

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 17TH OCTOBER, 2017

AT 6.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

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

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

Arjun Mitra	Councillor Melvin Cohen	
Alan Schneiderman	LLB	Councillor Jim Tierney
	Councillor Shimon Ryde	
	BSc (Hons)	

Substitute Members

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

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

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

Andrew Charlwood – Head of Governance

Governance Service contact: Abigail Lewis, abigail.lewis@barnet.gov.uk, 0208 359 43699

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

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3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
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16.	17/3904/FUL – Finch Lodge, 101 Bow Lane London N12 0JL	157 - 170
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18.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

7 September 2017

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)

Councillor Arjun Mittra
Councillor Alan Schneiderman
Councillor Melvin Cohen

Councillor Shimon Ryde
Councillor Jim Tierney
Councillor Gabriel Rozenberg (In place of
Councillor John Marshall)

1. MINUTES OF LAST MEETING

Following an amendment to section 3 of the minutes which corrected:

- Councillors Melvin Cohen's declaration in respect to 1069 Finchley Road
- The spelling of Councillor Ryde's name

The Committee **RESOLVED** that the minutes of the meeting held on 18 July 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

An apology of absence was received from Councillor John Marshal, therefore Councillor Gabriel Rozenberg attended as a substitute Member.

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

A non-Pecuniary Interest was declared from Councillor Gabriel Rozenberg. He stated that the supporting speaker Mr Brian Plen who made a verbal representation in relation to The Lodge was he was a friend of his. Councillor Rozenberg took part in the consideration of the item and took part in the voting process.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The addendum to the Officers reports was published on the Council's website in advance of the meeting and circulated to Members of the Committee. The content of the document was considered at the relevant individual agenda items.

6. THE LODGE, LONG LANE, LONDON N3 2PY - 17/4102/FUL

The report and the addendum to the report was presented by the Planning Manager.

A verbal representation was heard from Councillor Ross Huston, Ward Councillor for West Finchley, Mr Roger Chapman who spoke in objection, Mr Brian Plen who spoke in support and the applicant's agent.

Following the consideration of the report the Chairman requested that the item be moved to the vote.

The vote in favour of the Officer's recommendation was 0.

The Chairman moved an alternative outcome and moved to refuse the application which was seconded by Councillor Ryde. The Committee considered the reasons for refusal which were supplied by Members.

The Planning Officer confirmed the reasons which were provided by the Committee and unanimously resolved to overturn the officer's recommendation and therefore the application was refused 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, CS5 and CS NPPF of the Local Plan Core Strategy and the National Planning Policy Framework (NPPF) and policies 7.4 and 7.6 of the Mayor's London Plan
- 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, CS5 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. 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) In the absence of a legal agreement to provide replacement and additional tree planting to Victoria Park, the proposals would provide inadequate soft landscaping and fail to mitigate the visual impact of the development when viewed from the surrounding area and park. The proposals would be contrary to Policy DM01 of the Adopted Barnet Development Management Policies 2012, CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).
- 5) In the absence of a legal agreement to amend the necessary traffic order to create the proposed access, the proposals would have a harmful impact on highway and pedestrian

safety, contrary to policy DM17 of the adopted Barnet Development Management Policies 2012, CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

6) The site is considered ancillary to the park and the proposals would compromise the open space being contrary to policy DM15 of the Adopted Barnet Development Management Policies and policy 7.18 of the London Plan.

7. GROUND FLOOR FLAT, 15 REDBOURNE AVENUE, LONDON, N3 2BP - 17/4160/FUL

The report was presented by the Planning Manager.

A verbal representation was heard from Dr David Jones and Mr Wilson who spoke in objection to the application and a response from the applicant's agent.

Having considered the report the committee **RESOLVED** to approve the application in line with the Officer's report and addendum subject to an amendment to condition 4:

With replacement condition 4:

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

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).

The vote recorded was:

For – 4

Against – 3

8. 124 FRIERN PARK, LONDON, N12 9LN - 17/3192/S73

The report and the addendum to the report was presented by the Planning Manager.

A verbal representation was heard from Ms Gill Brailey who spoke in objection and a response from the applicant's agent.

Having considered the report and the addendum to the report the Committee **RESOLVED** to approve the application in line with the Officer's report and addendum.

The votes were recorded as follows:

For – 4

Against – 3

9. 15 WYCOMBE GARDENS, LONDON, NW11 8AN - 17/4182/FUL

The report and the addendum to the report was presented by the Planning Manager.

A verbal representation was heard from Mr R Hawthorn who spoke in objection and a response from the applicant.

Following the consideration of the report the Chairman requested that the item be moved to the vote. The votes in favour of the Officer's recommendation were recorded as follows:

For approval – 3

Against approval – 4

The Governance Officer in attendance requested from Members of the Committee who voted against the application for planning reasons for refusal to be provided.

Having considered the reasons for refusal which the Planning Manager confirmed the Committee resolved to overturn the officer's recommendation and therefore refused the application for the following reasons:

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.

The vote was recorded as follows:

For refusal – 4

Against refusal – 3

10. 29 RAVENSCROFT AVENUE LONDON NW11 8BH - 17/3818/FUL

The report and the addendum to the report was presented by the Planning Manager.

Having considered the report and the addendum to the report the committee **RESOLVED** that that the application be approved in line with the Officer's report

The vote recorded was:

For - 4

Again - 3

11. BRONDESBURY CRICKET TENNIS AND SQUASH CLUB, 5A HARMAN DRIVE, LONDON, NW2 2EB - 17/0239/FUL

The report and the addendum to the report was presented by the Planning Manager.

A verbal representation was heard from Mr Dan Coppel and Ms Anne Linton who spoke in objection to the application. The applicant spoke in response.

Following the consideration of the report the Chairman requested that the item be moved to the vote. The votes in favour of the Officer's recommendation were recorded as follows:

For – 3

Against – 4

The Governance Officer in attendance requested from Members of the Committee who voted against the application were required to provide planning reasons for refusal.

Having considered the reasons for refusal which the Planning Manager confirmed the Committee resolved to overturn the Officer's recommendation and therefore refused the application for the following reasons:

The proposed tennis court, by reason of its siting would by reason of its associated noise, disturbance and general activity, be harmful to the residential amenities of neighbouring occupiers. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

The vote was recorded as follows:

For refusal – 4

Against refusal – 3

12. BERKELEY COURT, 39 RAVENSCROFT AVENUE, LONDON NW11 8BG - TPF/0077/17

The report and the addendum to the report was presented by the Principal Planner for Trees and Environment.

Having considered the report and the addendum to the report the committee **RESOLVED:**

That consent be unanimously REFUSED 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.

Add informative 'The applicant is advised that an application to reduce the tree as opposed to fell may be more favourably received.

13. 69 CUMBRIAN GARDENS, LONDON, NW2 1ED - 17/3513/FUL

The report was presented by the Planning Manager.

A verbal representation was heard from Mr Milan Korenko, Mr Roberto Revillia who spoke in objection and a response from the applicant.

Having considered the report and the addendum to the report the committee **RESOLVED that that the application be approved**

Votes were as follows:

For - 4

Against - 2

Abstain - 1

14. 87 BRIDGE LANE, LONDON, NW11 0EE - 17/3752/FUL

The report was presented by the Planning Manager.

A verbal representation was heard from Natalie Ginsbury who spoke in objection and a response from the applicant's agent.

Having considered the report the committee **RESOLVED** to approve the application.

The vote was recorded as follows:

For – 4
Against – 3

15. LAND R/O 138 CLITTERHOUSE ROAD, LONDON, NW2 1DN - 17/1872/FUL

The report and the addendum to the report was presented by the Planning Manager.

A verbal representation was heard from Mr Lambert who spoke in objection and a response from the applicant's agent.

Following the consideration of the item the Chairman requested that the item be moved to the vote. The votes in favour of the officer's recommendation were recorded as follows:

For – 2
Against – 3
Abstain -2

The Governance Officer in attendance requested from the Members that voted against the item to provide planning reasons for refusal.

Having considered the reasons for refusal the Committee resolved to overturn the Officer's recommendation and therefore the item was refused for the following reasons:

The proposed development by reason of its siting, form, design, and amount of hardstanding would be an obtrusive form of development out of character with the general pattern of development in the area. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and policy CS5 of the Adopted Barnet Core Strategy.

The vote recorded was
For refusal – 2
Against refusal – 3
Abstain – 2

16. VICEROY COURT CAR PARK, EAST END ROAD, LONDON, N2 8AU - 17/3301/FUL

The report was presented by the Planning Manager.

A verbal representation was heard from Mr Travers who spoke in objection and a response from the applicant's agent.

Having considered the report committee **RESOLVED** that that the application be approved subject to the officer's report.

Votes were as follows:

For - 4

Against - 3

17. 11 PRIMROSE CLOSE, LONDON, N3 2RU - 17/0694/HSE

The report presented by the Planning Manager.

A verbal representation was heard from Ms Maria Close who spoke in objection and a response from the applicant's agent.

Having considered the report and the addendum to the report the Committee unanimously **RESOLVED** that the item be deferred in order for Officers to seek further information relating to bin storage and collection arrangements at the location.

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

There were no urgent items.

The meeting finished at 10:10pm

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Location **67 The Ridgeway London NW11 8PH**

Reference: **17/4757/FUL**

Received: 24th July 2017

Accepted: 24th July 2017

Ward: Childs Hill

Expiry 18th September 2017

Applicant: Ms Orly Weinberger

Proposal: Conversion of dwelling house into 2no semi-detached dwelling houses following demolition of the existing single storey rear extension and erection of a part single storey, part two storey side and rear extension with pitch roof to match existing. Extension to roof including 1no rear dormer window and 1no side dormer window to both existing and proposed roof slopes. Associated amenity space, parking, cycle storage, and refuse storage

AGENDA ITEM 6

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, RE/67TR/.463/1, RE/67TR/.463/2, RE/67TR/.463/3, RE/67TR/.463/4 Rev A, RE/67TR/.463/5, RE/67TR/.463/6, RE/67TR/.463/7, RE/67TR/.463/8, RE/67TR/.463/9 Rev A.

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

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

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

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

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

- 4 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

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

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

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevations facing 65 and 69 The Ridgeway 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).

- 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 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 Before the development hereby permitted is first occupied a revised parking layout drawing showing parking perpendicular to the kerb in accordance with the highway requirements shall be submitted and approved by the Local Planning Authority. The approved parking layout shall be provided and marked out prior to occupation in accordance with the approved drawing and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 10 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.

- 11 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 to the development 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).

- 12 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 Class C of Part 2 of Schedule 2 of that Order shall be carried out to the development 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).

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

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

Informative(s):

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

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

Officer's Assessment

The application was called in to Committee by Councillor Ryde on grounds of the potential impacts associated with the creation of additional residential units.

1. Site Description

The application site is located on The Ridgeway close to the junction with Gresham Gardens/Woodstock Road. It currently features a large, detached single dwelling-house, set over two storeys and featuring a prominent front projecting gable. The property is in an Arts & Crafts vernacular style, with a combination of rough render and hanging tiles under a pitch roof surmounted by ornamental chimney-stacks.

The immediate area (including the Ridgeway and nearby parts of Gresham Gardens and Woodstock Road) is characterised by dwellings in a similar style, generally set-back from the road behind a combination of dwarf walls and mature hedging.

The surrounding area is predominantly residential characterised by mainly single family dwellings, however there are also a number of flatted developments that have been developed in recent years.

The site is in Flood Zone 1 (low probability). The land does not form part of a Conservation Area, nor does it feature a Listed Building. The site benefits from a Public Transport Accessibility Level (PTAL) of 3, but is immediately adjacent to areas of 5 and 6a due to its close proximity to Golders Green Tube Station (Northern Line) as well as multiple local and national bus routes emanating from the bus station. The property is less than five minutes' walk from shops and services in Golders Green Town Centre.

2. Relevant Planning History

Reference: 17/4537/FUL

Address: 67 The Ridgeway

Decision: Withdrawn

Decision Date: 3rd October 2017

Demolition of the existing dwelling and erection of a new two-storey building with rooms in roofspace comprising 6no flats with associated amenity space, parking, cycle storage, and refuse storage.

Reference: 15/07835/FUL

Address: 85-87 The Ridgeway

Decision: Refused, then allowed at appeal.

Decision Date: Refused 29th February 2016, allowed at appeal 10th November 2016.

Demolition of the existing dwelling and erection of a new two-storey building with rooms in roofspace comprising 6no flats with associated amenity space, parking, cycle storage, and refuse storage.

3. Proposal

Conversion of dwelling house into 2no semi-detached dwelling houses following demolition of the existing single storey rear extension and erection of a part single storey, part two storey side and rear extension with pitch roof to match existing. Extension to roof including

1no rear dormer window and 1no side dormer window to both existing and proposed roof slopes. Associated amenity space, parking, cycle storage, and refuse storage.

The application proposes the demolition of the existing ground floor rear extension, erection of a part single-storey, part two-storey side and rear extension, corresponding roof extensions together with the installation of 2no dormers and sub-division of the property to provide for 2 x 5-bed, 8-person houses.

The accommodation will be spread across two floors and within the roof space. The proposal includes 2no off-street parking spaces (one space for each of the houses), together with private amenity space, 4no secure cycle parking spaces and associated refuse and recycling storage.

4. Public Consultation

The application was called in to Committee by Councillor Ryde on grounds of the potential impacts associated with the creation of additional residential units.

Consultation letters were sent to 43 neighbouring properties. 3 objections were received. The nature of the objections can be summarised as follows:

- The houses along this stretch of the road are all detached houses with a clear character. Splitting up houses to create smaller ones is not what the area needs or wants. The character of the area should be retained.
- Proposed development is out of character with this part of The Ridgeway
- At least 3 no. off street car parking spaces should be provided.
- PTAL score is 2, not 3.
- Loss of landscaped front garden to be replaced with hardstanding.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of subdivision of existing detached dwellinghouse into 2 no. semi-detached dwellinghouses.
- 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 the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.

5.3 Assessment of proposals

Amended Drawings.

Amended drawings (Proposed Ground Floor Plan - RE/67TR/.463/4A and Proposed Elevations - RE/67TR/.463/9A) were requested by Officers and provided by the applicant on 1st September 2017 showing the following amendments:

- Re-arrangement of front drive area in order to minimise the amount of hardstanding / preserve more of the existing front garden.
- Amended parking arrangement showing cars parked perpendicular to the kerb as required by Highways.
- Refuse bins originally shown in front of the front elevation re-located.
- Front door of 67B moved from the front elevation to the side elevation.

Principle of subdivision of existing detached dwellinghouse into 2 no. semi-detached dwellinghouses.

Policy DM01(h) of the LB Barnet Local Plan (Development Management Policies) DPD (2012) states that the "conversion of dwellings into flats in roads characterised by houses

will not normally be appropriate", this proposal, however, relates to the sub-division of the plot and formation of 2no semi-detached single family dwellinghouses.

As such, there is no in-principle policy objection to the proposal, particularly given that the proposal would result in the creation of 2 no. 5 bed family dwelling houses, with a net addition of 1 no. single family dwelling house.

Application 15/07835/FUL (85-87 The Ridgeway) was allowed at appeal on 10th November 2016. The application proposed:

"Demolition of the existing semi-detached properties and detached garage to be replaced by two-storey building with rooms in roof space to provide 5no. self-contained flats, and 1no. single family dwelling including associated off-street refuse storage, 6no.off-street parking spaces and associated landscaping."

In allowing the appeal, the Inspectors found that a building appearing as two semi-detached dwellings would be in keeping with the predominant character and appearance of the area and welcomed the creation of an additional family dwelling.

At paragraphs 12 and 13, the Inspector's Report states:

"12. The proposed development would appear as two purpose built semi-detached dwellings and a detached dwelling and would be of a similar size and scale to the surrounding properties. It would therefore be in keeping with the predominant character and appearance of the residential area and have no materially harmful effect. Furthermore, whilst the proposal would result in the demolition of two family dwellings, it would create two 3 bedroom dwellings and one 5 bedroom dwelling, equating to an overall increase in the number of family dwellings in the area. As a result, it would contribute towards local housing needs as identified in the London Plan (adopted 2011 and 2013) (the London Plan) and the adopted Barnet Core Strategy 2012 (the Core Strategy)."

"13. Consequently, I conclude that the proposed development would respect the established character of the area and therefore would accord with Policies 3.5, 7.4 and 7.6 of the London Plan (adopted 2011 and 2013), Policies CS NPPF, CS1 and CS5 of the Core Strategy, Policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) (the DMP) and the Adopted Residential Design Guidance SPD (2013). Amongst other matters, these policies seek to ensure that development is based on an understanding of local characteristics and respects and enhances the character and appearance of the local area."

The principle of the proposed subdivision to create 2 no. semi-detached single family dwellinghouses is considered to be acceptable.

Character and appearance of proposed extensions

The proposed part single, part two storey side and rear extension would require the demolition of the existing single storey side and rear extension, part of which is attached to No. 65 The Ridgeway.

The proposed two storey side element would measure 1.8m in width, extending the full depth of the existing house, adjacent to No. 65, with a 1.0m set back from the existing front elevation and a 1.0m gap to the boundary with No. 65. A gap of at least 4.0m would be maintained between the flank walls of the proposed side extension and the existing

flank wall of No. 65. The front and side set backs of 1.0m and 4.0m gap to the flank of No. 65 are considered to be sufficient to ensure that the proposed extension appears subordinate to the original building and to ensure that a gap is maintained between the application property and No. 65, with no terracing effect occurring.

The proposed sub-division of the garden area would not be out of character within the general area as a result of the reduction in plot widths.

The rear element would extend 4.8m beyond the existing rear elevation at ground floor, and 3.0m at first floor. Whilst a single storey rear extension of up to 4.0m is typically acceptable to detached properties, in this case the ground floor rear element is considered to be acceptable at 4.8m deep as it would not extend beyond the depth of the single storey rear extension at No. 69 (it would be level with the neighbouring addition) and would extend only 1.0m beyond the link extension at No. 65; indeed this would represent an improvement on the existing position where the existing ground floor rear extension to the application property extends approximately 8.0m along the shared boundary.

The first floor rear element would extend 3.0m beyond the existing rear elevation and would be set 1.0m off each neighbouring boundary. Due to the broad plot widths and gaps between properties it is not considered that this element will compromise the character of the area.

As viewed in the street-scene, the proposed building would continue to appear as a single detached dwellinghouse, with a subordinated two storey side extension under a pitched, tile roof, set back 1m from the original front elevation at first floor level. The communal forecourt area will lead to a double door - functioning visually as the principal entrance, with a secondary access to the side, as per the existing arrangements.

Amendments to the scheme have been received including reduction in the amount of hardstanding proposed so that this development is accommodated more comfortably within the local streetscene.

In order to achieve the required internal floor-to-ceiling heights the overall ridge height has been raised by 13cm - to be in line with the neighbouring property at No 65. This is considered likely to be imperceptible in appreciation of the property as part of the street scene and is therefore considered to be acceptable.

Two dormer windows are also proposed. One rear facing and one side facing No. 69. Dormer windows are a feature of the existing streetscene and the proposed additions are therefore considered to be acceptable.

Conditions are attached to prevent further changes under permitted development which could compromise the appearance of the development.

Residential amenity of neighbouring occupiers

The proposed ground floor element would extend to a depth of 4.8m; this would be level with the depth of the neighbouring extension at No. 69 and 1.0m past the rear elevation of No. 65, improving on the existing position where the existing rear extension extends 8.0m along the shared boundary. On this basis it is considered that the ground floor rear extension would have no detrimental impact on either of the neighbouring properties.

The first floor rear element would extend 3.0m beyond the existing rear elevation and would be set 1.0m off each neighbouring boundary. For this reason the proposed first floor element would have no detrimental impact on the outlook or general amenity of the immediate neighbouring properties and is also considered to be acceptable.

The applicant proposes that the windows in the side elevation at first floor level and in the eastern elevation at roof level are proposed to be obscure glazed and fixed shut up to a minimum level of 1.7m above the internal floor level in order to prevent overlooking and maintain the privacy of neighbouring occupiers, particularly the side windows of No. 65 The Ridgeway, and this can be secured by condition.

Quality of Accommodation

Space Standards

All of the proposed flats meet the minimum London Plan / National residential space standards as follows:

Requirement for a 3 storey, 5 bed, 8 person dwelling = 134 sq m.

Dwelling 67A = 188 sq m

Dwelling 67B = 211 sq m

All of the bedrooms also meet the required minimum bedroom standards as follows:

Unit 67a: Bedroom 1 - 13.34sq m; Width - 2.89m

Unit 67a: Bedroom 2 - 11.45sq m; Width - 2.75m

Unit 67a: Bedroom 3 - 8.48sq m; Width - 2.15m

Unit 67a: Bedroom 4 - 13.27sq m; Width - 4.00m

Unit 67a: Bedroom 5 - 7.63sq m; Width - 2.45m

Unit 67b: Bedroom 1 - 15.17sq m; Width - 3.38m

Unit 67b: Bedroom 2 - 13.63sq m; Width - 2.75m

Unit 67b: Bedroom 3 - 9.94sq m; Width - 2.47m

Unit 67b: Bedroom 4 - 17.56sq m; Width - 4.00m

Unit 67b: Bedroom 5 - 8.60sq m; Width - 2.28m

The proposed development achieves minimum ceiling heights of 2.3m, and the proposed dwellings would have dual aspect and good levels of outlook from habitable room windows. There are no stacking issues.

The proposal is therefore considered to be acceptable in terms of quality of accommodation.

Amenity Space

Dwelling 67A would provide 126 sq m of private outdoor amenity space and 67B 140 sq m. This is in excess of the required level of provision of 85 sq m for houses of 7 or more habitable rooms and is therefore acceptable.

Highways

2 no. off-street parking spaces are proposed, 1 for each house.

The maximum parking standards set out in policy DM17 expect development to provide parking as follows:

Detached houses - 2 to 1.5 spaces.

On this basis the proposed development should provide parking at a range of between 3 and 4 spaces.

Highways advise that a shortfall of 1 space in this location would not result in an objection on Highways grounds.

The application originally proposed parking parallel to the kerb in order to avoid the need for a new crossover / moving an existing on street parking bay and in order to retain the existing front hedge.

