight. The glazing that serves the basement it is considered to be acceptable however, as none of the rooms at basement level are considered to be habitable. A condition shall be

included in the decision notice requiring that the basement level is not used as habitable rooms.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. It is considered that with adequate sound insulation that the occupiers of 2 no. proposed dwellinghouses would not suffer a material loss of amenity as a result of noise and disturbance.

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

Amenity space:

The amount of amenity space required for a proposed dwellinghouse is determined by the number of habitable rooms that it has. Habitable rooms with a floor space exceeding 20 m² are counted as two. Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) lists the requirements for amenity space for dwellinghouses. The proposed dwellinghouses are considered to have 8 no. habitable rooms each.

Table 2.3 states that that dwellinghouse with more seven habitable rooms require 85 m² of amenity space. Both of the proposed dwellinghouses have 130 m² of usable rear amenity space so therefore they are considered to meet the requirement.

The impact on the amenities of neighbouring occupiers

The northern flank wall of the proposed building is set back 1 metre from the boundary with No. 89 Bridge Lane and the rear elevation wall of the proposed building projects 2 metres beyond the rear elevation wall of this property. The southern flank wall of the proposed building is set back 1 metre from the boundary with No. 85 Bridge Lane and the rear elevation wall of the proposed building is set back 2.2 metres from the rear elevation wall of this property.

The proposed building has the same height, width, depth, roof design, and sitting as the building that was refused through application 16/1899/FUL. The inspectors appeal decision for APP/N5090/W/16/3154902 expressed no concern about the impact of the proposed building's bulk on the amenity of the occupiers of neighbouring and adjoining properties. Due to its size, height and position, the proposed building it is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a loss of outlook and nor would it have an overbearing impact on these properties.

The rear elevation windows of the proposed building overlooks the rear amenity space of neighbouring and adjoining properties but this overlooking is considered to be no worse than the overlooking from the rear elevation windows on the existing building on the application site.

A condition shall be included in the decision notice requiring that the windows on the northern side elevation of the proposed building facing No. 89 Bridge Lane are obscure glazed and permanently fixed shut, in order to prevent the occupiers of No. 89 Bridge Lane from suffering a material loss of privacy as a result of overlooking. There are no windows on the northern side elevation of No. 85 Bridge Lane so therefore it is not necessary for the windows on the northern side elevation of the proposed building to be obscure glazed or fixed sht.

The application site currently provides accommodation for 2 no. households with a total of 10 no. people. The proposed dwellinghouses provide accommodation for 2 no. households for a total of 18 no. people. While the number of people occupying the application site increases by 8 no. people, the number of households does not increase. The number of households on the application site is considered to be a greater determinant in any potential increase in people and vehicle movements associated with future occupiers and their visitors than the number of people that the proposal provides accommodation for. The properties that neighbour the application site are larger family sized units. For these reasons it is considered that the proposal would not result in the occupiers of neighbouring and adjoining properties from suffering a material loss of amenity as a result of future occupiers of the property coming and going from the application site and occupying the dwellinghouses. It should be noted that if the applicant wanted to use either or both of the proposed dwellinghouse as an House in Multiple Occupation (HMO) then this would require a separate planning consent.

Parking and Highways

Policy DM17 sets out the parking requirements for new developments. Semi-detached dwellinghouse with 4 or more bedrooms are required to have between 2 to 1.5 spaces per unit. The application site has PTAL of 2 which is considered to be poor. For these reasons both of the proposed dwellinghouses are considered to require 2 no. parking spaces each. The proposal provides both dwellinghouses with 2 no. parking spaces so therefore it meets the requirement. The plans have been illustrated to show the parking and turning spaces on the application site and it is considered that cars can move to and from the application site to the public highway.

With regards to cycle parking London Plan that requires a minimum of 2 space for 2+ bed units.

Details of the proposed cycle parking have been provided and they meet this requirement.

Refuse and recycling storage

The proposed dwellinghouse both require the following on site waste and recycling provision each:

- 1 no. Grey 240 Litre household refuse bin
- 1 no. Blue 240 Litre dry recycling bin
- 1 no. Green 240 Litre garden waste bin
- 1 no. Brown 23 Litre food waste recycling bin

The plans submitted with the proposal demonstrate that there is adequate space within the front amenity space for the required bin storage provision. In order for it to be accessible on collection day the bin storage area should be located within 10 metres of the public highway and the location of the proposed bin storage areas meet this requirement.

5.4 Response to Public Consultation

The following issues have been addressed elsewhere in the report:

- The principle of the proposed development
- The impact of the proposal on the amenities of neighbouring and adjoining occupiers.
- The impact of the proposal on the character of the application site and the streetscene.
- The impact of the proposal on parking provision in the local area.
- Whether adequate amenity space and waste refuse bin storage provision can be provided on the application site.

Other material considerations:

- Objectors are concerned that as both of the proposed dwellinghouse have 1 no. single bedroom that is nearly as big a double bedroom that this bedroom will be used a double and therefore increase the number of occupiers of each dwellinghouse by 1 no. person. The concern is that this would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of noise and disturbance. The LPA considers that if these single bedrooms were to be used as doubles then it would not cause the levels of noise and disturbance to materially worsen. There was also concern expressed that other rooms within the proposed dwellinghouse could be used as bedrooms, but the LPA considers that there is not a large enough kitchen/dining area in each dwellinghouse to support any more bedrooms so therefore this is not a concern.

The following consideration is non-material:

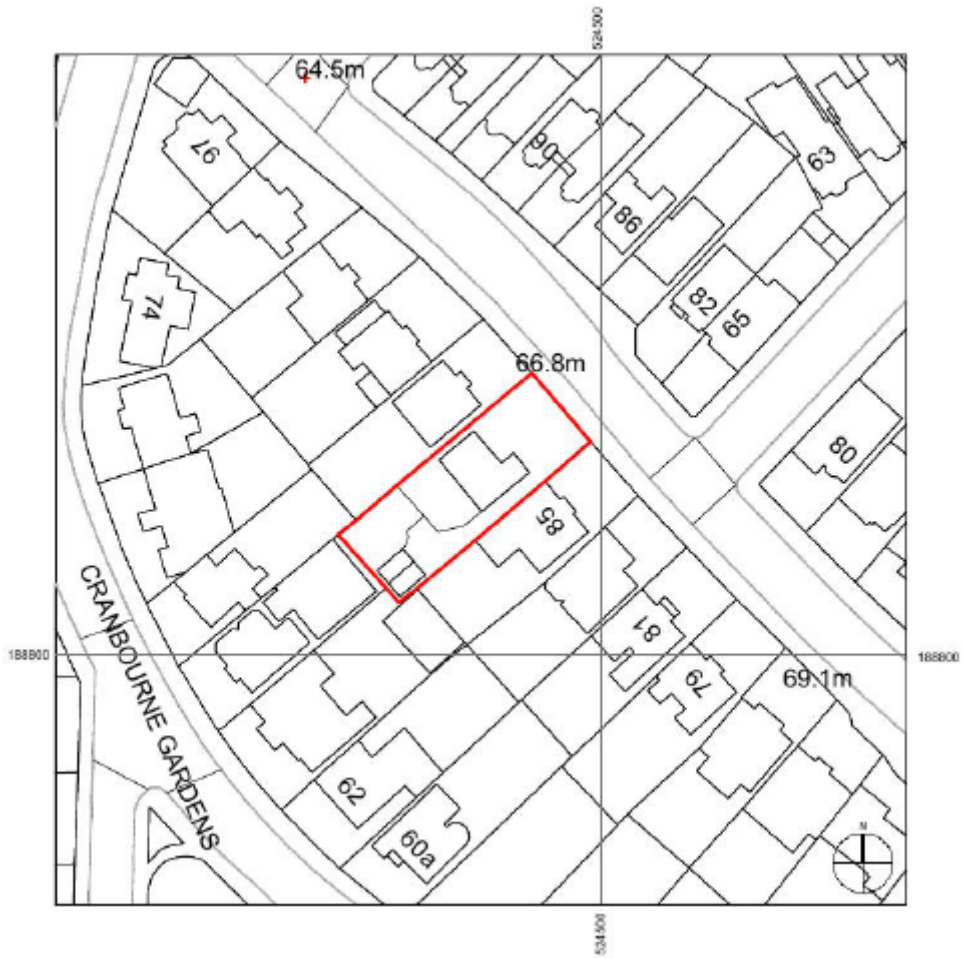
- The motivations of the applicant for submitting the proposed scheme.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location Land R/o 138 Clitterhouse Road London NW2 1DN

