

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 13TH OCTOBER, 2016

AT 7.00 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 LLB

Councillors

Claire Farrier Gill Sargeant Hugh Rayner
Sury Khatri Agnes Slocombe

Substitute Members

Tom Davey Val Duschinsky Helena Hart
Dr Devra Kay Charlie O-Macauley Mark Shooter
Zakia Zubairi

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

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

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	5 - 8
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary and Non-Pecuniary Interests (if any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Hendon Ward	
6.	14 - 16 West Avenue Hendon London NW4 2LJ - 16/5013/FUL	9 - 18
	Edgware Ward	
7.	5 Pipers Green Lane Edgware HA8 8DG - 16/5134/FUL	19 - 36
	Mill Hill Ward	
8.	14 Marion Road Mill Hill London NW7 4AN - 16/1940/FUL	37 - 50
9.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

20 September 2016

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)
Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Hugh Rayner

Councillor Agnes Slocombe
Councillor Val Duschinsky
Councillor Zakia Zubari

1. MINUTES

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Sargeant who was substituted by Councillor Zubari, and Councillor Khatri who was called away at short notice on Deputy Mayoral duties and was substituted by Councillor Duschinsky.

The running order of the agenda was changed at the meeting and is recorded as such in these minutes.

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

Councillors Braun, Gordon and Duschinsky	Item 7 Vivian Avenue	All declared a non-disclosable pecuniary interest in relation to the Applicant's planning agent Mr Oliver Hazal, who was engaged as election agent for both councillors. The Councillors declared they would participate in the discussion and vote on the item.
Councillor Raynor	Item 7 Vivian Avenue	A non-disclosable pecuniary interest was declared in relation to the Applicant's planning agent Mr Oliver Hazal who was engaged as the Councillor's election agent. Councillor Raynor stated that although he had been approached by Mr Hazal in relation to the application he had not expressed an opinion on the application or entered into a discussion with Mr Hazal regarding the application. Councillor Raynor declared that he will participate in discussion and vote on the item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. HIGHVIEW HOUSE 6 QUEENS ROAD LONDON NW4 2TH - PARTIAL CONVERSION OF LOWER GROUND FLOOR INTO 1 NO. SELF-CONTAINED RESIDENTIAL FLAT

The committee considered the officer's report and addendum and discussed the issues.

Committee **RESOLVED**: to **Approve** the application subject to conditions.

The decision was unanimous.

6. 46 ST MARYS CRESCENT LONDON NW4 4LH - THE VERTICAL SUB-DIVISION OF THE EXISTING HOUSE TO FORM 2 NO. 3-BED HOUSES

Following the officer's presentation which included the addendum, the Committee considered the officer's report and discussed the issues.

Committee **RESOLVED** to **Approve** the planning application with conditions.

The decision was unanimous.

7. 71 VIVIAN AVENUE LONDON NW4 3XE - CONVERSION OF THE BUILDING INTO 7NO. SELF CONTAINED FLATS FOLLOWING A PART SINGLE, PART TWO-STORY REAR EXTENSION AND FIRST FLOOR SIDE EXTENSION. EXTENSION TO ROOF INCLUDING DORMER WINDOWS TO SIDE AND REAR ELEVATIONS AND ROOFLIGHT WINDOW TO FRONT. CONVERSION OF EXISTING GARAGE INTO A HABITABLE SPACE

Committee received the officer's presentation which included the addendum which corrected to the application description and made reference to further objections to the application. Oral representations were heard from Ms McHale objecting to the application and Mr Novruzaj, from a member of the agent's project team in support of the application.

Committee considered the report and discussed the issues.

Committee **RESOLVED** to **Approve** the planning application with conditions.

Votes were as follows:-

For	4
Against	3
Abstain	0

8. 10 WEST AVENUE NW4 - CONVERSION OF SINGLE FAMILY DWELLING INTO 2NO SELF-CONTAINED FLATS. NEW BICYCLE SHED AT THE REAR

Committee received the officer's presentation and addendum. A representation from the Applicant Mrs Rivlin, was also heard. Following this the Committee considered and discussed the issues.

