

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

WEDNESDAY 20TH JULY, 2016

AT 6.30 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4AX

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun

Vice Chairman: Councillor Brian Gordon

Councillors

Sury Khatri	Gill Sargeant	Claire Farrier
Hugh Rayner	Agnes Slocombe	

Substitute Members

Mark Shooter	Helena Hart	Charlie O'Macaulay
Val Duschinsky	Dr Devra Kay	Zakia Zubairi
Tom Davey		

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

Please also note that in line with the council's Meeting Procedure rules, no new information may be submitted by applicants and/or their representatives or objectors at the meeting. The only information that can be considered by the committee is information which helps to explain a point that the person wishes to refer to in order to explain their position. Any such information must be limited to one side of A4.

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

Andrew Charlwood – Head of Governance

Governance Services contact: Sheri Odoffin sheri.odoffin@barnet.gov.uk 020 8359 3104

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	1 - 8
2.	Absence of Members ((if any)	
3.	Report of the Monitoring Officer (If any)	
4.	Declaration of Members'Disclosable Percuniary and Non Percuniary Interests (if any)	
	HENDON	
5.	5-7 Parson Street Hendon London NW4 1QD - 160806	9 - 30
6.	39 Sydney Grove London NW4 2EJ - 162504HSE	31 - 40
7.	Highview House 6 Queens Road London NW4 2TH - 16/2393/FUL	41 - 54
8.	46 St Marys Crescent London NW4 4LH - 162666FUL	55 - 68
9.	16 Rundell Crescent London NW4 3BP - 16/3187/HSE	69 - 84
	MILL HILL WARD	
10.	30 Lawrence Gardens London NW7 4JT - 16/3187/HSE	85 - 92
11.	16 Tretawn Gardens London NW7 4NR - 16/3231/HSE	93 - 106
12.	12 Engel Park London NW7 2NS - 16/3519/HSE	107 - 114
	EDGWARE WARD	
13.	17 Purcells Avenue Edgware HA8 8DR - 162577HSE	115 - 124
14.	145 Station Road Edgware HA8 7JS - 162101FUL	125 - 132
	WEST HENDON WARD	
15.	71 Vivian Avenue London NW4 3XE - 16/1744/FUL	133 - 148
16.	Any Item(s) the Chairman decides are urgent	
17.	Addendum (if applicable)	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone sheri.odoffin@barnet.gov.uk 020 8359 3104. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

Decisions of the Hendon Area Planning Committee

15 June 2016

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier

Councillor Hugh Rayner

Councillor Sury Khatri

Councillor Agnes Slocombe

Councillor Zakia Zubari

Councillor Mark Shooter

Apologies for Absence

Councillor Maureen Braun

Councillor Gill Sargeant

1. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from the Chairman Councillor Braun, who was substituted by Councillor Shooter, and Councillor Sargeant, substituted by Councillor Zubari.

2. MINUTES OF LAST MEETING

Resolved that the minutes of the previous meeting held on 10th May 2016 be recorded as correct following amendment to the record to state that Councillor Khatri declared a pecuniary interest in agenda item 7, not item 8.

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

Councillor	Item	Nature of Interest	Details
Mark Shooter	8, 9	Non-Pecuniary	That Councillor Shooter has expressed views this item and in so doing has been advised that he should remove himself from a decision-making role on both applications in line with the Members Planning Code within the Council Constitution.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. 51 FINCHLEY LANE LONDON NW4 1BY

The Committee considered the planning officer's report and heard verbal representations from Mrs Doris Purdy and Howard Leidermann, neighbours to the development objecting to the proposals. Agent Andrew Neil also spoke.

Following discussion on the item, Members commenced voting as follows:-

Councillor Shooter **proposed** a motion to vote in favour of the officer's recommendation, **seconded** by Councillor Clare Farrier.

The votes were as follows:

For	3
Against	3
Abstain	1

Councillor Gordon used his casting vote as the Chairman to vote in favour of the application.

Committee **RESOLVED** to **APPROVE** the application.

6. NORTH LAND OF GARRICK ESTATE GARRICK INDUSTRIAL CENTRE IRVING WAY LONDON NW9 6AQ - 15/04144/FUL - 2 NO TWO STOREY STORAGE AND DISTRIBUTION BUSINESS UNITS

Following the officer's presentation and addendum, the Committee considered verbal representations from Peter Holmes and Adrian Clargo and Ward Councillor Narenthira, objecting to the application. Agent, Susie Stephens also spoke.

Following discussion on the application by Committee, Members voted against the application. The motion to not approve the officer recommendation to approve the application was proposed by Councillor Zubari and seconded by Councillor Farrier.

The reasons agreed by all were:

1. Loss of Green area
2. Visual impact of the development
3. Disturbance as a result of general activity

Committee thereby **RESOLVED** to **Refuse** the application for the following reasons:

1. The proposals by reason of their siting, size, proximity to residential properties, visual appearance and loss of the existing mound and trees would be a un-neighbourly, visually dominating and obtrusive form of development that would be harmful to the visual amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.
2. The proposed development by reason of the siting of the units and associated car parking and hours of use would result in harmful noise and disturbance from general activity, that would be detrimental to the residential amenities of the occupiers of properties at 2-28 Colin Drive and 178 Colin Gardens. This would be contrary to policies DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.
3. The proposed development does not include a formal undertaking to produce a full Travel Plan and meet the associated monitoring costs of the travel plan. The proposal would therefore not address the highways impacts of the development,

contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

4. The proposed development does not include a formal undertaking to undertake necessary highways works. The proposal would therefore not address the highways impacts of the development, contrary to Policy DM17 of the Development Management Plan Policies (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

The votes were as follows:-

For (in favour of officer recommendation of approval)	2
Against (against officer recommendation of approval)	5
Abstain	0

7. 25 HOLMFIELD AVENUE LONDON NW4 2LP - 162867FUL - EXTENSIONS

Councillor Shooter and Councillor Zubari left the room before this item commenced.

The Committee considered the officer's report and addendum and heard oral representations from Esther Taylor, who also presented a petition of 33 signatures of Holmfield Avenue residents, and Rabbi Kessleman, neighbours who objected to the application. Agent Diane Balaban also spoke.

Following discussion by Committee, the Chairman invited Members to make a decision. Councillor Rayner proposed a motion to support the officer's recommendation of approval. This was seconded by Councillor Khatri.

Members **RESOLVED TO APPROVE** the application.

The votes were as follows:-

For	4
Against	0
Abstain	1

8. 25 HOLMFIELD AVENUE LONDON NW4 2LP - 162481FUL - OUTBUILDING

Councillor Shooter and Councillor Zubari remained out of the room for this item.

The Committee considered the officer's report and heard oral representations from Esther Taylor and Rabbi Kessleman, neighbours of the applicant. Esther Taylor also presented a petition of 33 signatures of Holmfield Avenue residents Agent Diane Balaban also spoke.

Following discussion by Committee, the Chairman invited Members to make a decision. Councillor Rayner proposed a motion to support the officer's recommendation of approval. This was seconded by Councillor Khatri.

Members **RESOLVED TO APPROVE** the application as in the addendum which outlined condition 4 which was amended to read:

“The outbuilding shall only be used a gymnasium, sauna and associated storage, for purposes incidental to the ground floor flat at 25 Holmfield Avenue. The building shall not be used as self-contained residential accommodation.”

Reason: To safeguard neighbouring residential amenity.

The votes were as follows:-

For	4
Against	0
Abstain	1

9. 55 SHEAVESHILL AVENUE - 160948FUL - CHANGE OF USE FROM RESIDENTIAL TO GP SURGERY

The Committee considered the planning officer’s report and addendum. Oral presentations were heard from Mr Patrick Jacob and Miss Hasina Ahmed in objection to the planning application. The applicant Dr Ijeoma Ukachukwu also spoke in support of her application.

Following the discussion, Members **RESOLVED** to **APPROVE** the application as per the officer’ s recommendation.

The motion to approve was proposed by Councillor Rayner and seconded by Councillor Khatri.

The votes were as follows:

For	4
Against	3
Abstain	0

The Chairman moved a motion to extend the meeting for a further 30 minutes to end at 10.30pm in order to continue the business of the Committee. There was unanimous agreement from all Members.

10. 60 UPHILL ROAD LONDON NW7 4PU - VARIATION OF CONDITION 14 (VEHICULAR SIGHT LINE) PURSUANT TO PLANNING PERMISSION 15/04704/FUL

Following presentation of the planning officer’s report and addendum, the committee heard oral representations from Mr Jimmy Obadia and Mr Leslie Elstein, speakers objecting to the application. The agent Mr Stevphen Novak also spoke.

Following discussions by committee, councillor Shooter proposed a motion to approve the application in line with officer recommendations, seconded by Cllr Gordon.

Members **RESOLVED** to **APPROVE** the application as per the officer’ s recommendation.

The votes were as follows:

For	5
Against	2
Abstain	0

11. 3 GLEBE CRESCENT HENDON LONDON NW4 1BT - 162298FUL - CONVERSION

The Committee considered the officer's report and addendum. Agent for the applicant, Brett Moore was in attendance and provided a verbal representation.

Following consideration by committee, Councillor Rayner proposed a motion against approval of the officer recommendation to refuse the application. This was seconded by Councillor Shooter.

Reasons included:

1. No neighbours had objected to the planning application
2. Loss of amenities was not demonstrated.

A new motion was proposed in favour of recommending approval of the planning application thereby reversing the officer's recommendation.

The Chairman called for a vote.

Votes were as follows:

For (in favour of granting approval)	5
Against	2
Abstain	0

Conditions for approval

1. Plan Numbers

The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement dated April 2016; 0460/000; 0460/001; 0460/201 Rev A; 0460/202 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. Time Limit

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. Sound Insulation

Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance

with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

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

4. Parking Spaces

Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority 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.

5. Refuse and Recycling

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. Subdivision of amenity

a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

12. 39 SYDNEY GROVE LONDON NW4 2EJ - 162504HSE - EXTENSIONS

Consideration of this report was deferred until the next meeting of Hendon Area Committee as there was insufficient time to consider the report.

13. 5-7 PARSON STREET HENDON LONDON NW4 1QD - 160806FUL - EXTENSION AND CONVERSION

Consideration of this report was deferred until the next meeting of Hendon Area Committee as there was insufficient time to consider the report.

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

The meeting finished at 10.30 pm

This page is intentionally left blank

Location **5-7 Parson Street Hendon London NW4 1QD**

Reference: **16/0806/FUL**

Received: 8th February 2016

Accepted: 15th February 2016

Ward: Hendon

Expiry 11th April 2016

Applicant: Mr

Proposal: Demolition of existing building and erection of 3 storey building with rooms in roofspace containing 9 no. self-contained flats and retail unit to ground floor, 3 no. off-street parking spaces, cycle storage and amenity space

AGENDA ITEM 5

Recommendation: Approve subject to s106

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 3. Amendment to traffic order to prevent residents of the development from obtaining parking permits - £2,000

4. Contribution of £9,000 towards the refurbishment and enhancement of the play area and sport court facilities in Sunny Hill Park.

5. Monitoring of the Agreement - £550

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, PS16-PP103, PS16-PP104, PS16-PP201, PS16-PP202, Design and Access Statement.Planning Statement.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

8 Before the building hereby permitted is first occupied the proposed window(s) in the west rear elevation window serving the kitchens of flat 3 and flat 6 facing 5 Florence Street shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

9 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. PS16-PP201 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in

order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

10 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing PS16-PP201 shall be provided and marked out within the site.

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

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

11 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).

12 The ground floor of the premises shall be used for retail use and for no other purpose (including any other purpose in Class A1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

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

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

14 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.

15 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.

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

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

17 Prior to the first occupation of the 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.

18 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

19 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

20 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 7 am or after 8 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.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 15/08/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

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

The proposals by reason of the poor quality of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.

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 £25,522.00 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 £98,442.00 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 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 4 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The site property is a ground floor commercial unit on Brent Street with residential unit above. The site is located within Brent Street town centre. The site is located adjacent to

The existing building on site is two storeys with dual pitched roof. The rear of the site has single storey commercial extensions.

To the south of the site is no.1 Parson Street, a two storey building with commercial use at ground floor level. Further to the south is Ferrydale Lodge, a four storey care home building on the corner of Parson Street and Church Road.

To the north of the site is 9 Parson Street, a three storey building with gable ended roof, and the building adjacent to this has a partial basement level as well as dormers in the roof.

Florence Street is residential in character, consisting of two storey terraced dwellings of modest scale.

The site is within the designated secondary retail frontage in Brent Street Town Centre.

2. Site History

Site Address: 5 Parson Street, London, NW4 1QD

Application Number: H/01855/13

Application Type: Full Application

Decision: Refuse

Decision Date: 11/07/2013

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Change of use from Plumbing Shop to Dry Cleaners and Retail.

Case Officer: Graham Robinson

15/05955/FUL - Partial demolition of existing building with retention of 43.5sqm of Class A1 floorspace and construction of 4 storey building containing 9 no. self contained flats with associated off-street parking refuse/recycling stores, cycle storage and amenity space - Refused - 02/12/2015

3. Proposal

The proposals are for the demolition of existing building and erection of 3 storey building with rooms in roofspace containing 9 no. self-contained flats and retail unit to ground floor, 3 no. off-street parking spaces, cycle storage and amenity space.

Whilst the design and access statement does state that the proposals are for the part-demolition of the building, the description of development has been agreed with the applicant.

4. Public Consultation

Consultation letters were sent to 144 neighbouring properties.

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

The objections received can be summarised as follows:

/i Traffic, access and parking

The proposal only has 3 off-street parking spaces for a development of 9 flats (6 of which are two-bedroom premises) plus a commercial premises. This is significantly less than half the number of off-street places that Barnet's own Residential Parking Standard seems to indicate should be provided. Parson Street and Florence Street are on the edge of the CPZ and have seen the spaces available to residents eroded by the redesignation of 6 or 7 local spaces as business parking only. They are also impacted by Saracen Event Day restrictions.

Plan does not contain anything like sufficient parking provision (3 spaces for 9 flats in an already crowded street).

They propose 9 flats but only 3 parking spaces in an area where parking is very limited.

Impact on amenities

The new property is substantially taller than the existing one and will drastically reduce the light into my property.

Noise and disturbance

Loss of privacy

Loss of light

Loss of outlook and visual impact.

Scale and Appearance

Florence Street is one of the very few streets in Hendon of historic look and character; the proposal does not respect that.

Seaford Cottage is a rare historic building within Hendon, and yet the proposal involves its demolition.

The proposal is overly tall and not in proportion with the remainder of the street. It will crowd the street scene and loom over the other buildings.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15

Policy CS1 The council, along with its partners, will focus major housing and economic growth in the most suitable locations and manage it to ensure that we deliver sustainable development, while continuing to conserve and enhance the distinctiveness of Barnet as a place to live work and visit. An appropriate level of transport provision will be provided as the regeneration schemes roll out. We will seek the highest standards of urban design in order to generate development proposals of landmark quality and create an accessible safe and attractive environment for people who live in, work in or visit Barnet's areas of housing and economic growth.

Policy CS3 On the basis of our Three Strands Approach we expect that in the range of 28,000 new homes will be provided within the lifetime of this Core Strategy 2011/12 to 2025/26....Our strategic approach on further development opportunity sites will be set within the context of the density matrix in the London Plan. We will seek to optimise rather than simply maximise housing density to reflect local context, public transport accessibility and provision of social infrastructure.

Policy CS4 We will aim to create successful communities in Barnet by:

- o seeking to ensure a mix of housing products in the affordable and market sectors to provide

choice for all households and enable Barnet residents to progress on a housing journey that

can meet the aspirations of home ownership.

- o seeking a range of dwelling sizes and types of housing including family and lifetime homes

that meets our identified housing priorities and does not undermine suburban character or local distinctiveness. Policy CS5 on Protecting and enhancing Barnet's character to create high quality places sets out how we will secure high quality design.

- o delivering a minimum affordable housing target of 5,500 new affordable homes by 2025/26 and seeking a boroughwide target of 40% affordable homes on sites capable of accommodating ten or more dwellings.

o seeking an appropriate mix of affordable housing of 60% social rented and 40% intermediate for Barnet that will support our objectives of widening home ownership and providing family homes.

o on sites which are suitable for the provision of an element of affordable housing, we may exceptionally accept the provision of off-site housing, or a commuted payment instead of such provision.

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

Policy CS8 The council and its partners will ensure a strong and prosperous Barnet that provides opportunity for economic advancement...requiring major developments to provide financial contributions and to deliver employment and training initiatives in consultation with the Skills Development and Employability Group

Policy CS9 We will promote the delivery of appropriate transport infrastructure in order to support growth, relieve pressure on Barnet's transport network and reduce the impact of travel whilst maintaining freedom and ability to move at will.