However, Highways advised that parking would need to be provided perpendicular to the kerb. This amendment to the parking layout was made when amended drawings were submitted on 1st September 2017 and the perpendicular parking layout can be secured by planning condition.

Cycle Parking

2 no. secure cycle parking spaces are provided for each proposed dwellinghouse within the respective rear gardens. This level of provision is in accordance with the relevant London Plan standards and is therefore acceptable.

Refuse Storage

Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building. In this instance the applicant has provided refuse storage facilities and siting for the dwellings to the front and rear of the property within its curtilage and a condition will be attached for the submission and approval of a waste bin storage facility and to ensure bins are stored in the designated approved storage area, other than on collection days.

Sustainability

In respect of Carbon Dioxide emission reductions, a condition will be attached to any planning permission requiring the scheme to achieve a minimum of 6% Carbon Dioxide reductions against 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.

With regard to water consumption, a condition will be attached to any planning permission requiring 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).

5.4 Response to Public Consultation

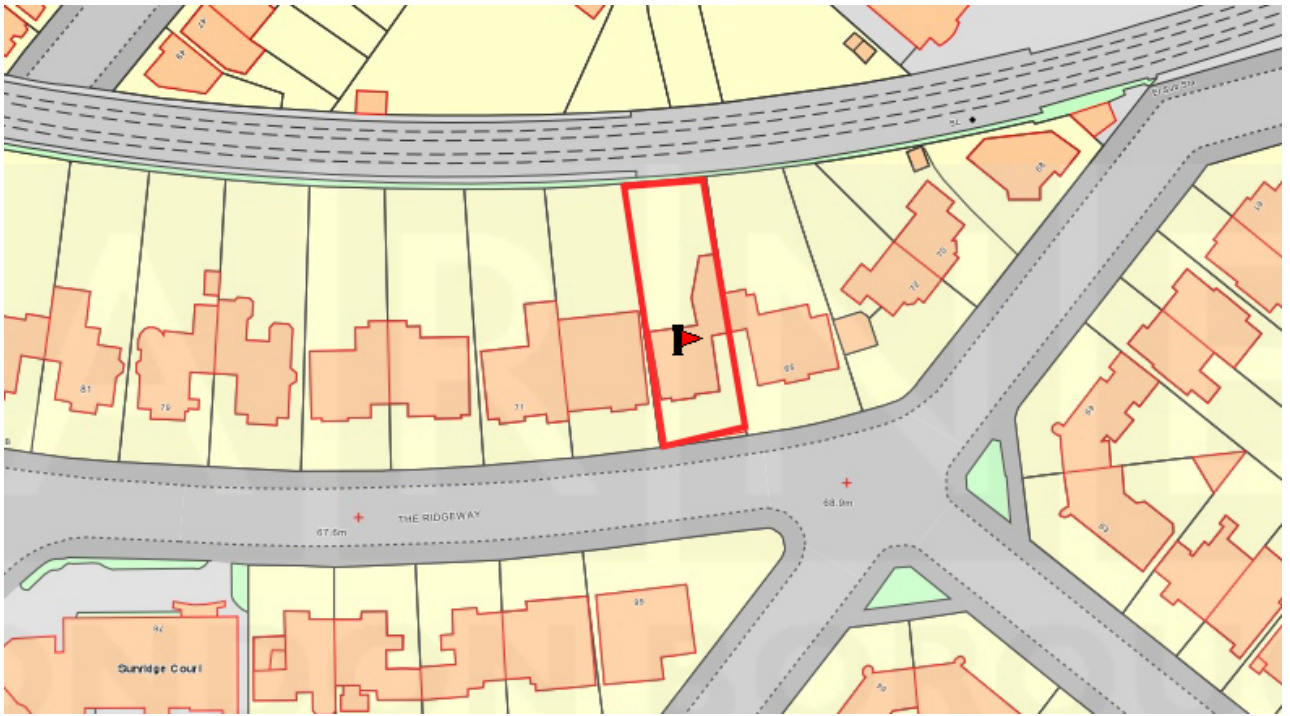
Addressed elsewhere in this report.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **93 Hodford Road London NW11 8EH**

Reference: **17/3806/RCU**

Received: 14th June 2017

Accepted: 22nd June 2017

Ward: Childs Hill

Expiry 17th August 2017

Applicant: Mr Meir Fattal

Proposal: Single storey rear extension (Retrospective Application)

AGENDA ITEM 7

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 and Block Plan Drawing No 880/HFR/S1
Received 14 June 2017

Existing Elevations Drawing No 880/HFR/02 Rev A
Pre-Existing Elevations Drawing No 880/HFR/04 Rev A

15 August 2017

Pre-existing Ground and First Floor Plan Drawing No 880/HFR/05 Rev A
Existing Ground and First Floor Plan Drawing No 880/HFR/01 Rev A
Pre-existing and Existing Loft Plan Drawing No 880/HFR/02 Rev A

Received 15 September 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 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 This application does not grant permission for any change of use of the site property. Any conversion of the property to be used as flats or as an HMO will require separate planning permission.

Officer's Assessment

This item has been called in by Cllr. Zinkin who has given concerns regarding the loss of a single family dwellinghouse, the impact on the character of the area, the multiple applications that have been lodged for different uses at the property and enforcement concerns regarding the unusual internal layout for the extant permission.

1. Site Description

The application site is a large semi-detached property located on the corner of Hodford Road and The Ridgeway. The application site is attached to the neighbouring property at 95 Hodford Road to the North and borders The Ridgeway to the South.

The property is a large single-family dwellinghouse which benefits from a rear dormer and large rear outbuilding. The property has also been extended to the rear with a single storey extension along the boundary with 95 Hodford. The property has received a Lawful Development Certificate for a roof extension including rear dormer, an outbuilding and a 3 metre rear extension. The rear extension has been measured on site and is larger than shown in the plans for the Lawful Development Certificate. This application seeks retrospective permission for the rear extension as built.

The property has been subject to recent enforcement investigations regarding building works and concerns the property was occupied as a House of Multiple Occupation. There was no evidence that the property was being used as HMO at the time of the investigation and no breaches concerning building works identified at the time.

The property is not a listed building and is not located within a Conservation Area.

2. Site History

Reference: 15/00093/192

Address: 93 Hodford Road, London, NW11 8EH

Decision: Lawful

Decision Date: 6 February 2015

Description: Single storey rear extension. Extension to roof including side/rear dormer, 1no. front rooflight and 4no. side rooflights to facilitate a loft conversion. New outbuilding to rear garden

Reference: 16/7755/FUL

Address: 93 Hodford Road, London, NW11 8EH

Decision: Withdrawn

Decision Date: 15 March 2017

Description: Change of use of a single family dwelling to a house of multiple occupation for up to 10 people

Reference: 17/2153/FUL

Address: 93 Hodford Road, London, NW11 8EH

Decision: Withdrawn

Decision Date: 25 May 2017

Description: Conversion of existing dwelling into 2no self-contained flats. Associated cycle store, refuse and recycling store

3. Proposal

The application seeks retrospective permission for a single storey rear extension measuring 5.7 metres in depth from the original rear wall along the boundary with 95 Hodford Road, 2.1 metres in width to join an existing rear projection and 2.9 metres in height with a flat roof.

The plans have been amended to clarify the height of the existing dormer on the property and show the dormer on the pre-existing plans to clarify the dormer is constructed and does not form part of this application. More detailed plans have also been provided to demonstrate the use of the property as a single family dwelling and that no material change of use has taken place.

4. Public Consultation

Consultation letters were sent to 10 neighbouring properties.
0 responses have been received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

The application site benefits from a generous size corner site. The front of the property faces Hodford Road and the extension is not visible from any section of the road. The side of the property adjoins The Ridgeway and the rear and side of the property are visible for users along The Ridgeway. The extension infills a recessed 'L' shaped section of the property and does not extend any further past the existing rear wall of the property. The extension itself is not particularly visible along Hodford Road due to the other extensions and the existing outbuilding on the site which screen this part of the dwelling from view. Given its obscured location, the extension does not add to the perceived size or bulk of the property when viewed in the streetscape. While it is acknowledged the property is already of significant size, development of the neighbouring property at 95 Hodford is of a similar scale and the footprint added by the infill extension does not significantly increase the scale and bulk of the property above that of the neighbouring site. However, further extensions to the property, are unlikely to be supported.

Two previous applications have been made to convert the property into an HMO and self-contained flats. Both applications were withdrawn before an outcome was decided. At the time of the officer's site visit, there was no evidence to suggest the property is occupied or converted as an HMO or flats. It is noted the property is of considerable size. The plans provided indicate only one kitchen facility. This application has proceeded on the basis that the property is a single family dwelling.

The Local Planning Authority cannot consider the possibility of whether the proposals would be used as flats or an HMO under this application as permission for these is not being sought and would be required. The lawful use of the building is as a single family dwelling.

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

The extension infills a recessed section in the rear elevation. The extension measures 5.7 metres along the boundary with the attached neighbour at 95 Hodford Road. The neighbouring property has a matching extension and the applicant's extension does not exceed the depth or height of the neighbour's extension. A recent enforcement case has investigated the ground floor rear extension and has concluded that no action should be taken as the extension was approved in application reference F/00901/11 and has been constructed since 2012. As the neighbour's extension is considered to be lawful, this is a material consideration in this case. Given the presence of the neighbour's extension, the extension under consideration at 93 Hodford Road is not considered to have any impact to the neighbouring property.

The extension is set away from the rear boundary and is separated from the boundary by a large outbuilding. The extension is not visible from the streetscape and is not considered to impact harmfully upon the visual or residential amenities of any other neighbouring occupier.

5.4 Response to Public Consultation

n/a

6. Equality and Diversity Issues

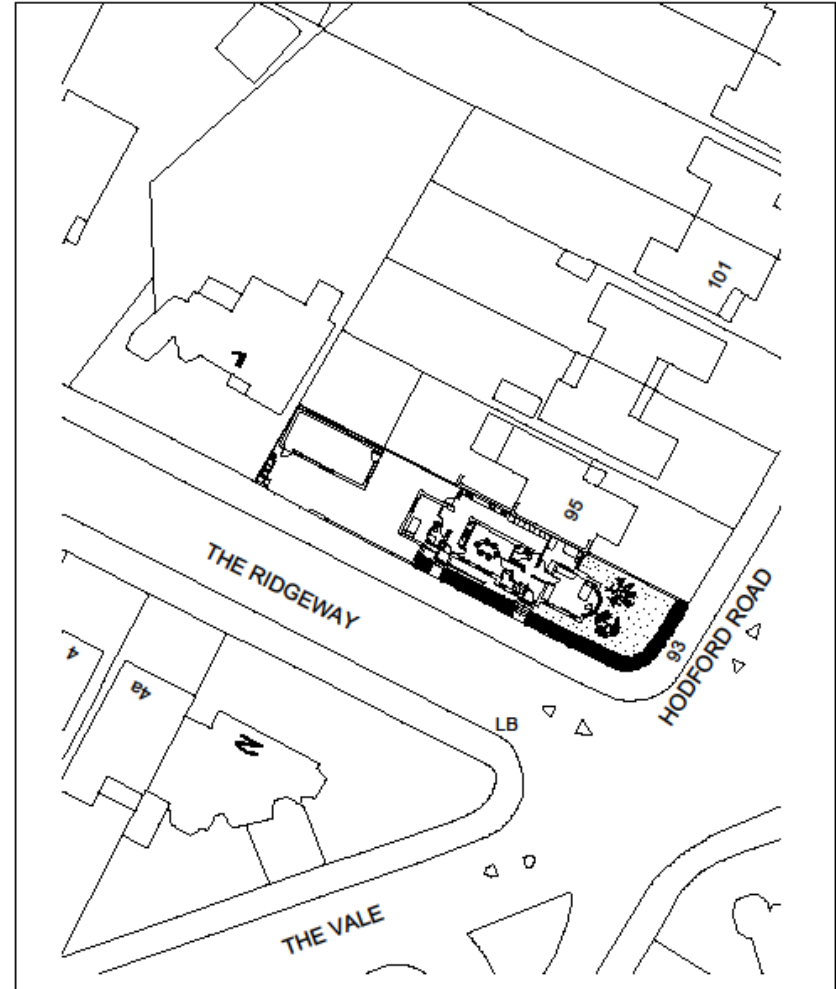
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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



LOCATION PLAN 1:1250



BLOCK PLAN 1:500

Rev.	Description	Date

Client	Mr Mair Faisal 93 Hodford Road London, NW11 5EH	Scale	1:1250 & 1:500	Date	June 2017
Scheme	Situation of additional 2m part ground floor rear extension	Drawn by:	HS	Checked by:	Rev.
Title	Location & Block Plans	Approved by:		Drawing No.	080/HFR/S1

H Solaimani 92 The Vale London, NW11 5BW Tel: 020 7870 0976 Mobile: 07861 445580 Email: h786@btinternet.com
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Location **504 Finchley Road London NW11 8DE**

Reference: **17/4842/FUL**

Received: 26th July 2017
Accepted: 4th September 2017

AGENDA ITEM 8

Ward: Childs Hill

Expiry 30th October 2017

Applicant: Chase London Ltd

Proposal: Erection of outbuilding to rear for use as gym/playroom

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 and Block Plan Drawing No 892/FR/S1
Existing Plans Drawing No 892/FR/01
Proposed Plans and Elevations Drawing No 892/FR/02
Received 26 July 2017

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

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

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

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

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

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

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

Informative(s):

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

Officer's Assessment

Councillor Shimon Ryde has requested that should the application be recommended for approval, the application should be referred to the committee considering the proposal is an amended version of an application previously decided by Committee.

1. Site Description

The application site is located on the eastern side of Finchley Road, within the ward of Childs Hill and consists of a two-storey, semi-detached property comprising of 4no. self-contained units. The property was converted originally from a single family dwelling into 6no flats without planning permission but became lawful in 2011 due to the passage of time. The number of units has then reduced from 6no units to 4no in order to improve the quality of the internal units. The ground floor unit has access to a separate private amenity to the rear, while the remaining units have access a communal area at the rear.

The property benefits from front, side and rear dormers and a rear extension. There has been enforcement history at the property concerned with the development of the dormers not in accordance with approved plans and the development of a rear terrace.

The street is characterised by similar two-storey properties on the eastern side of Finchley Road, whereas there are larger 3-4 storey new flatted development on the western side of the road.

2. Site History

Reference: 17/2226/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Refused

Decision Date: 27 July 2017

Description: Erection of outbuilding to rear for use as gym/playroom

Reason for refusal: The proposed outbuilding by reason of its size, siting and design would be detrimental to the character and appearance of the general locality, and would harm neighbouring visual and residential amenity being contrary to policy DM01 of the Adopted Barnet Development Management Policies and policy CS5 of the Barnet Core Strategy.

Reference: 16/2092/FUL

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 10 August 2016

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Single storey rear extension and associated parking spaces

Reference: F/04678/12

Address: 504 Finchley Road, London, NW11 8DE

Decision: Approved subject to conditions

Decision Date: 14 May 2013

Description: Conversion of property from 6 self-contained units to 4 self-contained units. Extensions to roof including front, side and rear dormer window to facilitate a loft conversion.

Reference: F/03032/11

Address: 504 Finchley Road, London, NW11 8DE
Decision: Lawful
Decision Date: 28 September 2011
Description: Use of property as 6 self-contained flats.

3. Proposal

The application seeks consent to construct an outbuilding on land at the rear of the property. The outbuilding would measure 5m (depth) x 5.5m (length) x 2.5m (height). The building would be constructed from brickwork to match existing.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
4 responses have been received, comprising 4 letters of objection.

The objections received can be summarised as follows:

- Proposal is the same as the proposal which was refused at Committee.
- Overdevelopment of the site
- Harm the impact of the character of the property and neighbouring properties
- Use as an additional dwelling
- Set an unwelcome precedent in terms of over-intensification of the site
- Enforcement action should be taken on the property for the oversized dormers, unauthorised roof terrace, unauthorised fenestration and unauthorised internal layouts.
- Noise impacts
- Loss of outlook
- Loss of amenity

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.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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

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

The proposed outbuilding would be single storey in height and constructed with materials to match the site's context. Planning Officers consider that the design and scale of the proposal would be in-keeping and would be viewed in context with the boundary enclosures and existing outbuildings in the area. A previous proposal was refused at Committee and this proposal has reduced the length of the outbuilding by 1 metre as a response. It is not unusual for a building converted to flats to have access to an outbuilding providing it is of incidental size and scale to the main building.

It is proposed to use the outbuilding as a gym/playroom. A condition will be attached to ensure that the proposed building remains incidental to the main residential use of the building and not as a habitable room or for any other use.

In terms of outlook, the proposal is not considered to represent any material differences than if future occupiers stood in this area. Officers do not consider that given the size of the proposal and its proposed incidental use, there would be additional noise/disturbance created which would cause significant harm to the amenities of neighbouring occupiers. Therefore loss of privacy is not considered to be a significant issue.

The proposed side access is to be used by the occupants of the above-ground floors to access the amenity area at the rear. Planning Officers do not consider that this aspect of the proposal would raise any significant issues in terms of visual impact or residential amenity.

The applicant has confirmed that the side access is only for sole use of the occupants of no.504.

5.4 Response to Public Consultation

Same as previously refused scheme - The proposal has been reduced in length since the previous refusal. The outbuilding is considered to be of a more appropriate scale and footprint.

Overdevelopment - The proposed building has been reduced in length and is considered to be of a more appropriate scale and footprint.

Harm the impact of the character of the property and neighbouring properties - The proposed building is a relatively small outbuilding located at the rear of the site, in keeping in terms of height and external materials. As such it is not considered to be out of keeping with the character or create any adverse visual impacts.

Use as additional dwelling - The proposal seeks use of the building as a gym/playroom and that is the use which is being assessed by the Planning Authority. A planning condition will be attached to any approved consent which ensures that the building can only be used as incidental to the main building. The Local Planning Authority cannot assume that such a use will take place where it is not shown as this would be unreasonable.

Set an unwelcome precedent in terms of over-intensification of the site - Planning Officers do not consider that the proposal represents or creates an over-intensification of the site.

Enforcement action to be taken - The railing of the rear roof terrace has been removed and access from the rear door restricted by a flush railing following enforcement action. The dormers have been investigated and are considered acceptable in size. Any further concerns regarding the development not in accordance with approved plans needs to be alerted to planning enforcement for action.

Noise impacts - The proposal is for an incidental building/use, associated with the residential use of the main building and is not considered to result in any adverse impacts in terms of noise.

Loss of outlook - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

Loss of amenity - The existing area could be used as a garden where occupiers could carry out a number of activities. The introduction of a building is not considered to result in any differing impacts than if it wasn't there.

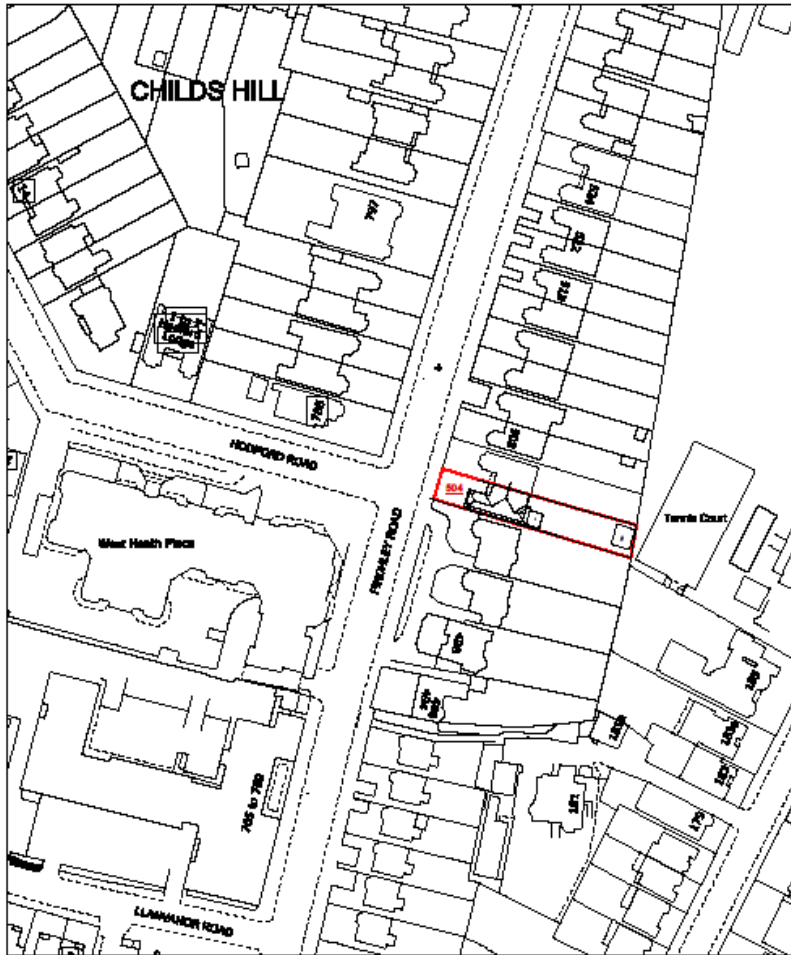
6. Equality and Diversity Issues

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

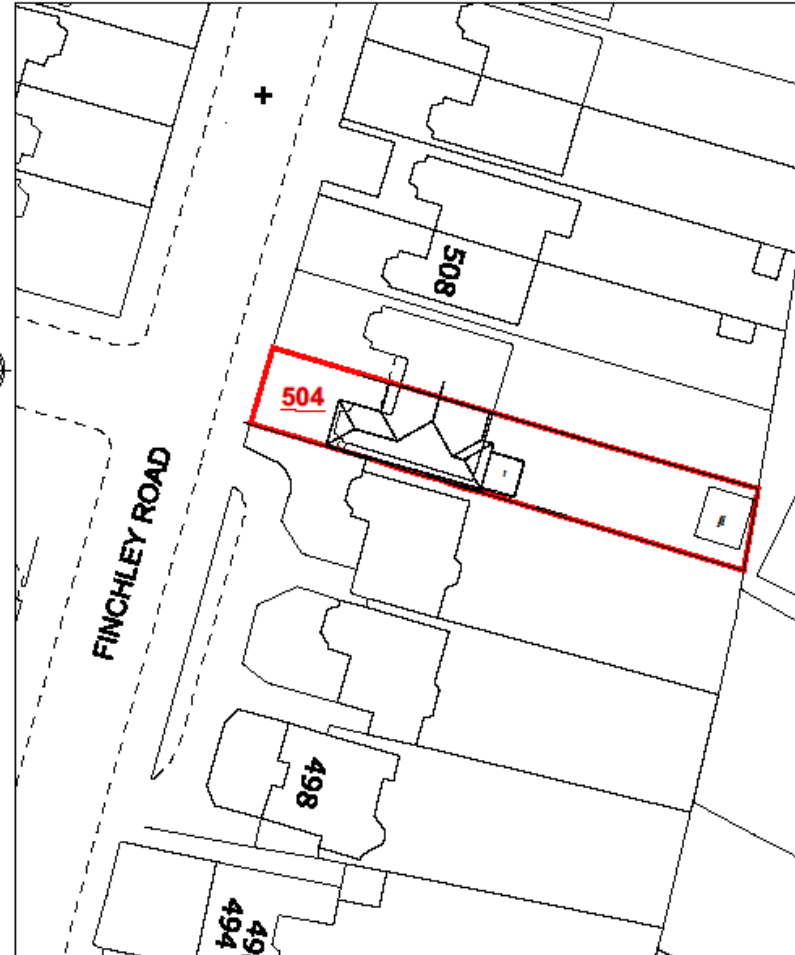
7. Conclusion

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

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



LOCATION PLAN 1:1250



Block PLAN 1:500

Rev.	Description	Date

Client 504 Finchley Road, London, NW11 8DR.	Scale 1:1250 & 1:500	Date July 2017	H Soleimani 92 The Vale London, NW11 8SW Tel: 020 7370 0378 Mobile: 07801 445580 Email: h768@btinternet.com
Scheme Dwelling	Drawn by: HS	Rev.	
Title Location & Block Plans	Checked by:	Approved by:	
	Drawing No. 802/FR/S1		

Location **13 Ridge Hill London NW11 8PN**

Reference: **17/4876/HSE**

Received: 27th July 2017

AGENDA ITEM 9

Accepted: 27th July 2017

Ward: Childs Hill

Expiry 21st September 2017

Applicant: Mr anthony lee

Proposal: Part single, part two storey rear extension

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, drawing number:
HD1034/1000
HD1034/1001
(Received 27/07/2017)
HD1034/2000 REV A
HD1034/2001 REV A
(Received 21/09/2017)

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No.11 and No.15 Ridge Hill.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site contains a semi-detached two storey dwellinghouse on the south eastern side of Ridge Hill, which is predominantly residential in character.