Committee **RESOLVED** to **Refuse** the planning application for the reasons outlined in the officers report and addendum which amended Reason for Refusal 2 as follows:

The internal floor area of the upper floor flat fails to meet minimum internal floor space requirements **and adequate headroom within the second floor loft**. As such, the proposal would fail to provide a satisfactory standard of accommodation for the existing and the future occupiers of these units, being contrary to Policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2013) and the Adopted Residential Design Guidance SPD (2013).

Votes were as follows:-

For (officer recommendation)	5
Against	1
Abstain	1

9. 145 STATION ROAD EDGWARE HA8 7JS - CHANGE OF USE OF BEAUTY SALON (SUI GENERIS) TO ESTATE AGENTS ON GROUND FLOOR WITH ANCILLARY USES ON PART FIRST FLOOR

Following the officer's presentation, the Committee considered the report and discussed the issues.

Committee **RESOLVED** to **Approve** the planning application.

The decision was unanimous.

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

The meeting finished at 8.40 pm

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Location 14 - 16 West Avenue London NW4 2LJ

Reference: 16/5013/FUL

Received: 28th July 2016

Accepted: 28th July 2016

Ward: Hendon

Expiry 22nd September 2016

Applicant: Mr M Markovits

Proposal: Demolition of existing two storey building and construction of new two storey building with basement level and rooms in roofspace to provide 4 no. self-contained flats. Associated amenity space, cycle and refuse storage and off-street parking

AGENDA ITEM 6

Recommendation: Refuse

- 1 The conversion of the property into four self-contained flats would result in the loss of a single family dwellinghouse which would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).
- 2 The proposed development, by reason of its high density would result in an over development of the site failing to respect the established character of the area contrary to Policy 3.4 of the London Plan (2015), Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012).
- 3 The proposed development by reason of its lack of outlook for future occupiers of the basement flat would be harmful to the residential amenity of future occupiers, contrary to policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policy DM01 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Residential Design Guide Supplementary Planning Document (Adopted 2012).

Informative(s):

1 The plans accompanying this application are:

Site Location Plan; 01; 02; 03; 04; 05; 06; 07; 08; 09; 10; 11; 12; 13; 14

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

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

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; failure to provide such information at the due date will incur both surcharges and penalty interest. There are various

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the southern side of West Avenue in the Hendon ward. The site comprises of a pair of semi-detached, two-storey dwelling houses that have been converted to a single house; this is unusual within the street.

The area is predominantly residential in character. The site holds no specific designation and is not located within a Conservation Area.

2. Site History

15/03195/FUL - Demolition of existing dwelling and erection of new two storey dwelling providing 5 no. self-contained flats with associated parking and amenity space. WITHDRAWN (04.08.2015)

W06281A - Single Storey Front Extension - Approved - 10/04/1990

W06281B - Roof extension with dormer windows at front,sides and rear. - Approved - 22/05/1990

10 West Avenue

H/01969/12 - Single storey rear extension. Alterations to the front including a new access door. New bicycle shed at the rear and associated works to facilitate a conversion of single family dwellinghouse to 2no. self-contained flats. - Refused - 23.11.2012

3. Proposal

This application seeks consent for the demolition of 14 and 16 West Avenue and erection of two storey building with basement level and rooms in roofspace to facilitate 4 no. self-contained flats. Associated amenity space, refuse storage and 4 no. parking spaces.

The site is located in a suburban area and is located in an area of PTAL rating 3. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 90 units / hectare. Any development would need to provide an appropriate mix of dwelling sizes in accordance with policy DM08.

The proposed new dwelling would measure 14.5m in width, 9.5m in height and have a proposed depth of approximately 14.5m. The replacement building would be closely sited to both boundaries with a gap of 1m to the side adjacent with 12 West Avenue and approximately 0.8m to the side adjacent with 18 West Avenue.

4. Public Consultation

This application has been called in by Councillor Anthony Finn.

72 consultation letters were sent to neighbouring properties.

7 responses have been received; comprising 3 letters of objection and 4 letters of support

The views of objectors can be summarised as follows;

- loss of light
- loss of privacy

- noise and disturbance
- replacement building out of scale
- out of character
- dangerous precedent
- increased parking
- increases congestion
- will make area unpleasant place to live

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

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

Barnet's Local Plan (2012)

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

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

- 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 self-contained units

Policy DM01 states that the loss of houses in roads characterised by houses will not normally be appropriate. It also states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.'