Policy CS12 We will aim to make Barnet a safer place. It is important that we ensure through the management of growth that Barnet is a place where people from different communities get on together

Policy CS13 We will seek to minimise Barnet's contribution to climate change and ensure that through the efficient use of natural resources the borough develops in a way which respects environmental limits and improves quality of life.

Policy CS14 We will encourage sustainable waste management...requiring developments to provide waste and recycling facilities which fit current and future collection practices and targets.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM11, 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.

Policy DM03 Development proposals should meet the highest standards of accessible and inclusive design

Policy DM04 All major development will be required to demonstrate through an Energy Statement compliance with the Mayor's targets for reductions in carbon dioxide emissions within the framework of the Mayor's energy hierarchy.

* Development proposals will ensure that development is not contributing to poor air quality and provide air quality assessments where appropriate.

* Development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Policy DM06 All heritage assets will be protected in line with their significance. All development will have regard to the local historic context.

Policy DM07 Loss of residential accommodation will not be permitted unless:

- a. the proposed use is for a local facility (children's nursery, educational or health use) provided that it is not detrimental to residential amenity and;
- b. where need can be demonstrated and;
- c. the demand for the proposed use cannot adequately be met elsewhere and is in line with other policies

Policy DM08 Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy DM11 The council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability.

Policy DM16 When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity

Policy DM17 The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- 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.
- Sustainability/Environmental Issues
- Whether the proposals would have an acceptable impact on highway safety

5.3 Assessment of proposals

The item was deferred from the June meeting as the Committee was not able to hear the item.

This planning application follows the refusal under delegated powers of a previous scheme for the following reasons:

1) The proposals would make inadequate provision for off street parking and as a result would generate significant parking pressures on surrounding roads which would result in harmful impact on highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012.

2) The proposed development by reason of its height, bulk, design, and massing, would appear unduly obtrusive and be detrimental to the character and appearance of the area. The proposals would be contrary to policy CS5 of the Adopted Barnet Core Strategy 2012 and policy DM01 of the Adopted Barnet Development Management Policies 2012 and policies 7.4 and 7.6 of the Mayor's London Plan (Further Alterations 2015).

3) The proposed development by reason of its excessive depth and close proximity to the boundary of no. 1A Parson Street would have a detrimental impact on the residential amenities enjoyed by the occupiers of that property in terms of loss of outlook contrary to Policies DM01 and DM02 of the Council's Development Management Policies DPD (2012), Policies CS1 and CS5 of the Council's Core Strategy (2012), as well as the Residential Design Guidance (2013).

4) The proposals by reason of the poor quality of amenity space would provide an unacceptably poor level of amenity for future residents. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies and Supplementary Planning Document on Residential Design Guidance.

It has subsequently been brought to light that the windows serving 1A Parson Street do not serve habitable rooms.

Whether the principle of development is acceptable

Land Use

The revised proposals would retain a commercial use at ground floor level. It is suggested that a retail unit would be appropriate in this location to ensure that the proposals maintain the vitality and viability of this part of Brent Street Town Centre.

However, it is noted that the proposals result in the loss of some 80 square metres of retail floorspace within a town centre. Given that the unit is only some 43 square metres. On balance, it is not considered that this would significantly harm the viability or vitality of the town centre.

Density

The site (0.05 hectares) is located in a urban area and is located in an area of PTAL rating 2. The density matrix in the London Plan advises that development should be at 45-170 units/hectare. The proposals appear to be at a density of 180 units/hectare which is marginally greater than suggested by the matrix. Similarly the development at 520

habitable rooms per hectare exceeds that specified (450 hr/hectare). However this needs to be read in the context of Policy 3.4 of the Mayor's London Plan which states that development should optimise housing output. Furthermore, the London Plan advises that it is not appropriate to apply the density matrix mechanistically. Taking this into account it is considered that the density is acceptable for the site.

Unit Mix

The proposals would consist of 3no. 1 bedroom units and 6no. 2 bedroom units.

Demolition of the existing buildings

The buildings on site are not listed nor are they within a conservation area.

The proposals involve the demolition of the existing buildings on site. The existing buildings include Seaford Cottage which is considered to be of some historic interest given its features such as sash windows, brick creasing, gable detail and location with Brent Street Town Centre and to neighbouring locally listed buildings. However the building has been substantially altered in the form of a large shopfront and the side of the building features a blank rendered wall. These somewhat diminish its value in heritage terms.

Officers are of the view, that the building would be considered to be a non-designated heritage asset.

In this way, the loss of the existing buildings on site therefore needs to be weighed up in any consideration.

Impact on the amenities of neighbours and future occupiers

The Amenities of neighbouring residents

Outlook

It is not considered that there would be a harmful loss of outlook to residents at no.9 Parson Street given that it is separated from the site by Florence Street.

It appears that there is a flat above no.1 Parson Street known as 1A Parson Street. The proposals would appear to extend some 13m beyond the rear windows of this property at first and second floor. The existing building extends some 4m beyond this. However, from a site visit it would appear that the windows at no.1 do not provide outlook to habitable windows and therefore any impact is considered acceptable.

Light

It appears that there is a flat above no.1 Parson Street known as 1A Parson Street. The proposals would extend a significant distance and height beyond the rear windows of this property. However given that the proposals are located to the north of this property no harmful loss of light or outlook is anticipated.

Privacy

The proposed building would not feature windows facing rearwards towards no.5 Parson Street, so it is not considered that there would be overlooking to this property. The proposed scheme features balconies and windows facing no.9 Parson Street.

Given that this is separated from no.9 by Florence Street, it is not considered that there would be any harmful overlooking in this location within Brent Street Town Centre. The majority of windows facing are dual aspect.

Noise and Disturbance

The proposals would result in the introduction of a smaller retail unit and 9 residential units. The proposals feature some balcony and amenity areas and given the distance from residential properties and their windows, as well as the location within the towncentre, it is not considered any impact would be harmful.

Whilst this is a somewhat more intensive use than the existing dwelling, given the location of the site within Brent Street Town Centre this is considered acceptable.

The Amenities of future residents

Outlook

There would be a distance of approximately 6m between kitchens 3-4 and 6-7. It is noted that this is across an access walkway for these flats. It is noted that the proposed access arrangement obscures this and would prevent overlooking, though in the case of unit 4 and 7 these have no other windows. Given that this is a kitchen it is not considered to be a habitable room on balance this is acceptable. It would also be apparent to future occupiers of the property. The walkway layout has been improved from the previously refused scheme to further reduce any impact. A condition would be needed to obscure glaze the windows.

Internal Standards

The proposed units would be as follows:

Unit 1 - 1 bedroom 2 person 69 m²

Unit 2 - 2 bedroom 3 person 73 m²

Unit 3 - 2 bedroom 3 person 71 m²

Unit 4 - 2 bedroom 3 person 87 m²

Unit 5 - 2 bedroom 3 person 73 m²

Unit 6 - 2 bedroom 3 person 71 m²

Unit 7 - 2 bedroom 3 person 85 m²

Unit 8 - 1 bedroom 2 person 59 m²

Unit 9 - 1 bedroom 2 person 63 m²

All units would meet minimum standards within the Supplementary Planning Document on Sustainable Design and Construction.

External Space

The only amenity spaces proposed are balconies overlooking the street, and an area of amenity space under the access staircase of 78 square metres. It is calculated that an area of approximately 130 square metres would be required in order to comply with the Supplementary Planning Document on Sustainable Design and Construction.

The SPD goes on to state 'Higher density development, such as flats may not always be able to provide amenity space to the standards outlined. Where the standards cannot be met and an innovative design solution is not possible the council will seek a Planning Obligation.'

In this case, some amenity space is provided. The amenity space proposed would not technically meet the requirements of the SPD. The applicant has proposed a contribution towards improvements to local open space provision which would benefit local residents. It is considered that this would address the shortfall in amenity space.

Whether the proposals would have an acceptable impact on highway safety

The proposal is for partial demolition of the existing building and provision of 9 residential units comprising 3x1 bedroom unit and 6x2bedroom units and a retail unit to ground floor. 3 parking spaces are proposed including existing parking spaces.

For the proposed development a parking provision of between 6 to 12 parking spaces would need to be provided to meet the parking standards as set out in the Barnet Local Plan Development Management Policies approved in September 2012.

One of the factors taken into consideration when assessing parking requirement is the Public Transport Accessibility (PTAL) rating. The PTAL Score for the site is 2 (poor accessibility).

The proposed 3 parking spaces do not meet the parking standards and would result is a shortfall of parking provision by approximately 3-9 parking spaces.

Taking into consideration the following factors:

- * The site is within a residential location;
- * The site is located in an area with a Public Transport Accessibility (PTAL) score of 2 which considered as poor accessibility;
- * The site is within a town centre location and close to local amenities;
- * The site is located within a Controlled Parking Zone (CPZ), relatively close to the edge of CPZ.
- * Florence Street is a narrow street and any injudicious parking would impact on the free flow of traffic and highway safety.
- * The location of the site provides an easy vehicular access to A406 North Circular Road, A1, A41 and M1 which will inspire the occupants of the proposed development to own a car. Therefore the proposed development without parking provision in accordance with the parking policy is likely to have a detrimental impact on public highway.

The proposed shortfall in parking provision has potential to cause harm to highway and pedestrian safety.

Further to discussions with the case officer and Highways officers the applicant has conducted paring surveys. This comprises two sets of surveys, those during the week and at weekends

The weekday parking beat survey has indicated that Florence Street suffers from 100% parking stress therefore the proposed development with sub standards parking provision is likely to add to the existing parking stress.

The weekday survey indicated that Glebe Crescent suffers from significant parking stress (over 80%). Any additional demand for parking resulting from the proposed development is likely to have detrimental impact on public highway.

Highways officers have reviewed the weekend survey information which provides information on parking stress on Saturday. The parking stress during Saturday in Florence Street and Glebe Crescent is high similar to the weekdays although there are some parking spaces available on roads further away from the site. Therefore, they recommend to approve the proposed scheme with a legal agreement preventing residents of the development from obtaining parking permits.

In this way, it is noted that Florence Street and Glebe Crescent suffer from parking stress. Roads outside the CPZ such as Parson Street and Downage suffer from a somewhat lesser degree of parking stress.

Policy DM17 states that development may be acceptable with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

The proposals are therefore considered acceptable subject to a legal agreement to prevent residents of the development from obtaining parking permits.

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/would be attached in the event planning permission is granted] to ensure compliance with these Policies.

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

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

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

5.4 Response to Public Consultation

/i Traffic, access and parking

The proposal only has 3 off-street parking spaces for a development of 9 flats (6 of which are two-bedroom premises) plus a commercial premises. This is significantly less than half the number of off-street places that Barnet's own Residential Parking Standard seems to indicate should be provided. Parson Street and Florence Street are on the edge of the CPZ and have seen the spaces available to residents eroded by the redesignation of 6 or 7 local spaces as business parking only. They are also impacted by Saracen Event Day restrictions.

Plan does not contain anything like sufficient parking provision (3 spaces for 9 flats in an already crowded street).

They propose 9 flats but only 3 parking spaces in an area where parking is very limited.

These comments are addressed in the report. It is noted that the area suffers from parking stress however it is considered that a legal agreement to prevent residents of the development from obtaining parking permits would address this.

Impact on amenities

The new property is substantially taller than the existing one and will drastically reduce the light into my property.

Noise and disturbance

Loss of privacy

Loss of light

Loss of outlook and visual impact.

The proposals have been assessed with regard to these issues, and it is not considered that the proposals would harm neighbouring amenity

Scale and Appearance

Florence Street is one of the very few streets in Hendon of historic look and character; the proposal does not respect that.

Seaford Cottage is a rare historic building within Hendon, and yet the proposal involves its demolition.

The proposal is overly tall and not in proportion with the remainder of the street. It will crowd the street scene and loom over the other buildings.

These issues are addressed in the main report

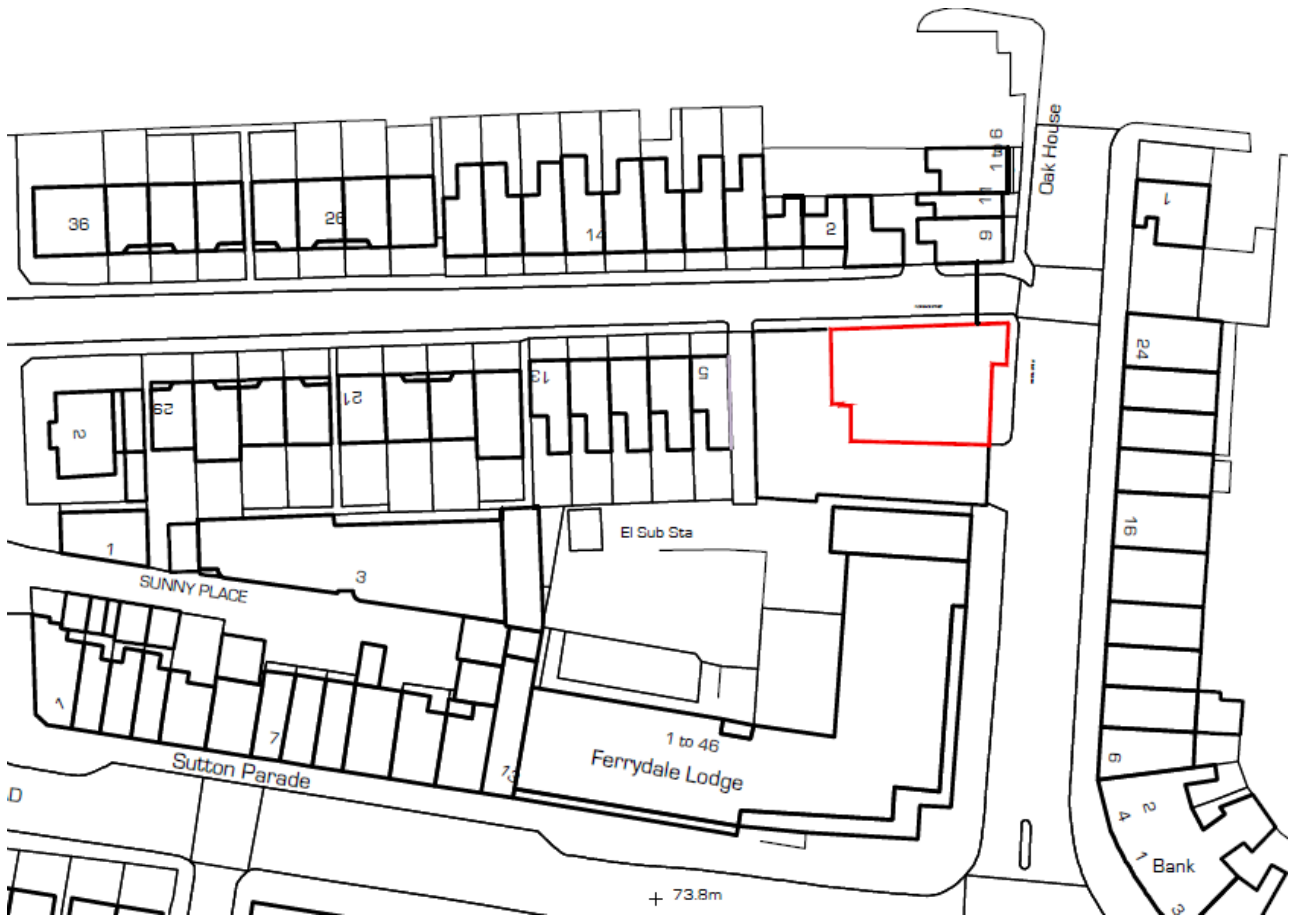
6. Equality and Diversity Issues

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

7. Conclusion

The proposals would involve the creation of new housing units which would make more efficient use of the site, development of a town centre site, and continued provision of retail unit. This needs to be weighed against the loss of a non-designated heritage asset. Paragraph 135 of the NPPF states that '*a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.*'. It is considered that whilst the building is of some interest, the existence of the building on site in this case should not preclude the re-development of the site and provision of new housing units. The demolition of the building is considered necessary in order to unlock the development potential of the site.

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



This page is intentionally left blank

Location **39 Sydney Grove London NW4 2EJ**

Reference: **16/2504/HSE**

Received: 15th April 2016

Accepted: 18th April 2016

Ward: Hendon

Expiry 13th June 2016

Applicant: Dr Gideon Lipman

Proposal: Demolition of existing single storey rear extension and erection of part single part two storey rear extension. Rear and side dormer with 1 no. rooflight to side to facilitate loft conversion

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

16-0413-04 A, 16-0413-05 A, 16-0413-06 A (received: 26/05/2016)

15-1017-001, 16-0413-01, 16-0413-02, 16-0413-03 (received: 18/04/2016)

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

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

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 application site is a detached property situated on the northern side of Sydney Grove, which lies within the Hendon area. Sydney Grove is predominantly characterised by large semi-detached properties comprised of a mix of single dwellings and flats; with large gardens to the rear.