The property is not located in a conservation area and is not listed.

2. Site History

Reference: 17/0115/192

Address: 13 Ridge Hill, London, NW11 8PN

Decision: Lawful

Decision Date: 6 March 2017

Description: Extension to roof including hip to gable end, 1no rear dormer with 2no roof lights to front elevation. Single storey rear extension

Reference: 17/2211/HSE

Address: 13 Ridge Hill, London, NW11 8PN

Decision: Refused

Decision Date: 2 June 2017

Description: Single storey front extension. Part single, part two storey rear extension

Reference: 17/4120/PNH

Address: 13 Ridge Hill, London, NW11 8PN

Decision: Prior Approval Required and Refused

Decision Date: 27 July 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

3. Proposal

The applicant seeks approval for a 'Part single, part two storey rear extension'.

Dimensions:

The proposed ground floor rear element would project beyond the rear elevation by 3.5m, with a width of 7.3m and a height of 3m to the top of the flat roof. The extension would be built up to the common side boundary with No. 11 Ridge Hill and would be set away from the side boundary with No. 15 Ridge Hill by at least 0.9m.

The first floor rear extension would have a depth of 3m, a width of 3.8m, 5.1m high to the eaves and 7.2m high to the top of the pitched roof. The drawings show the set away of the extension from the side boundary with No. 15 Ridge Hill by 2m and from No. 11 Ridge Hill by approximately 2.5m.

4. Public Consultation

4 No. consultation letters were sent to neighbouring properties.

7 correspondences have been received by way of objections.

The objections can be summarised as follows:

- Loss of light
- Intention to change use of house to House of Multiple Occupation
- Impact on outlook of neighbours
- Sense of enclosure to neighbours
- Overbearing impact of development on neighbours
- Neighbouring properties are located at a lower level
- Depth of 1st floor extension is excessive
- Extension is out of character with surrounding area, impact on look and feel of area

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan July 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2016)

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

Sustainable Design and Construction SPD (adopted April 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application seeks planning permission for a part single part two storey rear extension following a previous planning permission refusal on design and impact on neighbouring amenity. The proposal has been assessed below.

Rear extensions

The Residential Design Guidance states "The depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5 metres." This sets out general guidance and good practice for proposed householder extensions

The proposed rear extension would be of 3.5m depth, 7.5m wide and 3m height to the top of the flat roof at ground floor. The first floor extension will be 3.0m deep, 3.8m wide, 5.1m high to the eaves and 7.2m high to the top of the pitched roof, setting away by 2.5m from the boundary with the adjoining neighbour at No. 11 Ridge Hill and at least 2m from the

boundary with No. 15 Ridge Hill. The proposal has been amended to address concerns regarding impact of neighbouring amenity.

The proposal is in line with the SPD Residential Design Guidance in relation to the ground floor due to its depth of 3.5m. Likewise, the guidance suggests a maximum depth of 3m from the rear elevation at first floor level, if the extension is set away from the side boundary by at least 2m.

Although the extension would extend to the edge of the rear bedroom window, it is not considered that this would harmfully impact the appearance of the rear of the house.

The adjoining property at No. 11 Ridge Hill benefits from a two storey rear extensions which is set away from the proposal property by in excess of 3m. Therefore a two storey element would be characteristic of the area. It is not considered the proposal would have an adverse impact on the proposal property and character of the area.

Amenity related matters :

The proposed ground and first floor extensions are in line with the Residential design Guidance SPD as the depth of the ground floor element does not exceed the recommended 3.5m from the rear wall and the first floor element is set away from both neighbouring boundaries by at least 2m.

The rear window of the ground floor element at No. 15 serves the kitchen dining area at the neighbouring property. It is considered that due to the first floor proposal been set in 2m from the boundary as recommended by the Residential Design guidance, the extensions would not harmfully impacted this neighbour in terms of loss of light and outlook, sense of enclosure and overbearing impact on this neighbouring property. It is also recognised that the relation between these two properties differ in levels with the host property been slightly higher than this neighbouring property, however given the 2 metres gap from the boundary and the depth of 3 metres it is not considered this will give rise to The proposal is also set away 2.5m from the party wall with the adjoining neighbour No.11, This distance is considered to be acceptable to mitigate loss of light and outlook, sense of enclosure and overbearing impact on this neighbouring property.

Whilst No.15 is at lower level than No.13 it is not considered the impact on neighbouring windows and garden would be so harmful to warrant refusal. It must be noted that the first floor part of the extension in isolation would be permitted development not requiring planning permission.

Given that no.17 has extended, the possible tunnelling impact on no.15 has been considered. However, whilst there may be some impact on no.15 from the proposed extension the level of this impact is not considered to be severe enough to warrant refusal of planning permission. No.15 is located to the south-west of the site, whereas no.11 is to the north-east. Although some loss of light may result this is not considered to be so great as to seriously harm neighbouring living conditions.

It can be concluded that by reason of its size, siting and design, the proposal would have an acceptable addition to the dwelling and would fall within the Residential Design Guidance SPD 2016. It would have an acceptable impact on the neighbouring visual or residential amenities and in keeping with the character and appearance of the existing building and the wider locality, therefore recommended for Approval, subject to conditions. It would not cause harmful loss of light, outlook or privacy to neighbouring residents.

5.4 Response to Public Consultation

The above objections have been received as a result of re-consultation due to amended plans and the majority were not received to the initial consultation to larger plans. It is true that the extension is now marginally closer to the boundary with no.11 however it has also been reduced in depth from 3.5m to 3m.

The comments have been addressed in the report as well as expanded upon below. The plans were amended to make sure there is sufficient gap between the host property and the two neighbouring properties and to mitigate the impact on no.15 which sits at a lower level than the site property. The increased gap to no.15 is considered to reduce the visual impact on no.15 to an acceptable extent. Furthermore the impact on no.11 would remain acceptable.

It must be noted that the first floor part of the extension in isolation would be permitted development not requiring planning permission.

The original submission had a gap of less than two metres from the boundary with no. 15 Ridge Hill; the amended plans propose a depth of 2 metres from the boundary as recommended by the Residential Design Guidance. It is nevertheless noted that the host property is at a higher level than the neighbouring property at no.15, however given the gap of 2 metres from the boundary it is considered adequate to mitigate impact to this neighbouring properties amenity.

No change of use is proposed under this application and it therefore cannot be considered. The plans show layout as a single dwellinghouse.

If a change of use is proposed in the future a planning application would be required and neighbours would be consulted. If the change of use to an HMO takes place without planning permission then residents should notify the planning enforcement team.

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 proposal property and general vicinity, and neighbouring amenities. This application is therefore recommended for Approval.



Location **22 And 24 Dollis Avenue London N3 1TX**

Reference: **17/1363/FUL**

Received: 6th March 2017

Accepted: 13th March 2017

Ward: Finchley Church End

Expiry 8th May 2017

Applicant: N/A

Proposal: Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

AGENDA ITEM 10

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: Sustainability and Energy Statement by JS Lewis Ltd dated February 2017; Daylight and Sunlight Study by Delva Patman Redler ref LT/lt/17021 dated January 2017; Planning and Design and Access Statement by JMS Planning and Development Ltd dated February 2017; Arboricultural Assessment and Method Statement by Barrell Tree Consultancy Dated 24th February 2017 ref 14390-AA-MW; Tree Protection Plan Barrell Plan Ref: 14390-BT1; Drawing no. ASP.14.043A.001 Rev B; Drawing no. ASP.14.043A.002 Rev I; Drawing no. ASP.14.043A.003; Drawing no. ASP.14.043A.004; Drawing no. ASP.14.043A.005; Drawing no. ASP.14.043A.100 Rev E; Drawing no. ASP.14.043A.101 Rev C; Drawing no. ASP.14.043A.102 Rev A; Drawing no. ASP.14.043A.103 Rev D; Drawing no. ASP.14.043A.104 Rev B; Drawing no. ASP.14.043A.200 Rev E; Drawing no. ASP.14.043A.201 Rev E; Drawing no. ASP.14.043A.202 Rev D; Drawing no. ASP.14.043A.203 Rev F; Drawing no. ASP.14.043A.204 Rev B; Drawing no. ASP.14.043A.205 Rev E; Drawing no. ASP.14.043A.300 Rev E.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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

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

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

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

- 5 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.

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

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; to protect the amenities of the area and to ensure that the access is satisfactory in terms of highway safety development in accordance with policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012).

6 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

7 Before the development hereby permitted is occupied full details of the electric vehicle charging points to be installed in the development shall have been submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities, 20% active and 20% passive in accordance with the London Plan. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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.

- 8 Before the development hereby permitted is first occupied, the basement parking for cars and cycles shown on Drawing No ASP.14.043A.100 Ref E shall be provided. 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.

- 9 Notwithstanding the plans submitted, before development commences, details of the passing places, access ramp gradient leading to the basement car parking area, car park layout, and the car ramp warning (signal control) system, including maintenance contract details, together with headroom clearances along the ramp and within the parking area shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason

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

- 10 The development shall thereafter be implemented in accordance with the cycle parking and storage details indicated on the hereby approved drawing no. ASP.14.043A.100 Rev E 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.

- 11 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.

12 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.

13 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).

14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.20 Dollis Avenue and The Lintons, 26 Dollis Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 15 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted 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 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 10.41% 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.

- 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) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 19 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.

- 20 The amenity space shall be implemented in accordance with the details indicated on the hereby approved Drawing no. ASp.14.043A.002 Rev I before first occupation or the use is commenced and retained as such thereafter.

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

- 21 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).

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

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 £15,680.00 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 £74,790.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the

final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 3 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 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.

- 6 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 7 The plans and particulars submitted in accordance with Condition 11; above shall include:
 - (a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree and which trees are to be removed;
 - (b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;
 - (c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;
 - (d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.
 - (e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

Officer's Assessment

1. Site Description

The application site is at present comprised of two large detached dwellings located on the northern side of Dollis Avenue within the Finchley Church End Ward. The properties are not listed nor do they lie within a conservation area.

Although the area is predominantly characterised by single family dwellings, there are examples of flatted developments in the immediate vicinity, including to the north at the development known as The Lintons (no.26 Dollis Avenue) and directly opposite at the development known as Primrose Court.

The existing properties benefit from off-street parking and a large forecourt. The existing properties are two storeys in height with accommodation in the roof space. No.22 Dollis Avenue benefits from a large single storey outbuilding connected to the main dwelling along the boundary with no.20 Dollis Avenue.

There are changes in the ground levels with the existing dwellings lying at a higher level than the highway.

There are numerous trees on the site and adjacent land however none are covered by a Tree Preservation Order.

2. Site History

Reference: F/04503/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Lawful

Decision Date: 19 January 2009

Description: Erection of ground floor side and rear extension and first floor rear extension. Alterations to roof including side dormers.

Reference: F/00153/13

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 19 March 2013

Description: Extension to roof including two side dormer windows to facilitate a loft conversion. First floor side extension.

Reference: F/02469/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 3 September 2008

Description: Erection of ground floor side and rear extension and rear first floor extension. Extension and alteration to existing roof including new rear balcony, front dormer and solar panels.

Reference: C10607A/05

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 12 December 2005

Description: Alteration to roof including gable end to front elevation and dormer window to side to extend existing loft conversion. Part single, part two-storey rear extension. Two-storey side extension. First floor side extension.

Reference: F/03294/10

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 17 November 2010

Description: Formation of ground floor side extension to adjoining garage. First floor extensions to both sides and front elevations. Alterations to roof including extension of ridge-line and addition of a rear dormer (Amendment to planning application reference C/12313/D/05 dated 06/06/05)

Reference: C12313D/05

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 6 June 2005

Description: Formation of ground floor side extension adjoining garage. First floor extensions to both sides and front. Alterations to roof including extension of ridge-line and addition of rear dormer. (Amendment to Appeal decision ref: APP/N5090/A/03/1118648 dated 18/03/2004.)

Reference: C12313B/02

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 24 January 2003

Description: Part single, part two storey side and front extension facing 22 Dollis Avenue. Two storey side extension facing 26 Dollis Avenue. Enlarged roofspace involving formation of rear dormer window and elevational alterations.

Reference: C12313A/01

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 25 May 2001

Description: Two storey side extension.

Reference: C12313C/04

Address: 24 Dollis Avenue, London, N3 1TX

Decision: Withdrawn

Decision Date: 3 March 2005

Description: Ground floor side extension adjoining garage. First floor extensions to both sides and front. Alterations to roof including extension of ridge-line and addition of rear dormer window.

3. Proposal

The applicant seeks planning consent for the demolition of the existing dwelling houses and erection of two-storey building comprising of 9no residential apartments with accommodation in roof space and basement level. The development would include parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage at basement level also. In addition, there would be new fencing, and associated landscaping and amenity space.

The units mix would as follows:

- 1 x 1 bed (2 occupiers) flats;
- 2 x 2 bed (4 occupiers) maisonettes;
- 2 x 2 bed (4 occupiers) flats;
- 4 x 3 bed (6 occupiers) flats.

The proposed building would be set 2.4m from the boundary with no.26 Dollis Avenue (The Lintons) at the front and a minimum of 0.8m at the rear, although the rearmost section of the building at the building would be set further away from the boundary. The proposed building would be set 2m from the boundary with no. 20 Dollis Avenue measured at the front and 2.2m measured at the rear.

Due to the bend in the road at this position, the buildings on this side of the road follow a stagger. The building line would be comparable to The Lintons, although recessed by 0.5m, and would project approximately 4.6m beyond the front elevation of no. 20 Dollis Avenue (2.8m beyond the front elevation of single storey garage of no.20 adjoining the boundary with the host site).

The building would have a maximum depth of 18m, although there are recessed sections at the front and rear elevations. The building would have a maximum width of 29.4m, although the building is narrower at the rear and set 4m from the boundary with no.20 Dollis Avenue and 3m from the boundary with no 26 Dollis Avenue (flatted development).

The building would be set at a higher level than the streetscene with an access ramp to the main entrance. The section of the building adjacent to The Lintons (no.26) would be set at a lower level by 0.5m to appear subordinate.

The ramp into the basement would be situated adjacent to no.20 Dollis Avenue. The building would have a crown roof with front and rear dormers.

The application has been amended during the course of the application to address concerns raised by officers regarding siting of the building, bulk and massing, size of rear terrace and lightwells, and outlook to basement units (amended to maisonettes). The bulk and massing has been reduced near no.26 The Lintons and the section of the building set lower to appear subordinate. The building has also been sited towards the rear by 0.2m along The Lintons boundary and 2m along the boundary with 20 Dollis Avenue.

4. Public Consultation

Consultation letters were sent to 57 neighbouring properties.

18 responses have been received, comprising 18 letters of objection. A petition has also been received comprising of 62 signatures.

The objections received can be summarised as follows:

- Loss of attractive houses replaced with a block of flats of no architectural merit;
- Principle of flats unsuitable;
- Poor design/ utilitarian appearance;
- Proposed building massive and obtrusive, and this would dominate the road;
- Out-of-character;
- Overdevelopment;

- Road is an attractive road with mature character as described by Inspector on other scheme (no.14 Dollis Avenue), this building will change appearance of street;
- Parking pressures from occupiers and visitors to new flats;
- Increase in pollution from vehicles;
- Flats unsuitable in this location/ alter character of road;
- Loss of trees;
- Poor planning decisions before do not justify poor decisions now;
- More suitable to a university campus than a residential street;
- Overbearing and bulky design;
- Number of unsightly bins on collection day will be unpleasant;
- No engagement with neighbours;
- In most London Borough's a Construction Method Statement would be supplied by an engineer. No structural information has been provided for the basement;
- No details of site specific investigation including ground water and monitoring results have been provided;
- No surface water or sustainable urban drainage strategy (SUDS) details have been provided;
- Overlooking into rear and neighbouring gardens due to raised terrace and rear balconies;
- Loss of light/ overshadowing to neighbouring properties
- Planned height of fence at 2.5m does not conform to standard;
- Loss of outlook and sense of enclosure;
- Significant loss of garden and landscaping;
- Oppose the scale and high density;
- No affordable housing/no social gain;
- Disruption during construction;
- Setting precedent;
- Low brick wall will reduce security of taller fencing at the front

A site notice was erected on the 23rd March 2017.

A reconsultation was carried out to consider allowing neighbours to comment on the amended scheme. Four additional comments and a petition with 105 signatures have been provided; the comments can be summarised as:

- Council should preserve current balance of family homes to apartments on Dollis Avenue/prevent the destruction of character and loss of family homes;
- Tree survey does not consider the impact on trees on neighbouring land;
- No pre-application consultation with neighbours;
- Most Councils require a detailed Construction Method Statement to be provided to detail the basement;
- Overdevelopment of the site;
- Overlooking in rear and side gardens;
- Size of basement;
- Reduction in height of fence would enable overlooking;
- Loss of light/ overshadowing;
- Loss of outlook;
- Impact to streetscene;
- Sense of enclosure/ overbearing;
- Poor amenity for basement units;
- Nothing in the amended plans deal with the comments made previously objecting to the development on character grounds (loss of housing to flats);

- "How long will it be before the transformation of this lovely Avenue is so marked and the density of its population so high that public transport through this wide avenue should be considered?";
- Dominate this side of the road;
- Proposal is not going to be affordable housing;
- Increase of traffic and congestion/ Highways safety due to proximity to nearby schools;
- "More suitable to a bland university campus than a residential street";
- "The overbearing bulky design of the facade of the terraced block of flats does not take into account of the distinctiveness of the existing dwellings";
- Building fails to disguise itself as a house due to vast amount of fenestration at the rear and rear and height of the building.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of Development

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 houses are not considered to be of particular architectural merit, they are not listed nor do they lie within a conservation area. As such the principle of demolition is considered acceptable.

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.

Policy DM01 part h) which seeks to protect the character of Barnet states that the 'conversion of dwellings into flats in roads characterised by houses will not normally be appropriate'. Although the area is predominantly comprised of single family units, there are

some examples of flatted development in the immediate vicinity. Directly to the north of the site, lies a block of 8 flats known as Lintons (at no.26 Dollis Avenue) and directly adjacent to the site lies another block of 7 flats known as Primrose Court. More recently planning permission was granted at no.21 Dollis Avenue for the erection of a block of 5 flats (reference F/04800/14) and no. 14 Dollis Avenue was granted permission at appeal for 6 flats with basement parking and accommodation (planning reference F/02194/12).

Considering this, the principle of a flatted accommodation on this section of the road is considered to be acceptable.

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 benefits from a PTAL of 3 which is considered to be average, and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix suggests a range of 35-95 units per hectare. Taking the site area of 0.17ha, the proposal for 9 flats would equate to a density of 52.94 units per hectare which is within the recommended range as specified in the London Plan density matrix. The proposed density range is considered to be appropriate; however 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. This will be discussed in more detail in the following sections.

The proposed development would result in the loss of two 6 bedroom dwelling houses. Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms. Whilst smaller units are proposed, all of which exceed the minimum space standards, the overall increase in the number of units, including 2bed and 3 bed units is considered to outweigh the loss of the larger dwellings due to the overall associated benefits of adding to the housing stock. The scheme is a minor application and would include a suitable mix of units for the area. As such is considered to be acceptable in principle.

Impact on the character of the area

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The building line is considered to be appropriate and responds to the camber of the road. Whilst the building would project beyond the front elevation of no.20 Dollis Avenue, this would not be uncharacteristic for this section of the road, and given the distance between

the properties and amendments to the siting of the building particularly near no.20 Dollis Avenue. it is not considered to appear overbearing. Similarly the building line at the rear would be in keeping with the building depth of other properties in the road, with the central projection set away from the common boundaries.

The design of the building is traditional and simply, reflective of some of other buildings on the road including no. 14 Dollis Avenue, which although granted approval at appeal, still constitutes the character of the road. Details of materials would be provided by a condition.