Reference: 17/1872/FUL Received: 23rd March 2017

Accepted: 30th March 2017

Ward: Golders Green Expiry 25th May 2017

Applicant: Mr G Ampofo

Proposal: Erection of a two storey detached building at the rear following demolition of existing shed and garage. Associated refuse and recycling store, parking, amenity space

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan (0290-000.01)
 - Proposed Ground Floor Plan (0290-100.01)
 - Proposed First Floor Plan (0290-100.02)
 - Proposed Roof Plan (0290-100.03)
 - Proposed Sections & Elevations (0290-200.01)

The above were received on 11/07/2017.

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced

areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 4 a) 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) 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).

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

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

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

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

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

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

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

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

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

September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- 11 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).

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

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

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

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

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F of Part 1 of Schedule 2 of that Order shall be carried out within the area of Land rear of 138 Clitterhouse Road 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).

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

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

- 16 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.

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.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

Officer's Assessment

1. Site Description

The application site is an irregular shaped plot of land located to the rear of no.138 Clitterhouse Road. The site fronts onto Brent Terrace, a road characterised by two-storey terraced properties on the south side and a tree line on the north which is occasionally punctuated by a school, access paths to properties on Clitterhouse Road and plot nos.53 and 54 soon to have new multi-storey residential properties (60.no units). The existing property at the application site is an end of terrace property, separated from Clitterhouse Road by a large grassed area which has terraced properties surrounding it on three sides. Brent Terrace is effectively a cul-de-sac, with the only entrance and exit located off Claremont Road to the east. The mature tree line along the side of Brent Terrace in which the application site is located is a fundamental part of the character of the street, providing a softness which contrasts the hard exterior of the south side of Brent Terrace which is dominated by a long row of traditional two-storey terraced properties.

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

2. Site History

Reference: F/03597/11

Decision: Approved subject to conditions

Decision Date: 1 December 2011

Description: Erection of a two storey detached building together with an integral garage at the rear following demolition of existing shed and garage.

The above was a reinstatement of the below permission, albeit the siting of the proposed dwellinghouse moved from the eastern site boundary to the western site boundary. The above permission was never implemented

Reference: F/03945/08

Decision: Refused

Decision Date: 11 December 2008

Description: Erection of a two storey house including rooms in the roof space and integral garage. Associated landscaping.

Appeal Reference: APP/N5090/A/09/2097627

Appeal Decision: Allowed

Date: 1 June 2009

The above permission was never implemented

Reference: C06104D/03

Decision: Lawful

Decision Date: 29 December 2003

Description: Alterations to roof including hip to gable and rear dormer window to facilitate a loft conversion.

Reference: C06104F/05

Decision: Refused

Decision Date: 9 December 2005

Description: Demolition of existing garage and erection of a single storey building to be used as residential unit.

Reference: C06104G/08

Decision: Approved subject to conditions

Decision Date: 5 March 2008

Description: Erection of new garage following demolition of existing.

Reference: C06104E/05

Decision: Lawful

Decision Date: 5 April 2005

Description: Demolition and rebuilding of garage.

Reference: C06104C/03

Decision: Approved subject to conditions

Decision Date: 15 August 2003

Description: Single storey rear extension.

Reference: C06104B/03

Decision: Unlawful

Decision Date: 12 September 2003

Description: Loft conversion including rear dormer window.

3. Proposal

- The erection of a two-storey, one-bedroom detached building at the rear of no.138 Clitterhouse Road following demolition of existing shed and garage (measuring 10m in depth, 7m in width and 5.5m in maximum height).
- Associated refuse and recycling store, parking and amenity space.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties.

11 responses have been received comprising 11 letters of objection.

The public response can be summarised as:

- Seriously affect adjacent properties and the enjoyment of living in the area;
- The existing house on this site has already been rebuilt with 3 stories and double extension so the proposed is completely unnecessary;
- This area is already undergoing huge re-development with many new builds already having been built nearby and many more to come;
- Significant loss of privacy;
- Sets a very dangerous precedent for other house owners in this area that will cause significant traffic and damage to the tree line along Brent Terrace and would destroy the most important aspects of what gives Brent Terrace its character;
- Increasing rise in large shed type buildings being built in the gardens along Clitterhouse Road and then being rented out as HMO's;
- Single family occupancy needs to be protected;
- Increased noise pollution;
- More overlooking into adjacent private gardens and reduction of enjoyment of outdoor amenity space;

- Increased parking demand on already congested street;
- Loss of mature tree line along Brent Terrace;
- Loss of green spaces, increased traffic and damage to the unique character of Brent Terrace.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (Adopted 2016)

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

Sustainable Design and Construction SPD (Adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The principle of a new dwelling in this location

The proposed scheme is effectively a reinstatement of 2.no previous planning permissions which were granted but never implemented. As referenced in the relevant planning history section above, planning permission was granted via an appeal decision in 2009, following a refusal by the Council on character and amenity grounds, and again by the West Area Planning Committee in 2011. The permission granted in 2011 was a variation and re-siting the permission granted at appeal with the relocation of the proposed dwellinghouse to the rear of no.138 Clitterhouse Road from the site boundary with no.140 to the site boundary with no.136. While the appeal decision had never been implemented, in 2011 the Council gave weight to the appeal inspector's decision, deeming that as there had been no change to the material considerations employed by the inspector it would therefore be unreasonable to refuse the reinstatement of effectively the same permission. This permission has also now elapsed, but the applicant wishes to rely upon the 2.no previous permissions and the fact there has been no change to the material considerations governing those decisions to effectively reinstate the previous planning permission.