The property is not listed, it does not lie within a conservation area, and there are no specific restrictions on site.

2. Site History

Reference: 15/07208/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 16 December 2015

Description: Single storey rear extension with a maximum depth of 7 metres from the original rear wall. Eaves height of 2.8 metres and maximum height of 3 metres

Reference: 15/07811/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07812/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres measured from the original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/07813/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Refused

Decision Date: 21 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.3 metres), with a maximum height of 3 metres.

Reference: 15/07814/PNH

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Prior Approval Required and Approved

Decision Date: 22 January 2016

Description: Single storey rear extension with a maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.

Reference: 16/1200/192

Address: 39 Sydney Grove, London, NW4 2EJ

Decision: Lawful

Decision Date: 15 April 2016

Description: Single storey rear extension. Rear and side dormer to facilitate a loft Conversion

3. Proposal

The applicant seeks planning permission for

- Demolition of existing single storey rear extension and erection of part single part two storey rear extension.
- Rear and side dormer and 1 no rooflight to side to facilitate loft conversion.

The first floor element will have a depth of 3m and set in with 2m from the boundaries with no 37 and 41 Sydney Grove.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties.

9 letters have been received comprising 9 letters of objections summarised as follows:

- the proposal will form a precedent and will be uncomfortable for the neighbouring properties
- the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy
- the proposal will be contrary to the right to light and right to vista
- the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect
- overdevelopment
- contrary to policy
- noise, disturbance and impact on traffic from the building works
- no BRE daylight and sunlight study in order to support the proposal

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The item was deferred from the June meeting as the Committee was not able to hear the item.

The proposals seek to combine the proposals granted a certificate of lawfulness previously (Ground floor rear extension and roof extensions) as well as constructing a first floor rear extension. Parts of the proposed development such as the roof extension and the ground floor extension have previously received a lawful decision under the Certificate of Lawful Development 16/1200/192 as follows:

-The proposed single storey rear extension projects on the full width of the detached property and will have maximum depth of 6.5 metres from the original rear wall on the east side and 4 metres on the west side (stepping in 1.36 metres), with a maximum height of 3 metres.

- Roof extensions comprising side and rear dormer windows.

The proposals comprise part single, part two storey rear extensions and roof extensions.

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

Numerous properties along Sydney Grove have been extended benefitting from their permitted development rights as householders or through a formal planning application. As such, the character of the area is mixed in terms of alterations to the properties and it is considered that the proposed extensions will not harm the character or the streetscene.

It should be noted that the roof extensions and single storey rear extension could be constructed separately under permitted development.

The proposals as a matter of fact require planning permission as they are to be constructed in their entirety. However the only part of the proposals that does not benefit from some kind of consent is the first floor rear extension.

It is still necessary to consider whether the proposed extensions would be acceptable in terms of their impact on the character and appearance of the area cumulatively. Taking into account that the applicant could construct the ground floor extension and roof extension without planning permission, and then apply for the first floor extension; on

balance, It is therefore not considered that the proposals would harm the character and appearance of the general locality or site property.

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

The neighbouring property at no 37 has a 3m deep ground floor extension. The property is situated at a distance of 1m from the application property.

The neighbouring property at no 41 has a 4.13m deep ground floor extension, previously approved under the planning application H/01618/11.

Through negotiation with the applicant the first floor element has been further reduced in width by being set in from the boundary with no 41 Sydney Grove with 2m and 1m from property's side wall towards the no 37 Sydney Grove. Subsequently there will be a gap of approximately 2m between the application property and the one at no 37.

The officers have assessed the impact of the proposed scheme in terms of loss of light and loss of outlook on to the neighbouring properties, and due to the proposal's scale and dimensions it is not considered that it will significantly affect them, as such it is considered acceptable. It is not considered that the extensions would appear overbearing or create harmful sense of enclosure.

Considering the revisions, the scale and massing of the proposed first floor element, will not cause significant impact of the proposal on the neighbouring properties, and therefore is considered acceptable.

Cumulatively, the proposals would comply with the aforementioned policies and guidance and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the street scene, site property, general locality and the residential amenity of neighbouring occupiers.

5.4 Response to Public Consultation

-the proposal will form a precedent and will be uncomfortable for the neighbouring properties: every application is assessed on its own merits

-the first floor element detrimental impact, will block the light and view to the neighbouring properties and also invade their privacy: addressed in the proposal's assessment

-the proposal will be contrary to the right to light and right to vista: The right to a particular view is not a material planning consideration and therefore they cannot form a reason for refusal. Loss of light is addressed in the main report.

-the scale and mass of the proposed development will impact the neighbouring properties and will have an overbearing effect: addressed in the proposal's assessment

-overdevelopment: addressed in the proposal's assessment

-contrary to policy: addressed in the proposal's assessment

-noise, disturbance and impact on traffic from the building works: Disturbance from building works are not a material planning considerations and therefore they cannot form a reason for refusal

-no BRE daylight and sunlight study in order to support the proposal: There is no requirement for householder planning applications to provide daylight and sunlight assessments. A neighbouring resident has provided a letter from a consultant in relation to rights to light. These are a civil legal matter between residents and the Local Planning Authority cannot involve itself in this. Officers have made their own professional judgement

and consider that the impact on neighbouring daylight and sunlight is acceptable. The rear garden faces north-west and any loss of light is considered to be limited.

The occupier of the neighbouring property at no.37 has provided an additional letter from a consultant in respect of daylight and sunlight. This states, in the view of the consultant that the proposals breach the 25 degree test in respect of the BRE (Building Research Establishment) Guidance. The letter requests that no decision in favour of the application is made by the Committee until the applicant instructs their surveyor to undertake the computer calculations in order to determine the precise impact to no.37 property. The letter makes reference to the impact on the high level side windows of the conservatory at no.37.

Officers accept that there may be a degree of loss of sunlight to the conservatory. However, the conservatory would continue to enjoy good outlook from the rear windows. In the professional opinion of officers the impact on the occupiers of no.37 would not be materially harmful.

Daylight and sunlight assessments are not required for householder extensions. To require one from the applicant would be unduly onerous and unnecessary in the view of officers. It is noted that a letter from a consultant has been provided by the applicant however this does not provide specific advice and officers have given this little weight in their recommendation. In the view of officers there are no grounds to defer the item as a result.

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.



This page is intentionally left blank

Location **Highview House 6 Queens Road London NW4 2TH**

Reference: **16/2393/FUL**

Received: 13th April 2016

Accepted: 21st April 2016

Ward: Hendon

Expiry 16th June 2016

Applicant: Mr A COHEN

Proposal: Partial conversion of lower ground floor into 1no. self-contained residential flat with associated amenity space, new rear access ramp, associated alterations to fenestration. Alterations to rear patio.

AGENDA ITEM 7

Recommendation: Approve subject to conditions

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

Drawing No. QR6-1001

Drawing No. QR6-3002

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

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

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

- 3 Before the building hereby permitted is first occupied the proposed window in the front elevation, other than a clear fanlight opening, shall be glazed with obscure glass and shall be permanently retained as such thereafter.

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

- 4 a) The site shall not be brought into use or first occupied until details of the means of enclosure of the patio, 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).

5 a) No development shall take place until a scheme of soft landscaping, including details of size, species, planting heights, densities and positions of any proposed soft landscaping to the rear, has been submitted to and agreed in writing by the Local Planning Authority.

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

c) Any 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.

6 Before the development hereby permitted is occupied, details of cycle parking spaces for the proposed unit shall be submitted to and approved in writing by the Local Planning Authority. This is to be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

7 Prior to the first occupation of the unit, 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).

- 8 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.

- 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 10 % 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).

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 £1,645.00 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 £6,345.00 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.

Officer's Assessment

1. Site Description

The application is a block of self-contained flats on Queens Road, in the ward of Hendon. It appears as a three storey building, within living space in the roof and a lower ground level.

The application site is not in a conservation area and is not in a listed building.

2. Site History

Reference: 16/2327/FUL

Address: Highview House, 6 Queens Road, London, NW4 2TH

Decision: Refused

Decision Date: 16 June 2016

Description: Partial conversion of lower ground floor into 1no. self-contained residential flat and erection of a single storey building to the rear comprising of 2no. self-contained studio flats. Alterations to hard and soft landscaping including provision of new rear access ramp, associated amenity space and alterations to rear patio. Alterations to fenestration on main building.

Reference: 16/0871/FUL

Address: Highview House, 6 Queens Road, London, NW4 2TH

Decision: Refused

Decision Date: 11 April 2016

Description: Partial conversion of basement level to form 1 no. self contained residential dwelling with new rear access ramp and associated alterations to fenestration

Application Reference: W09203J

Address: 6 Queens Road, London NW4

Description: Alterations to dormers, roof, windows to side elevation, entrance lay-out and steps to rear balcony being amendments to planning permission W09203E granted 28.02.95 for a block of 7 self-contained flats.

Decision: Approved subject to conditions

Decision date: 28 May 1996

Reference: W09203E

Address: 6 Queens Road, London NW4

Description: Demolition of existing house and erection of a new building comprising basement car park and 4 upper floors containing 7 self-contained flats

Decision: Approved subject to conditions

Decision date: 28 February 1995

3. Proposal

The application proposes to partially convert the existing lower ground level to form 1 no. self-contained residential dwelling with associated amenity space, new rear access ramp, associated alterations to fenestration, and alterations to the rear patio.

4. Public Consultation

A site notice was erected 5 May 2016.

Consultation letters were sent to 86 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Development would result in overcrowding and overdevelopment
- Concerns for increased (air) pollution and impact on local resident's health
- Concerns for the development's impact on parking and highways. The development would necessitate removing some current parking spaces. Questioning whether the original permission was given for a certain amount of car parking spaces in relation to the block.
- Development is too close to properties at the rear (along Sydney Grove)
- Development would set a precedent to allow developers to build in gardens for profit. Garden grabbing impacts amenities of neighbouring occupiers, wildlife and greenery
- Development's impact on amenity of neighbouring occupiers including additional noise, privacy, people movement, light and pollution

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Preliminary matters:

An application for the conversion of the lower ground level was previously refused under application ref: 16/0871/FUL, dated 11 April 2016.

There was one reason for refusal.

The reason read -

"By reason of the failure to provide a reasonable degree of outlook and privacy to habitable rooms, the proposed flat would result in sub-standard living conditions, to the detriment of the residential amenities of future occupiers. The application is therefore considered unacceptable and contrary to Policy DM01 the Development Management Policies DPD (2012), Policy 3.5 of the London Plan (2015) and the guidance set out in Barnet's Sustainable Design and Construction SPD (2013)."

Under this application, the applicant has amended the scheme to propose a private courtyard to serve the proposed flat, with vegetation screening and boundary fencing

around it. The applicant now also proposes a larger window to the front as well as new high level windows in the side elevation.

These amendments to the scheme are discussed in greater detail below. However in summary, Planning Officers are satisfied that the previous reason for refusal has been addressed adequately based on these amendments.

External changes and impact on character and appearance of the host property:

In regards to fenestration changes, the applicant proposes a larger window to the front, 2 no. new high level windows to the side elevation and a set of sliding doors to the rear elevation.

It is considered that these fenestration changes would not impact the character or appearance of the host building or surrounding area to an unacceptable level.

The principle of a self-contained dwelling in this location:

On the basis that self-contained flats exist within the application building, the principle of an additional flat in this location is deemed acceptable, in accordance with Policy DM01 of the Development Management Documents (2012).

No objection is raised to the loss of the existing ancillary storage/office area, which was being used as a storage area at the time of a site visit by the Planning Officer.

Impact on amenity of neighbouring occupiers:

The proposed unit would be built at the lower ground level, within the existing footprint of the building. No extensions are proposed.

It is not considered the proposed development would impact the amenity of the occupiers of the existing flats in the building to an unacceptable level. Furthermore it is not considered that the proposed development would impact the amenity of the neighbouring occupiers adjacent to the site at No. 5 or No. 7 Queens Road. or to the rear along Sydney Grove, to an unacceptable level.

Amenity and living conditions of future occupiers:

Policy DM01 of the adopted Development Management Policies DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum floor space standards set out in London Plan Policy 3.5 and outdoor amenity space, set out in the Sustainable Design and Construction SPD.

Policy 3.5 of the London Plan (2015) secures the quality and design of housing developments.

Floorspace and dimension standards:-

The bedroom(b)/persons-bedspaces (p) to essential gross internal area would be as follows for the proposed unit (according to Officer calculations) -

1b2p - 95.6 sqm

This exceeds the floorspace standards set out in Table 2.1 of the Sustainable Design and Construction SPD (2013).

The unit also exceeds the minimum room dimensions and floor areas set out Table.2.2 for the living/kitchen/dining room and size of a bedroom.

Outdoor amenity space:-

Table 2.3 of the Sustainable Design and Construction SPD (2013) states that for flats 5 sqm of outdoor amenity space should be provided per habitable room. Therefore 15 sqm should be provided, in accordance with the documents definition of habitable room.

The proposed courtyard would provide approximately 36 sqm of private outdoor amenity space, therefore exceeding this guidance.

The rear garden area is in excess of 600 sqm. Officers are satisfied that adequate rear garden would be retained for the use and enjoyment of occupiers of the existing flats in the building. With a new wheelchair/pedestrian ramp the rear garden will be accessible to all.

Daylight, privacy and outlook for future occupiers:-

Policy DM01 of the adopted Development Management Policies DPD (2012) states in point (e) that development proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

On the basis of the window to the front, new side windows and set of sliding doors to the rear, it is considered the proposed unit would be served by an adequate level of daylight.

The proposed bedroom would be served by a high level side window and an enlarged window to the front. On site, as existing, the front window was obscure glazed and was facing an existing car parking space. A condition has been attached to ensure this window is obscure glazed with a clear glazed fanlight opening, in order to safeguard the privacy of future occupiers whilst providing a degree of outlook. On balance, this is considered acceptable.

The proposed living/kitchen room would be served by a new high level side window and a set of sliding doors to the rear which would lead out onto a private courtyard. The courtyard would have a depth of 6.1 metres. By virtue of the depth of this courtyard, future occupiers would be afforded a sufficient level of outlook from the rear.

As shown on plans, the proposed courtyard would be bounded by fencing approximately 1.8 metres high. Officers note that the main rear garden is at a raised level. The boundary fencing would measure approximately 1.14 metres on this raised garden area. The applicant also proposes a vegetative 'buffer' along the fencing. It is considered that these measures would sufficiently ensure that occupiers of the proposed flat would not suffer loss of privacy or be overlooked to an unacceptable level by users of the main garden. A condition has been recommended to ensure the implementation of the boundary fencing and vegetation.

In conclusion, Officers deem that the proposal would provide an acceptable standard of accommodation for future occupiers, and has therefore overcome the previous reason for refusal.

Stacking:-

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

From archive files of planning permission W09203E, dated 06.03.1995, plans show that the unit above the proposed unit has a bedroom above the proposed bedroom and a living/dining room above the proposed living area.

In regards to horizontal stacking, it is not considered that comings and going from users of the entrance lobby area would be to such an extent that would cause unacceptable harm to future occupiers. It is noted that the 'main' entrance lobby for occupiers is on the floor above.

As such, subject to the relevant conditions, the layout of the unit is considered acceptable.

Impact on parking and highways:

It is noted that Condition 3 of the original planning permission for the block of flats (application reference: W09203E, dated 06.03.1995) states that 'Before the development hereby permitted is occupied the parking spaces shown on Plan 5493.10 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.' That approved layout showed 8 spaces in the lower ground level.

Upon a site visit, the Planning Officer observed that the lower ground level is currently used for parking for 2 cars, and as an office and storage areas and the area proposed to be converted into a flat was currently used for storage and office and not parking.

Two parking spaces will be retained in the lower ground area under this proposal. It is evident that vehicles park to the front of the property and will continue to do so with the development proposals.

Highways Officers have carefully considered the proposed development and have confirmed that they raise no objection to the proposal, subject to conditions.

Trees:

It is not considered that any harm would be caused to the trees on site or adjacent sites.

Refuse and Recycling:

Existing refuse and recycling containers was noted on site (to the front).

It is not considered that one additional residential unit would result in an unacceptable impact on refuse and recycling.

5.4 Response to Public Consultation

- Development would result in overcrowding and overdevelopment

The proposed flat would accommodate 2 persons. The proposed unit would exceed floorspace standards and satisfy development plan policy. There would be no extensions to the building. For these reasons it is not considered that the proposed development would result in overcrowding or overdevelopment.

- Concerns for increased (air) pollution and the impact on local residents health

It is not considered that the development would increase pollution levels to an unacceptable level. Officers would not deem this a reason for refusal in this instance.

- Concerns for the development's impact on parking and highways. The development would necessitate removing some current parking spaces. Questioning whether the original permission was given for a certain amount of car parking spaces in relation to the block.

As addressed in the main report. The Council's Highways department have carefully considered the application and have raised no objection to the proposal, subject to conditions.