It is noteworthy that the principle of flats on this part of West Avenue has also been rejected at appeal on a neighbouring site (10 West Avenue). Assessing the context of the area, the Council considers that the predominant character of West Avenue is that of single family dwellinghouses, which is confirmed by a search of the Council Tax records. It is noted that there are two properties (nos. 3 and 7) which are registered as flats, however,

they are a minority and there is no record of planning permission being granted for these properties. This was a view which was shared by the appeal inspector who stated:

"Notwithstanding the differences in the parties' perception of the character of West Avenue, there is no doubt in my mind that it is a 'road characterised by houses' for the purposes of criteria (h) and (i) of policy DM01. The building forms part of a uniform frontage of inter-war style suburban properties, the majority of which appear to be single family dwellings."

The proposed creation of a new flatted development would be in conflict with the established character of this street and the loss of a single family dwelling would be contrary to policy DM01.

The applicant has highlighted examples of flatted development on Green Lane and The Approach. However the policy is clear that it relates to the road in question. Green Lane in particular is very different in character in that it is a much bigger, wider road and has more of a mixed character.

It is therefore considered that the proposals would be contrary to policy DM01 in that they would result in the loss of a single family dwellinghouse on a road which is characterised by single family dwellings.

Design of new development

It is proposed to demolish the existing property covering 14- 16 West Avenue and erect a new two storey residential building with rooms in the roofspace and basement accommodation to provide four self-contained flats.

Ignoring the in principle objection to a flatted development in this location we shall look at the design of the proposed development.

The proposed new development has been designed to replicate the design of the existing pair of properties, albeit with larger extensions to the rear and the addition of basement accommodation.

At ground floor the extensions provide under 3m depth of additional accommodation, and at first floor, although the proposed extension is proposed to project an additional 3m depth this is confined to the central area of the resultant property thereby ensuring the extensions are not overbearing or out of character and in line with design guidance which requires extensions at first floor to provide a gap of 2m to the boundary; the proposals in this case show a gap of 4m thereby exceeding this requirement.

It is considered that the proposed dormer windows to all elevations appear too large and create a cramped and overbearing appearance to the roof scape. The proposed dormer windows to the front of the site would measure 2.8m width by 1.8m height and the dormer window to the rear would measure 5.6m width in width with a proposed height of 2m above the proposed balcony. These dormer windows do not meet the requirement of the adopted Design Guidance, which stipulates that; "Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope." Whilst there is no objection to the provision of dormer windows in principle they are unacceptable due to their size in this application. This is exacerbated by the bulky nature of the proposed development and crown roof form which results in a poorly designed block that fails to respect the established character of the street.

Amenity of future occupiers

The proposed units comply with the minimum floor area standards in accordance with the London Plan 2015 and Barnet's SPD Sustainable Design and Construction.

The four flats are provided as duplex units with A and B covering the basement and ground floor areas, and C and D covering the first and second floors. They all exceed the minimum gross internal area for a two bedroom unit.

Units A & B (basement and ground floor) 4b8p - 191 sqm

Units C & D (first and second floors) 4b8p - 125 sqm.

The proposed conversion shows the basement / ground floor units having direct access to a rear terrace and lightwell, as well as access into the communal rear garden. The units which are spread over first and second floors would be provided with a smaller terrace each and access into the communal rear garden through a side access.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. Whilst specific figures have not been provided to demonstrate the amount of private amenity space to each unit, given the ground floor units do have direct access to a private area as well as the communal garden to the rear, and given the size of the proposed units, it is considered that the amenity space provision is acceptable. In regard to the proposed terraces at first and second floor, if the scheme was acceptable overall privacy screens would need to be provided to ensure the lower terraces are not overlooked by the upper terraces, thereby reducing their amenity.

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 proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the site, and both units are provided with bike stores within the rear garden. This is considered to be acceptable. However, as no detail of the necessary enclosures have been provided this would be required through condition if the application was otherwise acceptable.

The proposed development offers four off-street parking spaces; one for each of the units. This meets the Highways requirements of one to one and half parking spaces per unit, and therefore the proposed development is considered to be acceptable on these grounds.