It is considered that the construction of a detached dwelling to the rear of no.138 Clitterhouse Road would represent a departure from the established character of Brent Terrace and Clitterhouse Road. The previous appeal decision in the opinion of officers is regrettable, establishing a set of design principles to the rear of Clitterhouse Road which has the potential to inextricably alter the character and pattern of development in the locality. It would be the Council's determination that had the principle of a separate dwelling to the rear of no.138 Clitterhouse Road not have been established in 2009 via an appeal decision and reinforced in 2011 that this application would not be acceptable. That said, weight has been given to the previous planning permissions granted and considering the material considerations governing those permissions have not changed, it would be unreasonable to recommend this application for refusal. Some weight has been given to the fact that the appeal decision is now 8.no years old and the previous permission has been elapsed by 3.no years. However, it is considered that these do not outweigh the principle established at no.138 previously. This is because whilst policy has changed the issue here is a judgement of the character and appearance of the area and it is considered that there have been no changes that could reasonably justify taking a different view in this specific case.

Negotiations have been on-going with the applicant at no.138 to redesign the previously approved scheme to significantly reduce the proposed footprint of the dwellinghouse, along with changes to its siting, amenity provision and overall bulk. It is felt that while the principle of a dwellinghouse to the rear of no.138 is out of character with the prevailing pattern of development, the proposed design is a significant improvement from previous designs and will hopefully go some way to reducing its negative impact on the character of the locality and residential amenity of neighbouring residents.

In summary, the principle of a separate dwelling to the rear of no.138 is acknowledged as being out of character, but it is considered that the weight given to the 2.no previous permissions and the fact there has been no significant change to the material considerations governing those permissions, outweighs the fact the previous permissions have time elapsed. Furthermore the previous decisions are material considerations and any decision made must take these into consideration.

The impact on the appearance and character of the area

As aforementioned, the proposed detached dwellinghouse within the rear curtilage of no.138 Clitterhouse Road is acknowledged as being out of character with the host property, the streetscene of Brent Terrace and Clitterhouse Road, and the wider locality. DM01 (b) states that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. Development within the rear curtilage of a terraced property and goes against the predominant pattern of development and build form of the terraced properties along Brent Terrace. Section 2.9 of DM01 states that 'gardens make a significant contribution to local character.

The appeal inspector in 2009 determined that given the siting and set-back of the proposed dwellinghouse from Brent Terrace and in addition to the presence of a mature tree line, *'it would not be unduly prominent or intrusive when seen from the street'*. Furthermore, the inspector noted that *'although visible, the new house would not significantly detract from the character and appearance of the street scene along Brent Terrace'*.

Whilst officers do not strictly agree with the inspectors comments in this regard, the previous decision of the inspector and committee in 2011 cannot be ignored and significant weight must be given to them.

The proposed design has been worked to ensure the impact on the character of Brent Terrace has been minimised, while improving the design, siting and size of the proposed dwelling. The proposed design has been moved from the site boundary with no.136, has removed the double garage and re-introduced soft landscaping and amenity space to the rear. The loss of the double garage has also enabled the bulk and size of the proposed footprint to be reduced, allowing the site to appear less cramped and visually dominant. The set-back from Brent Terrace and the existing mature tree line has been maintained ensuring no further visual intrusion is expected over and above what was previously approved. It is considered that the proposed design is a significant improvement on the previously approved scheme and has gone some way to better protect character and amenity. Based on the site's previous planning history and the principle established, it is considered that the proposed design is a significant improvement from the previous design and therefore no objections are made on character grounds.

The impact on the amenities of neighbouring occupiers

It is considered that the presence of a detached dwellinghouse to the rear of no.138 Clitterhouse Road and in close proximity to the curtilage boundary with nos. 136 and 140 would result in demonstrable harm to the residential amenity of neighbouring properties. However, as the previous planning history and approved plans constitute material considerations, officers of the Council have sought to work with the applicant to produce a revised design which it is considered is a significant improvement and goes some way to reducing the harmful impact of the proposed dwellinghouse on neighbouring amenity. Changes incorporated into the revised design include setting the flank walls back from the site boundary with no.136 by 2m at first floor level thereby reducing the sense of overbearing and potential overshadowing, removing the double garage to reduce the overall footprint size and building bulk and to reinstate softer landscaped amenity space to the rear. The reinstatement of a larger amenity space to the rear of the site will reduce the amount of proposed hard surfacing and limit the extent to which cars are able to travel through the site. Set-backs from the front of the site and from the curtilage boundary with no.140 have been maintained to protect the existing mature tree line to the front of the site and boundary treatments along the boundary with no.140. The scheme also proposes 1.no off-street parking space which should help to reduce the parking burden of the proposed 1.no bedroom detached dwelling on the current parking stress along Brent Terrace. Overall, the revised design has reduced the building bulk and building line, introduced greater boundary set-backs, reduced the amount of hard surfacing used and introduced a larger amount of amenity space, all without compromising the minimum space standards required internally.

Again, while it is considered that harm would be caused to the amenity of neighbouring residents, based on the established principle of development and the fact the proposed scheme offers a significant improvement from the previously approved development, no objections can reasonably be made on amenity grounds.

Whether the proposal provides a satisfactory living environment for future occupiers

The London Plan (2016) set out the minimum gross internal area (gia) requirements for proposed residential dwelling as follows:

1-bedroom, 2-person, 2-storey - 58m²

The proposed residential dwelling exceeds the above standard providing 79.4m² of GIA.

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

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

The proposed double bedroom meets these requirements.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwelling meets the above requirement

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

All proposed habitable rooms are deemed to meet these requirements.

Sound Insulation:

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

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that houses with up to 4 habitable rooms should have 40m² of onsite amenity space. The proposed scheme provides 107.9m² of amenity space (front and rear), a significant improvement from the 23.9m² included within the previously approved scheme. No objection is made on amenity grounds.

Parking and Highways

The proposed development includes 1 no off-street parking space. It is considered that this would meet the parking requirements in DM17 for a 1 no bedroom residential unit. No objection is made on parking grounds.

1.no cycle space is provided to the front of the proposed dwellinghouse. It is considered this would be in line with Section 6 of the London Plan (2016).

Refuse and recycling storage

Refuse and recycling provision has been proposed to the front of the proposed dwelling. However, it does not appear that sufficient capacity has been provided. Further details of the waste and recycling storage provision will be conditioned to ensure compliance with Barnet's Waste and Recycling Strategy (2017).