- Development is too close to properties at the rear (along Sydney Grove)

The proposed development would be constructed within the existing footprint of the main building and would not include any rear extensions. Therefore the proposed development, other than the lower level patio, would not be any closer to the properties along the rear than the existing building.

- Development would set a precedent to allow developers to build in gardens for profit. Garden grabbing impacts amenities of neighbouring occupiers, wildlife and greenery

It is taken that this objection refers to a separate application at the application site (application reference: 16/2327/FUL, dated 16 June 2016) which proposed separate residential dwellings in the rear garden area and was subsequently refused.

In the interest of clarity, the proposed development subject to this application is not considered to impact the amenity of neighbouring occupiers to an unacceptable level. It is not considered the proposed development would impact wildlife or greenery to an unacceptable level.

- Development's impact on amenity of neighbouring occupiers including additional noise, privacy, people movement, light and pollution

As addressed in the main report, it is not considered that the proposed development would impact the amenity of neighbouring occupiers to an unacceptable level.

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 future and neighbouring occupiers. This application is therefore recommended for approval.



Location **46 St Marys Crescent London NW4 4LH**

Reference: **16/2666/FUL**

Received: 21st April 2016

Accepted: 21st April 2016

Ward: Hendon

Expiry 16th June 2016

Applicant: Mr Haim Maymon

Proposal: The vertical sub-division of the existing house to form 2 no. 3-bed houses. Alteration of window at first floor level in front elevation, installation and alteration of windows in the side and rear elevations and roof-lights to the ground floor rear extension. Addition of 3 no. rooflights to existing loft dormer. Associated amenity space, parking, cycle storage, bin storage and landscaping

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

- Existing and proposed layouts - RE/STMARY/2016/01 Rev B
- Existing and proposed elevations - RE/STMARY/2016/01
- Cross sections - RE/STMARY/2016/01
- Location Plan

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

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

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

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

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

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

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

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

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

- 5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason:

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

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

Reason:

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

- 8 The premises shall be used for C3 use and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development shall take place until details of parking and turning spaces have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the parking spaces provided in full accordance with the information approved under this condition before the development is first occupied and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles in connection with the development.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy 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 or the use first commences, details of the cycle parking spaces and enclosures shall be provided to and approved by the Council.

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

Reason: To ensure that cycle parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway

safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 11 Before the building hereby permitted is first occupied window(s) within the side elevations of the ground and first floor of the extensions approved by way of appeal decision APP/N5090/W/15/3051139 and shown on the plan titled 'Existing and proposed layouts - RE/STMARY/2016/01 Rev A' 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).

- 12 The use of the outbuilding located within the rear garden of unit 1 shall at all times be ancillary to and occupied in conjunction with unit 1 and shall not at any time be occupied as a separate unit or dwelling.

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

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

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

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

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

- 14 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority relating to the street tree positioned at the front of the site.

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

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

15 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan relating to the street tree at the front of the site in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to this street tree 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 the street tree. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 £8,015.00 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 £30,915.00 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site is located at 46 St Marys Crescent, London, NW4 4LH. This site currently contains a semi-detached single family dwelling.

St Marys Crescent is predominately characterised by semi-detached and link-detached single family dwellings.

Sunny Hill Park, being a district park, is located directly behind the application site to the east.

The application site is located within an area subject to special advertising control and a street tree is located at the front of the site.

However, the site is not subject to any other specific planning restrictions.

2. Site History

Reference: 15/01373/HSE

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Refused - Appeal allowed APP/N5090/W/15/3051139

Decision Date: 29 April 2015

Description: Part single part two storey front, side and rear extension, rear dormer and 2 no. rooflights to front to facilitate roof conversion (Retrospective application)

Reference: H/05838/13

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Lawful

Decision Date: 19 December 2013

Description: Hip to gable roof extension including 1no. rear roof dormer to facilitate a loft conversion.

Reference: H/02223/14

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Lawful

Decision Date: 12 May 2014

Description: Single storey outbuilding in rear garden.

Reference: H/05355/13

Address: 46 St Marys Crescent, London, NW4 4LH

Decision: Refused - Appeal allowed

Decision Date: 9 January 2014

Description: Single storey front extension involving conversion of garage into habitable space and associated alterations to front landscaping. Part single, part two storey rear extension and first floor side extension following partial demolition of existing rear.

3. Proposal

This application seeks approval for the following scheme:

The vertical sub-division of the existing house to form two 3 bed houses. Alteration of windows at first floor level in front elevation, installation and alteration of windows in the side and rear elevations and roof-lights to the ground floor rear extension. Addition of 3 no. rooflights to existing loft dormer. Associated amenity space, parking, cycle storage, bin storage and landscaping

4. Public Consultation

Consultation letters were sent to 30 neighbouring properties. Five responses have been received, comprising 5 letters of objection. The letters of objection have been summarised below:

- The development is not in keeping with the character of the street
- The area is characterised by single family dwellings
- The development would add to parking pressure in this area
- The proposal would result in overlooking
- Extensions would cause overshadowing
- The proposal would impact the safety of the neighbourhood
- The proposal would increase noise and disturbance for neighbours
- The works could impact the structure of neighbouring dwellings
- The extensions are too large

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM07, DM08, DM17.

The Council's approach to development 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.

Policy DM04 outlines environmental considerations for all types of development including air pollution, noise pollution, contaminated land, and water matters.

Policy DM07 and DM08 aim to protect housing in the borough and also ensure that a variety of housing types are provided for the growing population.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

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

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

Sustainable Design and Construction SPD (adopted April 2013)

This SPD 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:

1. Whether harm would be caused to the character and appearance of the application site, the street scene, and the wider locality
2. Whether harm would be caused to the living conditions of neighbouring residents
3. Whether the dwellings would provide a suitable standard of accommodation
4. Whether the proposal would harm parking and traffic flow in this area
5. Other matters
6. Response to consultation

1. Whether harm would be caused to the character and appearance of the application site, the street scene, and the wider locality

Principle of development:

It is not considered that the principle of developing the existing single family dwelling to provide two houses would be in conflict with Policy DM01 of the Council's Development Management Policies document. Although St Marys Crescent is predominately characterised by single family dwellings, the proposal would not result in the development of flat units on account of the vertical subdivision of the existing dwelling. The scheme would result in the creation of one additional single family dwelling unit within the existing a semi-detached single family dwelling, and therefore, the use of the dwelling would not be in conflict with the character of this street.

Additionally, it should be noted that the dwelling would maintain the appearance of a single dwelling when viewed from its principal elevation, in particular, it would have a single entrance way and there would be no discernable division within the front yard. Although the rear garden would be divided into two outdoor amenity spaces, this would not be evident from the street scene and would not therefore cause any harm to character.

It should also be noted that the applicant has arranged the refuse and cycle storage appropriately across the site so that it is not prominent within the street scene. Further, conditions have been recommended to control the appearance of the refuse store within the street scene and frontage landscaping.

Furthermore, it should be noted that the proposal would result in the net addition of a single family dwelling to the borough's housing stock where it is much needed.

Extensions:

The extensions presented within the submitted plans were subject to consideration under planning application 15/01373/HSE which sought retrospective approval for a part single part two storey front, side and rear extension, rear dormer and 2 no. rooflights to front to facilitate a roof conversion. This application was refused by the Council on 29 April 2015 but subsequently allowed under appeal APP/N5090/W/15/3051139 on 1 March 2016. The extensions presented within the submitted plans are the same as those that were allowed under appeal APP/N5090/W/15/3051139. As such, no further assessment need to given to the effect of the extensions upon the character and appearance of the application site, the street scene, and the wider locality.

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

It is not considered that the comings and goings associated with one additional dwelling unit would result in adverse harm to the occupants of the adjoining dwellings. Both resulting dwellings would be used for the purpose of accommodating single family's only. The effect of the extensions upon the living conditions of neighbouring residents was subject to consideration under allowed appeal APP/N5090/W/15/3051139. The extensions presented within the submitted plans are the same as those allowed by way of this appeal. As such, no further assessment need be made in regard to the effect that the extensions would have upon the living conditions of neighbouring residents.

However, conditions have been recommended to ensure that all windows within the side elevations of the allowed extensions will be obscure glazed in order to prevent overlooking and a loss of privacy. Additionally, it should be noted that no imposing balconies, terraces or windows are proposed as part of this scheme.

3. Whether the dwelling would provide a suitable standard of accommodation

This application has been assessed against the Council's Sustainable Design and Construction SPD which outlines minimum internal floor area and outdoor amenity requirements for new residential development.

The proposal would see the development of two 3 bed 5 person dwellings. It is found that both dwellings would meet the necessary internal floor area and that future occupiers would be provided with sufficient outlook and natural light.

Unit 2 would be provided with a sufficient amount of outdoor amenity space for a dwelling with up to five habitable rooms (being 55 m² under the Sustainable Design and Construction SPD). Unit 1 would fall short of the necessary outdoor amenity space by approximately 15 m². However, it is not considered that this should form a reason for refusal in this instance on account of the very close proximity of the site to Sunny Hill Park, being a district park which is located directly behind the application site to the east.

Officers initially expressed concern that the proposed dwelling units would provide insufficient amenity space for future residents.

The applicant has amended the plans so that the units would contain less habitable floorspace and therefore would be much closer to meeting the standards within the Sustainable Design and Construction SPD.

The two properties would provide (Unit 1) 47sqm (not including the outbuilding) and (Unit 2) 52sqm, a shortfall of just 8sqm and 3sqm respectively. Given the modest nature of the deficit, the immediate proximity to Sunny Hill Park at the rear and the provision of 23sqm and 25sqm internal floor-space above the GIA requirement it is considered that this would be acceptable.

4. Whether the proposal would harm parking and traffic flow in this area

Plans submitted with the application show that 2 off street parking spaces would be provided, being one for each unit. Under Policy DM17, the development would be expected to provide between 1.5 and 1 off street parking space for each unit. It is considered that 1 parking space for each unit is sufficient in this instance. Therefore, it is not anticipated that the proposal would lead to adverse harm to on-street parking pressure or traffic flow in this area.

5. Other matters

It is noted that a street tree is located at the front of the site. Conditions have been recommended relating to this tree to ensure its protection.

6. Response to consultation

A number of those matters raised in the letters of objection have been considered in the body of this report. Therefore, no further assessment is necessary in regard to these matters within this section.

It is not considered that one additional dwelling on the site would result in any material change to the safety of this area or any other crime related matter.

It is the applicant's responsibility to ensure that any works on the site do not cause harm to adjoining dwellings.

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 matters into account, it is considered that, the proposed development would not result in harm to the character or appearance of the application site, the street scene or wider locality and would not cause harm to the amenity of adjoining occupiers. It is also considered that the proposal would provide a suitable standard of accommodation for future occupiers and would not harm parking or traffic flow in this area. This application is therefore recommended for approval subject to conditions.



Location **16 Rundell Crescent London NW4 3BP**

Reference: **16/3037/FUL**

Received: 9th May 2016

AGENDA ITEM 9

Accepted: 13th May 2016

Ward: West Hendon

Expiry 8th July 2016

Applicant: Mr David Narunsky

Proposal: Conversion of existing dwelling into 2no semi detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Formation of front bay window and new entrance. Roof extension involving side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Planning Statement; Drawing no. RC15-PP-101; Drawing no. RC15-PP-201 Rev B.

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 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no.14 and no.18 Rundell Crescent 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing no.14-16 Rundell Crescent.

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

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

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

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

- 8 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 April 2013).

- 9 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).

- 10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. RC15-PP-201 Rev B before first occupation or the use is commenced and retained as such thereafter.

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

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. RC15-PP-201 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 12 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)

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

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

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

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

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

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

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

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

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,798.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £18,508.50 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site is located at 16 Rundell Crescent, London, NW4 3BP. This site currently contains a two storey detached dwelling sited on the eastern side of Rundell Crescent. This street is predominately characterised by large detached and link-detached two storey single family dwellings. However, it is noted that this character varies to the north of the application site close to the junction with Watford Way where examples of larger flatted development buildings and a bungalow are observed.

The site is not indicated as being subject to flooding hazard, nor does not contain any listed buildings or protected trees. The site is also not located within a conservation area. There are no other specific matters which could restrict development on the site.

2. Site History

Reference: 15/06458/192

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 14 December 2015

Description: Two storey rear extension, single storey side extension following demolition of existing garage. Roof extension involving rear dormer window. Removal of bay window to first floor and erection of a side gate.

Reference: 16/3037/FUL

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Conversion of existing dwelling into 2no semi-detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Roof extension involving side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Reference: 16/3072/191

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 7 June 2016

Description: Use as HMO (House in multiple occupation) (Class C4)

3. Proposal

The applicant seeks planning permission for the conversion of existing dwelling into 2no semi-detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor and formation of front bay window and new entrance. In addition, the proposal would include a roof extension involving side and rear dormer windows, 2no rooflights to front elevation. 4no off street parking spaces would be provided, and refuse/recycling stores with associated hard and soft landscaping and amenity space for each dwelling.

The extension would have a width of 2.9m at ground and first floor level. At ground floor level, the front bay would match the existing bay near the boundary with no.14 and include a new entrance which would be centrally located and have a lean-to roof. The bay window at first floor level would also match the existing bay on the property in its projection.

At the ground floor rear, the extension would have a projection 2.9m, sited 1.45m away from the boundary with no. 18 and 0.5m from the boundary with no.14. The ground floor extension would have a flat roof with an eaves height 3m from the raised patio. The patio would be set in from both sides.

At first floor level with a crown roof, the extension would be sited approximately 3.6m from the boundary with no. 18 and 2m from the boundary with no.14, and have a depth of 2.9m.

The side and rear dormers would have a width of 1.85m and height of 2.1m, located centrally on the roofslope of the main roof.

4. Public Consultation

Consultation letters were sent to 33 neighbouring properties.
9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Reckless & unsuitable development for the area
- Area is characterised by semi-detached houses and single family dwellings
- Out-of-character
- Loss of privacy by proximity of extension
- Loss of light/ sunshine in the garden.
- Unsightly to have 4 parking spaces at the front
- Gardens not hardstanding should be encouraged/ Loss of garden
- This would be the only semi-detached dwelling on the road
- Noise and disturbance from the development
- Closing up the gap between the properties.
- Parking pressures
- Loss of on street parking spaces to facilitate the development
- Tunnelling effect
- Refuse stores would be out of character
- Increase in density
- Loss of property value

Highways were consulted and consider that the development would be acceptable subject to conditions.

A site notice was erected on the 19th May 2016.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- 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 April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of conversion into self-contained units

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

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

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

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

Whilst there are few examples of flatted development (most notably at no.18), it is accepted that the area is not characterised by flats. However officers take the view that given the design of the proposal, both units can be perceived as family dwellings given the vertical alignment of room and subdivision of the plot rather than as flats in the traditional sense, where there would be more of a horizontal alignment.

It is noted that the predominant character in this street is link-detached dwellings. The recognition of this has been considered in the principal elevation of the dwelling, which does not take the form of two clearly distinct semi-detached dwellings through the use of a single entrance way. In addition, the treatments to the front garden/courtyard area seek to avoid creating the appearance of two semi-detached dwellings by not including an evident subdivision of the plot at the front.

The Council does not object in principle to the development proposed on the application site. The site will remain residential in nature and thus be consistent with the predominant use of this street. Therefore, the proposed development would not adversely impact the character of the street or wider area. Further, it is noted that the proposal will result in a net gain of 1 residential dwelling which will contribute positively to the Council's housing targets within the borough.

Impact on character

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

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. The Council's guidance advises that 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 this instance, it is considered that the scale, design, siting and mass of the proposed extensions are appropriate taking into account the existing building and its surrounding context. It is noted that the works would respect the scale and design of the host property and other dwellings located within Rundell Crescent. In particular, the roof form would provide a degree of visual interest and would appropriately reflect the design of the host dwelling and other dwellings along this street.

It is important to consider the fallback position of development that could be constructed under permitted development by the applicant which is a material consideration in the decision-making process. The weight to be given to the fallback position varies according to whether what could be built using permitted development would have a broadly similar or worse impact to what is proposed.

At the rear the dwelling would not extend deeper than the previously approved permitted development works which involved a two storey rear extension approved by way of lawful development certificate 15/06458/192. It is not considered that the scale of this rear extension would harm the character of the existing dwelling or the wider area.

Although the proposed development would see the dwelling extended to the side at its northern elevation across two storeys and sit forward of the existing principal elevation incorporating bay windows, it is considered that this additional bulk would be sympathetic to the host dwelling and respect the restrictions of the plot. The side extension would introduce a degree of architectural balance to the dwelling, removing the results of unsympathetic permitted development extensions approved under lawful development certificate 15/06458/192.

The proposed dormers are considered to read as subordinate additions, which are centrally located on the respective roofslope and comply with the requirements within the Residential Design Guidance SPD. These features would not harm the character of the application site or the street scene.