Impact on neighbouring occupiers

There is concern that the development would result in a harmful level of noise and disturbance to neighbouring occupiers due to associated activity and comings and goings from the use and use of the garden areas. Four families in the building are likely to generate a greater amount of noise and disturbance than one, through associated general activity such as vehicular and pedestrian activity, noise from open windows, and use of amenity areas.

The proposed building would appear to be unlikely to harm neighbouring visual amenity given its siting and the fact that the increased footprint of the building is largely confined to the centre of the property.

5.4 Response to Public Consultation

The concerns raised are noted and the application is recommended for refusal. All planning matters are covered in the above report.

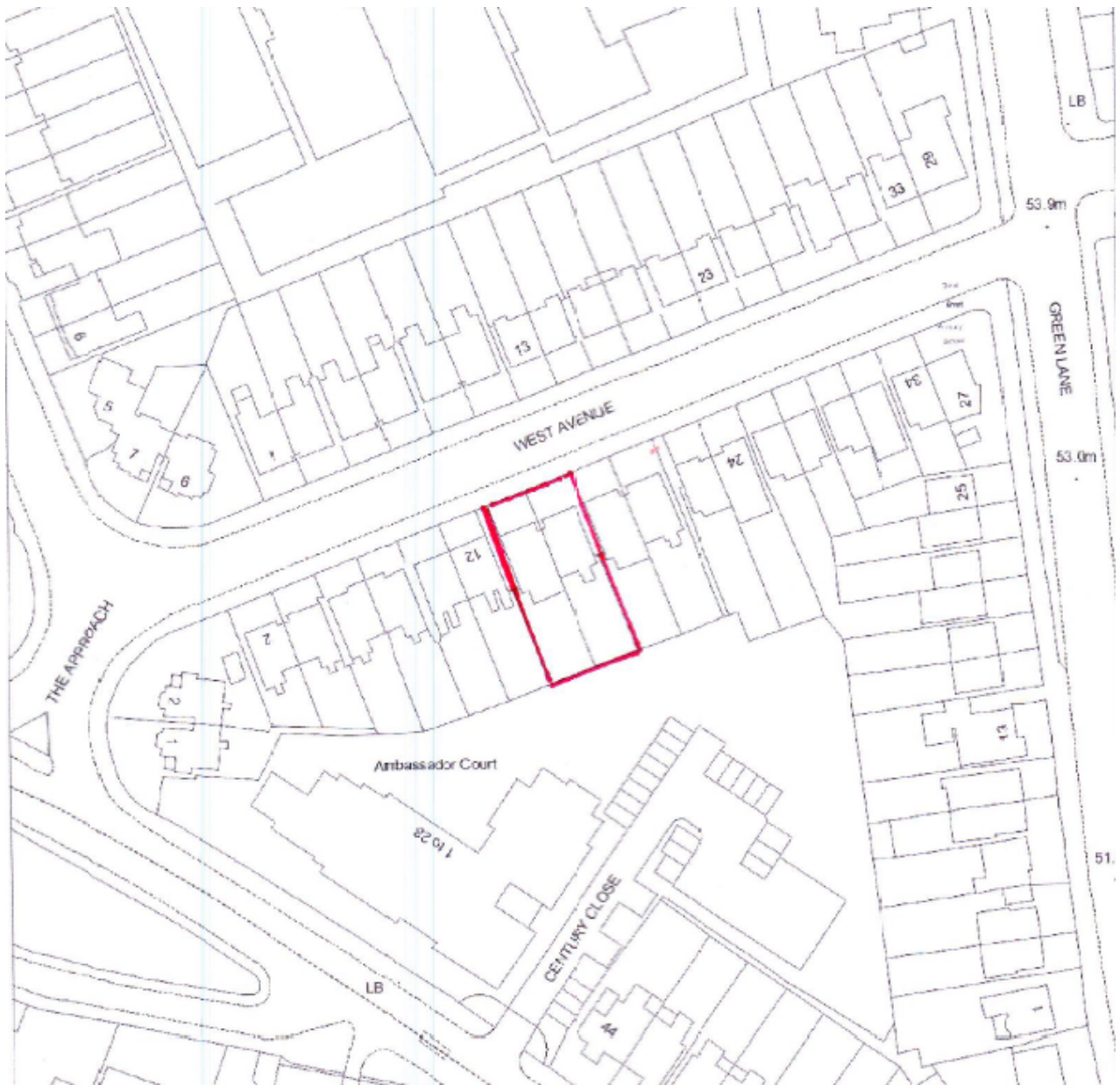
The concerns raised regarding a potential loss of privacy to neighbouring occupiers are noted; however, it is considered that the proposed development would not result in any increase in privacy loss that would be detrimental to the occupiers of neighbouring properties. The existing building benefits from rear balconies and they have been brought forwards into the proposed development in similar positions to the existing and are therefore not considered to result in any increase in harm to neighbouring occupiers. If the overall scheme was considered acceptable it would be possible to erect privacy screens to the flank elevations to prevent any potential overlooking into neighbouring gardens.