The proposed building would be set lower than the ridge of the existing properties and in terms of the height of the building, this is considered to be appropriate. With regards to the scale, bulk and massing of the building this has been amended and reduced during the course of the assessment of the application to address concerns raised by officers. Whilst the proposed building would span across the site with no gap in between (as with the existing detached dwellings), the building includes a mixture of recesses and forward projections to reduce the prominence of the building and break-down the massing. Similarly the section adjacent to The Lintons has been set 0.5m lower than the main building including the secondary entrance to appear subservient and the building reads as two cores, with the left hand section sited at a lower level than thus reducing the prominence of the building. The amendments in reducing the bulk and massing are considered to have addressed initial concerns regarding the building appearing overbearing and reading as a grandeur structure; in this regard it is considered that the building is of an appropriate scale for the large site.

The immediate vicinity is comprised of a mixture mainly large detached houses and some flats, of varying forms, plot widths and size of buildings; whilst there is some pattern in the style of small groups of buildings, it is not considered that there is a strong rhythm. Furthermore due to the variety between the types of buildings including siting on the plot, there is not a strong continuity in the spacing between buildings themselves. It is therefore considered that whilst the span of the building would not allow views through the centre of the site as existing due to the spacing between the two dwellings, this would not be out-of-character or detrimental to the general streetscene.

Whilst the Residential Design Guidance SPD stipulates that front dormers will not normally be considered acceptable, there are other examples of front dormers in the vicinity and these would not be out-of-character. The dormers both at the front and rear are modest in size and appear subordinate.

With regards to the basement, the Council's Residential Design Guidance SPD stipulates that "for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building... [although] in larger buildings with extensive plots it may be possible to extend under part of the rear garden".

The lightwells have a modest projection and at the front given the large front garden, suitable landscaping would be sought to obscure the appearance. The rear terrace has been reduced to a modest depth of 2m. The level of excavation and basement manifestations appear subordinate to the main building.

The location of the ramp to the southern section of the road would minimise the prominence and, subject surrounding landscaping as indicated in the site plan, the visibility from the streetscene is considered to be unassertive.

The proposal would retain a large rear garden, similar to the depth of gardens of other properties on the road.

It is considered that the combined amendments have reduced the dominance of the building and the proposal it is not considered to represent an overdevelopment of the site. Officers therefore consider that the proposed building, as amended, would be sympathetic and positive addition to the character and appearance of the locality.

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. New development should therefore have due regard to the amenity of existing occupiers in neighbouring buildings.

Whilst it is acknowledged that the proposed building would be sited beyond the 2.8m beyond the main elevation of no.20, the building would not result in loss of light to the amenities of these occupiers. It is also noted that adjacent to no.20 was a long single storey structure abutting the boundary which would be removed and therefore in this regard, the removal of this structure would alleviate the impact at the rear garden of no.20 Dollis Avenue. Due to the siting of the building, the distance from the common boundaries and also the distance between flank elevations of neighbouring properties, combined with the lower height of the proposed building than the height of the existing structures, it is not considered that the proposed structure would appear overbearing or imposing on the amenities of neighbouring properties.

The applicant has provided a Daylight and Sunlight Study as part of the supporting documents which concludes that the development would not have an adverse impact on daylight and sunlight received by the nearest neighbours (no.20 and 26 Dollis Avenue).

There are windows located to the flank elevation of the proposed however these will be conditioned to be obscured glazed, as they do not serve habitable rooms or are secondary windows, to prevent overlooking into neighbouring properties and gardens. Similarly, there are windows to the side elevations of the neighbouring buildings fronting the host site, although from the site visit and supporting information (Daylight and Sunlight study) these do not appear to serve habitable rooms and as such it is not considered that the siting of the building would be detrimental to the visual amenities or privacy of neighbouring occupiers.

The terrace at the rear has been reduced in depth to take into account concerns raised by officers on character and amenity grounds; it is not considered, given the distance from the neighbouring properties and depth as amended, that the raised terrace would result in overlooking to neighbouring gardens.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the length of the garden and the siting of the building, the scheme would meet both standards and it is therefore not considered that the proposed building would result in direct overlooking in the properties at the rear; the building would be at least 18.6m to the rear gardens of properties on Church Crescent and

approximately 39m between habitable rooms. The windows at the rear of the building would not result in additional levels of overlooking than expected in a suburban setting.

On balance, the impact on neighbouring occupiers is considered to be acceptable and approval is recommended.

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 2016. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm.

The minimum standards, as set out in the London Plan, are as follows:

- 1 bed unit for 2 occupiers at one storey is 50sqm;
- 2 bed unit for 4 occupiers at one storey is 70sqm;
- 2 bed unit for 4 occupiers over two storeys is 79sqm;
- 3 bed unit for 6 occupiers at one storey is 95sqm.

The proposed units would offer the following floor areas:

- Unit 8 is a one bed unit (2p) providing 91sqm;
- Unit 1 and Unit 2 are two bed maisonette units (4p) providing a floor area of 109sqm and 147sqm respectively;
- Unit 3 and Unit 6 are two bed maisonette units (4p) providing a floor area of 143sqm for each unit;
- Unit 4, Unit 5, Unit 7 and Unit 9 are three bed units (6p) providing a floor area of 131sqm, 131sqm, 141sqm and 192sqm respectively.

The units would comply and exceed the minimum space standards relative to the size of the unit. In addition, the bedrooms would meet and again exceed the standards for single or double rooms (respectively).

New flats are expected to provide suitable outlook and light to all habitable rooms; the scheme would meet this requirement. The units would all have dual aspect. With regards to the maisonette flats, the layout results in the bedrooms to these units being served by lightwells. Whilst the outlook to these rooms would be limited due to the depth of the lightwells, consideration has been given to the siting of the principle and communal habitable rooms to these flats (the living and dining areas) being sited at ground floor levels and thus benefitting from good outlook. In addition, as mentioned above, the applicant has provided a Daylight and sunlight study which demonstrates that the habitable rooms located at basement level would receive acceptable levels of light. On balance, it is considered that the siting of part of the accommodation at basement level does not warrant refusal.

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

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. The Sustainable Design and Construction SPD stipulates that for flats, 5sqm of outdoor amenity space should be provided per habitable room; where rooms exceed 20sqm in floorspace, they are counted as two habitable rooms. The proposal would involve the provision of outdoor amenity space for all flats through a rear communal garden; this is considered to be a useable area.

It is considered that the proposed scheme would provide high level of amenity for future occupiers and approval is recommended on these grounds.

Highways

The Council's Highways officers have reviewed the information provided and have commented on the scheme.

The proposal is for the demolition of 2 existing dwellings and the erection of a two storey building comprising of 9 units (1x1bed/ 4x2bed/ 4x3bed). Basement parking for 15 car parking spaces is provided, along with 20 cycle parking spaces, refuse storage and new fencing. Amenity space and other associated works.

The site lies within a PTAL of 3 which is considered average, and there is a Controlled Parking Zone (CPZ) in effect Monday to Friday 2 to 3pm.

According to the parking standards as set out in Policy DM17, this site would require in the range of 8 to 13 vehicle car parking spaces. The provision of 15 spaces is therefore an over provision of 2 car parking spaces, however officers have considered this to be acceptable given the size of the units (exceeding the minimum floor area).

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 17 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). The provision of cycle parking is 20 spaces is above the minimum requirements set out in the London Plan.

In terms of the refuse management, the provision would comply with requirements as set out in the Council's Waste Management Strategy. In respect of the bin collection point, the applicant has clarified that the bins would be located more than 10m from the highway at basement level. The bins will be managed through a private collection company who will collect the bins direct from the bin store. Such a private collection company will be able to access the basement floor through the proposed ramp via key pad arrangement or otherwise. Further details will be required as to how this will be managed including details of the vehicle, however these can be secured through a condition.

Highways officers have recommended that subject to the attached conditions and informative, there is no objection to the scheme on highways grounds.

Trees

As part of the submission, an arboricultural impact assessment and tree protection plan have been provided, which have been reviewed by the Council's tree specialist. Although there are no protected trees on the site, Policy DM01 advises that trees should be safeguarded.

The proposal requires the loss of 21 trees categorised as C low value. The majority of these trees are small or small growing tree species. There will be a minor loss of visual tree amenity in the local area, however larger healthy trees are retained at the front of the property and in the rear. In addition, the proposed arboricultural impact assessment appears to be in draft form; an accurate method statement and tree-protection plan would be secured through a condition.

Whilst no landscaping plan has been submitted, it is considered that subject to a condition to secure a suitable landscape plan which would seek to provide a high quality frontage to the apartment building and help soften the mass of the building into the street scene, the proposal would be acceptable in this regard. The landscaping scheme would be required to address the loss of trees on the site.

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. The scheme would provide two lifts.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 10.41% 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 (index related) on all 'chargeable development' in Barnet.

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

The proposal has been calculated to be liable for £74,790.00 of Barnet CIL and £15,680.00 of Mayor's CIL.

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above. In addition, the following responses are provided:

"No engagement with neighbours"- Whilst engagement and consultation with neighbours is encouraged, it is not a statutory requirement with an application of this scale.

"In most London Borough's a Construction Method Statement would be supplied by an engineer. No structural information has been provided for the basement" - The structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations and it is not considered justified to require a Basement Impact Assessment to be secured by a condition. Taking into the geology of the area, A BIA would not be warranted accordance with Sustainable Design and Construction SPD.

"No details of site specific investigation including ground water and monitoring results have been provided" and "No surface water or sustainable urban drainage strategy (SUDS) details have been provided" - Given the scale of development, the application does not require this information. In addition, the site is within a Flood Risk Zone 1 which is considered to have a low probability of flooding. The Government's standing advice suggests that a flood risk assessment will only be required in Flood Zone 1 if the development is larger than 1 hectare and/or is affected by sources of flooding other than rivers and the sea, for example surface water drains; it is not considered that there is any evidence to justify that this information will be required and as such the lack of this information is not considered to be a justified reason for refusal. The application does not require the provision of SUDS information as it is considered as a minor application (up to 9 units). The application does not require the provision of SUDS information as it is considered as a minor application (up to 9 units). The site has been identified as having a low probability of surface water flooding and is not identified as a site in a critical drainage area.

"Overlooking into rear and neighbouring gardens due to raised terrace and rear balconies"- The rear terraced has been significantly reduced in depth since the initial consultation and this is no longer considered to be detrimental to the privacy of future occupiers. With regards to the Juliette balconies, it is noted that the doors to this open inwards into the proposed units and would not facilitate a platform beyond the rear elevation; it is therefore not considered that this would result in a greater level of overlooking than a standard window on the rear elevation.

"Planned height of fence at 2.5m does not conform to standard"- the fence has been reduced in height to 2m as indicated on drawing no. ASP.14.043A.002 Rev D.

"No affordable housing/no social gain"- The development does not meet the threshold to require the provision of affordable housing.

"Disruption during construction" - It is considered that noise and disturbance during construction can be mitigated by the condition restricting working hours.

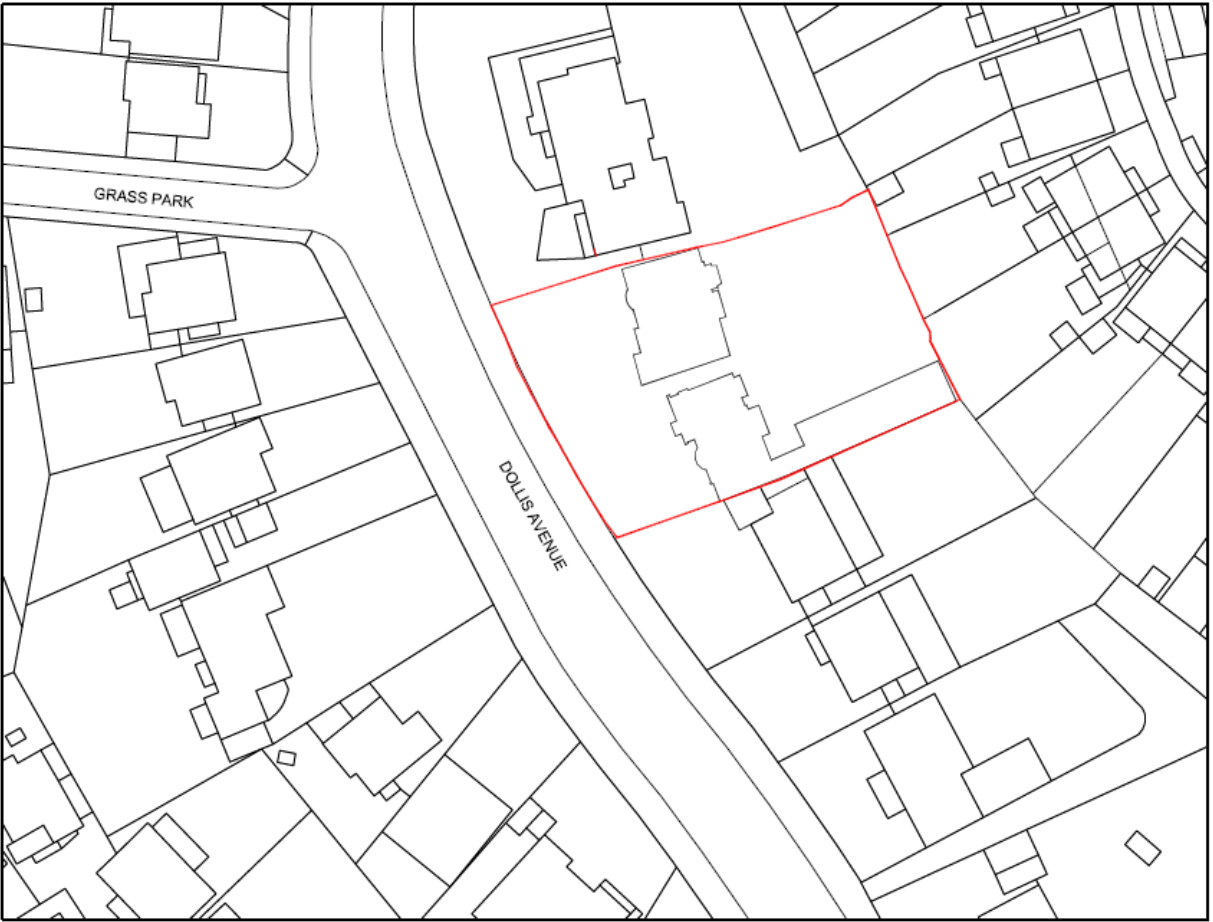
"Low brick wall will reduce security of taller fencing at the front"- Details of the means of enclosure have been requested through a condition.

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



Location 11 Primrose Close London N3 2RU

Reference: 17/0694/HSE

Received: 6th February 2017

AGENDA ITEM 11

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

This item was deferred from the meeting in September for further legal advice to be sought regarding bin storage and collection arrangements. This is addressed in the report below. In summary, the bin storage area is for the storage of refuse the day before collection and for its collection. A suggested condition remains that this is provided prior the construction of the extension.

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 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 existing 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 as a storage and

collection point 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.

The Council has sought legal advice on the matter. Legal opinion considers that this condition will firstly provide some reassurance to residents and that the refuse arrangements will continue. Secondly, if the applicant breaches this condition and this is brought to the Council's attention by the neighbours, then the Council's Planning Enforcement team will look into any complaints.

The Refuse Team would have no objection to the modified arrangement with a relocated communal refuse collection point.

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:

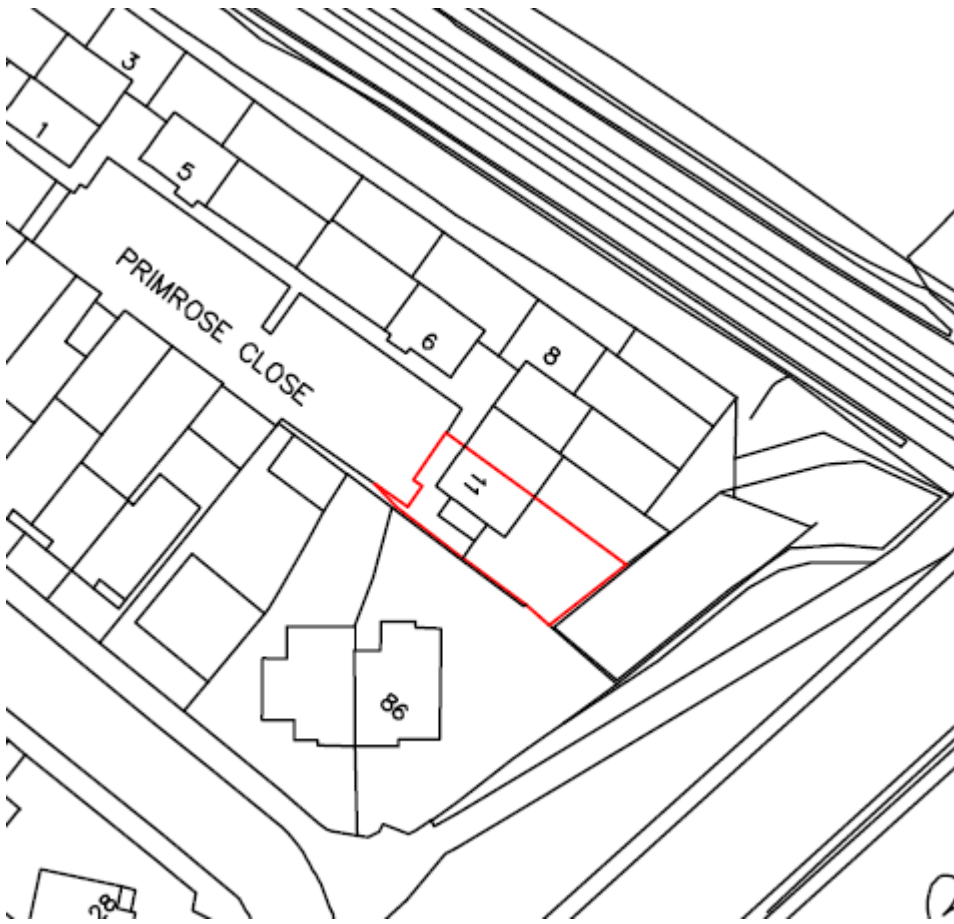
- The LPA's record show that all of the properties on Primrose Close were sent consultation letters cornering the current application.
- The ground floor window on the proposed extension that faces the bin storage area has been removed from the proposal.
- Due to its set back from the site eastern boundary 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.



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Location Cranmer Court Wickliffe Avenue London N3 3HG

Reference: 17/5428/FUL

Received: 21st August 2017

Accepted: 23rd August 2017

Ward: Finchley Church End

Expiry 18th October 2017

Applicant: KGSA Ltd

Proposal: Roof extension to create a seventh storey to provide 4no. additional self-contained flats with associated refuse/recycling storage, cycle stores

AGENDA ITEM 12

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, Existing Roof Plan and Front Elevation (EX.01)
 - Existing Fifth Floor and Roof Plan (EX.02)
 - Existing Elevations (EX.03)
 - Proposed Lower Ground Floor Plan and Proposed Fifth Floor Plan (P.01)
 - Proposed Sixth Floor Plan and Proposed Roof Plan (P.02)
 - Proposed Elevations (P.03)

The above plans were received on 06.10.2017

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 shall take place until details of the materials to be used for the external surfaces of the building(s), hard surfaced areas and security bollards and barriers 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 2016.

4 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).

5 a) No development shall take place until details of the roof garden including hard and soft landscaping and precise dimensions of privacy screening have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 7 a) Before the development hereby permitted is first occupied 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.

- 8 The roof area adjoining unit 27 and 28 on the eastern and southern elevations as shown on the plans 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).

- 9 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).

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

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

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

- 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).

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.

Officer's Assessment

1. Site Description

The applicant site is located on the north side of Wickliffe Avenue, directly adjacent to Windsor Open Space. The site is currently a 6.no storey residential unit and is located on a street which contains a mixture of two-storey dwellinghouses and three-storey maisonettes. The street has a sloped topography, slopping down to Windsor Open Space and the application site. Consequently, while the height of the application site is higher than adjacent buildings, the increased height is somewhat offset by the sloping topography. Two-storey residential properties are located to the rear of the application site. Cranmer Court has a dated façade and flat roof which is at odds with the prevailing pitched roofed two / three storey residential units surrounding the application site. There is a white trimmed balustrade that envelopes Cranmer Court at the sixth floor which adds a level of unnecessary visual clutter to the building. The site also benefits from parking spaces via forecourt and underground car parking.

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

2. Site History

Reference: C00713AR

Decision: Refused

Decision Date: 02 August 1989

Description: Formation of additional floor (7th storey) to incorporate two flats. Provision of four additional car parking spaces at basement level.

An appeal against the above was lodged and allowed (Ref: T/APP/N5090/A/90/151470/P8 dated 27/09/1990) on both character and amenity grounds.

3. Proposal

- Roof extension to create a seventh-storey to contain 4.no new residential units (measuring 3m in height)
- 2.no Rooftop Gardens;
- New balconies and external finishes;
- 9.no cycle spaces;
- Site includes 38.no parking spaces, with 14.no parking spaces available to be allocated;
- New security bollards and barriers to the front forecourt;
- Additional refuse and recycling area.

4. Public Consultation

Consultation letters were sent to 51 neighbouring properties.

31 responses have been received comprising 14 letters of support and 16 letters of objection.

The letters of support can be summarised as follows:

- Development will greatly enhance and add value to the existing building which is in great need of improvement to the roof, balconies and communal areas;

- The block doesn't meet the needs of residents/modern living. This can only be affordably achieved by the Development;
- The additional floor won't have any added impact on privacy or light to adjacent residential gardens;
- The increase in traffic will be negligible;
- Total current car ownership is 24. Sufficient on-site parking;
- The block is ugly, ageing and in disrepair. This development will improve the visual aesthetic for the benefit of all;
- A rented 'stairlift' to be installed duration proposed elevator works, with a 'porter' service (2-3 hours a day) employed to assist with carrying shopping/deliveries;
- New elevator system addressing future needs of occupants;
- Pursuing development opportunities for the block with a view to modernising it can only be beneficial;
- Block is now appearing dated. There are damp problems due to old rendering, the lift is problematic, a bicycle store room is required and the whole building needs bringing up to modern standards. It will be of value to the residents of Cranmer Court and visually improve the block for the owners of local homes;
- It is the best way to modernise the block and provide funds to improve both the exterior and interior standard of the block;
- The scheme is not inconsistent with the Mayor's policy for Metropolitan Open Land. It does not impinge on the open space and will improve the aspect of the building when viewed from the Windsor Open Space.
- The development appears to be consistent with the Local Plan and even with the additional storey does not constitute a tall building.