Impact on living conditions of neighbouring and future occupiers

It is not considered that the submitted scheme would adversely impact neighbouring amenity in this instance. This determination is based on the scale, siting and design of the extensions.

To the north, the dwelling at 18 Rundell Crescent is detached from the subject dwelling. It does contain windows serving habitable room within its southern elevation facing the application site, however, it is noted that a distance of approximately 1 metre would be left between the side extension and the boundary of the site, and approximately 2.1 metres would be maintained between the side extension and the southern flank elevation of 18 Rundell Crescent. The development would therefore comply with those design guidelines for first floor side extensions contained within the Council's Residential Design Guidance SPD.

It is noted that a side dormer window, large first floor window and a smaller ground floor window would be incorporated into the side extension. However, the submitted plans indicate that all new windows in this side extension would be obscure glazed and would therefore not result in overlooking or a loss of privacy. As such, it is not considered that the side extension would adversely impact the dwelling 18 Rundell Crescent.

The subject dwelling would not be any closer to the boundary with the neighbouring dwelling to the south at 14 Rundell Crescent whose northern flank wall is separated from the application site by a distance of approximately 3.3 metres. It is noted that a window is located within the northern elevation of 14 Rundell Crescent facing the application site. However, it is not considered that any overlooking or loss of privacy would occur as the works would only see a modest dormer added to this elevation. No other windows are proposed within the southern elevation.

At the rear, the dwelling would extend approximately 3 metres beyond the rear elevation of the existing dwelling across the ground and first floor, but would be no deeper than the two storey rear extension approved by way of lawful development certificate 15/06458/192. It is also noted that at first floor, the extension would be set in from the boundaries of the site and would not contain any windows, balcony or terrace features that would cause adverse overlooking or a loss of privacy. Given this, it is not considered that the depth of the rear extension would result in an overbearing or overly prominent addition of built mass that would adversely impact the living conditions of adjoining occupier, including unacceptable loss of privacy.

The scheme also includes a rear raised patio area which would extend approximately 5.4 metres beyond the proposed rear extension. The patio would be sited 1.4m from the boundary with no.18 and 0.5m from the other boundary. With the set back from both sides and the proposed privacy screen, it is not considered that the proposal would result in unacceptable levels of overlooking to warrant refusal of the application.

The proposed units comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 (including National Space standards) and it is considered that the development would provide adequate internal space for future occupiers.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant

should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision. The stacking of the flats is considered to be suitable.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for suitable amenity space should be provided to all units. The development would provide separate gardens for each unit which would meet and exceed the minimum standard and this is considered to be acceptable.

Finally, the applicant proposes a new refuse store which complies with the Council's Recycling and Refuse Scheme at the front of the site, however set away from the front boundary for one unit and another refuse store towards the rear garden near the boundary with no18.

Highways

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

The proposal would involve the provision of 2no off street parking each dwelling, generally utilising the existing access/ carriageway on the site. There would be a requirement to widen the existing crossovers to 4.8m to facilitate access at either boundary. At present the property "shares" two crossovers with both neighbouring properties at both boundaries; the proposal would involve elongating these crossovers. Although the total width of the crossovers between the host property and no.18 and no.14 respectively would be in excess of 4.8m, Highways have confirmed that this is acceptable given that the total width of the crossovers when measured at the host site only would be limited to 4.8m at each side and these would be separated the existing raised pavement level.

The parking provision would comply with the minimum standards and Highways do not consider that the proposal would give rise to an unacceptable increase in parking pressures. It is recommended that the application is approved in highway terms subject to conditions.

CIL

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

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

The proposal has been calculated to be liable for £18,508.50 of Barnet CIL and £4,798.50 of Mayor's CIL.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements

of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements 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).

5.4 Response to Public Consultation

The planning related comments have been addressed in the report above.

"Gardens not hardstanding should be encouraged/ Loss of garden"- Whilst there would be some level of hardstanding by virtue of the raised patio, the amenity space for both units would be gardens and would be in keeping with the character of the area.

"Noise and disturbance from the development" - A condition has been added to restrict the hours of construction; however problems arising during construction are not material considerations in the determination of the application.

"This would be the only semi-detached dwelling on the road"- the property would still have the appearance of a detached dwelling due to the sole entrance door.

"Closing up the gap between the properties"/ "Tunnelling effect"- Although the side extension would reduce the gap between no.18 and the host site, there would still be a distance of 2m between the flank walls, which complies with the requirements stipulated with the Residential Design Guidance SPD.

"Refuse stores would be out of character" - it is not considered that the location of some of the bins at the front of the site in a discrete store would warrant refusal of the application on its own.

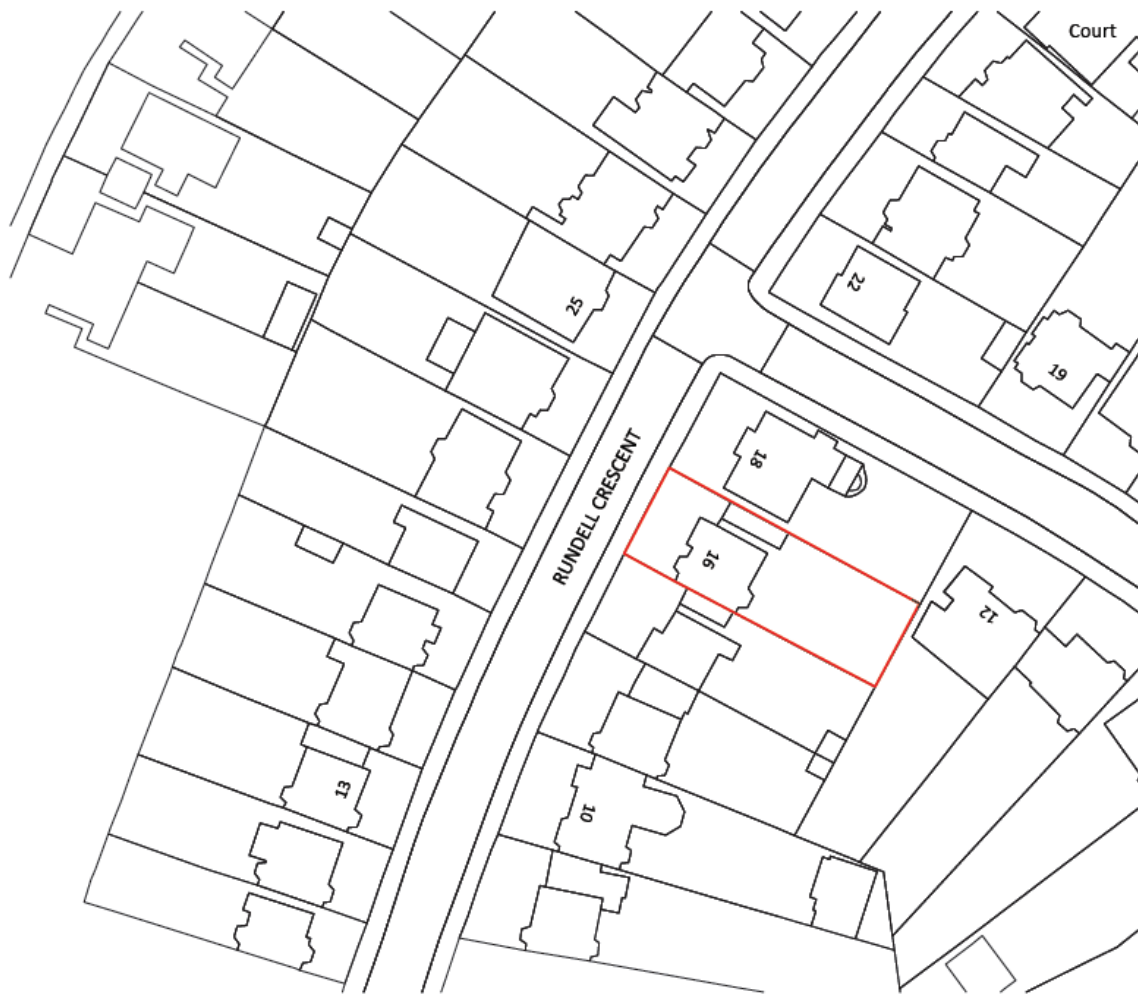
"Loss of property value"- this is not a material consideration

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **30 Lawrence Gardens London NW7 4JT**

Reference: **16/3187/HSE**

Received: 10th May 2016

Accepted: 16th May 2016

Ward: Mill Hill

Expiry 11th July 2016

Applicant: Mr David Krantz

Proposal: First floor side extension with pitched roof

AGENDA ITEM 10

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 05_931_112.C; Drawing no. 05_931_111; Drawing no. 05_931_110.

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 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, of the extension(s) hereby approved, facing no.32 Lawrence Gardens.

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.32 Lawrence 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The application is a semi-detached dwelling located on the north-eastern side of Lawrence Gardens within the Mill Hill ward. The area is predominantly residential in character. The property is not listed nor does it lie within a Conservation Area.

There are site level changes from south-east to north-west, with the application site sitting lower than no.32 Lawrence Gardens.

2. Site History

Reference: W07732

Address: 30 Lawrence Gardens London NW7 4JT

Decision: Approved subject to conditions

Decision Date: 04.07.1985

Description: First floor side and single-storey rear extension.

Reference: W07732A

Address: 30 Lawrence Gardens London NW7 4JT

Decision: Approved subject to conditions

Decision Date: 03.12.1986

Description: Single-storey front extension.

Reference: W15841/07

Address: 30 Lawrence Gardens London NW7 4JT

Decision: Refused

Decision Date: 15.06.2007

Description: First floor side extension. Roof extension. Front canopy roof extension.

Reference: W15841A/07

Address: 30 Lawrence Gardens London NW7 4JT

Decision: Approved subject to conditions

Decision Date: 22.08.2008

Description: First floor side extension and front canopy roof extension.

3. Proposal

The applicant seeks planning consent for a first floor side extension with pitched roof.

The property benefits from a roof extension including new gable roof and rear dormer which appears to have been implemented under permitted development.

The first floor side extension will sit above the existing side wing. The proposed extension would be set flush from the existing recessed side wing, and 1m from the principal front elevation. The extension would have a width of 2.35m and a depth of 9.4m, up to the level of the rear elevation. The extension would be covered by a gabled end roof to match the roof of the main dwelling, with matching eaves height and a ridge height 0.5m lower than the main roof.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Change of style is out of character with others on Lawrence Gardens
- The proposed gable style roof construction is out of keeping with all the other properties along this street which largely have hip style roofs
- Reduction in the gap between properties
- Loss of symmetry between dwellings/ Hip roof would be more symmetrical
- Bulky extension
- The extension goes beyond permitted development.
- Loss of light/ overbearing extension at upper level

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

- Relevant Development Management Policies: DM01, DM02.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

At the time of the site visit, works on the roof involving the hip to gable extension and rear dormer had already started. These works appear to adhere with the requirements of permitted development, although a certificate of lawfulness has not been obtained. Whilst it is accepted that the gable end does unbalance the pair of semi-detached dwellings, as this has been carried out under the permitted development legislation, the Local Planning Authority cannot assess the impact on the character.

Given the roof design on the property as extended, the gable end roof of the first floor side extension would match the roof as altered and as such it is considered to have an acceptable impact on the appearance of the host property and the character of the area. It is not considered that a hipped roof attached to the gable roof of the main building would be a more sympathetic solution.

The Residential Design Guidance SPD stipulates that first floor side extensions should read as subordinate additions; they should be recessed from the front elevation by 1m and the extension should be set 0.5m from the ridge of the main dwelling. Due to the existing recessed front façade, the proposed extension would naturally be set-back. In addition, the roof would be 0.5m lower than the ridge of the main roof and as such would comply with the Residential Design Guidance SPD. Officers consider that the side extension is acceptable as there would still be a sufficient distance between the flank walls of the adjoining property and the host dwelling and the width of the non-original extension would be less than half the width of the property.

The first floor side extension would retain a gap of 1m from the host dwelling to the boundary with no.32 Lawrence Gardens, and given the lower setting of the host property to this neighbouring building, it is not considered that there would be an unacceptable level of spacing between the properties to warrant refusal of the application.

With regards to the impact on the neighbouring occupiers, as mentioned, the host dwelling is set at a lower level than no.32 and as the extension would not project further than the existing rear elevation, it is not considered that the extension would appear overbearing nor result in a detrimental impact to the amenities of occupiers at no.32.

The bulk, size, design and siting of the proposed alterations are considered to be appropriate. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and is not considered to detract from the established character and appearance of the property and surrounding area.

5.4 Response to Public Consultation

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

6. Equality and Diversity Issues

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

7. Conclusion

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.



This page is intentionally left blank

Location 16 Tretawn Gardens London NW7 4NR

Reference: 16/3231/HSE

Received: 17th May 2016

Accepted: 19th May 2016

Ward: Mill Hill

Expiry 14th July 2016

Applicant: Mr L Gainsley

Proposal: Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions. Conversion of garage into habitable space. Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation. Creation of lower ground floor with insertion of high level windows to rear elevation to serve the lower ground floor

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning Statement by Apar Smith dated May 2016; Structural Design Philosophy by Coyle Kennedy Consulting Engineers; Design and Access Statement by Wolff Architects; Drawing no. 1516-PL-000; Drawing no. 1516-PL-001; Drawing no. 1516-PL-010; Drawing no. 1516-PL-011; Drawing no. 1516-PL-012; Drawing no. 1516-PL-013; Drawing no. 1516-PL-020; Drawing no. 1516-PL-022; Drawing no. 1516-PL-024; Drawing no. 1516-PL-030; Drawing no. 1516-PL-209; Drawing no. 1516-PL-210; Drawing no. 1516-PL-211; Drawing no. 1516-PL-212; Drawing no. 1516-PL-213; Drawing no. 1516-PL-220; Drawing no. 1516-PL-222; Drawing no. 1516-PL-224; Drawing no. 1516-PL-230; Drawing no. 1516-PL-240.

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 privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 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.14 and no.18 Tretawn Gardens.

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

- 6 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).

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

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

- 8 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

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

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

- 10 a) No site works (including any temporary enabling works, site clearance or demolition) or development shall take place until details of temporary tree protection measures to be implemented at the site 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 measures approved under this condition have been erected around existing trees in full accordance with the details approved under this condition. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these protected areas at any time.

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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,665.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £17,995.50 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a two storey detached dwelling located on the south eastern side of Tretawn Gardens within the Mill Hill ward. Due to the topography of the site, the properties are higher on the east. The change in ground levels is more evident from the front to the rear of the site, with the host property being sited at a higher level than the garden level.

2. Site History

Reference: W06052

Address: 16 Tretawn Gardens London NW7

Decision: Approved subject to conditions

Decision Date: 30 April 1979

Description: Single storey side/rear extension.

Reference: 15/07849/HSE

Address: 16 Tretawn Gardens London NW7 4NR

Decision: Refused

Decision Date: 04 February 2016

Description: Demolition of existing side and rear extension and erection of part single part two storey side and rear extension. Creation of basement level with rear access. Conversion of garage into habitable space. Roof extension including 2 no. side dormers and 1 no. rooflight to rear to facilitate crown roof loft conversion and increase in roof height.

Reason for refusal: The proposed extensions would, by reason of their design, size, scale, bulk and mass, collectively fail to represent subordinate additions to the host property that respect its original design and the proportions of the original building and which overly dominate the property and constitute an overdevelopment of the site, to the detriment of the character and appearance of the individual property and wider area.

Reference: 16/1444/HSE

Address: 16 Tretawn Gardens London NW7 4NR

Decision: Approved subject to conditions

Decision Date: 19 May 2016

Description: Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions. Conversion of garage into habitable space. Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.

Reference: 16/4178/CON

Address: 16 Tretawn Gardens London NW7 4NR

Decision: Pending decision

Decision Date: N/A

Description: Discharge of conditions.

3. Proposal

The applicant seeks planning permission for the following development:

- Demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions.
- Conversion of garage into habitable space.
- Construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation.
- Creation of lower ground floor with insertion of high level windows to rear elevation to serve the lower ground floor

The majority of the works are identical to the extant application (16/1444/HSE) including the extensions at ground floor, first floor and roof level; the only change is the addition of the lower ground floor including insertion of the high level windows.

At ground floor, the extension would have a depth of approximately 7.2m across a width of 6.2m, near the boundary with no.18. At the other boundary the depth of the extension would be reduced by 3.7 m to match the existing rear elevation of no.14. The ground floor extension would have a flat roof with a height of 3.2m from the proposed raised terrace (SW elevation).

The proposed rear terrace would project a further 1.2m from the proposed rear elevation and set 2m from the boundary with no.18 and 2.15m from the boundary with no.14. The applicant proposes screens on either side of the terrace to limit overlooking.

The side extension at ground floor would be sited at the boundary with no.14. The extension would have a false pitch roof at the front and flat roof at the rear to match the proposed rear extension.