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 conversion of the existing single family dwelling into self-contained flats would be out of character and contrary to Policy DM01, resulting in unacceptable harm to the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for refusal.



Location **5 Pipers Green Lane Edgware HA8 8DG**

Reference: **16/5134/FUL**

Received: 3rd August 2016

Accepted: 10th August 2016

Ward: Edgware

Expiry 5th October 2016

Applicant: Mr M MORRIS

Proposal: Demolition of existing house and construction of 2no. two storey detached houses with rooms in roofspace and integral garages with associated amenity space, hard and soft landscaping and refuse stores

AGENDA ITEM 7

Recommendation: Approve subject to conditions

- 1 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.

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

Planning statement (Alan Cox Associates); Sustainability Statement (Alan Cox Associates); 447515-2; 447515-3; 447515-4; 447515-5

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).

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

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

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

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any

other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 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 the Classes of Part 1, of Schedule of that Order shall be carried out within the area hereby approved.

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

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

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

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

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

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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) and policies 5.2 and 5.3 of the London Plan (2015)

- 9 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt and rear garden 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.

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

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

Reason:

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

- 11 Before the development hereby permitted is first occupied turning the parking spaces shall be provided and marked out within the front forecourt of the property 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.

- 12 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).

- 13 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).

- 14 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

15 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

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

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

17 Notwithstanding the Structural Survey submitted and approved within this planning permission, a Basement Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with this approved detail.

Reason: To ensure that the proposed development is carried out in a manner to protect the residential amenity of adjoining existing occupiers and to ensure that the proposed development can be implemented in accordance with the approved plans in accordance with policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

18 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning

Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

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

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 £10815 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 £41715 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 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.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines. They must be approved by the Local Planning Authority before any on-site development related activity occurs.
- 7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 8 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site consists of one dwelling house situated on the southern side of Pipers Green Lane. The site is located in a cluster of streets and houses accessed off the A5 Brockley Hill and situated between the A41 and A5. This area of largely postwar dwellings forms the extent of the Greater London urban area. Although the site consists of one very large dwelling, the layout and site size conveys the appearance of two dwellings with a staggered footprint. The garden area associated with the plot is also double the size of that attached to neighbouring properties.

The existing building is constructed externally from timber cladding with window openings at the first floor level only. The ground floor comprises only entrance and garage doors in respect of fenestration.

The street as a whole consists of a wide variety of architectural types, materials and there is no consistent style of architecture or dwelling type. Significant and mature trees dominate the character and appearance of Pipers Green Lane and adjoining streets. None of the trees within the site are designated as a Tree Preservation Order. The site is not located in a conservation area and there are no listed buildings.

2. Site History

Reference: W02858A

Address: Rear of 3 Brockley Hill

Decision: Approved with conditions

Decision Date: 7 July 1971

Description: Erection of house and double garage

Reference: W02858B

Address: Rear of 3 Brockley Hill

Decision: Refused

Decision Date: 6 October 1971

Description: Erection of house and double garage

Reference: W02858C

Address: Rear of 3 Brockley Hill

Decision: Approved with conditions

Decision Date: 15 December 1971

Description: Erection of house and double garage

Reference: W02858E

Address: 5 to 7 Pipers Green Lane

Decision: Refused

Decision Date: 18 January 1989

Description: Erection of 8 houses with integral garages and access from Pipers Green Lane

The application was refused on the basis that the scheme would constitute over development of the site and be out of character with the area. The scheme would also

result in overlooking with loss of privacy and the proposed garden areas would also be undersized.