The letters of objection can be summarised as follows:

- Cranmer Court is already out of character with the residential area given its existing height and dominance over adjacent open space. Adding another storey to this block will exacerbate this inconsistency with the conservation and nature of the area;
- Currently live on the top floor and don't want any noise above;
- The proposed extension will completely block the light to adjacent residential dwellings;
- Increased level of vehicular movement;
- Additional storey will cause further overlooking to adjacent residential dwellings;
- This is adjacent to the Windsor Open Space. As it exists already as a high rise block of flats it already detracts from the beautiful surroundings of Windsor Open Space and should never have been given consent to be built in the first place. A high rise does not belong next to Metropolitan Open Land;
- Unacceptable inconvenience caused to the current residents, resulting from the lift having to be extended to the seventh floor;
- Some existing flat owners have more than one car which results in there currently being insufficient car parking spaces for the current flat owners all of whom have at least one car;
- Adding an additional floor is not the way to improve the visual appearance of the block;
- Short-term inconvenience for local residents.

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

5.3 Assessment of proposals

The impact on the appearance and character of the area

The application seeks planning permission for a seventh storey extension to the existing block of flats at Cranmer Court. The additional storey would have a height of 3m and would be set-back from the east, south and western elevations of the existing building by 1.8m. The proposal would also include internal and external renovations, including a new render and replacement balcony balustrades. It would also include the removal of the existing roof balustrade. It is considered that the proposal offers a pragmatic solution to improve and modernise a block of flats. DM01 states that development should be based on an understanding of local characteristics such as height, appearance and spatial proximity and should be designed to protect visual amenity.

The application site is already out of character with the prevailing built forms along Wickliffe Avenue. Indeed, the block will continue to deteriorate to the detriment of the occupants of Cranmer Court and as it does so to the detriment of adjacent residents as the appearance of the application site will only continue to exacerbate the level of its visual discordance within the streetscene. The proposed seventh storey has been designed to reduce its visual impact and prominence when viewed from adjacent residential dwellings, the Windsor Open Space and the wider streetscene. As aforementioned, the new storey will be set-back by 1.8m from the existing building elevations (east, south and west) which will ensure the bulk of the additional storey is largely concealed, with clear glazed balustrades replacing the visually dominant white trimmed balustrade currently enveloping the sixth floor. Indeed, it is considered that the most significant visual impact of the proposal as experienced by adjacent residents will not be an additional storey which incorporates appropriate set-backs and improved balustrades, but the visually softer and rejuvenated exterior of the existing six storeys. Furthermore, it is considered that the impact on the Windsor Open Space will be more neutral than it is negative, with the current dated design a visual point of reference from the park. The proposed design includes appropriate set-backs on the western elevation to reduce its visual bulk and

incorporates a more modern and softer exterior which will improve the buildings visual aesthetic when viewed from the Windsor Open Space.

As aforementioned, it is acknowledged that the existing building is at odd with the prevailing character of the street. A number of objections received have made the argument that the proposed seventh floor will only exacerbate this visual discordance. However, it is considered that the increased height is proportionate and the design, siting and use of materials will further reduce its visual bulk and prominence within the streetscene. Indeed, the principle of an additional storey at the application site was allowed by an appeal inspector in 1990 (Ref: T/APP/N5090/A/90/151470/P8 dated 27/09/1990), with the inspector stating that the increase in height by 3.4m (proposed seventh storey is only 3m) would not cause any harm to 'local visual amenities'. The inspector also concluded that the increased density of the site as a result of the additional storey would not detrimentally impact neighbouring amenity. While the resulting permission has now elapsed and a new policy regime has since been implemented, some weight is given to the inspector's assessment as the character and appearance of the street has not significantly changed since then; and in anything has become more varied with the development under construction opposite.

DM05 provides a definition for tall building as a building substantially different to adjacent buildings, of 8 storeys or more, or 26m in height. The proposal is to create a seventh floor, with the height below 26m. As an example, the adjacent three-storey residential property at no.38 has a roof height in line with the fifth floor windows at the application site. Therefore, it is considered that the proposed additional storey would not result in Cranmer Court being deemed a tall building and given the aforementioned set-backs would not represent a visually imposing, dominant or overly prominent addition to the application site and streetscene.

In summary, it is recognised that the proposals would add some bulk to an existing building which is already the largest within the street. Therefore it is recognised that the addition of a further roof level has potential to add further bulk to the building and this would be visible within the surrounding area. In the view of officers this is a finely balanced issue however in the view of officers the impact on the streetscene would be limited given screening to Windsor Open Space, and limited visibility of views to the north given lack of public viewpoints and south given the height of the existing building. However the extension would be more visible from the east along Wickliffe Avenue and this needs to be considered.

Whilst it increases the height of the existing building by 3m (not much higher than the current sixth floor balustrades), it does so with a design which through appropriate set-backs and materials respects the spatial scale of adjacent uses and built forms and limits its visual impact when viewed from the streetscene. It is considered on balance that the proposed development is acceptable on character and appearance grounds.

The impact on the amenities of neighbouring occupiers

As aforementioned, the proposed design has considered neighbouring residential uses, built form and spatial relationships and is not expected to result in a loss of privacy, outlook and natural light / sunlight to neighbouring occupiers. Given the proposed set-backs and the fact no balconies will be located along the eastern elevation it is not considered that the proposed development would result in an increased level of overlooking or overbearing. Indeed, it not expected that the seventh storey given the

proposed set-backs would be overly-visible from the adjacent property at no.38 Wickliffe Avenue and therefore any perceived sense of overbearing is expected to be nominal and given little weight considering every floor on the eastern elevation currently has external balconies.

It is also considered that the sense of openness enjoyed by the adjacent Windsor Open Space will not be significantly affected. The proposed development does not result in an increase to the footprint of the existing building, a loss of trees, shrubbery or any existing form of boundary treatment and the increased height is deemed proportionate. The additional benefits of the proposal which includes a rejuvenation of the building's external façade will improve the appearance of Cranmer Court when viewed from Windsor Open Space.

Some weight again must be given to the aforementioned appeal decision (Ref: T/APP/N5090/A/90/151470/P8 dated 27/09/1990) which concludes the increased density of the site as a result of an additional storey would not detrimentally impact neighbouring amenity.

In summary, it is considered that the proposed design would not result in significant harm to the residential amenity of neighbouring properties. The proposed seventh storey extension and external alterations by reason of their design, siting and scale are not expected to result in a harmful level of overbearing, overshadowing and overlooking to adjacent residential occupiers. It is not considered that the proposed roof extension to create 4.no additional units would cause significant harm to the residential amenity of neighbouring occupiers. It is deemed to comply with DM01 and the Residential Design Guidance SPD (2016) and therefore is recommended for approval on amenity grounds.

Whether the proposal provides a satisfactory living environment for future occupiers

Minimum Space Standards:

The London Plan (2016) sets out the minimum gross internal area (gia) requirements for residential dwellings. This is also supported by the Sustainable Design and Construction SPD (2016). The proposed 4.no additional residential units at Cranmer Court are measured as follows:

Flat 25: 2-bedroom, 3-person - 63m² (London Plan requires 61m²)
Flat 26: 3-bedroom, 5-person - 93m² (London Plan requires 86m²)
Flat 27: 2-bedroom, 3-person - 70m² (London Plan requires 61m²)
Flat 28: 2-bedroom, 3-person - 63m² (London Plan requires 61m²)

All residential units exceed the minimum spaces standards required by the London Plan (2016).

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 and single bedrooms in all units 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.

The seventh floor extension measures 3m in height. Therefore, all units will have a floor to ceiling height in excess of 2.3m

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.

It is considered that all proposed units have a good level of outlook and access to natural light. Each flat is dual aspect and benefits from large windows and access to outdoor amenity space.

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016), states that for a flat, 5m² of outdoor amenity space should be provided per habitable room. Below are the amenity space allocations for each flat:

Flat 25: 27m² (20m² Required)

Flat 26: 25m² (25m² Required)

Flat 27: 20m² (20m² Required)

Flat 28: 15m² (20m² Required)

The outdoor amenity space for flats 26 and 27 is provided by way of rooftop gardens. A condition will be attached to ensure appropriate levels of screening. It is not expected that the presence of 2.no roof gardens will have a detrimental impact on adjacent occupiers, with their siting sufficiently set-back from adjacent balconies and dwellings.

Flat 28 falls 5m² under the required amenity standards. While it is possible to allocate more balcony space to unit 28, it was deemed during the design stage that to better protect neighbouring amenity and guard against a perceived sense of overlooking, the balcony should not extend along the southern and eastern elevations. Given that Cranmer Court is located immediately next to Windsor Open Space, it is deemed that an acceptable level of amenity space has been provided to unit 28.

Attention is also drawn to the balcony adjoining unit 27. This is to be used solely for maintenance purposes only, with Juliette balconies used to ensure good air circulation through the apartment, whilst protecting against perceived and actual overlooking to adjacent residential units.

Parking and Highways

A concern raised by a number of objectors relates to increased site activity and traffic resulting from the addition of 4.no self-contained residential units. Given the proposed mix of the 4.no additional flats, the proposed development would result in a potential increase of no more than 14.no people on site. However, it is considered that this increase can be

sufficiently accommodated on site, with the site benefiting from 38.no parking spaces, more than 1.no parking space per unit. New security barriers are to be installed to ensure the forecourt parking is strictly used for resident parking only, with additional spaces available to accommodate visitor parking. Each unit would be allocated 1.no parking space each, with the increase of 4.no cars accessing the site on a daily basis deemed to be sufficiently negligible that it is not expected to cause a significant increase in noise disturbance, air pollution or site activity over and above current levels.

Cranmer Court has 38.no parking spaces of which 14.no are not currently allocated to an existing occupant. This means that 14.no parking spaces are available for allocation to new residents, with new security barriers located around the forecourt to ensure parking spaces are for the sole use of residents. Based on DM17, the 4.no proposed residential units would require in the range of 4-6 parking spaces. It is therefore considered that the proposal is acceptable on highways grounds.

9.no sheltered and secured cycle spaces have been provided adjacent to the underground car park. It is considered this would be in line with Section 6 of the London Plan (2016).

Refuse and recycling storage

New refuse and recycling bin storage has been proposed to the rear of the underground car park. It is considered that the location, capacity and collection method (refuse collection vehicles to access directly) complies 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. Those not directly addressed are as follows:

- Currently live on the top floor and don't want any noise above:
- Appropriate levels of soundproofing will be conditioned to mitigate any potential noise disturbance.
- Unacceptable inconvenience caused to the current residents, resulting from the lift having to be extended to the seventh floor:

The developer will be required by condition to provide a Construction Method Statement. The developer has confirmed that a stair-lift will be installed whilst the current lift is being extended, along with a porter to accommodate residents. It is also deemed that the long-term benefits associated with the renovation of the property should be noted.

- Adding an additional floor is not the way to improve the visual appearance of the block

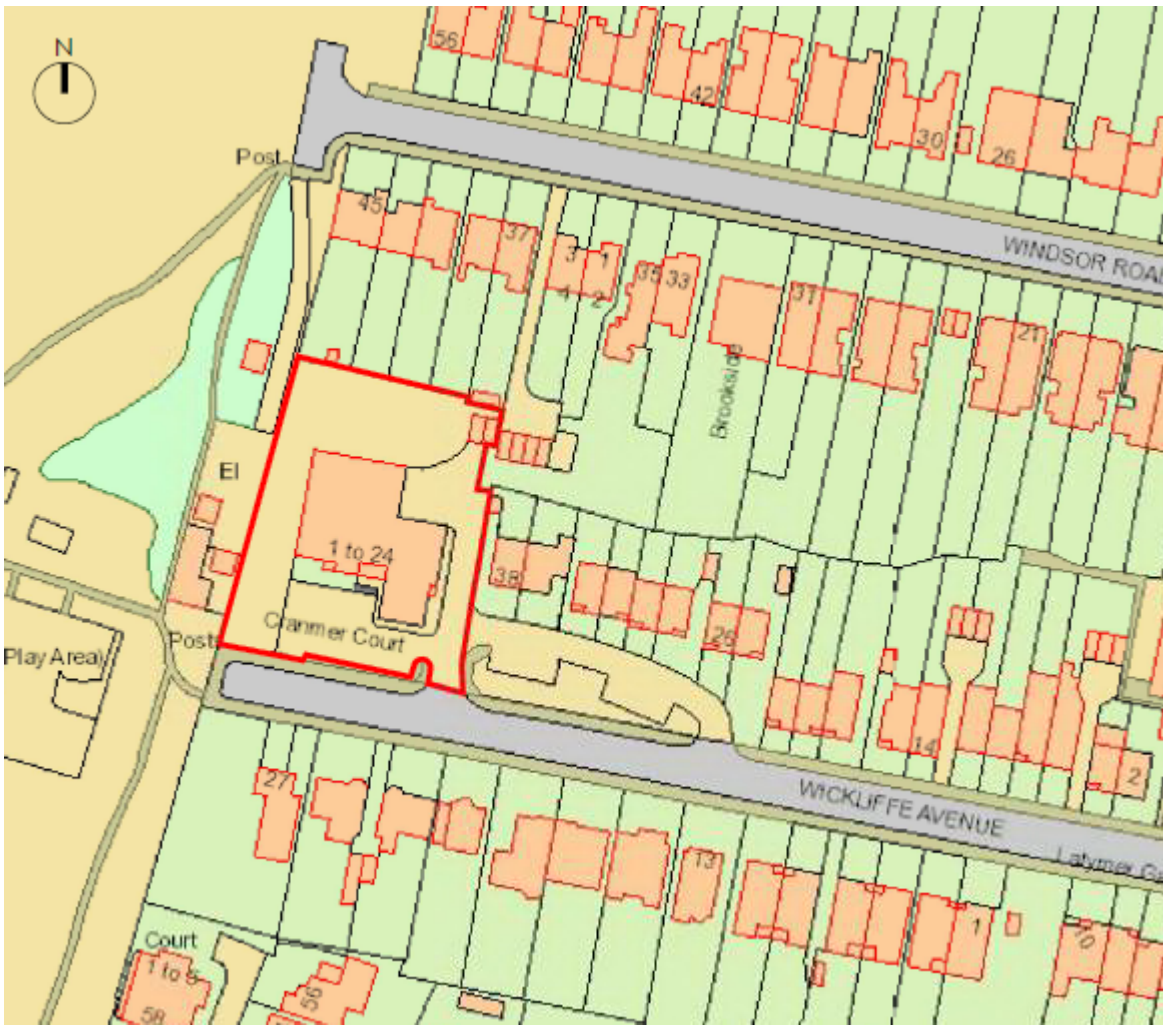
The Council must assess the merits of any application made and ensure it complies with the relevant Local Policies and design guidance. It is considered that the proposed development meets these criteria.

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 enhance the character and appearance of the existing block of flats and result in an acceptable standard of accommodation for future residents. It is not deemed that significant harm would be caused to the residential amenity of neighbouring occupiers. Consequently, it is recommended for approval.



Location **2 Howes Close London N3 3NX**

Reference: **17/5049/HSE**

Received: 3rd August 2017

Accepted: 3rd August 2017

Ward: Finchley Church End

Expiry 28th September 2017

Applicant: Mr John Gethins

Proposal: Two storey side extension following demolition of the existing garage facing No. 3 Howes Close and first floor side extension facing No. 1 Howes Close. Single storey front infill extension. Roof extension involving rear dormer window with recessed first floor terrace. Alterations to front and rear roof. Associated changes to fenestration

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:

Design and Access Statement including:

Site Location Plan

485.(1).0.001, 002, 003, 004, 005A, 006A, 007A, 008, 009

485.(1).1.000, 001, 002, 003, 004, 005

485.(1).2.001A, 002A, 003A

485.(1).3.001, 002

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 2016.

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing The Vicarage No. 1 Howes Close and No. 3 Howes Close.

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

Informative(s):

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

Officer's Assessment

1. Site Description

The property is a 2 storey detached property located on the private road Howes Close which is within the Finchley Church End ward.. The road allows the access to 3 detached houses from Mountfield Road. The three detached houses present similar vernacular architectural style although No.2 and No.3 are considerably more modern.

To the north of the site and beside the Howes Close entrance, there are two four-storeys buildings hosting flats. The property site is in between The Vicarage and No. 3 Howes Close.

It is not within a conservation area and is not a listed building.

2. Site History

No planning history.

3. Proposal

The applicant proposes a 'Two storey side extension following demolition of the existing garage facing No. 3 Howes Close and first floor side extension facing No. 1 Howes Close. Single storey front infill extension. Roof extension involving rear dormer window with recessed first floor terrace. Alterations to front and rear roof. Associated changes to fenestration'.

Dimensions:

Two storey side extensions

Two-storey facing No. 3 Howes Close would measure 3.3m high to the eaves, 8.9m to the top of the roof set down from the main roof by 0.4m, set away approximately 1m from the neighbouring side boundary and would replace the existing garage. A large rooflight would be inserted into the front roof slope of the extension.

The first floor side extension facing the vicarage would measure 3.3m high to the eaves, 9.2m to the top of the roof from the base of the ground floor level and would be set away by 1m from the neighbouring side boundary.

Single storey front extensions

The single storey front extension would be centralised at the front elevation having a width of 5.5m and would project forwards of the property by approximately 0.8m and join the existing main catslide roof element.

The roofs of the extensions would remain set at least 1.7m below the neighbouring roofs at No. 3 and The Vicarage, as is the existing situation. 2No. large rooflights would be inserted into the front roof slope.

Rear dormer/roof alterations and rooflights

The rear roofslope would contain a centralised dormer and 3No. large rear rooflights, with the dormer having a recessed balcony. The rear dormer would be 3.6m wide, 2.4m deep and 2.3m high.

4. Public Consultation

Consultation letters were sent to 15 No. neighbouring properties.
6 No. responses have been received by way of objections.
3 No. objectors requested to speak at committee.

The comments and objections are as follows:

- Proposed changes to the north elevation of 2 Howes Close would significantly and negatively impact upon the view that residents have
- Materials not in keeping
- Loss of light through neighbouring accessing stairs
- Solid brick wall only 2 metres (approx.) away from neighbouring property leading to a sense of enclosure
- The design would unbalance the houses
- Bulk of extension is out of proportion to the plot of land on which the house stands
- Frontage out of kilter with the Arts and Crafts style of the other two houses
- Windows and glazing are oversized and unpleasant looking in the context of the surrounding properties
- Dormer window will adversely impact the privacy of neighbouring house and rear garden
- Front driveway incongruous with the surrounding houses

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

The application proposes the construction of an extension on part of the flat roof of the property to form a new room for storage purposes.

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

Policy DM01 seeks to protect and enhance Barnet's character to create high quality places. The Design and Access Statement submitted states that the design includes the idea of dividing, overlapping and merging to form the new from the existing. The architects have taken the 'modernist primary shapes from the local arts and craft vernacular of the properties within the locality and utilised the geometries of the existing catslide roof'.

Furthermore they have stated that 'The division and the unifying of the historic site pivots around the heart of the house, the central atrium'.

Section 14.15 of the Residential Design Guidance SPD 2016 states:

'Side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house'.

The proposed extensions would to each side measure less than half the width of the dwelling and due to the siting of the catslide roof would allow for an adequate set back when viewed in relation to the neighbouring properties at the Vicarage and No. 3 Howes Close. Therefore, the proposed design is considered to enhance and protect the character of the existing house whilst allowing for much needed habitable rooms without compromising the existing design.

Whilst the neighbouring vicarage house has a traditional design including dormers and two storey outriggers, the neighbouring property at No. 3 Howes Close is similar in design to the proposal property at No. 2, having characteristic catslide roof elements and dormer roof extensions, albeit both neighbouring properties are considerably larger in size than No.2 .`

It is considered important that there is adequate visual interest on the front roof given its significant expanse. The applicant has put forward rooflight style glazing to allow for this which is acceptable as long as privacy is maintained.

The proposed extensions would allow for a more even streetscene and would not have an adverse impact on the current streetscene on this private road.

Objections have been raised in relation to the proposed materials for the extensions including roof tiles. The applicant has provided amended drawings showing that the proposed brickwork and roof tiles will match the existing dwellinghouse. This would allow for continuity within the design and would in turn protect the existing character of Howes Close and its' current streetscene. In order to ensure high quality materials a condition requesting the submission of materials is attached.

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

Objections have been raised in relation to loss of light and a sense of enclosure to neighbouring properties. It is considered that the scheme in relation to the neighbouring amenities would not cause loss of light or a sense of enclosure. Whilst the proposed first floor element would project forwards adjacent to the side elevation facing The Vicarage, the extension would be set away from this neighbouring side boundary by approximately

1m. Furthermore, historic drawings show that the first floor window facing the proposal property from this neighbouring site serves a bathroom and not a habitable room. The extension would include a prolonging of the existing catslide element and thus lowers in height the further forwards it projects.

The proposed two storey element facing No. 3 Howes Close will replace the garage. This house is set considerably higher than the proposal property. The new extension would be set down by a minimum of 1.7m below the roof of the neighbouring dwellinghouse. The extension would be set at least 1m away from this side boundary. The side window with on the neighbouring property serves a staircase which leads to the downstairs hallway. Generally, landing windows do not serve habitable rooms and therefore such an impact in practice is generally acceptable. It is not considered that the extension would be so harmful as to warrant refusal of the scheme. Thus whilst the extension would be seen from this side window, the extension would not project rearwards beyond the existing rear elevation of the proposal property. No windows are proposed within the side elevations and therefore there would be no overlooking on to the neighbouring amenities.

Furthermore, the existing two storey rear projection will be removed from the house and the construction of a rear dormer window and recessed balcony will be centralised into the roof. It is not considered that any further overlooking is envisaged from the recessed terrace beyond the rear dormer window.

Thus, the proposed extensions are deemed acceptable in regard to amenity of neighbouring occupiers.

Outlook and natural light

Furthermore, the proposed scheme would provide sufficient light and outlook to current and future occupiers. The design allows for adequate natural light from the proposed glazing within the enlarged rooflights. This would enhance the outlook to the inhabitants.