5.4 Response to Public Consultation

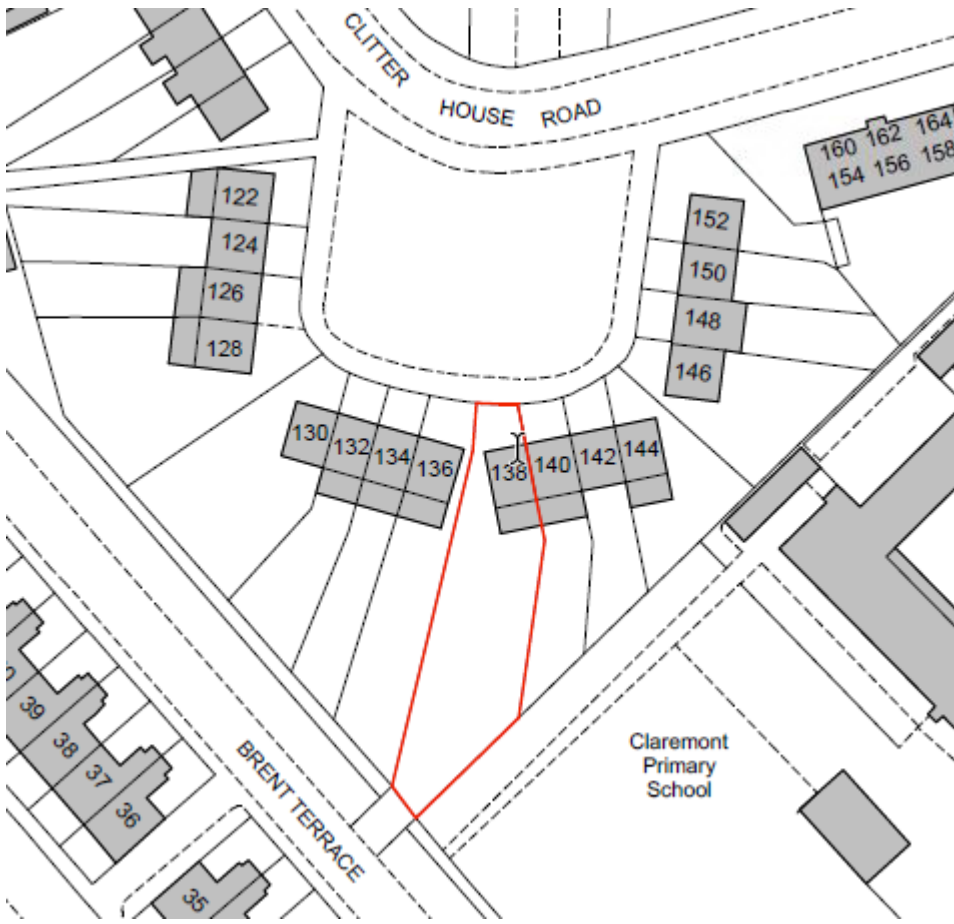
Public comments have been acknowledged and broadly addressed within the report above. The comments raised reflect the Council's concerns and strong reservations about the proposed scheme. However, considering the principle discussed above, no objection is made to the proposed dwellinghouse.

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 whilst the proposed scheme has a number of shortcomings in respect of its impact on the character of the area and amenities of neighbouring occupiers, the previous planning decisions made by the inspector and committee must be given significant weight. Consequently, it is deemed that on balance the application is acceptable and recommended for approval.





Appeal Decision

Site visit made on 11 May 2009

by **Jim Metcalf** BSc DipTP MRTPI

an Inspector appointed by the Secretary of State
for Communities and Local Government

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:
1 June 2009

Appeal Ref: APP/N5090/A/09/2097627

138 Clitterhouse Road, London, NW2 1DN

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Gehard Ampofo against the decision of the Council of the London Borough of Barnet.
- The application Ref F/03945/08, dated 20 October 2008, was refused by notice dated 11 December 2008.
- The development proposed is the erection of a detached one bedroomed dwelling together with integral garage on land off Brent Terrace.

Decision

1. I allow the appeal and grant planning permission for the erection of a detached one bedroomed dwelling together with integral garage on land off Brent Terrace at 138 Clitterhouse Road, London, NW2 1DN in accordance with the terms of the application Ref. F/03945/08, dated 20 October 2008, and the plans submitted therewith, subject to the conditions in the attached schedule.

Main issues

2. I consider the main issues are the effect of the development on the character and appearance of the street scene along Brent Terrace and the living conditions of neighbours with regard to outlook.

Reasons

3. There are rows of houses on one side of Brent Terrace with their rear yards facing the street. On the other side are the grounds of a school, the rear gardens of houses on Clitterhouse Road and a play area all set back behind a deep verge and screened by an attractive hedge and trees.
4. At 138 Clitterhouse Road a drive cuts across the verge leading to a garage in the rear garden. The garage would be demolished and replaced with the small house and double garage. The new house would be set back about 13m into the garden and, one and a half storeys high, about 3.65m high at the eaves and 5.55m high at the ridge. The garden is sufficiently wide to allow a driveway at the side of the new house and long enough to accommodate the house and leave small but adequate gardens for both houses, existing and proposed.
5. The size, position and design of the house, clad in timber boards, mean that it would not be unduly prominent or intrusive when seen from the street, set back and screened by the high hedge and planting in the garden. Although visible the new house would not significantly detract from the character and appearance of the street scene along Brent Terrace. As such I conclude that

the development would be compliant with Policies GBEEnv1, GBEEnv2, D1, D2, D3, D7 and H16 of the Barnet Unitary Development Plan (UDP).

6. The houses along this stretch of Clitterhouse Road have relatively long gardens. Next door, at No 140 Clitterhouse Road, the garden has a 'dog leg' shape and the end of the garden, that would be immediately adjacent to the new development, is used as a small builder's yard. I have no information regarding the formal history of this use. The appellant submits that it is a lawful and established component of the area and this has not been challenged by the Council.
7. The houses on Clitterhouse Road would face the side wall of the new garages that would be about 3.65m high and clad in brick with vertical timber boarding above. The roof would slope away from the houses. The side wall would be a minimum of 12m away from the Clitterhouse Road houses. This distance, and the height and design of the development would mean that it would not be unduly prominent in the outlook from the rear of the Clitterhouse Road houses or their gardens. I conclude that the development would not significantly detract from the living conditions of neighbours with regard to outlook and would comply with UDP Policies D4, D5 and H16.
8. UDP Policies IMP2 and IMP3 explain that the Council intend to adopt Supplementary Planning Documents regarding the securing of planning contributions from development towards various facilities. However, I have not been provided with copies of any such document. The appellant submits that requirements in this regard are unreasonable. I tend to agree that a requirement to contribute towards education facilities when such a small, one bedroomed house is unlikely to accommodate children, especially of school age, is demanding. So is a requirement for a monitoring contribution that would be more than double the sum required for library facilities. The appellant has not submitted a Unilateral Undertaking. In the absence of specific information regarding the Council's policies I do not regard this as a fatal flaw that would justify the withholding of planning permission.
9. I have considered the conditions that the Council suggest should be imposed in the event of planning permission being granted in light of the guidance set down in *Circular 11/95 'The Use of Conditions in Planning Permissions'*. Conditions that require the approval of further details regarding the level of the house, the materials to be used in construction, the boundary treatment, bin storage and the landscaping of the site are needed to ensure that the development relates satisfactorily to the local environment. I have also imposed a condition to ensure that parking spaces are provided. Because of the relationship of the houses to neighbouring property I have added a condition to prevent the erection of extensions without the prior consent of the Council. I have also imposed a condition to ensure compliance with the Council's policy for sustainable design and construction.
10. I have not imposed conditions requiring the timing of construction work or the provision of wheel wash facilities. Such matters are not normally relevant when considering whether planning permission should be granted. If problems arise during construction they can be addressed using other powers available to the Council. I have not imposed a condition regarding obligations to contribute to

education and library facilities. As explained, and in the absence of further information, I believe that such requirements are unreasonable in this case. In any event, such matters should be dealt with through agreements made under S106 of the Town and Country Planning Act 1990 and not by condition.