Reference: W02858G

Address: 5 to 7 Pipers Green Lane

Decision: Refused

Decision Date: 12 September 1989

Description: Erection of 7 houses with integral garages and access from Pipers Green Lane

The application was refused on the basis that the scheme would constitute over development of the site, out of character with the area.

Reference: W02858J

Address: 5 Pipers Green Lane

Decision: Approved subject to conditions

Decision Date: 14 August 1996

Description: Demolition of garage and erection of 2 storey extension with rear roof terrace on groundfloor extension, bay window extension to existing house with roof terrace above.

Reference: W02858H/00

Address: 5 Pipers Green Lane

Decision: Approved subject to conditions

Decision Date: 14 August 2000

Description: Retention of outhouse and plant room at front of garden.

3. Proposal

Planning permission is sought for the demolition of all of the buildings on the site and the erection of a pair of detached brick Neo-Georgian two storey dwelling houses. They would reflect the massing, height and siting of the existing dwelling. The dwellings would also benefit from being detached and as a result, there would be a gap (3m) between the properties which is not present at this time. Each property is approximately 14m wide and 8.5m high to the ridge. Each property has a single storey front double garage projection 6m deep and a single storey rear projection of 3m depth. Each building is therefore 10m in depth.

Each dwelling would have two hipped roof two storey projections to the front elevation with one front dormer and two rear dormers. The first property would be located in a site area of 905sq.m while the second property would be located in a site area of 1274sq.m.

Plot 1 which would be the smaller site to the west would see the proposed dwelling follow the building line to both front and rear. Plot 2 to the east would be orientated away from the flank elevation of 1 Pipers Green Lane and as such, the separation between properties would increase at the rear and the properties would be up to 8m separate at this point. The properties are set 14m back from the edge of pavement. The garden depth is 20m for plot 1 and 32m for plot 2. Plot 1 is 1.6m from 7 Pipers Green Lane. Plot 2 is up to 8m distant from the boundary with 1 Pipers Green Lane

Each property would be a five bedroom property, however, there is scope for two rooms in the loft space to be converted from play rooms/cinema rooms into a bedroom.

Car parking would be provided in the form of garage space and forecourt space as is currently the case and there would be little or no risk of car parking over spilling on to the roadway in Pipers Green Lane.

4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- o Pipers Green Lane is unique as a result of the varying character and design in the street. No two houses are the same.
- o No mature trees should be removed from the site to facilitate the construction of the proposed development.
- o The road is narrow and the addition of an extra house will cause the lane to feel much more congested.
- o There would be problems during construction as there is no turning circle at the end of the street.
- o Although the proposed development would be no greater in height than the existing property, the creation of two fully formed storeys and a roof level with roof accommodation, would give rise to unacceptable bulk and massing. It is in effect a three storey building and there are no others in the street.
- o The site is not wide enough to incorporate the properties and their accesses. The site would appear overdeveloped.
- o The proposed development would have an urbanising impact.
- o The properties are bland and do not exert any local distinctiveness.
- o The brickwork is too light and would not blend in with other properties.
- o Insufficient detail has been provided in respect of the works to existing trees within the site.
- o Too many trees and planting would be removed from the front of the site which would allow the development to appear over dominant following the completion of construction.
- o There would be overlooking from the site if the hedgerows are removed.
- o Rooflights would overlook towards 1 Pipers Green Lane.
- o The proposed development would prevent the occupiers of 1 Pipers Green Lane from using their balconies at 1st floor level.
- o The site is located in an area of archaeological significance and this should be considered prior to the commencement of construction.
- o Were planning permission to be granted, there should be a condition restricting permitted development.
- o There are restrictive covenants in place on properties in the road concerning siting and landscaping.
- o There are local water pressure issues
- o There should be a prevention against heavy lorries arriving before 0900.
- o There is a dormer overlooking the property directly opposite.

The Council has received four speakers requests for Committee.

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

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

Barnet's Local Plan (2012)

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

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

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

Land use

Planning permission is sought for the demolition of the existing single family dwelling house and the erection of two, two storey dwelling houses with roof level accommodation. Each property would have five bedrooms, with the potential of up to seven bedrooms.