At first floor, the side extension would have a width of 1.7m and be sited 1m from the flank elevation of no.14 (measured from the chimney breast or 1.2m from the main wall). The roof of the main building would be increased by 0.2m and the roof of the side extension would match the height of the main roof.

The proposed first floor rear extension would have a depth of 1.6m and width of 4.1m. The first floor extension would be sited 1.2m from the flank elevation with no.18 Tretawn Gardens and 4.3m from the boundary with no.14 Tretawn Gardens. The roof of this extension would read as a subordinate addition given the lower ridge height.

At the front the applicant also proposes the re-levelling of the driveway by lowering it by approximately 0.2m. The proposed new brick wall will have a maximum height of 0.6m towards the property and 0.4m at the front of the site; this element would comply with the requirements of permitted development.

The lower ground floor would be sited beneath the footprint of the proposed ground floor rear extension and ground floor patio (both of which already benefit from consent) and would project between 7.2m and 8.45m (approximately) from the original rear elevation of the building, measured at the boundary with no.18. Two high levels windows will be inserted in the lower ground floor; one horizontal across the central section of the lower ground floor and one on the recessed wall of the lower ground floor near the boundary with no.18.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties.

19 responses have been received, comprising 14 letters of objection and 5 letters of support.

The objections received can be summarised as follows:

- Application similar to refused application in terms of design, scale, size, bulk and mass.
- Restoration of the lower ground floor contradicts the removal of it in the second application.
- First floor will reduce light to neighbours
- Approval at no.26 does not justify approval at the host property.
- The increase in lower ground floor space is excessive.
- Windows would be visible from the adjacent gardens.
- No change in excavation from refused application
- Loss of privacy
- Increased in depth of the terrace impacting amenity
- Noise from the gym activity
- Extension as approved breaches 50% of garden area limit/ loss of garden
- Manipulation of the planning system
- Set precedent
- Disturbances of waterflow and potential flooding to neighbouring properties
- No consultation carried out at Sunnyfield yet again
- Highly visible from Sunnyfield
- Basement excessively large
- Impact on the character of the area
- Too much habitable space
- Overdevelopment
- Damage to neighbouring property value

The letters received in support can be summarised as follows:

- Existing basement at no.28 and do not consider that the host property should be treated any differently
- Inclusion of high level window in a land contour following infill of lower ground floor is of no harm
- Approval at no.26 makes it impossible for the Council to refuse the application
- There are plenty of basements in the area and Mill Hill
- Windows will not be seen visible

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

In the interest of clarity, the report will explain the context of the proposal. A scheme at the host site was submitted and refused by the Planning Committee in February 2016 (originally the application was recommended for approval by case officers), and included a lower ground floor extension and larger upper floor extensions (reference 15/07849/HSE). The scheme was subsequently amended and approved by the Planning Committee in May 2016 under reference 16/1444/HSE, and included the removal of the lower ground floor, the reduction in the depth of the first floor rear extension, and reduction in the width of the first floor side extension from the originally refused scheme.

The current application is identical in so far as the size of the ground floor, first floor and roof extensions, conversion of the garage and alterations at the front to the proposed development recently approved and currently extant under reference 16/1444/HSE. The Local Planning Authority has therefore already assessed the impact of these elements in the previous application and it is not considered that circumstances have changed since the approval to now warrant refusal of these elements. The only matter to therefore consider is whether the addition of the lower ground floor would be detrimental to the amenities of neighbouring occupiers or the character of the Tretawn Gardens.

In the interest of clarity, the refused scheme including the lower ground floor had a gross internal area of 250.1sqm and the current proposal would provide a gross internal area of 239.6sqm. The lower ground floor has been reduced by 5.5sqm compared to the previously refused scheme (reference 15/07849/HSE) and the level of exposed lower ground floor is greatly reduced when viewed from the rear.

In terms of the impact on the character of the area, apart from the proposed windows to the lower ground floor, there would be no visible difference between the extant application and the proposed scheme; the projection at the rear and the scale of exposed building would be the same as approved and officers consider that lower ground floor to be acceptable. Furthermore, the fenestration would be of a similar style to that on the rest of the property. Whilst it is accepted that the refused application included a lower ground floor, this was far more exposed and visible than that proposed, which would be retained within the structure of the approved ground floor element. As such it is not considered that the lower ground floor would have a greater impact on the character of the area than the previously approved application on the host site. It must be noted that the recommendation from officers for the first application which was refused, was for approval due to the natural contours of the land being considered to facilitate lower ground floor accommodation.

In addition, insofar as the impact on the amenities of neighbouring occupiers, as with the assessment regarding the character, the building would look very similar to the approved scheme and it is not considered that the additional windows would result in a heightened

level of overlooking or detrimental impact on the amenities of neighbouring occupiers than previously considered to be acceptable.

For the reasons above, approval of the application is recommended.

5.4 Response to Public Consultation

Comments relating to the similarity between the applications have been addressed in the report above.

Comments relating to the impact of the other extensions other than the lower ground floor have been addressed in the report above, however these elements also benefit from an extant consent and therefore officers do not consider that refusal of these elements (other than the lower ground floor) are justified.

The approval at no.26 Tretawn Gardens (16/1947/HSE), although not constructed, included a lower ground floor, which due to the level of excavation was much more exposed than that proposed at the host property; notwithstanding this, every case is assessed on its own merits.

"Windows would be visible from the adjacent gardens"/ "Loss of privacy"- the site immediately backs on to an allotment and therefore visibility would be limited and no considered greater than the visibility from the ground floor projection and patio, which already has consent. The terrace will be sited away from both boundaries and there will be a privacy screen (details required as a part of a recommended condition); as such it is not considered that this would have adverse effect of the privacy of neighbouring occupiers. It is accepted that given the siting of the properties on this section of the road in relation to the gardens set at a lower level, there is likely to be some level of overlooking. The access steps although sited along the boundary would be sited at a higher level than the neighbours' garden however it is not considered that this would result in an unacceptable level of overlooking.

"No change in excavation from refused application"- as the footprint is remaining the same and the mass and bulk of extension which will be visible would be as approved, the level of exposed lower ground floor is considered to be significantly different to the refused scheme.

"Increased in depth of the terrace impacting amenity"- no changes are proposed to the approved terrace/ patio.

"Noise from the gym activity"- the property will remain as a residential dwelling; this use could be carried elsewhere in the property without planning consent and officers do not consider it reasonable to refuse the application on the basis of noise given that the residential use will remain as existing.

"Extension as approved breaches 50% of garden area limit/ loss of garden"- The reduction in the area of garden resulting from the proposal is not considered to be unacceptable and would not warrant a refusal of planning permission. In addition, there would be approximately 90sqm of garden space remaining.

"Set precedent"- Every case needs to be assessed on its individual merits and the proposal is found to be acceptable.

"Disturbances of waterflow and potential flooding to neighbouring properties" - The host does not lie within a Flood Risk zone (of any designation) or in a ground water protection zone in accordance with the Environment Agency maps. As such it is not considered that the development would increase the risk of flooding. Furthermore, with regards to the comments regarding subsidence this is not a planning consideration; Building Regulations seek to ensure that any development is structurally sound.

"No consultation carried out at Sunnyfield yet again"- the Council has carried out the consultation in accordance with the statutory requirements; the site backs on to an allotment and the properties on Sunnyfield do not immediately touch the site.

"Damage to neighbouring property value"- This is not a material planning consideration.

"Overdevelopment"- The proposed works, on balance, are not considered to result in an overdevelopment of the site.

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

6. Equality and Diversity Issues

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

7. Conclusion

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.



This page is intentionally left blank

Location 12 Engel Park London NW7 2NS

Reference: 16/3519/HSE

Received: 27th May 2016

Accepted: 7th June 2016

Ward: Mill Hill

Expiry 2nd August 2016

Applicant: Mrs Sanjeeda Azam

Proposal: Two storey side extension. Demolition of existing rear conservatory and erection of single storey rear extension. Single storey side extension and first floor side/rear extension adjacent to the boundary with 1 Bittacy Park Avenue. New rear access steps and patio. Installation of new access ramp to front. Erection of timber fence to existing boundary. Roof extension involving 3 no. rear dormers, 1 no. rooflight to side and 3 no. rooflights to front, and increase in ridge height to facilitate loft conversion

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing no. 16-846-E01 Rev A; Drawing no. 16-846-E02; Drawing no. PL01; Drawing no. PL02 Rev A; Drawing no. PL03; Drawing no. PL04.

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

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

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

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

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

- 4 Notwithstanding the 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.14 Engel Park and no. 1 Bittacy Park Avenue.

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).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no.14 Engel Park and no.1 Bittacy Park 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).

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 detached dwelling located on the northern side of Engel Park within the Mill Hill ward. The property is not listed nor does it lie within a conservation area. The property lies at the junction with Bittacy Park Avenue and the property is located at a higher level than the properties to the west.

Although there are no TPOs within the boundary of the application site, the adjacent Watch Tower House to the rear of the site on The Ridgeway, is covered by a Tree Preservation Order.

2. Site History

Reference: H/01473/08

Address: 12 Engel Park, London, NW7 2NS

Decision: Refused

Decision Date: 01.08.2008

Description: Retention of boundary wall.

Reference: W07304B/06

Address: 12 Engel Park, London, NW7 2NS

Decision: Approved subject to conditions

Decision Date: 03.10.2006

Description: Erection of conservatory to rear of property.

Reference: W07304

Address: 12 Engel Park, London, NW7 2NS

Decision: Approved subject to conditions

Decision Date: 10.08.1983

Description: Two-storey and single-storey side extension.

3. Proposal

The applicant seeks planning consent for development comprising of the following extensions:

- Two storey side extension adjacent to the boundary with no.14 Engel Park
- Demolition of existing rear conservatory and erection of single storey rear extension.
- Single storey side extension near boundary with no.1 Bittacy Park Avenue
- First floor side/rear extension near boundary with no.1 Bittacy Park Avenue
- Roof extension involving 3 no. rear dormers, 1 no. rooflight to side and 3 no. rooflights to front, and increase in ridge height to facilitate loft conversion
- New rear access steps and patio.
- Installation of new access ramp to front.
- Erection of timber fence to existing boundary.

The two storey side extension near the boundary with no. 14 Engel Park would have a width of 3m following the demolition of the existing two storey side extension near the boundary with no. 14 Engel Park. The extension would have a depth of 11.2m up to the level of the original rear elevation.

The single storey rear extension would have a depth of 3m, and the patio, which would be sited 3.15m away from the boundary with no.14, would project an additional 1.65m beyond the rear elevation of the proposed extension. The roof would match the height of the existing with a lean to roof.

The single storey side extension near the boundary with no.1 Bittacy Park Avenue would have a width of 3.3m and set 0.9m from the front elevation with a hipped roof over. The extension would splay towards the rear to follow the boundary of the site, retaining a gap of at least 1.3m from the boundary with no.1 Bittacy Park Avenue.

The first floor side/rear extension at the boundary with no. 1 Bittacy Park Avenue would have a depth of 1.7m, it would be recessed by approximately 2.2m from the outermost rear elevation at first floor level.

The proposed roof extension would include the increase of the ridge height. The roof above the proposed two storey extension near no.14 would be hipped. The roof form at the other side would be extended to include a gable end. The rear dormers would be centrally located on the roofslope, each with a width of 2.25m and maximum height of 2.4m.

The timber fence would be sited along the side boundaries and would have a height of 1.8m

The railings of the ramp would have a height of approximately 1.2m and the ramp would be sited along the boundary with no.14 Engel Park.

4. Public Consultation

Consultation letters were sent to 15 neighbouring properties.
11 responses have been received, comprising 11 letters of objection.

The objections received can be summarised as follows:

- Size and proximity of building would be detrimental to 14 Engel Park
- Out of character
- Set precedent for other development on the road
- Overbearing/ Exaggerate the slope of the road with overbearing effect
- Visually obtrusive
- Loss of light
- Encroach over boundary.
- Sense of enclosure
- Disproportionate extension
- Limited space between dwellings/ 2m not respected
- Roof of extension should be set 0.5m lower
- Overlooking & loss of privacy
- Does not comply with guidance
- Significant increase in ridge height
- Application does not show context of adjoining properties
- Building already extended
- Overdevelopment of site
- Excessive scale and proximity to nearby house would have negative impact on street
- Inaccurate site plan

- Affect the amenity of the whole street

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Whilst it is acknowledged that the side extension at the boundary with no14 would not comply with the guidance specified with the Residential Design Guidance SPD, every case is assessed on its own merits. Consideration has been given to the existing extension and built form adjoining a gable end, which itself adds to bulk and massing at the boundary with no.14 Engel Park. The hipped roof, at a relatively shallow gradient of 40 degrees, would reduce the bulk and massing of the property relative to no.14. The traditional hipped roof at this boundary is considered to be more sympathetic particularly when viewed from the streetscene. The extension at this boundary, although projecting further into the garden than the existing side wing, is not considered to result in unacceptable levels of overlooking; naturally there will be some level of overlooking given the host property's raised siting above no. 14 Engel Park however the extension would be limited to the existing outermost rear elevation and therefore its visual impact on the neighbouring occupiers would be limited.

At the other boundary along no 1 Bittacy Park Avenue, the extension along the boundary is limited to ground floor and given the boundary of the site, the width is considered to be acceptable. Given the distance from the boundary, the first floor rear extension would not be harmful to the amenities of neighbouring occupiers.

The area includes various examples of design and built form, and there is no distinct typology on the road. It is therefore considered that the proposed extensions would be

acceptable in an area with such a varied character. Furthermore, there are also other examples on the road where the gap between properties is less than the recommendation within the SPD; it is therefore not considered to be just to reinforce this in an area of such varied character.

The increase in the ridge height of the building is not considered to be excessive and would only be marginally noticed from the streetscene.

The proposed fencing is considered to be acceptable and would comply with the requirements of permitted development.

The proposed railings and ramp would facilitate access to the property and given the set back from the pavement are considered to be subordinate and acceptable.

The proposed patio would replace the existing raised patio and given the distance from the boundary with no.14 particularly it is not considered to give way to any additional levels of overlooking than currently experienced on site. As such this feature is considered to be acceptable.

5.4 Response to Public Consultation

The planning related issues have been addressed in the report above.

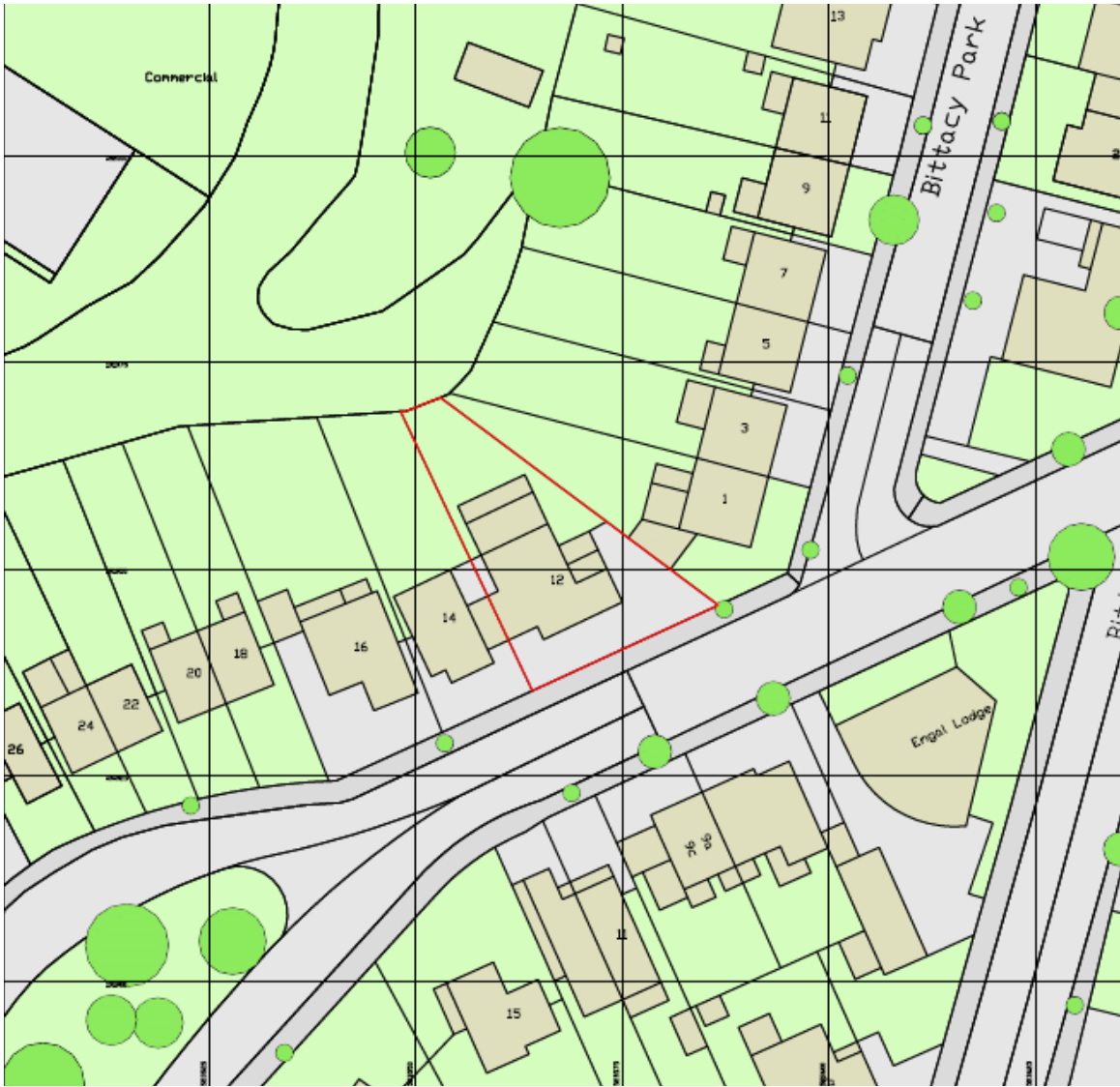
The matter of encroachment of the eaves cannot be controlled under the Town and Country Planning Act 1990; this is a civil matter between the applicant and the neighbouring owners. It must be noted that the existing eaves of the building encroach on to the neighbouring garden.