Jim Metcalf

INSPECTOR

Schedule of Conditions

1. The development hereby permitted shall begin before the expiration of three years from the date of this decision.
2. Before the development hereby permitted commences details of the materials to be used for the external surfaces of the house shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
3. Before the development hereby permitted commences details of the levels of the houses in relation to adjoining land and any changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the approved details.
4. Before the development hereby permitted commences details of the boundary treatment and provision for the storage of bins shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be implemented prior to the first occupation of the houses.
5. Before the development hereby permitted commences a scheme of hard and soft landscaping including details of existing trees to be retained shall be submitted to and approved in writing by the Local Planning Authority. The approved scheme shall be carried out before the end of the first planting season following occupation of the house. 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 first occupation of the house shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
6. Before the development hereby permitted is first occupied the parking spaces and garages shown on plan 0290/04 shall be provided and shall not henceforth be used for any purpose other than the parking of vehicles.
7. Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Schedule 2, Part 1 of that Order shall be carried out without the prior written permission of the Local Planning Authority.

8. The house hereby approved shall be constructed to standards set down in either section 6.11 (EcoHomes) or section 6.14 (Code of Sustainable Homes) of the Council's Sustainable Design and Construction Supplementary Planning Document. Before the house is first occupied a certificate of compliance with the appropriate standard shall be submitted to, and acknowledged in writing, by the Local Planning Authority.

RECOMMENDATION II:

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

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

Drawing no. P.001; Drawing no. P.002; Drawing no.P.021; Drawing no. P.010; Drawing no. P.110A; Drawing no. P.110.1A Proposed Ground Floor Plan Showing Vehicle Tracking ; Drawing no. P.111A; Drawing no. P_112A; Drawing no. P.113; Drawing no. P.114; Drawing no. P.201; Drawing no. P.202; Drawing no. P.203; Drawing no. P.204; Drawing no. P.301; Proposal Visualisation; Planning Statement.

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of

the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

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

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

7 Before the development hereby permitted is occupied; parking spaces shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. 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.

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 report shall be prepared by a competent acoustic consultant, and shall assess the likely noise impacts from the development of the ventilation and extraction plant, and mitigation measures to reduce these noise impacts to acceptable levels. 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. The approved extraction and ventilation equipment shall be installed using anti-vibration mounts, and the measures approved under this condition shall be implemented in their entirety prior to the first occupation of the development and retained as such thereafter.

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) No development other than demolition works shall take place on site until a Noise Assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of externally generated noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the local planning authority.

The report shall include all calculations and baseline data, and be set out so that the local planning authority can fully audit the report and critically analyse the content and recommendations.

b) The development shall be implemented in their entirety in accordance with details approved under this condition prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

10 The level of noise emitted from the proposed 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.

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

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

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

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

12 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 35% 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.

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 Before occupation the dwellings shall comply with Building Regulations Optional Requirement G2 relating to water efficiency. Evidence of compliance shall be notified to the building control body appointed for the development in the appropriate Full Plans Application, or Building Notice, or Initial Notice to enable the building control body to check compliance.

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

15 Prior to the occupation of the development details of the access entry gates including control and opening times are to be submitted to and approved by the local planning authority. These shall include details of the entrance into the flats.

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 and 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, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012), Policies DM01 and DM17 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.

RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 18/09/2017, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £24,080.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £114,856.07 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The London Fire Brigade strongly recommends that sprinklers are considered for new developments. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The Brigade opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to money, same property and protect the lives of occupiers.
- 5 The London Fire Brigade recommends that the proposal is implemented as per the Building Regulations Approved Document B B5 for Access and Facilities for the Fire Service

Officer's Assessment

1. Site Description

Viceroy Close is located within the East Finchley town centre, close to the junction of the High Road and East End Road. The application site is presently occupied by a privately operated pay and display car park located to the rear of commercial properties situated on the High Road. There are currently 18 pay and display car parking spaces in the centre of the existing car park.

The buildings in the vicinity are mostly two storey Victorian and Edwardian properties. To the south of the application site is East End Road, with a two storey school, residential and commercial uses all within close proximity. To the west is a three storey building religious building also located on East End Road. Further to the west of the site, lie two storey dwellings comprised of both terraced and semi-detached dwellings. To the north, there is a block of garages and residential properties in Beresford Road.

To the east of the application site, lies a four storey building comprising of commercial properties at ground floor level, fronting the High Road, with service access to the rear. Above the same building on the upper floors, there are residential properties at Viceroy Court with access to the rear and outlook to both east (front) and west (rear). The residential element of this building is separated from the application site by a 14m wide access deck.

2. Site History

Reference: 16/0487/FUL

Address: Viceroy Court Car Park East End Road London N2 8AU

Decision: Deemed Refusal- Appeal Against Non-Determination

Description: Demolition of external stair access to Viceroy Court Flats, part two storey, part three storey building to provide 8no Residential units and a raised landscaped courtyard over part of the car park and service area, to link with the existing raised podium of Viceroy Court. Associated internal secure stair and lift access to serve both the new apartments and the residents of the existing Viceroy Court. Parking reconfiguration to allow for 8 parking spaces for residents, and a bin/bike store

Appeal reference: APP/N5090/W/16/3149029

Decision: Appeal Allowed subject to Conditions (decision dated 17 February 2017)

Reference: F/01268/09

Address: Viceroy Close, London, N2 8BA

Decision: Refuse

Decision Date: 03.06.2009

Description: Erection of a four storey block containing nine self-contained units and 6 associated car parking spaces (OUTLINE APPLICATION).

Relevant reasons for refusal (3 others related to formal undertaking of costs):

Reason 1- The proposal, by reason of its proximity to access and delivery areas serving commercial uses, plant and machinery would give rise to unacceptable levels of noise and disturbance (including at unsociable hours) detrimental to the amenity of future occupiers of the flats contrary

Reason 2- The proposal, by reason of its excessive scale, footprint, indicative size, height and design would result in a visually obtrusive form of development relating poorly to the character and appearance of the surrounding area.

Reason 3 -The proximity of the proposals to Viceroy Court, its amenity deck and access staircase would result in direct overlooking to proposed habitable room windows that would result in unacceptably poor levels of amenity for future occupiers of the flats.

Reason 4- The proposals fail to provide adequate standards of usable amenity space for future occupiers.

Reason 5- The proposals, by reason of the shared access of the proposed parking spaces with delivery vehicles and resultant blockage during deliveries, would result in lengthy delays for vehicles either wanting to leave or enter the car parking spaces and would be likely to affect the safety of road users and result in vehicles waiting on the public highway, adversely affecting the free flow of traffic.

Reference: C00185BD/04

Address: Viceroy Close High Road London N2 8BA

Decision: Refused

Decision Date: 01.10.2004

Description: Erection of a three/four-storey block to provide a total of 9no. self-contained flats with associated provision of off-street parking. (OUTLINE).

Reference: C00185BA/03

Address: Viceroy Close High Road London N2

Decision: Refused

Decision Date: 18.09.2003

Description: Erection of a four storey block of 10no. self-contained flats with associated changes to parking (outline).

Other relevant history:

Planning consent was granted for the appeal application to the site north of the host site known as land rear of 2 Market Place, Viceroy Close under reference F/03625/10 (appeal reference APP/N5090/A10/ 2140752) for the erection of two town houses.