Private amenity space:

The development would retain and maintain the private amenity space to the rear. These would comply with the requirements set out in Table 2.3 of the adopted Sustainable Design and Construction SPD (2016) and it is thus considered that the proposed extension would not compromise the sites amenity space.

Conclusion

It is therefore concluded that the application is acceptable in relation to the size, siting and design. The extension would not compromise the character of the immediate locale and current streetscene and would have an acceptable impact on the neighbouring amenities. The proposal is not contrary to the Residential Design Guidance SPD 2016 and associated planning policies. The application is recommended for APPROVAL subject to conditions.

5.4 Response to Public Consultation

Dealt with within the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that 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 a detrimental impact on the amenities of neighbouring occupiers to an unacceptable degree. This application is therefore recommended for APPROVAL subject to conditions.



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Location **Golders Green Delivery Office St Georges Road London NW11 0LS**

Reference: **17/5013/FUL**

Received: 1st August 2017

AGENDA ITEM 14

Accepted: 3rd August 2017

Ward: Garden Suburb

Expiry 2nd November 2017

Applicant: Godfrey London Limited.

Proposal: Demolition of the existing vacant building (previously used as Class B8 - Storage and Distribution) and the erection of a four storey office building (Class B1(a)) comprising of basement, ground and two upper floors. Associated car and cycle parking and associated works.

Recommendation: Approve subject to s106

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/her absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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. Monitoring of Travel Plan (£5,000).

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:

1850 (PL) 001/102 (Site Location / Proposed Block Plan)

1850 (PL) 010 P1 (Existing Ground Floor)
1850 (PL) 011 P1 (Existing First Floor)
1850 (PL) 012 P1 (Existing Roof Plan)
1850 (PL) 020 P1 (Existing South Elevation)
1850 (PL) 021 P1 (Existing West Elevation)
1850 (PL) 022 P1 (Existing North Elevation)
1850 (PL) 023 P1 (Existing East Elevation)
1850 (PL) 030 P1 (Existing Section 030)
1850 (PL) 031 P1 (Existing Section 031)

1850 (PL) 109 P1 (Proposed Basement)
1850 (PL) 110 P1 (Proposed Ground Floor Plan)
1850 (PL) 111 P2 (Proposed First Floor)
1850 (PL) 112 P2 (Proposed Second Floor)
1850 (PL) 113 P2 (Proposed Roof Plan)
1850 (PL) 120 P1 (Proposed South Elevation)
1850 (PL) 121 P2 (Proposed West Elevation)
1850 (PL) 122 P2 (Proposed North Elevation)
1850 (PL) 123 P2 (Proposed East Elevation)
1850 (PL) 130 P2 (Proposed Section)
1850 (PL) 131 P1 (Existing Section)
1850 (PL) 132 P2 (Proposed Section)

Daylight/Sunlight Assessment (received 01.08.17)
Design and Access Statement (received 03.08.17)
Heritage Statement (received 01.08.17)
Planning Statement (received 01.08.17)
Sustainability Appraisal (received 01.08.17)
Transport Assessment (received 01.08.17)
Travel Plan (received 01.08.17)
Utilities Statement (received 03.08.17)

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 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a banksman;
- xii. 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 No development other than demolition works shall take place until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April 2015 (including the

Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 6 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 7 a) No development other than demolition works shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the proposed B1(a) use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 8 A Disabled parking space shall be provided and clearly marked with a British Standard disabled symbol where appropriate and made available for the use of disabled persons and their vehicles prior to the first occupation of the development and shall thereafter be kept available/ maintained for such use at all times.

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.

- 9 Prior to occupation of the development parking spaces and the access to the car parking spaces from public highway 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 to 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.

- 10 Prior to occupation of the development 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.

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

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

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

- 12 Within 3 months of occupation a Travel Plan statement that meets the criteria of the current Transport for London Travel Plan guidance , currently 'Travel Planning for new development in London incorporating deliveries and servicing' and is ATTrBuTE compliant shall be submitted to and approved in writing by the Local Planning Authority. The document shall set out the transport policy to incorporate measures to reduce trips by the private car especially single occupancy and single passenger journeys and encourage non car modes such as walking, cycling and public transport and to reduce, consolidate or eliminate delivery trips. The Travel Plan Statement should include the appointment of a Travel Plan Champion, SMART targets and a clear action plan for implementing the measures. The Travel Plan

should be reviewed, updated and resubmitted in writing for approval in years 1, 3 and 5 in accordance with the targets set out in the Plan. Monitoring of the travel plan is to be funded by the applicant in accordance with the SPD.

Reason: To encourage the use of sustainable forms of transport to the site in accordance with policies Core Strategy (adopted) 2012 CS9 and Development Management Policies (adopted) 2012 DM17.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 14 The level of noise emitted from any plant installed 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.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35.41% 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.

- 16 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.

- 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 The flat roofs 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).

- 19 a) The non-residential development is required to meet the BREEAM 'Very Good' level.

b) Before the development is first occupied the developer shall submit certification of the selected generic environmental standard.

Reason: To ensure that the development is sustainable and complies with Strategic and Local Policies in accordance with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2015).

- 20 Before the building hereby permitted is first occupied the proposed window(s) in the first floor on the west elevation facing Temple Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 21 The use hereby permitted shall not be used before the hours of 07:30 or after 20:00 on any day.

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

- 22 The premises shall be used for B1(a) Class and for no other purpose (including any other purpose in Class B 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:

- 1 That if an agreement has not been completed by 31 December 2017, that unless otherwise in writing, the Head of Development Management should REFUSE the application 17/5013/FUL under delegated powers for the following reasons:

1. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy and policy DM17 of the Adopted Development Management Policies DPD.

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 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any

damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 3 The applicant is advised that the A598 - Finchley Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 4 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements (ensure that deliveries do not coincide and vehicles are not kept waiting and parked up on public highway causing obstruction), means of access and security procedures including provision of Banksman where required for managing 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 where necessary on or adjacent to the site. The applicant is also advised that account needs to be taken of roads the traffic sensitive nature of any roads in the vicinity of the site and the number of schools in the vicinity of the site and needs to arrange deliveries outside the school pickup and drop off times if applicable.

The DCMP will take into account locations of any schools in the proximity of the proposed development that may be affected by the proposed development and the applicant shall ensure that construction related traffic and or deliveries shall be avoided during the school drop off and pickup times. The applicant may need to liaise with the affected school to ensure that measures are in place to ensure pedestrian safety.

- 5 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 The development should discharge surface water runoff as high up the discharge hierarchy as possible. Where it is not possible to achieve the first hierarchy, discharge through the ground, applicants must demonstrate in sequence why the subsequent discharge destination was selected. Proposals to dispose of surface water into a sewer, highway drain, surface water body or another drainage system must be accompanied by evidence of the system having spare capacity downstream and acceptance of the surface water by the appropriate authority(ies).
- 7 The surface water drainage strategy shall use SuDS to manage peak surface water runoff rates in accordance with S2 and S3 of the Non-statutory Technical Standards for Sustainable Drainage Systems. SuDS shall be used to provide volume control in accordance with S4, S5 and S6 of the Non-statutory Technical Standards for Sustainable Drainage Systems.
- 8 The surface water drainage strategy for the site must be accompanied by evidence of an Adopting Authority accepting responsibility for the safe operation and maintenance of SuDS within the development. The Adopting Authority must demonstrate that sufficient funds have been set aside and / or sufficient funds can be raised to cover operation and maintenance costs throughout the lifespan of the development. The Adopting Authority shall be responsible for satisfying themselves of the suitability of the adopted SuDS prior to adoption, and shall keep records of operation and maintenance activities, for possible inspection by the Council.
- 9 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 £34,825 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.

Officer's Assessment

1. Site Description

The application site is located on the northern side of St George's Road within the ward of Garden Suburb. The site also lies within the Temple Fortune Town Centre designation.

The site consists of a two-storey building of brick construction at the front of the site and a large pitch roofed single storey warehouse building to the rear. The site was previously in use as a Royal Mail sorting and distribution office, classified as Class B8 - Storage and Distribution. It is stated within the submission documents that the site has been vacant since September 2016. The site is not statutory listed or located within a conservation area.

The site is situated on the western edge of the town centre, in an area which transfers from commercial and retail properties to the east and residential terraces to the west. To the north and rear of the site, is land to the rear of the former Golders Green Police Station which has planning consent (reference 15/01377/FUL) for the construction of a new building up to five storeys containing 9no. self-contained flats. The site fronts on to St George's Road to the south, where there is a single storey MOT garage opposite. To the east and west, the rear elevations and gardens of Temple Gardens and Finchley Road face onto the application site.

2. Site History

Reference: 15/01377/FUL

Address: Land To The Rear of Former Golders Green Police Station, 1069 Finchley Road, London,

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Appeal Reference: APP/N5090/W/15/3136451

Decision: Allowed

Decision Date: 04 April 2016

Reference: F/00076/10/LIC

Address: Golders Green Delivery Office, St Georges Road, London, NW11 0LS

Decision: Exempt

Decision Date: 10 November 2010

Description: Installation of a new green metal equipment cabinet. LICENCE NOTIFICATION

Reference: C02977F/01

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Unlawful

Decision Date: 07/01/2002

Description: Replacement windows.

Reference: C02977E

Address: Golders Green Sorting Office St. Georges Road NW11

Decision: Approved subject to conditions
Decision Date: 02/04/1975
Description: External staircase and doors for use as fire escape.

Reference: C02977D
Address: Golders Green Sorting Office St. Georges Road NW11
Decision: Unlawful
Decision Date: 02/12/1974
Description: A new door at first floor level and metal stairways and walkways to provide new means of escape

Reference: C02977C
Address: Golders Green Sorting Office St. Georges Road NW11
Decision: Approved subject to conditions
Decision Date: 29/04/1974
Description: The erection of first floor extension for use as kitchen and dining-room

Reference: C02977B
Address: Golders Green Sorting Office St. Georges Road NW11
Decision: Approve subject to conditions
Decision Date: 31/05/1972
Description: Erection of first floor extension for use as kitchen and dining-room

Reference: C02977A
Address: Golders Green Sorting Office St. Georges Road NW11
Decision: Refused
Decision Date: 28/07/1971
Description: Erection of first floor extension for use as games room.

3. Proposal

The application seeks consent for the demolition of the existing buildings on site (Class B8) and the redevelopment of the site to provide an office building (Class B1(a)) over four storeys including basement. The proposal also comprises of the provision of two car parking spaces, cycle parking and refuse storage. The proposal would provide 1,704sq.m (GIA) of office accommodation.

Amendments have been made to the application, which include:

- Reduction of 1st and 2nd floor levels at the rear of the site by 1m and 2m respectively.

4. Public Consultation

Consultation letters were sent to 289 neighbouring properties.
7 responses have been received, comprising 6 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Alternative roof material would be more appropriate for the character of the area
- Increase in height to the rear portion of the development will have a significant and negative impact on the quality of outdoor space and light to gardens;
- Proposal will result in additional parking strain within the surrounding street;

The letter of support can be summarised as follows:

- Developer undertook a very professional consultation with local residents and impressed that our comments have been taken into account.
- Proposal is a high quality development which is sensitive to its surroundings.

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, CS6, CS8, CS9, CS13, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM11, DM14, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of development

The existing site comprises of 709sqm (GIA) of Class B8 floorspace and the proposal would provide 1,704sq.m (GIA) of Class B1(a) office accommodation.

Barnet policy DM14 states that new office space should be located in the town centres before edge of centre or other sites as these are more accessible by public transport and will help contribute to the continued vitality of the rest of the town centres. In respect of the loss of B8 use, the site is not located within an area of protected industrial or business area. The site falls within the boundary of the Temple Fortune Town Centre and therefore the principle of new employment space is considered to be acceptable and a sequential test would not be required in this instance.

Overall, the proposal would redevelop an existing vacant employment site, increasing the floorspace by 995sq.m and would generate approximately 114 full time equivalent (FTE) jobs. For these reasons, it is considered that the principle of B1 office accommodation is appropriate and there would be no detrimental loss of employment of the site.

Impact on the character and appearance of the site, streetscene and surrounding area

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

The Planning Authority considers that the existing building is a good example of an Edwardian sorting office and makes a positive contribution to the streetscene. As such, the Local Authority considers that the building should be considered as a non-designated heritage asset. Paragraph 135 of the NPPF identifies that the effect on the significance of a non-designated asset should be taken into account when determining a planning application. A balanced judgement must be reached with regard to the scale of any harm or loss caused and the significance of the heritage asset. With the demolition of the non-designated asset, it is considered that there is a resultant level of harm occurred through its demolition and complete loss.

In terms of layout and footprint, the existing building occupies the majority of the site. As such, it is considered that the proposed development which replicates this footprint is acceptable. The submitted Design and Access Statement makes comment that the proposed replacement building references the existing building on the site and the former Police Station around the corner on Finchley Road. In terms of massing and height, the overall height of the building will not exceed the existing ridge of the main building and will

still remain subservient to the main buildings to the east along Finchley Road. The proposal can be sub-divided into 2 elements - front and rear. The front element will have a more traditional appearance, replicating the existing building. It will be constructed of red brick and slate to match the existing, with brick detailing around the fenestration. The scale and proportion of the new dormer windows are considered to be appropriate and appear visually subservient to the main building. Overall the front building is considered to be of a high quality design which references the design and detail of the existing building. With regards the rear element, this will still be constructed of red brick with the second floor being finished with metal cladding in order to visually break out the massing of this building. The overall height of this element sits lower than the front building ridge height and is set back at first and second floors to give separation to the neighbouring properties. This is considered to help break up and the overall massing across the site. The inclusion of two green roofs at first floor level along the boundary of Temple Gardens is considered to provide some visual improvement.

In terms of its impact on the character and appearance, the proposed development is considered to be a high quality and its design references the existing non-designated asset. In balancing its loss under paragraph 135 of the NPPF, the Planning Authority considers that the replacement building will still make a positive contribution to the character and appearance of the site and streetscene and therefore outweighs the harm caused through the loss of the non-designated asset.

Impact on amenity of neighbouring residents

In terms of potential impacts, there are existing properties to the east and west, and a new residential development has been approved to the north.

To the east, the rear elevations of the Finchley Road are located approximately 14m from the eastern elevation of the proposed development. It is considered that the impact towards these properties is likely to be limited in terms of loss of light or outlook due to the separation distance and the scale of development being of a similar scale. A proposed B1 (office) use is not considered to introduce significant overlooking issues due to the temporary use throughout the day of the building. In between the buildings on Finchley Road and the application site, there is a two storey residential building. The proposed development would propose to increase the overall height and bulk of the development along the whole length of the site. In terms of overbearing, there is some separation between the sites and it is considered that the inclusion of a setback along this elevation helps to reduce this impact. The applicant has also undertaken a daylight/sunlight assessment which concludes that there will be a full adherence to the BRE guidelines.

To the west, there is a row of terrace properties along Temple Gardens. It is proposed to replicate the single storey element along the boundary and therefore it is considered that would be no additional impact through this element. The first and second floor elements have been set away from the boundary and are considered unlikely to have any detrimental impacts. The sunlight/daylight survey states that the results show that there will be full adherence to the BRE guidelines. The first floor windows which face these properties will be installed with obscure glazing and as such, any overlooking impact will be removed. A number of representations received raised concerns over the loss of light to the rear gardens of these properties. In response, the Planning Authority considers that with the first and second floors being set away, any impact would be limited. In addition considering that the proposal is located to the east, any potential impact would only be restricted to the morning.

In terms of the potential impact to the north upon the approved residential development, the virtue of no proposed windows on the rear elevation of the proposed scheme would remove any overlooking concerns. However, the introduction of a part three storey building along and in close proximity to the northern boundary and southern elevation would likely have potential to impact in terms of loss of light, overbearing appearance and loss of outlook. During the process of the application, the northern elevation of the first and second floors was further reduced by 1m on the first and 2m on the second floor. The Planning Authority is satisfied that this reduction is sufficient to address the concerns regarding overbearing. The results of the sunlight/daylight assessment show that in the proposed condition the majority of the rooms within the consented development will continue to receive adequate daylight levels in accordance with the target values set out in the BRE guidelines. Three of the rooms tested fall below the guidelines in the proposed condition. However, it is stated that two of these three rooms would not meet the guidelines in the existing condition which is in part of the design of the consented development which contains single aspect rooms. As such, as it has been demonstrated that the proposed development would not have any further significant harm over and above the existing conditions, there is not considered to be a significant harm caused through loss of lights to these properties.

Highways and parking provision

In terms of parking provision, Barnet policy DM17 expects developments to provide parking in accordance with the London Plan. Policy 6.13 (Parking) states that maximum standards are set out in Table 6.2 in the Parking Addendum which for Outer London requires 1 space per 100-600sq.m. The Council's Traffic and Development service has reviewed the submitted highways documents and comments that for the creation of 1,704sq.m and with a PTAL of 2, there would be a requirement of one space per 200sq.m. There would therefore be a shortfall of 7 spaces but taking into consideration that the current site has a parking demand but supplies no parking, the shortfall is considered to be acceptable. In addition, there is a CPZ in operation in vicinity of the site so the occupiers of the building will not have the ability to park on the highway or obtain parking permits. There are no business permit zones within the surrounding area. There should be no highways impacts associated with the development.

Although a Travel Plan has been included with the planning submission this is in the form of a Framework Travel Plan rather than the required Travel Plan Statement. The submitted TP does not include targets. The TP Mode Share Targets should be displayed in a table breaking the % targets down by each year (Baseline and 1 to 5) and each mode and split into staff and visitor travel. The Action Plan is required to include short, medium and long term measures and actions that will cover the lifespan of the Travel Plan (at least 5 years). This should include when an action will be established as well as how often that action will be repeated/re-promoted. Each action should have clear ownership. As it is anticipated that the development will be occupied by a number of organisations a steering group should be setup which includes a Representative from each employer within the proposed development, the members of the steering group will work together to deliver the TP with the TP Champion (TPC). A condition will be attached requiring the submission of a new travel plan which should contain the above requirements.

Other material conditions

Refuse and Recycling

Refuse associated with the existing / previous use is stored within the building and along the east facing elevation. Refuse is collected with the existing uses from St George's Road.

Within the proposed development refuse would be stored along the east facing elevation of the building as per the existing situation. It would be accessible via an alleyway that abuts the eastern boundary of the site that leads from St George's Road. Servicing would be undertaken on-street in a similar manner to the existing situation.

Sustainability

London Plan policy 5.2 requires development proposals to make the fullest contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Policy 5.3 of the London Plan goes on to set out the sustainable design and construction measures required in developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation. The Further London Plan Chapter 5 policies detail specific measures to be considered when designing schemes including decentralised energy generation (Policies 5.5 and 5.6), renewable energy (Policy 5.7), overheating and cooling (Policy 5.9), urban greening (Policy 5.10), flood risk management and sustainable drainage (Policies 5.13 and 5.15).

Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrate compliance with the Mayors targets for reductions in carbon dioxide emissions, within the framework of the Mayor's energy hierarchy.

The application is accompanied by an Energy Strategy that states that the proposal will achieve BREEAM 'very good'. The application documents also advise that the proposed development will receive an overall on-site reduction of 35.41% in regulated emissions which meets the London Plan target.

5.4 Response to Public Consultation

Alternative roof material would be more appropriate for the character of the area - The rear of the site has very limited open views and the use of metal cladding on the rear building element is not considered to have an adverse impact on the character of the area.

Increase in height to the rear portion of the development will have a significant and negative impact on the quality of outdoor space and light to gardens - The separation and setback of the first and second floors from the boundary with Temple Gardens is considered to be acceptable and taking in addition the orientation of the site, is not

considered to have a significant and negative impact on the gardens of the neighbouring properties.

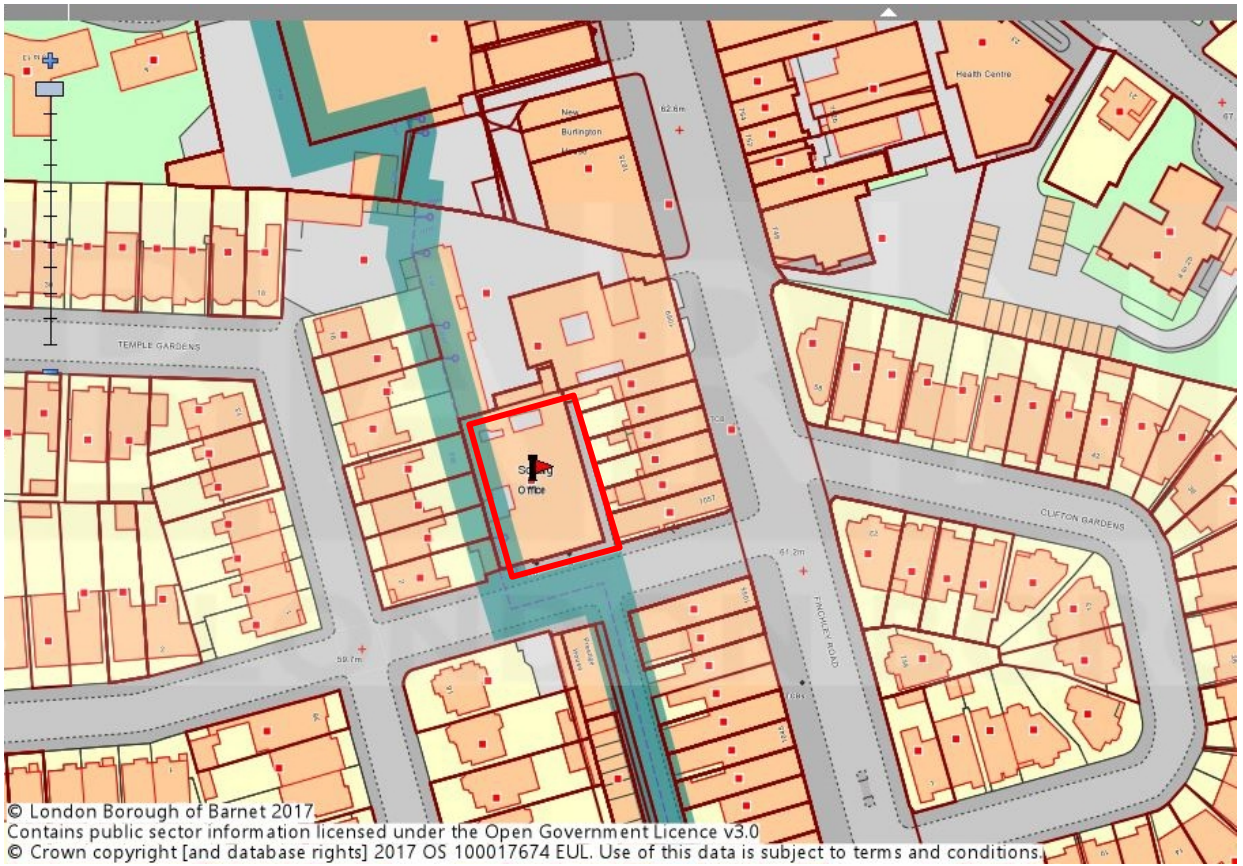
Proposal will result in additional parking strain within the surrounding street - Due to the presence of a CPZ within the surrounding area, occupiers of the building will not be able to park within these streets and will not be able to obtain parking permits.