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 17 Purcells Avenue Edgware HA8 8DR

Reference: 16/2577/HSE

Received: 19th April 2016

Accepted: 20th April 2016

Ward: Edgware

Expiry 15th June 2016

Applicant: Goetz

Proposal: Part single, part two storey rear extension

AGENDA ITEM 13

Recommendation: Approve subject to conditions

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

Drawing numbers:

- 'Streetwise' Site Location Plan

-120

-002

-003

-011

-012

-013

-101

-102

-111

-112

-113

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 first floor eastern elevation, of the extension hereby approved, facing the neighbour at 15 Purcells Avenue.

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

- 6 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. 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 subject site is a rectangular shaped corner site located at 17 Purcells Avenue, Edgware, HA8 8DR. The site contains a two storey semi-detached dwellinghouse, which faces Purcells Avenue to the north, with a road along the western side boundary providing access to the rear of the site and the vehicle garage.

The application property is not listed nor located on land designated as Article 2(3)(Conservation Area).

2. Site History

Reference: 16/1794/PNH

Address: 17 Purcells Avenue, Edgware, HA8 8DR

Decision: Prior Approval Required and Refused

Decision Date: 21 April 2016

Description: Single storey rear extension with a proposed depth of 4.5 metres from original rear wall, eaves height of 2.95 metres and a maximum height of 2.95 metres

Reference: 16/1796/PNH

Address: 17 Purcells Avenue, Edgware, HA8 8DR

Decision: Prior Approval Required and Refused

Decision Date: 22 March 2016

Description: Single storey rear extension with a proposed depth of 4.5 metres from original rear wall, eaves height of 2.95 metres and a maximum height of 2.95 metres

Reference: 16/2058/PNH

Address: 17 Purcells Avenue, Edgware, HA8 8DR

Decision: Prior Approval Required and Refused

Decision Date: 1 April 2016

Description: Single storey rear extension with a proposed depth of 4.5 metres from original rear wall, eaves height of 2.95 metres and maximum height of 2.95 metres

None of the above prior notification applications were refused on amenity grounds, rather they were refused on technicalities and non-compliance with the General Permitted Development Order.

3. Proposal

The proposal involves a part single, part two storey rear extension. The two-storey component will be located on the western side of the rear of the dwelling closest to the adjoining road, continuing the same roof form as the existing dwelling. The single storey component comprises of a flat roofed 3 metre high extension abutting the eastern side boundary shared with the adjoining neighbour at 15 Purcells Avenue. The single storey component is located across the width of the rear of the dwelling, partially beneath the two storey high additions.

The additions extend and join the ground floor segregated living room and kitchen and extends the utility room. The first floor additions add an ensuite bathroom to an existing

bedroom, they extend an existing bedroom and also extend an existing ensuite bathroom to another bedroom. The first floor additions extend 2.7 metres into the rear garden off the existing rear wall of the dwelling. The ground floor extension will measure between 1.8 metres and 4.5 metres deep off the existing rear wall of the dwelling and will extend for the full width of the dwelling.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties. 6 responses have been received in regard to this application consisting of 5 letters of objection, with one objection consisting of two signatures from occupants at the same address. The objections are summarised below:

- Loss of natural light
- Inaccuracy of submitted plans
- Encroachment into adjoining allotment
- Overshadowing on neighbouring occupiers
- A sense of enclosure from the development
- Over development of the site
- Excessive number of habitable rooms in dwelling
- Development is out of character for the area
- Poor precedent set by having a large addition at rear

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.3 Assessment of proposals

Impact on existing building and street scene

The local area and street scene of Purcells Avenue is characterised predominantly by two storey semi-detached traditional buildings with consistent building heights, steeply pitched roofs, soft landscaped front gardens and window detailing. The proposal for 17 Purcells Avenue is for a single and double storey rear extension. The second storey component is set adjacent to the western side boundary, which forms the return frontage and road of Campbell Croft. The single storey component abuts the eastern side boundary and runs for the whole width of the dwelling, while the double storey component is set 3.6 metres off that boundary.

The Council's Residential Design Guidance SPD 2013 advises that rear extensions should be subordinate features to the existing dwelling and should be constructed with materials which are in keeping with the rest of the building.

The proposal at the host property is for a single and double storey extension that is subordinate to the existing dwelling in overall roof height and the extension keeps within the setbacks of the existing side walls, continuing the same roof pitch as the existing dwelling.

The rear wall of the existing dwelling is in mostly original condition but comprises of an old single storey 'L' shaped kitchen addition of unknown age, adjacent to the western side boundary and secondary frontage. The proposed single storey components measure 4.5 metres in depth off the existing rear wall of the dwelling and 1.8 metres off the protruding kitchen ground floor addition, adjacent to the western side boundary. The proposed rear wall of the single storey additions will form a straight line and measure the whole width of the dwelling. The single storey component comprises of a flat roof 3 metres high.

The first floor addition is proposed to extend out over the ground floor kitchen protrusion and then sideways towards the eastern side boundary abutting 15 Purcells Avenue. The first floor addition will be setback a minimum of 3.6 metres from the boundary with 15 Purcells Avenue and will share the same setback to the return frontage as the existing ground floor walls. The first floor addition proposes a pitched roof of the same angle as the existing roof and will be set below the existing roof ridges. The first floor addition comprises of a new ensuite abutting the existing bathroom and the existing ensuite to the master bedroom will be extended on the first floor.

Overall, the extensions are subordinate to the existing dwelling and are only located at the rear of the dwelling. The additions also continue the same roof pitches and use of building materials. Therefore, the extensions at the host property are considered to be an acceptable addition to the dwellinghouse in accordance with the Council's SPD.

Impact on neighbouring amenity

The subject dwelling abuts Campbell Croft on the western side and shares the eastern boundary with the semi-detached neighbouring dwelling at 15 Purcells Avenue.

The neighbour at no.15 already has a single storey rear extension, which is a similar depth to the rear extension proposed. It is noted that the plans submitted by the applicant show the neighbour's extension matching the proposed extension at 4.5 metres deep, when it is in fact 4 metres deep. This 0.5 metre inaccuracy on the plans does not alter the overall position of the Planning Department with regard to the merits of the proposed extension. The neighbour's extension has both a flat and pitched roof, which is of a similar height to the 3 metre high flat roof extension proposed. Dense vegetation exists along the shared boundary with no.15 in the form of a high hedge.

The first floor extension is situated closest to the western boundary and Campbell Croft, not the neighbour at no. 15. The first floor extension only projects 3 metres out into the rear garden from the existing first floor rear wall and will be setback not less than 3.6 metres to the boundary with no. 15. As this neighbour and the subject site both share deep, south facing rear gardens and the first floor extension will be no less than 3.6 metres away from their boundary to the west and only 3 metres deep, it is considered that the proposed extensions will have negligible effects on this neighbour. There will be no harmful visual bulk effects or sense of enclosure or detrimental overshadowing to this neighbour, only late in the day some minor overshadowing of the garden will occur when the sun is in the west, which is considered acceptable in terms of reasonable anticipated development impacts from adjoining sites.

The development is not considered to adversely affect the garden amenity of the neighbouring occupier; it is not considered to have an adverse impact on creating a sense of enclosure or loss of natural light to the neighbouring and is not considered to appear overbearing or visually intrusive on the neighbour. Overall, the proposed extension is considered to have satisfied the requirements of the Residential Guidance SPD. Therefore, the development is considered not to impact the neighbours to an extent that would warrant a reason for refusal.

5.4 Response to Public Consultation

- Loss of natural light -

As detailed in the main assessment of this report, the extensions do not extend deeper into the rear garden than the closest neighbour at 15 Purcells Avenue and are of a similar overall height at 3 metres. The second storey component is setback a considerable distance of 3.6 metres to the boundary with no. 15 and will only project 2.7 metres into the rear garden, allowing for ample natural light access during most daylight hours. Any loss of natural light will be negligible, therefore the development is considered acceptable.

- Inaccuracy of submitted plans -

The plans are considered accurate for a detailed and effective planning assessment to be made. Any potential boundary disputes are a civil matter and need to be dealt with outside of Council's planning assessment.

- Encroachment into adjoining allotment-

As detailed above, the plans are considered accurate for a proper planning assessment and no clear inaccuracies exist. The initial plans showed the single storey party wall straddling the boundary with no.15 in the extension and amended plans have since been received showing the extension wholly inside the subject site. Boundary alignment and positioning is a civil matter though and needs to be dealt with privately.

- Overshadowing on neighbouring occupiers-

As detailed above, negligible overshadowing at the end of the day will result from the extension and there will be minimal impacts to the neighbour. The development is considered acceptable in this respect.

- A sense of enclosure from the development-

The development is solely located at the rear of the site and has both a low overall height where it abuts the closest neighbour and the second storey component is situated a considerable distance away from the shared boundary. The subject site and adjoining neighbour both have south facing rear gardens and will continue to receive ample natural light. No tangible sense of enclosure is considered to result from this development.

- Over development of the site-

The rear gardens are deep on both the subject site and the closest neighbour's site and the subject development is lower and subordinate to the existing dwelling. The single storey component of the extension matches the setback distance of the existing rear extension at no.15. No extra habitable rooms are being created. The development is therefore not considered to be an overdevelopment of the site.

- Excessive number of habitable rooms in dwelling-

As stated above, no new rooms are being created in this development at either floor level. The development is simply an expansion of the existing rooms, being the ground floor living, kitchen and utility areas at the rear and on the first floor; just the addition of an ensuite bathroom to one bedroom, the expansion of that bedroom and the expansion of the mater bedroom's ensuite.

- Development is out of character for the area-

The development is not considered to be out of character with the area as extensions of similar depth are present in the locality. The next door neighbour at no. 15 already has an extension of similar depth. The same roof form and materials will be used, helping the proposal to compliment the appearance of the existing dwelling.

- Poor precedent set by having a large addition at rear-

As detailed above, the extension matches the depth of similar extensions in the locality. The first floor component is situated further from the neighbour than the ground floor and only projects an additional 3 metres out from the rear wall of the dwelling. The first floor addition has a lower roof height and is subordinate to the existing dwelling. The materials used in this extension and the roof pitch proposed are complimentary to the existing dwelling.

Every planning application received must be assessed on its own individual merits, not potentially reinforcing previous poor planning decisions. Overall, the additions are not considered to be overly large or a negative development precedent for the locality.

6. Equality and Diversity Issues

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

"(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;

(b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;

(c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

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

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

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

Neighbouring residents have raised the concern of the impact of the proposals on a disabled resident. Disabled residents could be more affected by loss of light or outlook from windows. The proposed extension would only extend 0.5m beyond the rear wall of no.15 as extended. In this way it is not considered that the proposals could harm the amenities of the disabled resident, and as such supporting the proposal would not discriminate against a resident with protected characteristic.

Furthermore, construction works associated with a rear extension of this size are unlikely to be extensive, however a condition is suggested to restrict hours of use to minimise disturbance.

With the conditions recommended the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, 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 **145 Station Road Edgware HA8 7JS**

Reference: **16/2101/FUL**

Received: 1st April 2016

Accepted: 1st April 2016

Ward: Edgware

Expiry 27th May 2016

Applicant: Mr John Sneddon

Proposal: Change of use of beauty salon (sui generis) to estate agents on ground floor with ancillary uses on part first floor

AGENDA ITEM 14

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
P1 - Proposed Floor Plans

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 premises shall be used for A2 (financial and professional services) and for no other purpose 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.

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located at 145 Station Road, Edgware HA8 7JS.

The application site comprises the bottom two storeys of a three storey terrace building, which contains an existing vacant beauty salon (sui generis) and associated offices at ground floor, and further ancillary offices and residential flat situated at first floor.

The property is situated within the Primary Retail Frontage Area. It is not situated within a conservation area or subject to any other planning restrictions.

2. Site History

Reference: 15/07540/PNO

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Prior Approval Process not Applicable

Decision Date: 4 February 2016

Description: Change of use from office (Class B1) to residential (Class C3) to provide 1 residential unit.

Reference: C02636B/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approved, Subject to conditions

Decision Date: 27/11/2013

Description: Part single, part two-storey rear extension.

Reference: C02636A/03

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Refuse

Decision Date: 30.06.2003

Description: Two storey rear extension.

Reference: W07799E/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 11.09.2000

Description: Illuminated fascia and projecting signs.

Reference: W07799D/00

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 08.09.2000

Description: Installation of new shopfront.

Reference: W07799C/99

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 24.01.2000

Description: Change of use from retail shop (A1) to financial and professional services (A2).

Reference: W07799B

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 26/01/1994

Description: Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon.

Reference: W07799A

Address: 145 Station Road, Edgware, HA8 7JS

Decision: Approve subject to conditions.

Decision Date: 1987

Description: New Shopfront.

3. Proposal

The application seeks approval to replace the existing Beauty Salon (sui generis use) with an estate agents (A2 use) occupying the ground and first floors.

4. Public Consultation

Consultation letters were sent to 110 neighbouring properties.

6 objections were received during the public consultation period. A summary of the concerns raised is as follows:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM11, DM12.

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. Policies DM11 and DM12 outline that council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability, and will generally protect all retail uses (Class A1) in the existing local centres, parades and isolated shops.

Supplementary Planning Documents

Design Guidance Note 10: Shopfronts 1996

- This guidance sets down a number of principles of good design to ensure the quality of the shopping parade or centre generally.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the change of use would harm the vitality or viability of the Edgware Town Centre.
- Whether the change of use would harm neighbouring amenity.

5.3 Assessment of proposals

1. Whether the change of use would harm the vitality or viability of the Edgware Town Centre.

Whilst the subject premises is currently vacant, its previously existing and approved use was as a Beauty Salon and associated offices at ground floor, with further ancillary offices and a separate residential flat situated at first floor. The previous primary use as a beauty salon is considered in the view of the officer to be lawful on the basis of the previous approval granted in 1994, application reference W07799B, for a 'Change of use of ground floor, mezzanine floor and part of first floor from retail shop to combined use of sale of beauty products and beauty salon'. Ongoing use of the premises primarily as a beauty salon since its initial approval in 1994 has been confirmed through photographic evidence

provided by the applicant showing the application site in use for this purpose in 2015. Further photographic evidence exists in Council's files for application reference W07799D/00, showing the premises occupied by a beauty salon during a site visit undertaken in September 2000.

A beauty salon is a Sui Generis use, as it is not assigned to a specific use class under the Town and Country Planning (Use Classes) Order 1987 (as amended).

In determining the appropriateness of the proposed change of use with respect to the viability and vitality of the Edgware Town Centre, consideration must be given to Policy DM11 of the Development Management Policies, which states:

'A development proposal which reduces the combined proportion of class A1 retail use at ground floor level (including vacant) in the primary frontage below 75% will not be permitted. The proposal should not create an over-concentration of similar uses which detracts from the retail function of the town centre.'

With respect to these policies, it is not considered that the proposed change of land use from beauty salon (sui generis) to an estate agents (A2) will result in any reduction or alteration to the proportion of A1 uses which are present in the Edgware Primary Retail Frontage. This is due to the fact that the existing use is not an A1 use.