3. Proposal

The applicant seeks planning permission for a part two storey, part three storey building to provide 8no residential units and a raised landscaped courtyard over part of the car park and service area, to link with the existing raised podium of Viceroy Court. The proposal includes associated internal secure stair and lift access to serve the new apartments, and parking reconfiguration to allow for 6 parking spaces for residents. In addition, bin/bike store areas would be provided.

The proposal would include building over part of the 'airspace' above the existing surface car park. The proposal would retain the existing access for properties on Viceroy Court at the front of the site, behind the brick wall. There are currently 18 pay and display car parking spaces in the centre of the existing car park. This car park will be decked over with a transfer slab; the parking will be reconfigured to allow for 6 parking spaces for residents, and a bin and bike store. Delivery and parking areas for the two supermarkets will remain unchanged.

The proposed units would be comprised of:

- 6 x 2 bed (4p) flats
- 2 x 1 bed (2p) flats

Planning permission was granted by the Planning Inspector for a development on the site comprising of the demolition of the external stair access to Viceroy Court flats, development of 8 residential units and a raised landscaped courtyard over part of the car park and service area, to connect with the existing raised podium of Viceroy Court (appeal reference APP/N5090/W/16/3149029). The proposal is similar to this scheme with regards to the tenure of units therefore this decision is a material consideration in the determination of the current application. The current application seeks the following changes from the previously approved scheme:

- Reduction of the parking provision from 8 parking spaces to 6 spaces
- Relocation of staircase access for future units to the centre of the site (away from East End Road frontage) and associated reconfiguration of refuse and cycle storage
- Retention of existing access to Viceroy Court flats adjacent to East End Road.

4. Public Consultation

Consultation letters were sent to 144 neighbouring properties.
10 responses have been received, comprising 10 letters of objection.

The objections received can be summarised as follows:

- Out-of-character development
- Block of view to "Holy Place of Ismalia Jamat Khana on which my life is dependent on"/ Object on religious grounds
- Not safe or acceptable for future occupiers or people already living here
- The building would be taller than approved and taller than the mosque and existing block of flats.
- Large stretch of blank wall compared to approved
- Lack of visual interest
- Parking already an issue; the removal of car park would increase cars on the road and result in increased congestion/ increased parking pressures
- Difficult in manoeuvring Heavy Goods Vehicles (HGVs) due to restricted space
- Gate would restrict access to garages at the rear- no information has been provided with regards to the gates.
- Visual Impact on neighbouring residents
- Loss of light and outlook to Viceroy Court
- Loss of light to Beresford Road properties
- Overlooking due to buildings being higher
- Overbearing
- Residents will have to use the same access as vehicles
- Will feel overcrowded
- How will development ensure that sufficient access to commercial units is provided?
- Noise and dust during Construction
- Lack of integration with existing access
- Agents have not consulted with residents
- Object to height and density of new building
- Refuse collection
- Access for emergency services
- Impact on local businesses.
- Right to light

Councillor Mittra has requested that the application is referred to the Area Planning Committee on the grounds of impact on neighbouring occupiers compared to the approved scheme.

The Council's Highways and Environmental Health team were also consulted and the respective responses are detailed in the relevant section below.

The London Fire Brigade has confirmed that they are satisfied with the proposals and recommend informatives to be added with regards to access and sprinklers.

A Site notice was erected on the 6th July 2017.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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;
- Whether the development would have detrimental impact on the local Highways, and vehicular and pedestrian safety;
- Accessibility and sustainability considerations

5.3 Assessment of proposals

Impact on the character of the area

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). In this instance, the proposal should also have regard to the distance to neighbouring boundaries.

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

The principle of a flatted accommodation, proposed density, form and massing have already been established by the consented scheme. In addition, the modern design is the same as the extant permission and therefore the Council raises no objection. It must be noted that the height of the building is the same as the previous application and there are no additional considerations which now warrant refusal of the building of the same height.

Given the similarities to the extant permission, the assessment in regards to the impact on the character of the area, with regards to the changes between should refer to the changes between approved scheme and the proposed. The location of the staircase access to the new flats would now be located within the centre of the site and moved from the elevation fronting East End Road. Whilst this does remove some of the detailing from this façade, on balance it is not entirely different to the existing wall in terms of façade treatment.

The proposal would also retain the access as existing to the occupiers at Viceroy Court, behind the wall fronting East End Road.

It is not considered that the proposed parking arrangement (including the reduction in the number of parking spaces) and the proposed gates would have detrimental impact on the streetscene to warrant refusal.

On balance, it is considered that the proposed scheme would be acceptable on character grounds.

Impact on the amenities of neighbours

Any scheme will be required to address 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.

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected. Policy DM01 of the Development Management Plan Policies states in part that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

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

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres and a distance of 10.5 metres between a new development and a neighbouring garden. The proposal would comply with both of these requirements, particularly in regard to the properties to the north at Beresford Road. Furthermore, there are no windows serving habitable rooms that directly front each other within the development itself and no windows fronting the flats on Viceroy Close. It is not considered that the development would result

in unacceptable levels of overlooking or loss of privacy to either neighbouring (at Beresford Road and at Viceroy Close) or future occupiers of the units.

In addition, it is considered that there would be sufficient distance from the nearest neighbours at Beresford Road, that the restriction for openings is not required. This view was shared by the Planning Inspector.

As mentioned, the principle of development has been established including the form, height and siting of the building. It is therefore not considered that the proposed building including relocation of the staircase would have a greater impact on the amenity of neighbouring occupiers than previously considered acceptable.

The proposal is not considered to result in a detrimental impact on neighbouring occupiers and as such the proposal is supported in this regard.

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

Policy DM02 states that new residential 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; all residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (2016);

All the proposed units meet the minimum space standards for 1 bedroom units (for 2 occupiers) and 2 bedroom units (for 4 occupiers respectively) in accordance with Table 3.3 of the London Plan (2016). Similarly the proposed units would offer suitable outlook and daylight to future occupiers, and as such the Local Planning Authority does not object in this regard.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. Although the development provides some outdoor amenity space, this is below the standard stipulated however the Council recognises that proposals in or near town centre sites may be exempt from this requirement if the proposal offers other benefits; in this case, it is not considered that insufficient outdoor amenity space is a justified reason for refusal given the sustainable town centre location.

It is noted that the type and size of the units has not been amended compared to the extant permission and there are no material considerations which now justify refusal of the application.

With regards to the access to the new flats, as mentioned this will be relocated near to the parking spaces and refuse store, removing the previously approved communal staircase located at the front of the site. The scheme proposes a shared surfaceway arrangement, where residents will access across the vehicular access. The applicant has confirmed that

the path could be demarcated, and this would be secured by the landscaping condition (recommended condition 11); it would not be possible to include raised surfaces as this would impede or prejudice vehicle turning at ground floor.

The applicant has confirmed that access to the stair core will be restricted by way of a door with keyfob access; further details would be secured through details to be provided through condition 15. In addition, there would be lighting within the parking area. Officers are satisfied that subject to details, safe access can be provided to future occupiers of the units.

With regards to noise and disturbance, including vibration from lorries, mitigation measures would be required to ensure adequate living conditions for future occupiers due to the proximity of commercial units. The Inspector considered that subject to an updated Noise Impact Assessment, there would be no harm to the living conditions of future occupiers. Whilst a noise report has not been provided for the current application, Environmental Health officers considered that this could be secured by a condition to ensure that good amenity of occupiers.