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 result in the creation of a high quality development, have an acceptable and positive 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 and there is no adverse highways impact. This application is therefore recommended for approval.



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Location	Oasis Restaurant (Formerly The Alexandra Pub) 1 Church Lane East Finchley London N2 8DX		AGENDA ITEM 15
Reference:	17/4718/FUL	Received: 21st July 2017	
		Accepted: 29th August 2017	
Ward:	East Finchley	Expiry 24th October 2017	
Applicant:	Ruta Lebiodaite		
Proposal:	Change of use from A4 (drinking establishment) to A3 (restaurants and cafes). Removal of existing canopy structures at rear and erection of new canopy structure with perspex roof. Single storey front/side extension (Retrospective Application)		

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; Drawing no. /PL-010 Rev A; Drawing no. /PL-011 Rev A; Drawing no. /PL-012; Drawing no. /PL-013; Drawing no. /PL-014; Drawing no. /SI-000; Drawing no. /SI-002; Drawing no. /PL-000 Rev E; Drawing no. /PL-001 Rev D; Drawing no. /PL-002 Rev D; Drawing no. /PL-003 Rev C; Drawing no. /PL-004 Rev C; Drawing no. /SI-003; Noise Impact Assessment Report 13454.NIA.01.Rev D by KP Acoustics Ltd; Planning Statement by MSK Design.

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

- 2 The existing front extension and canopy at the rear including all constituent elements shall be demolished and all materials resulting from the demolition shall be removed within three months of the date of failure to meet requirement (i) below:

(i) within three months of the date of this decision, the flat roof of the front extension shall replace the current hipped roof and the canopy at the rear shall be implemented as approved and shall be permanently retained as such thereafter.

Reason:

To safeguard the character and appearance of the host dwelling and general area in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 3 The restaurant use with internal seating within the building hereby permitted shall not be open to members of the public before 8:30am or after 11.30pm Mondays to Thursdays, before 8.30am on Fridays or after 1:30am on Friday night/ Saturday morning, before 9am and after 1:30am on Saturdays, or before 9am or after 11pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 4 The restaurant use located under the rear canopy or outside of the building hereby permitted shall be vacated and not used by members of the public after 11:30pm Mondays to Saturdays and after 11pm on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 5 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9.00 am or after 7.00 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 6 No flues, ducting, air conditioning units or piping shall be constructed on the exterior of the building.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

- 7 The level of noise emitted from any plant associated with the restaurant use hereby approved, televisions and speakers 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 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 £4935.00 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 £23,538.82 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 hereby attached decision does not relate to the current shisha use or any associated plant which does not benefit from planning permission.

Officer's Assessment

1. Site Description

The application site is a two storey end-of-terrace building located on the southern side of Church Lane, near the junction with High Road in the East Finchley Ward. The property is not listed nor does it lie within a conservation area. It is however locally listed. The properties on this section of the road are generally characterised by commercial units on the ground floor and residential accommodation on the floors above.

To the east, the site borders the former Esso Petrol Station at the junction with High Road. At the time of the visit, this site was unoccupied and the petrol station had been removed. A planning application has been submitted for development of this site into 9no residential units comprised of both family dwellings and flats; this recently refused under reference number 17/1360/FUL. The application was refused for the following reasons for refusal:

Reason 1- The proposed development, by reason of its height, massing and design, and the contrasting designs of the two buildings, would appear as an overly prominent and dominant addition to the plot and the street scene, which would harm the character and appearance of the area. The contrasting designs of building are considered to relate poorly to each other, exacerbating the harm to the character and appearance of the street scene. The excessive bulk, massing and siting of the proposed buildings would not respect the appearance, scale, mass, height or pattern of surrounding buildings, spaces and streets, and would amount to an overdevelopment of the site.

Reason 2- The proposed development, by reason of its cramped internal layout and height and proximity of the proposed flatted building relative to the Leopold Road houses would result in a poor quality of outlook being afforded to the rear gardens, terraces and rear-facing windows of the Leopold Road houses, resulting in a sub-standard form of accommodation giving rise to poor living conditions for future occupiers of these units.

It must be noted that the scheme was not refused for the principle of residential use on the site and given there is a current application this is a material consideration in the determination of the application at no.1 Church Lane.

Further to the north east, approximately 50 metres from the site lies Martin Primary School. To the north, lies a three storey block of flats known as Rew Lodge.

The documents submitted indicate that the use of the upper floor is currently offices and other facilities ancillary to the ground floor commercial unit. At the time of the site visit, there was no evidence of the first floor being used for independent residential accommodation.

2. Site History

Reference: ENF/00466/15

Address: The Alexandra Pub, 1 Church Lane, London, N2 8DX

Decision: Enforcement Notice Issued

Date Notice Issued: 26 June 2017

Description: Without planning permission the use of the premises as a restaurant combined with secondary shisha use and the construction of a canopy structure with Perspex roof

Reason:

The facilitation of the shisha use by the construction of the Perspex roof canopy structure and odours resulting from this use result in demonstrable harm to the amenities of neighbouring occupiers particularly in Leopold Road and Church Lane and for any future residential occupiers of the former Esso Petrol Station site, contrary to Paragraph 123 of the NPPF (2012), Policy 3.2 of the London Plan (March 2015), and Policy DM04 of the Barnet Adopted Development Management Policies DPD (2012).

Requirements of notice:

1. Cease the use of the property as restaurant with combined shisha use.
2. Demolish the Perspex roof canopy structure.

Time for compliance: 4 Months after notice took effect (Notice took effect on 1st August 2017).

Reference: 16/4242/FUL

Address: Oasis Restaurant (Formerly The Alexandra Pub), 1 Church Lane, London, N2 8DX

Decision: Refused

Decision Date: 12 May 2017

Description: Change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). Removal of existing canopy structures at rear and erection of new canopy structure with Perspex roof with air filtration unit. Single storey front/side extension. (Retrospective application)

Reason for refusal:

Insufficient information has been provided with regards to suitable mitigation measures to protect against the resultant odour from the shisha use and in the absence of this and by reason of the siting, proximity and scale of this use, the use is considered to result in demonstrable harm to the amenities of neighbouring occupiers particularly at Leopold Road and Church Lane and future occupiers of the former Esso Petrol Station site. It therefore does not accord with Paragraph 123 of the NPPF (2012), Policy 3.2 of the London Plan (March 2015), and Policy DM04 of the Barnet Adopted Development Management Policies DPD (2012).

Reference: 15/02918/FUL

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 10 May 2016

Description: Change of use from A4 (drinking establishment) to A3 (restaurants and cafes) combined with secondary sui generis use (shisha). Removal of existing canopy structures at rear and erection of new canopy structure with perspex roof. Single storey front/side extension

Details: This application was presented to the Finchley and Golders Green Area Planning Committee on the 15th October 2015. The Chairman used the her casting vote to approve the application however immediately following the decision, three members of the Committee supported a referral of the decision to the Planning Committee, noting that there was a significant need to safeguard the amenities of occupiers of nearby residential properties.

The application was then referred to the Planning Committee on the 26th November 2015. Members resolved that the item was deferred until the next meeting in order for the applicant to consider the issue of odour.

The applicant engaged with Environmental Health officers to resolve the issue, however the application was withdrawn in May 2015.

Reference: 15/02919/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approved subject to conditions

Decision Date: 15 October 2015

Description: Installation of 1no. externally illuminated fascia sign and 1no. externally illuminated wall mounted sign (Retrospective Application)

Reference: 15/01019/FUL

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: Change of use from A4 (drinking establishment) to A3 (restaurants and cafes), erection of 2 no. canopy structures to rear, rebuild of existing canopy in rear garden, demolition of outbuilding and rebuild with a new canopy in rear garden, erection of new roof to front patio area

Reference: 15/01020/ADV

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Withdrawn

Decision Date: 12 May 2015

Description: 1 no illuminated fascia sign to front, 3 no. illuminated signs to side.,

Reference: C06650B/07

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 22 February 2008

Description: First floor rear extension to existing flat.

Reference: C06650A

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 29 September 1998

Description: Single storey side extension.

Reference: C06650

Address: The Alexandra, 1 Church Lane, London, N2 8DX

Decision: Approve subject to conditions

Decision Date: 20 March 1979

Description: Single storey rear extension

3. Proposal

The applicant seeks retrospective planning permission for the change of use from A4 (drinking establishment) to A3 (restaurants and cafes). In addition, the application seeks consent for canopy structure at the rear including perspex roof and a single storey front/side extension

At the front, the extension has a depth of 4.9m to infill up to the existing front façade and side elevation. The extension at the front is proposed to be changed from the pitched roof (which does not benefit from consent) to a flat roof with a height of 3.3m. Since the last visit (July 2017) the changes to the roof of the front extension have not been carried out.

The canopy at the rear is generally not visible from the side elevation, adjacent to the former petrol garage or from the streetscene, apart from a marginal projection of the roof approximately 0.4m above the existing height of the boundary wall.

The canopy is set 1 metre away from the main building and from the boundary with the former petrol station. A rain-drip sheet (plastic) runs along this area of open space and several palm-trees are also located within this area.

It is important to reiterate that whilst the existing use includes ancillary shisha element and a bespoke air filtration system with the "smoke hood/ trap" has been located on the south eastern corner of the site, near no.2 and 4 Leopold Road, the current application does not seek to retain the shisha use and associated plant (it is acknowledged that the proposed block plan erroneously refers to this, and amendments have been sought to remove this reference from this plan). This use is subject to an enforcement notice and was also refused planning permission. Whilst the enforcement notice also includes removal of the Perspex roof structure, the applicant seeks permission for this as part of the restaurant use only.

4. Public Consultation

Consultation letters were sent to 105 neighbouring properties. 69 responses have been received, comprising 45 letters of objection, 20 letters of support and 4 letters of comment.

The objections received can be summarised as follows:

- Opening hours are too late for a residential area/ hours on open ended side especially late
- Perspex roof will not stop noise in the small hours;
- Associated shisha use which does not have consent, has operated for 3 years and has continued to flout all planning rules;
- Consent has been refused elsewhere for a café to open until 11am in a much noisier area, even pub did not open this late;
- Supportive of the restaurant use but the design of the rear structure unnecessarily increases noise and disturbance;
- Structure at the rear is for shisha use/ smell of shisha close to school;
- Noise pollution/ air pollution due to shisha smells and anti-social behaviour disturbs neighbours;
- Rear does not need to be a smoking area/ Council does not need to approve the design (of rear structure) to approve the use;
- Object to smoking area;
- The applicant has yet to prove how smoke will be correctly filtered away via systems that won't impact neighbours;
- Side/ front extension infringes pavement and area where the bins would have been is now taken up by extension which is hazardous along narrow pavement;
- Further create pollution and environmental damage in neighbourhood;
- Impact on traffic and congestion;
- Operating without planning consent;
- Not fitting for the area;
- Odour from cooking and smoking unsuitable.

The representations received can be summarised as follows:

- No objection to restaurant use;

- Restaurant good, shisha bad.

The letters of support received can be summarised as follows:

- Area in much need of high end restaurants;
- Benefit to local community, adding a venue of unique culture, clientele and ambience/ loss of venue would be a loss to the community;
- Never experienced over-crowding due to parking nor experienced noise;
- Restaurants like this enhance the value of the area and local economy;
- Replaced a toxic and anti-social put with a friendly family restaurant/ vast improvement on previous premises;
- Rejecting this is not a way of amicably finding a solution for the smoke problems.

The Council's Environmental Health team were consulted on the 1st September with comments received on the 5th September; these are detailed within the main body of the report.

A site notice was erected on the 7th September 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, CS5, CS11.
- Relevant Development Management Policies: DM01, DM02, DM04, DM12, 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.
- Highways implications

5.3 Assessment of proposals

Impact on the character of the area

The proposal will result in the loss of a public house, which could be considered to be a community asset.

Paragraph 70 of the NPPF stipulates that planning decisions should plan positively for the provision of community facilities including public houses and guard against the unnecessary loss of these valued facilities. Similarly, Policy 4.8 of the London Plan specifies that decisions should prevent the loss of valued local community assets, including public houses.

The public house was not considered to be a community use for the local area and is not listed as an Asset of Community Value.

Policy DM11 advises that the Council will protect all retail uses in the existing local centres, parades and isolated shops. The pre-ample to this policy also states that 'preventing an over concentration of similar non Class A1 uses is important to maintaining the vitality and viability of the local centre or parade'.

The retrospective change of use from A4 to A3 is still considered to maintain a retail element and is not considered to compromise the vitality and viability of this section of Church Lane. In addition, this section of Church Lane is not considered as a town centre due to the small number of shops, as defined by chapter 13 of the Development Management Policies DPD. Whilst it is acknowledged that there are other restaurants in the East Finchley town centre, the proposed change of use is not considered to unbalance

the character of the area, competition between units is not a material consideration and the Town Centre does not form part of the immediate vicinity.

Consideration has been given to the previous and lawful use of the ground floor unit as a public house. It is not considered that the change of use to a restaurant would result in a heightened level of activity to that previously experienced. It must be noted that whilst the unit is currently operating with a shisha use, the current application seeks consent for the A3 restaurant use only and the structures at the rear and front. In the previously refused application, the Local Planning Authority did not object to the use of the site as a restaurant.

As mentioned in section 3 above, the structure currently on site has been erected without consent; the extension with a large pitched roof as built at the front is different to that proposed and the changes have not been carried out to as indicated on the elevations submitted with the current application. Nonetheless, officers have assessed the scheme as indicated on the plans submitted. The height of the proposed structure at the front (as indicated on Drawing no. PL-001 Rev D) is considered to be subordinate and would not detract from the character of the locally listed building, particularly when considering the previous structure serving the public house. It must be noted that the proposed flat roof of the front extension would be no higher than the adjoining ridge height and is therefore considered to be acceptable. A condition has been added to ensure that the proposed changes to the physical structures as presented as proposed are implemented within three months from approval.

The agent has confirmed that the refuse for the unit would be located next to the flank wall of the site and that this has been the siting of the refuse for the last 10 years. It is accepted that the siting is close to the pavement however considering the rest of the arrangement for the other commercial uses, it is not considered that this is sufficient to justify refusal.

At the rear, although the canopy covers the majority of the rear garden, it is not considered that this would be out of character given the similar extensions on Church Lane and as such this reason alone does not warrant refusal. It is accepted that the structure at the rear would remain partially open however as the application only seeks the use of a restaurant use, no objection is raised by officers.

In conclusion, the proposal is not considered to be detrimental to the character and appearance of the host property and of the general vicinity.

Impact on the amenities of neighbours

The previous existing plans indicate that the use as a pub of the first floor was ancillary to the ground floor use, and that this will remain the case for the use as existing. During the site visit, it was not evident that the upper floor was being used as an individual unit and officers do not have any evidence to the contrary.

Due to the canopy at the rear being located on the ground floor only, it is not considered that this would give rise to overlooking into the private gardens of neighbouring occupiers.

Officers do not have any objection to the use as a restaurant in so far as the level of activity and the impact on neighbouring occupiers. The use as an A3 unit is not considered to differ from the previous use as a public house with regards to the level of user activity.

As mentioned above, it is acknowledged that the rear structure would remain partially opened however the application indicates this is for the restaurant use only. A noise report has been submitted to the Council's Environmental Health Scientific Services who raised no objection subject to restrictive conditions being attached to the recommendation including restrictions on the opening hours (more restrictive at the rear), limiting noise from plant and televisions/speakers. It is noted that the previous application was not refused on noise grounds including for future occupiers of the site to the east.

It must also be noted that there is a there is a large access road separating the properties on Leopold Road to the south from the host site, acting as a buffer to properties at the rear.

A condition has been attached to address the opening hours for the unit as a whole, and a further condition to restrict the use at the rear of the site (under the canopy) to address concerns from neighbours regarding noise and disturbance. It must be noted that the hours of operation specified in the condition are less than the previous A4 use and therefore would be considered to reduce the impact on neighbouring occupier. With regards to noise and disturbance between the previous A4 use and proposed (as operating) A3 use, it is considered that within the main building, the noise and disturbance would be comparable. It is accepted that due to the additional seating towards the rear, there could be an argument that the noise would be greater in this section, however consideration has also been given to the previous pub garden and a condition has been added to the use of the areas outside the main building, restricting noise and disturbance.

Highways

The Council's Highways team were consulted as part of the previous application which was withdrawn by the applicant. The Highways officer at the time considered that the A3 use, given the previous use as a public house, would not have a detrimental impact on the public highways and therefore no objection was raised.

There are no parking standards with the Council's Local Plan for this type of use; the London Plan details a maximum number of spaces for up to 500sqm of floor space of between 35-50 spaces. Consideration has been given to the A4 use.

It is not considered that the use of the site as A3 would result in safety or access problems.

On balance, given the prior use of the site and associated activity, it is not considered that refusal of the application on highways grounds is justified.

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 would be liable for £23,538.82 of Barnet's CIL and £4935.00 of Mayoral CIL.

5.4 Response to Public Consultation

It is considered that the planning related objections have been addressed in the report above.

With regards to the shisha use which does not benefit from planning permission, as has been noted above, the current application does not seek retrospective consent for the shisha use and this assessment solely relates to the restaurant use. In addition, the shisha use is subject to an enforcement notice. With regards to the restaurant use, the area has no particular use class designation and consideration has been given to the previous use as a public house.

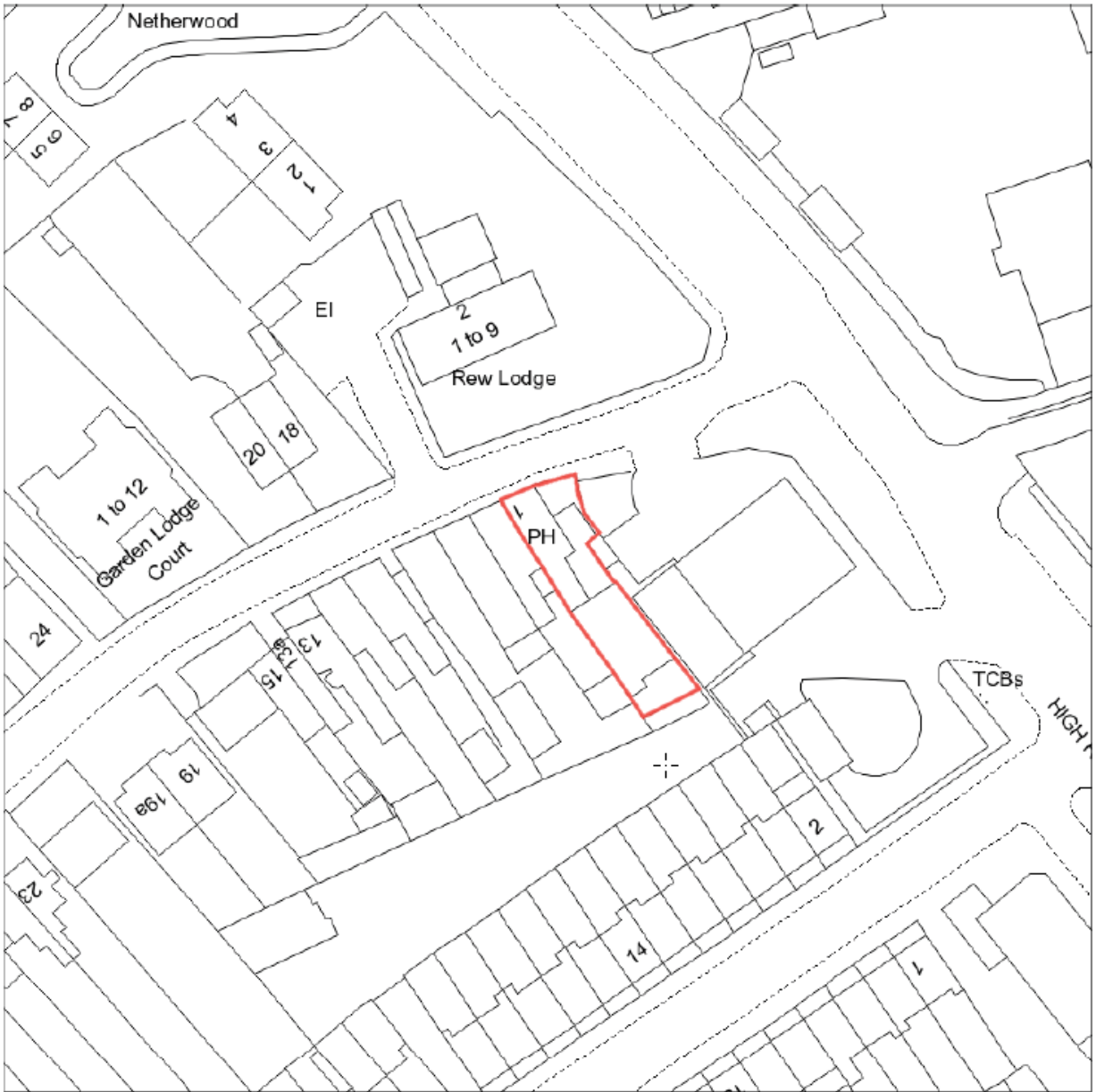
Whilst it is accepted that the site is within close proximity to a school, there is no policy to protect against this..

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the use of the building as a restaurant and associated structures is not considered to be detrimental to the character and appearance of the surrounding area, and would not result in a significant adverse effect to the amenities of neighbouring occupiers and the future occupiers of any residential development on the former petrol site due to the resultant odour of the use. The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for APPROVAL.