With respect to the prevalence of A2 uses within the primary retail frontage, it is noted that the most recently available use survey data, notes that A2 uses comprised approximately 16% of the total mix of uses within the Edgware Primary Retail Frontage at that time, as compared with 66% of premises that were classed as A1 use and 2% which were Sui Generis use. On this basis, it is not considered that there is an overabundance of A2 uses within the primary retail frontage. Furthermore, the proposed change of land use from Sui Generis to A2 will have no impact on the number of existing A1 tenancies which remain in the area, and will not result in any significant increase in the prevalence of A2 tenancies within the primary retail frontage. The application site is surrounded by a mixture of uses including opticians, print works, phone repair store and Nando's restaurant, subsequently it is considered that there remains an appropriate mix of commercial uses in the immediate area and the proposed change of use will not result in a clustering or overcrowding of A2 land uses in the immediate vicinity.

It is acknowledged that the existing use of the premises as a beauty salon did incorporate a minor retail use though the ancillary sale of beauty products. However, such use represented only a minor and ancillary element to the approved primary sui generis use of the premises as a beauty salon. Subsequently the loss of this minor retail element is considered to be inconsequential.

On this basis, it is not considered that the proposed change of land use would not harm the vitality or viability of the Edgware Town Centre, or undermine the existing mix of land uses. An A2 use is considered a generally appropriate use within the Primary Retail Frontage.

2. Whether the change of use would harm neighbouring amenity.

The proposed use of the premises as an estate agent (A2 use) is not considered to result in undue harm to the amenity of neighbouring occupiers, when consideration is given to the commercial nature of adjoining ground floor tenancies fronting Station Road which is an identified Primary Retail Frontage. The nature of an estate agents is primarily office based work, and does not involve activities which are likely to result in undue noise, vibration, fumes, traffic generation or unsociable hours of operation. It is therefore not considered that there will be any adverse impact on the living conditions of residents within the residential flat situated on the upper floors of the building in which the tenancy is located, or to surrounding retail and commercial tenancies.

There is not considered to be any resulting highways impact from the proposed development.

Subsequent to the above, it is not considered that the proposed change of land use would harm neighbouring amenity, it is therefore recommended for approval on this basis.

5.4 Response to Public Consultation

The following concerns were raised during the public consultation process:

- There are too many estate agents in the immediate area;
- There should be a range of offerings on the main street to attract people into the area;
- There needs to be more retail shops in the area.

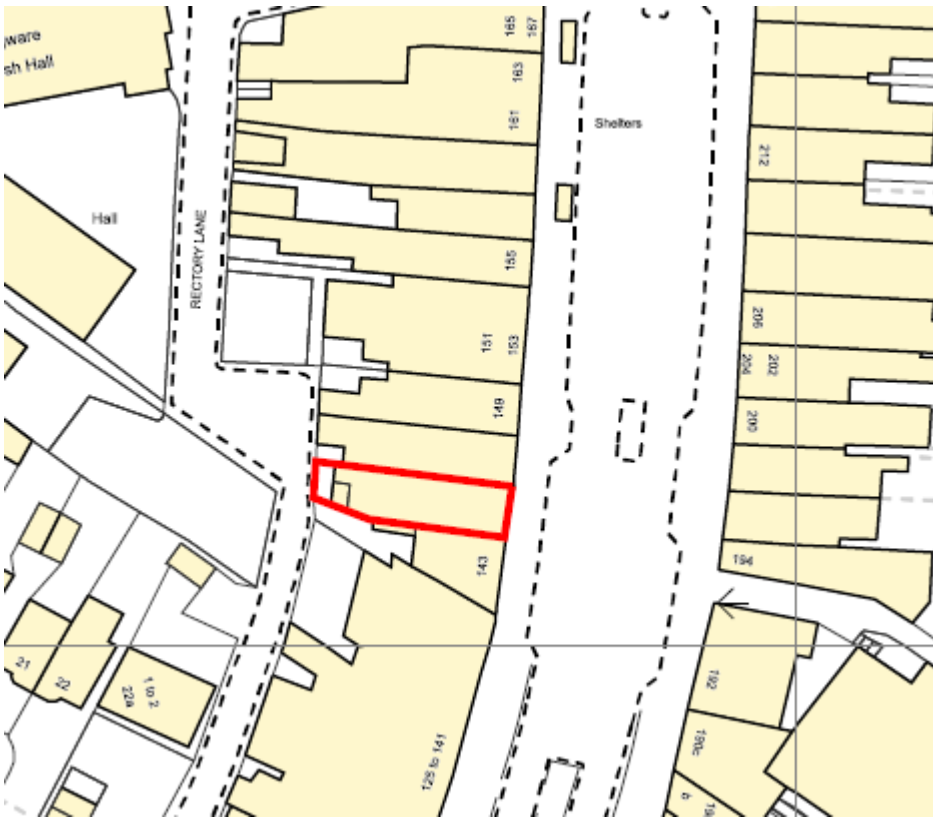
These concerns relate to land use mix within the Primary Retail Frontage of Station Road, are addressed within the body of this report. It is noted that commercial competition is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would not harm the vitality or viability of the Edgware Town Centre. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



Location 71 Vivian Avenue London NW4 3XE

Reference: 16/1744/FUL

Received: 17th March 2016

Accepted: 4th April 2016

Ward: West Hendon

Expiry 30th May 2016

Applicant: Ms B. Friedman

Proposal: Conversion of the building into 7no. self-contained flats following a part single, part two-storey rear extension and first floor side extension. Extension to roof including a new mansard with dormer windows to all elevation roof and conversion of existing garage into a habitable space. Construction of basement with rear, front and side lightwells

AGENDA ITEM 15

Recommendation: Approve subject to conditions

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

Site Location Plan; 71VA-PP5-01; 71VA-PP5-03 Rev CD

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

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

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

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of

any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

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

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

- 6 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).

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

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

- 8 Before the development hereby permitted is occupied, the existing parking shall be retained in accordance with the submitted planning application. 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 The approved development shall make provision for cycle parking spaces in accordance with London Plan Cycle Parking Standards. Details of such spaces shall be submitted to and approved by the Local Planning Authority and provided prior to first occupation and retained thereafter.

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

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

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

- 13 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.

14 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

15 Before the building hereby permitted is first occupied the proposed window(s) in the first and second floor flank elevations facing 69 and 73 Vivian 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).

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals,

focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

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

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

4 In case any changes are proposed to the existing vehicle access or new access is proposed from public highway then the applicant must submit an application under Section 278 of the Highways Act (1980). The proposed access design details, construction and location will be reviewed by the Development Team as part of the

vehicle access application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant. Any redundant crossovers will be reinstated to footway level.

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

- 5 Any highway approval as part of the planning process for the provision of a new access or alteration to an existing access is subject to detailed survey and site investigation by the Highway Authority as part of the application for access/crossover under Highways Act 1980. The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- 6 The applicant is advised that Vivian Avenue is 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 Environment and Operations Directorate should be consulted in this respect.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwelling house located on Vivian Avenue, close to its junction with Sevington Road. Vivian Avenue is a residential street with a varied and mixed typography of housing; it lies within the West Hendon ward of the South area.

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

2. Site History

Reference: 14/07466/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2014

Description: Single storey rear extension with a proposed depth of 7.450 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/00299/HSE

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Part single, part two storey rear extension. First floor side extension

Reference: 15/03894/FUL

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Approved subject to conditions

Decision Date: 22 September 2015

Description: Part single, part two storey rear extension. First floor side extension.

Conversion of existing garage into a study. Construction of basement with rear, front and side lightwells

3. Proposal

This application seeks consent for the conversion of the building into 7no. self-contained flats following a part single, part two-storey rear extension and first floor side extension. Extension to roof including a new mansard with dormer windows to all elevation roof and conversion of existing garage into a habitable space. Construction of basement with rear, front and side lightwells.

4. Public Consultation

83 consultation letters were sent to neighbouring properties.

16 objections have been received

The views of objectors can be summarised as follows;

- Flats out of character
- Loss of trees
- Impact on parking and congestion
- Noise impact of flats

- Dangerous precedent
- Loss of light and privacy
- Sunridge Court opposite is not flats but a care home

Internal / other consultations

Highways: No objection 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Principle of development

The proposal seeks to sub-divide the previously approved redeveloped site into nine self-contained flats. Recent previous schemes (references 15/00299/HSE and 15/03894/FUL) gave consent for very similar extensions as sought under this application.

It should be noted that this part of Vivian Avenue is characterised by a variety of semi-detached single family dwellings and flatted development. Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. From an assessment on

site, council tax records and planning history it appears that self-contained units exist in the area.

The number of overall units has been reduced from nine to seven to lessen the impact of the development on neighbouring occupiers, and given the majority of the proposed units are single occupancy it can be considered that the proposed development is similar in density to a large five bedroom house.

Furthermore, it is considered that given the site is located close to the primary retail frontage of Vivian Avenue in Hendon affording good transport links, and the Highways department have raised no objection to the proposals, the scheme is on balance considered to be able to accommodate seven self-contained units.

The proposal is therefore considered to be acceptable and in line with the established character of the area. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would be in line with Policy DM01.

Extensions and alterations

As noted above the extensions proposed under this application are similar in design, scale and form to those approved under previous applications (reference: 15/03894/FUL as well as 15/00299/HSE).

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

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

The rear extensions, first floor side extension and garage conversion have recently been granted planning permission at committee level (ref: 15/00299/HSE and 15/03894/FUL).

The differences from the approved schemes include the addition of rooflights and dormer windows to the existing roofscape. It was also originally proposed to create a crown roof development, however, this has now been amended to show a more traditional roof design which is more similar to the roof forms found in the vicinity.

Amenity of neighbouring occupiers

The form, scale and bulk of the proposed extension is the same as was given consent at Committee under the previously approved schemes detailed above.

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance the development will have on the visual character and appearance of the area, as well the impact on the amenity of neighbouring occupiers.

Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation and amenity space:

Internal floor areas

Flat 1 (2b3p) 72.8 m²
Flat 2 (1b2p) 58.5 m²
Flat 3 (1b1p) 43.7 m²
Flat 4 (1b1p) 37.1 m²
Flat 5 (1b1p) 44.8 m²
Flat 6 (1b1p) 56.4 m²
Flat 7 (1b1p) 40.4 m²

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

Looking specifically at the lower ground floor units proposed; Unit 1 shows its entire amenity space provided via a large lightwell feature at lower ground level. Given the site's change in levels to the rear where they drop away, this lightwell feature would not be totally underground and the occupiers of this unit would be afforded adequate light and outlook to and from their amenity area, as such it is considered that on balance this unit would provide an acceptable level of amenity for future occupiers.

In regards to Unit 2, this unit is proposed to be a duplex unit split over two levels; lower ground and ground floor, and therefore whilst the outlook at lower ground floor level may be limited the appropriate amount of light and outlook would be afforded at ground floor level. This unit would also benefit from easy access into the communal garden at the rear of the site. On balance it is considered that Unit 2 would provide an acceptable level of amenity for future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to provide the units in the basement with lightwells as additional amenity to the communal garden. Flat 1 which is proposed to be contained within the basement would have a large lightwell of 28.9m², and Flat 2 would be provided with 4.2m². The rear garden would be used communally by all residents and has an area of approximately 250m² exceeding the requirements.

An existing outbuilding would be retained for use as a gym for all residents of the property.

An appropriate area for the storage of recycling and refuse bins has been provided for each new dwelling at the front of the site. This is considered to be acceptable. No details of the proposed enclosures have been provided at this stage and therefore a condition requiring these details is required.

The site has a very high PTAL rating of 5 and is located within a controlled parking zone. The proposed development offers two parking spaces to serve the units. The parking spaces would be provided for the ground floor units. Highways officers have reviewed the scheme and raise no objection to the proposals subject to the attached conditions and informatives.

5.4 Response to Public Consultation

The concerns raised are noted and largely addressed in the above report.

In regard to the proposed flats being out of character this statement is disputed as there are other flatted developments within the immediate vicinity. It is therefore considered that there is a precedent for flats in the area. The road is also close to Hendon town centre.

The concerns raised regarding the potential loss of trees at the application site is noted and a condition requiring details of the proposed hard and soft landscaping features is applied to this consent.

The concerns raised regarding the impact of the proposed development on parking and congestion have been noted, however, the highways department have reviewed the proposals and how they impact upon the public highway and raise no objection subject to the imposition of conditions and informatives.

That the proposed development may result in a loss of light and privacy has been assessed under previous applications which were decided at Committee level. Given the extensions were approved previously by Members it is not considered that they do give rise to any loss of light or privacy.

The comment that Sunridge Court opposite is not flats but a care home is noted.

The concerns raised that the proposed development is too intensive for the site is noted and addressed previously; it is considered that given the size of the approved extended property which could easily accommodate upwards of five occupiers, this scheme which has been reduced in number of units from nine to seven, of which five of the seven would be single occupancy would not see a significant or detrimental increase in the potential number of future occupiers.

The concerns raised that it is the aim of the developer to convert the property into an HMO are noted and a condition is suggested that prevents the developer from carrying out this change to the self-contained units.

The concerns raised that the proposed amendment to the roof is still unacceptable is noted. However, officers consider the amended roof form to better reflect the existing styles found in the area.

In regards to the site having insufficient amenity space the scheme has been reviewed and the amount of private amenity provided to the rear of the site is in line with both the London Plan and the Council's guidance.

It is noted that the garage conversion was approved on the previous application and noted within the report despite the comment made by an objector. It should be noted that the

conversion of garages into habitable rooms does not require formal planning consent to single family dwelling houses as it is considered to be a permitted development,

The plans have been amended to include the large outbuilding at rear of the site, which is proposed to be used as a gym facility for the future occupiers of the proposed development.

The concerns raised that the scheme has a detrimental impact on biodiversity due to land clearance is noted but the clearance of the garden does not require planning permission

The concern that a new crossover may be necessary is noted. However, the Highways department have not raised any concern to the proposed development on Highways grounds.

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

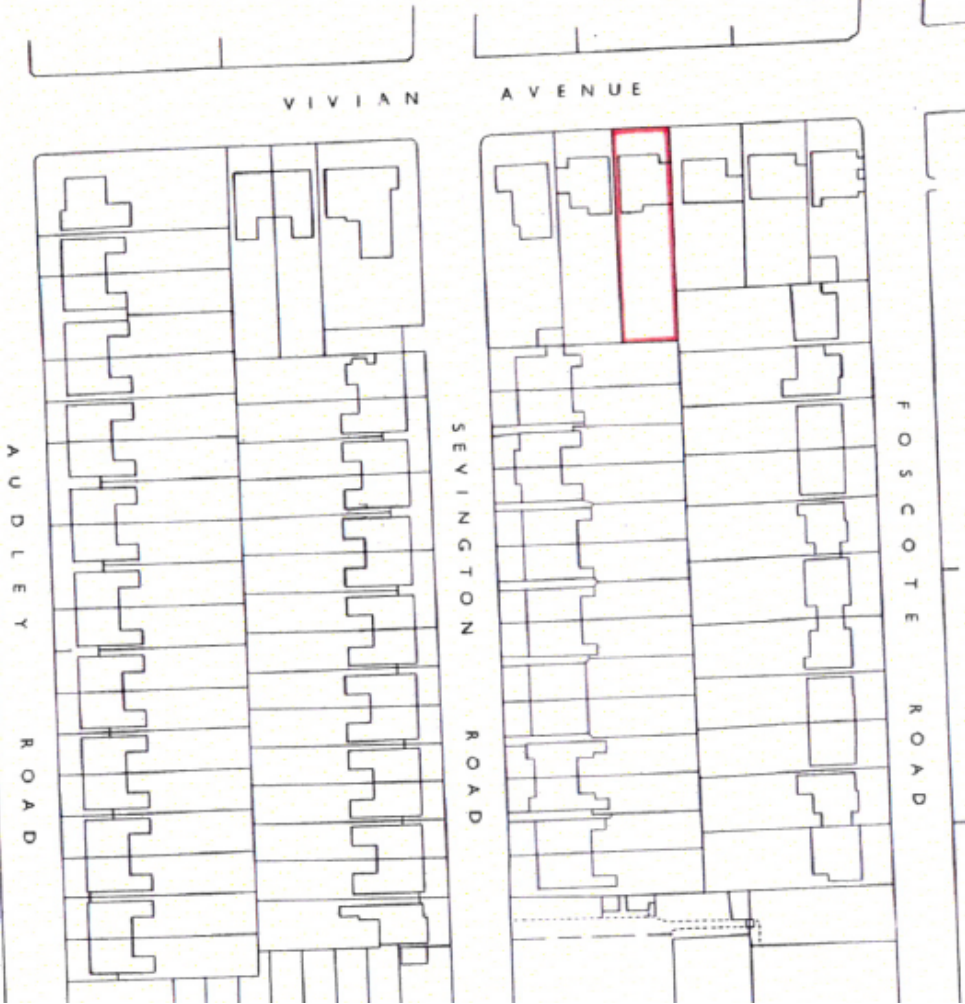
Having taken all material considerations into account, it is considered that the proposed extensions to and conversion of the existing single family dwelling into self-contained flats would be an acceptable development which would have an acceptable impact on the character and appearance of the application 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.

HENDON PARISH



NW
SW

NE
SE



This page is intentionally left blank