Pipers Green Lane is a residential street within a small grouping of cul-de-sacs and Closes situated between the A5 and the A41 at the very northwestern edge of the Borough. Pipers

Green Lane and the streets leading off it consist of generally large properties within large plots, although it is evident that the subject site benefits from an unusually large plot area in comparison.

The proposed development would create an additional dwelling and a subdivision of the site which would return the spatial character and layout of the site back to the intrinsic character of the street as a whole. The scheme would reduce the extent of the existing frontage and creating a more legible streetscene where the frontage and façade address the street rather through a more coherent fenestration pattern than is currently the case at this property.

Pipers Green Lane as with other properties in this cluster of streets is located outside of the Metropolitan Green Belt and would not be subject to the limitations in respect of additional volume, bulk and massing within the Green Belt as set out by the NPPF. The property is not perceptible from within the Green Belt and as such, would not affect the open character of the Green Belt.

The provision of additional family sized housing is welcomed in respect of the site's contribution to new residential development to meet the London Borough of Barnet's requirement to deliver new housing through the Local Plan period.

As such, there are no land use objections in principle against the proposed form of development.

Design, character and appearance of the proposed development on the surrounding area

The NPPF attaches great importance to the design of the built environment, stating that, 'good design is a key aspect of sustainable development and should contribute positively to making better places better for people'.

It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way that it functions.

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.

These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.

Pipers Green Lane is situated at the very edge of the Borough and in conjunction with the surrounding streets is somewhat detached from the main built up areas of Barnet along

both the A41 and the A5. The area consists of a series of narrow streets, some without pavements leading to some very substantial and unusual houses. Many of these properties are detached set within significant plots. It is evident to some extent that there is not consistent or regular architectural typology from property to property in respect of design, siting and appearance. Landscaping and mature trees of varying species and heights is also evident locally.

The subject property is a timber boarded building which has an expansive frontage of nearly 27m. Its appearance and building form with two separate roofscapes and a significant set back on the western most property would suggest that these are two separate properties, especially as there are two garages within the front elevation. However at the rear it is clear that the development consists of one large property in well-landscaped gardens with a swimming pool. The rear garden is expansive and there are a number of outbuildings along the boundary with 1 Pipers Green Lane to extend the area of built footprint in the site.

The proposed development would introduce two new buildings of identical appearance into the frontage. They would differ in appearance somewhat from the existing buildings on the site and their neighbours. Objections have been received concerning the identical appearance of two buildings given the individual unique character and appearance of properties from site to site in Pipers Green Lane. However it is considered that in the absence of any specific conservation area designation or any other heritage asset designation, it would not be possible for the Council to prescribe the proposed design and appearance of these properties. Nevertheless, it is considered that the proposed dwellings largely reflect the siting, height and design of the original building form, the principal difference being the external appearance, the materials and the gap between dwellings. It is considered that the dwelling/ridge heights are consistent with those of neighbouring properties, and the development would not appear disproportionate in the context of the street and dominant. As such, it is considered that the proposed development would not be unduly harmful or visually dominant within the streetscene. The proposed development would also reflect the current layout and siting.

It is acknowledged that the relationship between 1 and 5 Pipers Green Lane would be slightly tighter (from 4.0m to 3.6m) as a result but this is not uncharacteristic within Pipers Green Lane where there are closer relationships between buildings elsewhere in the street. The removal of garden outbuildings would also contribute to a spacious character within the site to prevent the development encroaching harmfully towards 1 Pipers Green Lane.

The proposed design of two storey hipped roof projections to the front elevation would not be harmful to established streetscene and would bear some similarity with the existing property.

There is mature landscaping within the streetscene and within the frontage areas to the properties. The proposed development envisages the retention of much of this planting which would contribute to the edge of urban area character. Although no arboricultural statement or landscaping plan has been provided, it is recommended that a landscaping and planting plan is provided prior to the commencement of development to ensure that some of the verdant character of the street is retained or enhanced post development.