Location **Finch Lodge 101 Bow Lane London N12 0JL**

Reference: **17/3904/FUL**

Received: 19th June 2017

Accepted: 7th July 2017

Ward: Woodhouse

Expiry 1st September 2017

Applicant: Andi Covaci and Dragos Colbeanu

Proposal:

Subdivision of existing dwelling to provide additional dwelling involving part single, part two storey rear extensions, roof extension involving 2no rear dormer windows with juliette balcony, 4no conservation rooflights to front elevation. Associated amenity space, refuse and recycling store

AGENDA ITEM 16

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: EX01, EX02, EX03, PRO 01, PRO 02, PRO 04A, PRO 05A, SK8.

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 rear extensions shall match those used in the existing building.

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 two storey rear 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 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 Notwithstanding the details shown on the hereby approved drawings, the four rooflights hereby approved for the front roof slope shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

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

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

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

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

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

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

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

- 11 Prior to completion of the works, the proposed parking spaces within the parking area as shown in Drawing No. PRO 05 REV.A submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. 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 the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

- 13 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 and Class C of Part 2 of Schedule 2 of that Order shall be carried out within the area of 101 Bow Lane 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).

- 14 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).

- 15 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).

- 16 Within 3 months of this grant of permission The single storey outbuilding to the rear of the garden and all constituent elements shall be removed from the site prior to first occupation of the building and landscaped in accordance with approved plan PRO 05A.

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 £00.00 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 £00.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and

surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 3 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Works on public highways to facilitate the development will be at the applicant's expense and is likely to be undertaken under the S278 Agreement of the Highways Act 1980.

- 4 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 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 located on the west side of Bow Lane which is dominated by detached and semi-detached dwellinghouses and large open green spaces situated at either entrance to the street, each associated with Finchley Memorial Hospital. The west side of Bow Lane is characterised with large pitched roofed semi-detached and detached properties, dating from the 1920s, with distinctive bay window and porch canopy designs. The materials employed are broadly uniformed except for no.97 which is at odds with the overarching character within the immediate vicinity of the applicant site.

The applicant site was a large 6.no bedroom property which was in need of repair following a vacant period of two years. Its front external façade remains largely in line with the original features. The adjacent property at no.99 has the appearance of being a recessed side extension, but actually forms a separate dwelling that has a two storey rear projection protruding 2.5m beyond the rear building line of the applicant site. It appears the ground floor left side front facing window is not original and was originally a garage. The subject property is not listed nor is it in a conservation area.

2. Site History

Reference: 15/06886/FUL

Decision: Refused

Decision Date: 6 January 2016

Description: Extensions to roof involving 2 no front dormer windows, 2 no rear dormer windows and 2 no roof lights to the front elevation. Two storey rear extension. Conversion of single dwelling house into 5 no self-contained units

An appeal against the above was lodged and dismissed (Ref: APP/N5090/W/16/3143938)

Reference: F/03090/14

Decision: Approved subject to conditions

Decision Date: 5 August 2014

Description: Proposed single storey rear extension.

Reference: C03886B

Decision: Approved subject to conditions

Decision Date: 13.06.1973

Description: Erection of two-storey side extension to existing house and erection of a two-storey house adjoining.

3. Proposal

Subdivision of existing dwelling house to provide two separate dwelling houses involving part single, part two storey rear extensions, roof extension involving 2no rear dormer windows with juliette balcony, 4no conservation roof lights to front elevation. Associated amenity space to the rear, refuse and recycling store and secure cycle parking is provided. One off-street parking space is also allocated.

Unit 1 would be 145sqm and have three bedrooms (One x 2 bed of 19sqm, one x 2 bed of 17sqm, and one x 1 bed of 11sqm). Rear private garden area of 82sqm.

Unit 2 would be 112sqm and have three bedrooms (One x 2 bed of 13.6sqm, one x 2 bed of 16.8sqm, and one x 1 bed of 9.9sqm). Rear private garden area of 72sqm.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties.

Five responses have been received, comprising four letter of objection (two from the same household), three letters of support and one letter of comment.

The objections received can be summarised as follows:

- Work has been continuing for some time
- Loss of privacy to habitable rooms to property behind
- Loss of a mature tree in the rear garden
- Creation of too many dwellings
- New parking pressures
- The parking methodology is flawed
- Property values could be affected

The representations received can be summarised as follows:

- Two houses are better than several flats
- The scheme is better than the previous one for five flats
- Query over the parking arrangements as no real gain in spaces

The letters of support can be summarised as follow:

- The house is better occupied than empty
- An improvement over the previous scheme

Highways Officer: No objections on highway grounds subject to conditions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of the conversion to two units
- 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 quality of the scheme for future occupiers
- Parking and highway considerations

5.3 Assessment of proposals

Principle of conversion

Bow Lane is characterised by single family dwellings and therefore the principle of the proposed is not considered to be at odds with the defining street character or the aims of policy DM01 which aims to protect single family dwellings on streets characterised by such. The conversion of a property with six bedrooms to two three bedroom houses is considered suitable and appropriate. This also addresses the intensification of a site, which in this case is deemed acceptable as it does not propose a significant change in the type of use on site, or the addition of new bedrooms.

Impact on the character of the area

The proposal will maintain the architectural and visual character of the existing front external façade. The external façade is an intrinsic and defining element of the character and appearance of the streetscene and the applicant site and the alterations confirm that there will be no harm to the existing visual aesthetic and no visible reference points indicating an internal subdivision from the front façade. The only alteration to the front elevation is the introduction of four rooflights. These will be 'conservation style', with flush fit to the roof slope and a central metal glazing bar within each.

Although the property will be sub-divided into two separate houses, this will not be materially evident from the front. To the rear the garden will be sub divided into two plots, divided by a timber fence. This will not be materially harmful but a good landscaping scheme will ensure that the sub division will be more discrete and less visible from neighbours. The sub divided rear gardens will remain sufficiently large for each property. That to 101A would have an area of 69.12sqm and an average width of 4.8 metres, whilst the garden of 101B would have an area of 75.56sqm and an average width of 4.6 metres. In order to retain the character and appearance of a single dwelling house, the single front door is retained and the two separate entrances to the units are within the inside lobby.

The rear ground and first storey (infill) extension accords with the established character of the area, particularly when considering the extension at the adjacent property at no.99 is deeper, by 1.5 metres. The existing ground floor is extended back by 1 metre and is acceptable on character grounds. The first floor is extended by infilling the space between the existing addition and that to 99 Bow Lane, but only to the depth of the addition.

The rear dormers would be broadly acceptable on character grounds, and have been set-in further on both sides by 0.2m. Fenestration on the first floor and on roof dormers has been better proportioned and in the case of the first floor, now relates more to the existing window design on the ground floor. The materials will match (secured by condition) with tiles to the roof, reuse of facing brick to the rear, and timber glazing bars.

It is considered that policy DM01 is upheld and that the development proposals respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Impact on the amenities of neighbours

The proposal is broadly acceptable on amenity grounds and it is not considered that it would harm the amenity of neighbouring occupiers. The only significant issue was the depth, size and proximity of the ground floor rear extension to the neighbouring property at no.103. The 6m deep extension has been reduced to 4.5m and the addition only extends rearwards, and not sideways to retain a 2m gap to the boundary. This will protect amenity to 103. The extensions at ground and first floors will have no impact on 99, since they will sit in the lee of the larger neighbour extension.

The proposed rear extensions will be 28 metres away from the closest facing windows to 33 Holdenhurst Avenue, and 15 metres away from the rear boundary fence and which therefore complies with policy.

There was a substantial tree in the rear garden of the subject site but this has been removed. Psychologically this could make the neighbours to the rear feel more exposed and their privacy removed. The changes also affect the green garden quality of the area. It is recommended a landscaping condition is attached were the scheme approved, to alleviate some of this loss.

There is presently a large timber shed in the rear garden installed shortly after the applicants purchased the site. This extends the full width of the garden and is an overly dominant feature. This should be removed, and the amended garden plan now shows its absence. It is overly large and it is not clear in any event how one shed is divided internally between two households. The amended block plan/landscape plan clearly shows this removed and replaced by planting.

The quality of the scheme for future occupiers

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum quality requirements for residential units. The overall internal floor areas comply with policy with the units being 145sqm and 112sqm respectively. The internal room spaces comply with policy in terms of floor area and room width. Unit 2 has a smaller living room but this compromised by the existing design and retention of the internal staircase; however the dining-kitchen area complies comfortably for a three bedroom unit.

All habitable rooms to both units will have good levels of light, outlook and aspect. Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for houses with six habitable rooms there should be a minimum of 70m² of outdoor amenity space. The rear garden is sub divided with 82sqm allocated to Unit 1 and 72sqm allocated to Unit 2. Both gardens therefore comply with policy standards. The front areas will be part soft landscaped and the brick front boundary wall and gate retained. Refuse and recycling storage for each unit will be located to the front.

Parking and highway considerations

The subject site lies outside a Controlled Parking Zone (CPZ) and has a PTAL rating of 2 which is considered to be poor accessibility.

The Highways Officer has examined the scheme. For a proposal such as this the parking requirement would be between 2-3 car parking spaces. The existing car parking space is to be retained, together with the crossover. The applicant has provided a parking survey of the road in accordance with

the 'Lambeth Council Parking Survey Guidance Note'. Lambeth Council's parking survey methodology is the most established guidance document for parking studies within London. The focus of the survey area was Bow Lane, extending 130 metres to the north to its junction with Granville Road and 200 metres to the south to its junction with Clifton Road. In accordance with guidance, a parking survey for a residential development in a residential area should be undertaken on weekday, overnight between 00:30hrs and 05:30hrs. This is a time period when residential parking is anticipated to be highest as residents will be at home. This demonstrated that there is a parking stress of 65.9% and with the additional possible overspill of vehicles from the proposed development that would increase to 67%. Resident objections refer to up to eight additional car parking spaces being required. There is no evidence for this as it assumes each of the bedrooms would be let out individually. Since the application is for two houses this is not possible as would require permission (Article 4). The proposed is therefore acceptable on highways grounds as it appears that Bow Lane would be able to accommodate the possible overspill of 2 vehicles. The Highways Officer has no objection to the proposed arrangement subject to conditions.

A minimum of 4 cycle parking spaces, in accordance with the London Plan Cycle Parking Standards, needs to be provided. Each of the rear gardens will provide secure storage for two cycles stands.

5.4 Response to Public Consultation

The neighbour concerns are covered within the report.

6. Equality and Diversity Issues

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

7. Conclusion

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



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	<p style="text-align: center;">Finchley and Golders Green Planning Committee</p> <p style="text-align: center;">17th October 2017</p>
<p style="text-align: center;">Title</p>	<p style="text-align: center;">Planning Enforcement Quarterly Update July 2017 to September 2017</p>
<p style="text-align: center;">Report of</p>	<p>Head of Development Management</p>
<p style="text-align: center;">Wards</p>	<p>All</p>
<p style="text-align: center;">Status</p>	<p>Public</p>
<p style="text-align: center;">Urgent</p>	<p>No</p>
<p style="text-align: center;">Key</p>	<p>No</p>
<p style="text-align: center;">Enclosures</p>	<p>None</p>
<p style="text-align: center;">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary
The report provides an overview of the planning enforcement function in the period between July 2017 and September 2017.

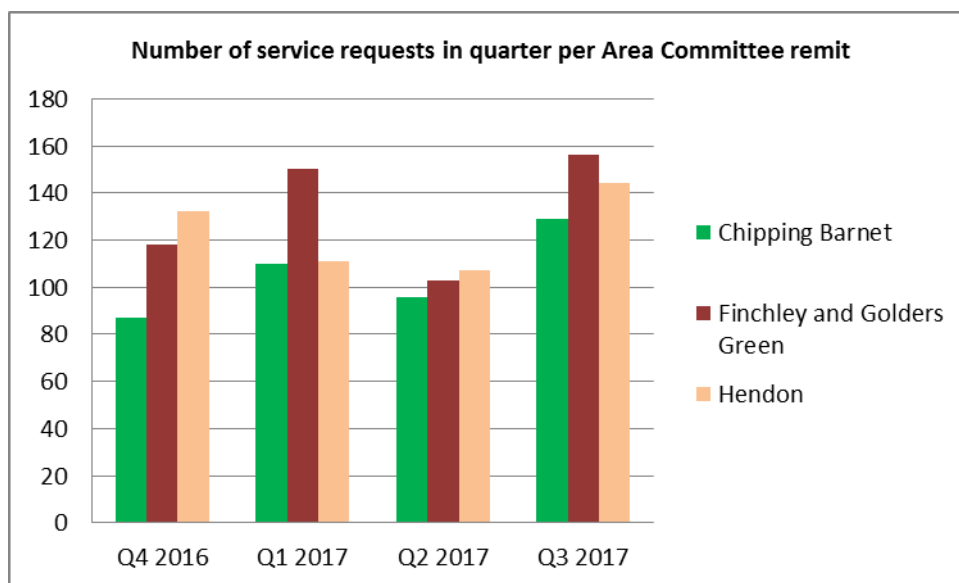
Recommendation
1. That the Committee note the Planning Enforcement Quarterly Update for the period of July 2017 to September 2017.

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of April to June 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.

1.3 Number of service requests

In the period between July and September 2017, the Council received 429 requests to investigate an alleged breach of planning control which is the highest number of requests in the past year. As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Brunswick Park	21	14	8	17
Coppetts	19	9	20	12
East Barnet	15	16	20	8
High Barnet	28	13	24	14
Oakleigh	16	13	11	15
Totteridge	20	18	17	13
Underhill	25	13	10	8

Finchley and Golders Green				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Childs Hill	56	30	47	36
East Finchley	16	10	7	9
Finchley Church End	12	12	20	10
Golders Green	28	17	19	20
Garden Suburb	21	8	18	11
West Finchley	12	12	12	13
Woodhouse	11	14	27	19

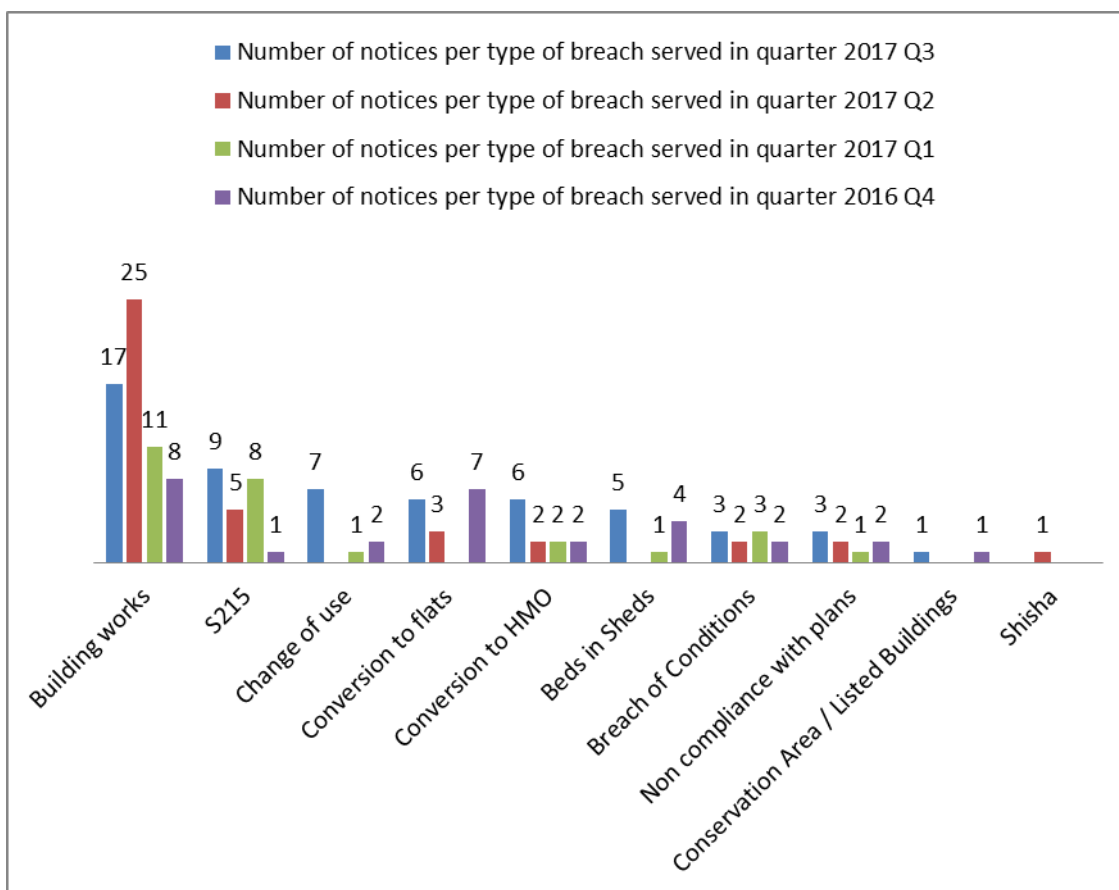
Hendon				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	21	13	12	12
Colindale	11	6	4	8
Edgware	22	13	17	18
Hale	19	16	18	15
Hendon	26	12	26	27
Mill Hill	13	22	21	25
West Hendon	17	16	13	27

Future quarterly updates will show the evolution of number of requests quarter on quarter.

1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 57 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 40 in Q2 and 30 notices served in Q1. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a marked increase in the number of more complex notices served against unlawful residential uses: 6 notices were served against unlawful flat conversions, 6 against unlawful Houses in Multiple Occupancy and 5 against Beds in Sheds.



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between July and September 2017

	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Full compliance following serving of enforcement notice	42	18	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	117	82	42	76
Lawful development No breach of planning control was identified following investigation	282	254	167	130
Breach detected but harm insufficient to justify enforcement action	101	61	22	51
Total	542	415	242	276

The number of completed investigations has significantly increased quarter on quarter and this is reflective of the additional capacity in the Planning Enforcement Team as officers are able to review older, less urgent cases and continue to close more cases than are received.

1.6 Direct Action

Between 24 June and 1 July the Council undertook three direct actions. In each occasion land was cleared of waste and overgrowth by Greenspaces contractors appointed by planning officers. It is hoped that these actions will mark the start of an enduring and successful relationship between the two services.

The three initial sites were 6 Gaydon Lane, NW9; 44 Alverstone Avenue, EN4; and land adjacent 2 Birley Road, N20. Although the actions did not go entirely without incident officers are happy with the results of the work.

A second phase of direct actions begins on 6 October. This time seven sites have been earmarked for action. The scope of works will also increase over the summer actions with contractors having been appointed to plant trees at a site in New Barnet to replace several protected trees unlawfully removed by the land owners. The owner was convicted of the offence of felling the trees.

Where direct action is taken the costs in so-doing can be claimed against the owner of the land. How the debt if enforced is discretionary and can be recouped in a number of ways, the choice of method depending on relevant circumstances.

1.7 Notable cases updates

Finchley and Golders Green

A District judge has determined that the owner of 42 Clifton Gardens, NW11 deceived the council in relation to the use of this property. This is the first type of this case that the Council has pursued and one of the first in the country. The LPA is now able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds of the deception.

The Council has agreed that the landlord of 11 Quantock Gardens, NW2 should be able to sell a property that had previously been the subject of a restraint order in order to fund the £555,954 owed under the Proceeds of Crime Act (POCA). The landlord had previously paid the first instalment of £212,000. The total bill to the landlord once POCA, costs and fine and calculated was approximately £¾ million

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems The Council is pursuing Proceeds of Crime in relation to each. Convictions

have been obtained in respect of the first two cases with a trial for the third scheduled for 19 December.

The Council is pursuing POCA in relation to a property on Hendon Way where the owner failed to attend Court to answer charges put to him. The Act allows public authorities to pursue defendants who are believed to have absconded from justice.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. The Council was successful at the appeal and the notice was upheld. The appellant was ordered to pay the Council's costs.

The High Court injunction case concerning Pentland Close continues. In a civil trial at the High Court held in August, the owner of the site was committed to prison for two months for failing to comply with an injunction issued many years previously. The prison term was suspended for two years on condition that the owner clears the land within 10 days and ensures that it is kept clear. The owners was ordered to pay the Council's costs in bringing the action. Officers are considering whether or not the steps the owner took in response to the Order were adequate.

Hendon

Officers obtained a warrant to force entry into an outbuilding in NW4 that they suspected to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling. A locksmith secured access to the building without the need to damage the doors. A prosecution case against the owners of the outbuilding is now making its way through the Court system.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service. The owners of the land are seeking to appeal against the Council's notice

Chipping Barnet

The abandoned factory / warehouse at Allum Way, N20 has been demolished. This derelict building had first come to the attention of the LPA following concerns raised by the Metropolitan Police and London Fire Brigade who feared for the safety of site visitors and trespassers and of emergency services personnel who were often called to attend emergencies at the property.

An enforcement notice served in respect of the use of a shop in Lytton Road, EN5 as a gym has been upheld on appeal. The notice had alleged that the

noise of the activity and the long hours of operation caused undue noise and disturbance to nearby residents.

Unfortunately appeals were lost by the Council in respect of 'Boyden's Café', Potters Road, EN5 and 'Fairlawn', 11 Capel Road, EN4. In both cases the Council was defending committee decisions that had resulted in enforcement notices being served.

Planning enforcement in Barnet became national headline news with the front page of 'The Sun' of 30 September leading on a case of 'Beds-in Sheds' in Hendon Wood Lane. The story was later picked up by the 'The Times' and the 'Daily Mail' as well as BBC London News. A planning enforcement notice requiring the demolition of several cabins and buildings used as dwellings was upheld after a public inquiry earlier this year. Work on demolition has commenced.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 **Insight**

5.8.1 Not applicable

6. **BACKGROUND PAPERS**

6.1 None

REPORT CLEARANCE CHECKLIST

(Removed prior to publication and retained by Governance Service)

Report authors should engage with their Governance Champion early in the report writing process and record the date below. If the decision/report has been reviewed at an internal board please record the date and name of the meeting (e.g. SCB). Otherwise enter N/A. All reports must be cleared by the appropriate Director/AD, Legal, Finance and Governance as a minimum. **Legal, Finance and Governance require a minimum of 5 working days to provide report clearance. Clearance cannot be guaranteed for reports submitted outside of this time.**

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