The proposal is considered to provide adequate units for future occupiers and is acceptable in this regard.

Impact on Highways

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

Policy DM17 seeks adequate parking provision for new residential development, whilst ensuring that the safety of all road users is taken into account when considering development proposals.

The proposal would provide 6 parking spaces including 1 disabled space. The PTAL for the location is 4 and considered to be 'good' and accessible to amenities in the town centre; the site is considered to be an edge of town centre location.

As the car parking provision has been reduced from the previously approved planning application by the Inspector, this would not be in accordance with the Council's current parking Policy DM17 which would require parking provision for 8no cars. Notwithstanding this, Highways officers have considered the close proximity to the Town Centre and associated local amenities, and the site being located within a Controlled Parking Zone (CPZ), whilst the proposed development would not meet the parking standards as set out in Policy DM17 of Development Management Policies (Adopted) September 2012, the applicant has agreed to enter into an agreement to restrict the provision of parking permits.

Highways officers therefore considered that the proposal is acceptable subject to the aforementioned legal agreement, to mitigate the likely detrimental impact of the development on public highway, and the highways conditions. At the time of writing, the applicant had agreed to enter into the legal agreement and to pay the required contribution of £2000 towards the amendment of the Traffic Management Order to enable limiting the purchase of parking permits by the new occupants of the development. The legal agreement is currently being drafted by the Council's Legal team.

Swept path movements show that the existing deliveries by HGV can be accommodated without affecting the operation of the proposed parking bays. With regards to the service

arrangements although the access would be different to accommodate the altered layout, the servicing layout would not be considered to prejudice the capacity for the commercial units to service the stores with 14.25m long articulated vehicles. It is not considered that the situation would be worsen compared to the existing servicing arrangements.

In regard to the loss of the private parking, as this is not public parking stock and this has not been allocated as such in any agreement, the Council is unable to enforce its provision or require its impact to be taking into account on the highway network. It is acknowledged that the surrounding streets suffer from parking stress however for the aforementioned reason, there is no highway objection to the proposal.

As with the previous application, the proposal includes the erection of vehicular gates to be erected. Although no information has been provided with regards to the gates; these details would be secured through a condition (as was the case with the approved appeal decision).

In accordance with Policy 6.9 of the London Plan, the development would require the provision of cycle parking. The development includes 16 cycle spaces which is in accordance with the London Plan standards.

The proposal, subject to conditions and a legal agreement, has been found to be acceptable on Highways grounds.

Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

Community Infrastructure Levy

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

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

The proposal with a proposed internal floorspace of 688sqm of chargeable area, would be liable for £114,856.07 of Barnet's CIL and £24,080.00 of Mayor's CIL.

5.4 Response to Public Consultation

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

"Block of view to "Holy Place of Ismalia Jamat Khana on which my life is dependent on"/ Object on religious grounds" - As discussed in the section below, whilst the building would be sited between the objectors residence and the Mosque, consideration has been given to the extant permission. It is not considered that the proposed building would restrict worship and as such it is not considered that this reason alone warrants refusal of the application.

"Noise and dust during Construction"- A condition has been added to recommend a Demolition, Construction and Logistics Plan to be submitted to the Local Planning Authority to ensure that impact to neighbouring occupiers and highways are mitigated during construction.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to

demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the impact of worshipers at the adjacent Mosque. It is noted that this assessment can only consider matters within the applicant's control and within the curtilage of the site.

In this instance, the officers consider that the impacts to some objectors (within a protected group) in the proposed building blocking the direct view to the Mosque would not impede in the objectors from worshipping and as such it is not considered that the grounds would warrant refusal of the application alone.

7. Conclusion

Having taken all material considerations into account, including the previously approved (and extant) appeal decision, the proposal would be considered to have an acceptable impact on the character of the area, the amenities of both neighbouring and future occupiers and on local highways. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



Location **11 Primrose Close London N3 2RU**

AGENDA ITEM 17

Reference: **17/0694/HSE** Received: 6th February 2017
Accepted: 10th February 2017

Ward: Finchley Church End Expiry 7th April 2017

Applicant: Mrs M Patel

Proposal: A part two storey side extension / part single storey rear extension.
(Amended description)

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

- Drawing No. 11PC/P01 Rev. C

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

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

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

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

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

4 The roof of the single storey rear section of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall

at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 5 Before the building hereby permitted is first occupied the window(s) on the southern western flank of the two storey section of the side hereby approved facing No. 86 Rosemary Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 6 No development shall take place until the bin store has been relocated to the location shown on Drawing No. 11PC/P01 Rev. C. The bin store shall be permanently retained thereafter and shall be accessible to the residents of Primrose Close in perpetuity.

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

- 7 a) No development shall take place until 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 bin storage area shall be implemented in full accordance with the details as approved under this condition prior to the start of the development 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. The LPA has negotiated with the applicant/agent where

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

Officer's Assessment

1. Site Description

The application relates to a two-storey terraced property on Primrose Close; a residential cul-de-sac which lies within the Finchley Church End ward. The application site is a single family dwellinghouse. No. 10 Primrose Close is positioned to the north of the application site and shares a party wall with this property

The application site does not contain a listed building. The property is not listed and does not fall within a designated conservation area. However, given that it is a relatively recent development, the property does not benefit from any Permitted Development rights.

The terrace property on the application site also benefits from a roof extension including creation of rear gable end which was approved application 15/03261/HSE on 28 July 2015.

A single storey rear extension was approved at the application site though application 15/03255/HSE on 5 October 2015. At the time of the office's site visit this rear extension had not been constructed so despite the approval it is not considered to be existing. This approved rear extension projects 3 metres in depth beyond the rear elevation wall of the terrace property. It has a width of 4.8 metres. It has a flat roof with a height of 3 metres.

2. Site History

Reference: 16/5571/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Part two-storey, part first floor side extension.

Decision: Refused.

Decision Date: 18 October 2016

Reason for refusal of 16/5571/HSE:

The proposed extensions would, by reason their siting, size, bulk and design, result in an obtrusive, overly dominant and incongruous addition to the host property, which is harmful to and out of keeping with the character and appearance of the application site, the streetscene and the area more widely. It would result in a development poorly related to the terrace and unbalance it's appearance. The application is therefore found to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2015) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2013).

Reference: 15/03255/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Single storey rear extension.

Decision: Approved subject to conditions.

Decision Date: 5 October 2015

Reference: 15/03261/HSE

Address: 11 Primrose Close, London, N3 2RU

Proposal: Roof extension including creation of rear gable end, rear Juliette balcony, and 2 no rooflights to front elevation.

Decision: Approved subject to conditions.

Decision Date: 28 July 2015

3. Proposal

A part two storey side extension / part single storey rear extension.

The two storey section of the proposed side extension has a sloped roof with a ridge height of 7.9 metres and an eaves height of 5.4 metres. It has a depth of 4.45 metres and a width of 3.5 metres. It does not project beyond the rear elevation wall of the original property.

The single storey rear section of the proposed side extension also has a width of 7.8 metres. It has a gently sloping roof with an eaves height of 2.8 metres and a maximum height of 3.2 metres. It projects 3 metres beyond the rear elevation wall of the terrace property.

The relocation of the existing bin storage area to the closer to the northern boundary of the application site. The existing bin storage area occupies an area of 6.5 m². The proposed bin storage area will continue to have an area of 6.5 m².

4. Public Consultation

Consultation letters were sent to 21 neighbouring properties on 14/02/2017, 27/06/2017, and 17/08/2017.

10 objections were received in response.

The objections concerned the following issues:

- The bin storage area is in a perfect location and it should not be moved. When the residential development at Primrose Close was constructed it was the original intention of the developers for the bins to be stored in this location and the bin storage area was specifically designed for this purpose.
- Moving the bin storage area would cause health and safety problems with waste falling out of bins and it would encourage rodents.
- The owner of No. 11 Primrose Close does not have sole rights over the residents bin area. The proposal is infringing on land that is not completely owned by the applicant. They cannot take ownership of the bin storage area at this time.
- If the bin storage area is moved it will look unsightly within the streetscene. The proposal does not include a fence to screen the proposed bin store area whereas screen currently exists on site. A screen is required to hide the bins from view within the streetscene.
- Due to its size, bulk, height, position, and bulk, the proposed extension would will look out of place and give an unbalanced look to the rest of Primrose Close. The proposal is not significantly different to the previously refused application.
- The trees to the rear the application site should be preserved and the erection of the extension will prevent this from happening. These trees provide a noise barrier to the traffic and they help to mitigate against the effects of air pollution so therefore they should not be removed.

- The proposal would cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as result of a loss of daylight/sunlight and a loss of privacy.
- The occupiers of Primrose Close have not been consulted concerning the current application.
- The ground floor window of the proposed extension on the application site is located in close proximity to the proposed bin store which poses a health and safety risk.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 MALP

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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. Policies 3.4; 4.1; 4.4, 7.4, 7.6.

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, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, 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 (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 (October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The impact on waste and recycling storage in the local area

Impact on character

Proposed extensions should appear to be subservient additions to the original terraced property.

Barnet's Residential Design Guidance SPD (October 2016) requires that first floor side extensions should normally be set back 1 metre from the front main wall of the existing house. The first floor section of the proposed side extension had a front flank wall that is set back 3.8 metre from the front elevation wall of the original terrace property so therefore it greatly exceeds this requirement. The highest point of the roof of the proposed two storey side extension is set down 0.5 metres from the roof ridge of the original property.

Barnet's Residential Design Guidance SPD (October 2016) states that side extensions should not be more than half the width of the original house. The main body of the original

semi-detached dwellinghouse has a width of 4.8 metres and the proposed side extension has a width of 3 metres, which is 0.6 metres greater than the recommended width. It is considered however, that as the setback from the front elevation wall greatly exceeds requirement and the set down from the roof ridge significant, that on balance the width of the proposed extension is acceptable. The two storey section does not project beyond the rear elevation wall of the existing property.

The single storey section of the extension projects no further beyond the rear elevation wall of the exiting terrace property than the than the single storey rear extension that was approved through 15/03255/HSE. The proposed single storey section of the extension has a similar height to the rear extension approved through 15/03255/HSE.

The fenestration on the proposed extension is similar in design to the existing fenestration on the terrace property on the application site.

A condition shall be included in the decision notice requiring that the materials used on the proposed extension match the materials used on the original terrace property.

For the reasons stated above it is considered that the proposed extension would not appear incongruous within the application site and nor would it appear overly dominant within the streetscene.

In order for the proposed bin storage area not to have a negative visual impact on the streetscene, a condition shall be included within the decision notice requiring the submission of details of screening for the proposed bin storage area.

Impact on neighbour amenity

The overlooking of the of neighbouring and adjoining properties from the windows on the front flank and rear flank walls of the proposed extension is considered to be no worse than the overlooking from the exiting rear elevation and front elevation windows terrace property.

The ground floor side flank window on the proposed two storey section of the extension overlooks No. 86 Rosemary Avenue. To prevent the occupiers of this property from suffering a material loss of amenity as a result of overlooking a condition shall be included in the decision notice requiring that this window is obscure glazed and non-opening.

The two storey section of the side extension is flush with the rear elevation wall of the existing property. The southern side flank wall of the proposed extension is set back 1 metre from the boundary with No. 86 Rosemary Avenue. The proposed single storey rear section of the extension projects no further beyond the rear elevation wall of the terrace property than the single storey rear extension that was approved through 15/03255/HSE and it approximately the same height as this previously approved extension.

Due to its size, height, and position, the proposed extension is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of a loss of daylight/sunlight, a loss of outlook, or a loss of privacy and nor are they considered to have an overbearing impact on these properties.

Refuse and recycling storage

This dwellinghouse is part of a development of 11 no. properties that was granted planning permission on 4/11/1999 (ref: C00695S). The application site contains a bin storage provision area that is used by all of the 11 no. properties approved under planning application C00695S and the proposed extension in the current application would require a relocation of this bin storage area. There is no condition in the decision notice (ref: C00695S, dated 4/11/1999) concerning this bin storage area and nor is the bin storage depicted on the approved plans for C00695S. The deeds for No. 11 Primrose Close, London, N3 2RU show however, that the occupiers of the other properties on the development can access the bin storage area on the day of collection day and the evening before it

The proposal does not reduce the amount of waste and recycling storage provision on the application site. The proposal is to relocate the bins storage area closer to the public highway so it is considered to be just as accessible to the residents of Primrose Close as it currently is.

The bin store is located on the applicants land and is therefore within the applicant's control. In order to use the bin store, the occupiers/owners of plots 1 to 10 Primrose Close (inclusive) would need to access the applicant's land and they would require the applicant's permission to do so or have an agreement in place regarding use and access to the bin store. These arrangements appear to have been made via the deeds for No. 11 Primrose Close. Although the deeds can be seen as a private matter between neighbours, the siting of refuse storage and management of the same are material planning considerations (due to the Council's adopted policies such as Supplementary Planning Document: Residential Design Guidance) and therefore can be controlled via conditions by the Council as the local planning authority. A condition shall be included in the decision notice requiring the re-location of the bin store prior to implementation of the development.

As the amount of bin storage and its level of accessibility shall remain the same and details of enclosures to the bin storage area shall be conditioned, it is considered that the proposal will not cause the occupiers of the properties on Primrose Close to suffer a material loss of amenity as a result of environmental health concerns.

5.4 Response to Public Consultation

The following issues have been addressed elsewhere in the report:

- The impact of the proposal on the amenity of neighbouring and adjoining occupiers.
- The impact of the proposal on the character of the application site and the streetscene.
- The impact of the proposal on the existing bin storage area.

Other material considerations:

- The LPA's record show that all of the properties on Primrose Close were sent consultation letters cornering the current application.
- The ground floor window on the proposed extension that faces the bin storage area has been removed from the proposal.
- Due to its set back from the site eastern boundary it is considered that the proposed extension would not cause damage to the mature trees near the application site.
- Notice has been served on the owners/occupiers of Nos. 1 to 10 Primrose Close (inclusive) regarding this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, 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 or the occupiers of the application site. This application is therefore recommended for APPROVAL.