Proposed single storey projections at the front and rear of the property would appear proportionate to the proposed dwellings and the proposed dormers and rooflights would be small scale features within the roofscape. The distance from the pavement edge grants an

adequate sense of spaciousness around the properties. There is a substantial garden area to the rear and it is considered that the proposed development does not constitute overdevelopment within the site.

The proposed development would therefore accord with the requirements of policies DM01 and DM02 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013).

Impact on the amenity of adjoining properties and the form of accommodation on the future occupiers of the dwelling

The National Planning Policy Framework states, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

The proposed development proposes two, five bedroom properties although there is capacity for identified play rooms and cinema rooms to also become bedrooms too. The internal floorspace is therefore considered to exceed the relevant standards set out in the London Plan. In addition, there would be extensive rear garden area that would also exceed the requirements set out in the Adopted SPD (Sustainable Design and Construction).

There would not be any overlooking or loss of privacy that would occur from adjoining properties and there would be a sufficiently open aspect to the rear which would not give rise to any harmful quality of sunlight, daylight or sense of enclosure. There would not be any primary windows to habitable rooms on the flank elevation. As such, it is considered that the proposed development would provide an acceptable quality of accommodation for the future occupiers.

A number of objections have been received in relation to the loss of privacy and the loss of light from the proposed development to its existing neighbours at 1 and 7 Pipers Green Lane and the property directly opposite at 14 Pipers Green Lane. There are no habitable room windows above ground floor level serving the proposed development and any side rooflights for the loft accommodation would open above a level of 1.7m above finished floor level. There would not be any windows in the flank elevation of either neighbouring property. The proposed development would not project beyond the rear elevation of either property and as a result, it is considered that any impact would be limited despite the slight encroachment towards the party boundary with 1 Pipers Green Lane. The removal of detached outbuildings would improve the relationship between properties.

An objection has been received regarding the loss of privacy through overlooking between the front dormer on the properties and the dwellings opposite. However, given that the difference between properties is at least 25m away it is considered that there would not be any impact in this regard.

There are some elevated terraces at first floor at the rear of 1 Pipers Green Lane. At present the property on the subject site also has a terrace at the first floor level which allows for some views across to 1 Pipers Green Lane. The redevelopment would remove the terrace, would not provide any flank windows and would terminate the property slightly beyond the rear of that property orientated away from that property too. As such, it is considered that that impact would not arise.

The applicant has advised that the existing boundary planting to party boundaries would be retained. As such, it is considered

Highways, parking and access

The site is located towards the end of a cul-de-sac in a quiet predominantly residential area. The street is very narrow in width which therefore discourages on street parking to avoid blocking other vehicles and pedestrians. All properties therefore have front forecourt parking.

The site is located some distance away from passenger transport connections and this is reflected by the very low PTAL score.

Policy DM17 sets out the parking standards for new dwellings and given that the proposal seeks to provide two five bedroom properties, the policy implication is that each property should be provided with the capacity to provide for car parking spaces per unit. The scheme layout has been designed to provide for four formal car parking spaces within the garages. However, the substantial forecourt area could accommodate up to two additional vehicles without there being a need to park on the street which is acceptable given the narrow width of the street.

Given the street's narrow width, it is acknowledged that construction may present a particular challenge with respect to delivery of materials and plant. It is highly recommended that a condition is placed on the planning permission which seeks to secure (prior to commencement) a highways logistics plan for the construction phase in addition to a construction method statement to ensure that these works do not have long terms impacts on the ability of other residents and visitors to use this street.

Landscaping

Pipers Green Lane and its surroundings are somewhat verdant with mature tree planting at the front of many properties. The application proposes the modest removal of some trees at the frontage however, the most significant trees at the frontage as well as those within the rear garden are to be retained. Insufficient information has been provided with the application and it is considered that it would be prudent to impose a condition which would secure the submission of a landscaping statement and arboricultural statement. None of the trees are subject to a Tree Preservation Order.

Sustainability

The proposed development has been designed to reduce water consumption to under 105 litres per person which is below the required standard and therefore acceptable. The proposal will also seek to make reductions to Co2 emissions of 10% below the 2010 Building Regulations standard.

Accessibility

The submitted design and access statement indicates that the proposed development would satisfy the mandatory requirement to provide residential accommodation satisfying standard M4(2) of the Building Regulations.

5.4 Response to Public Consultation

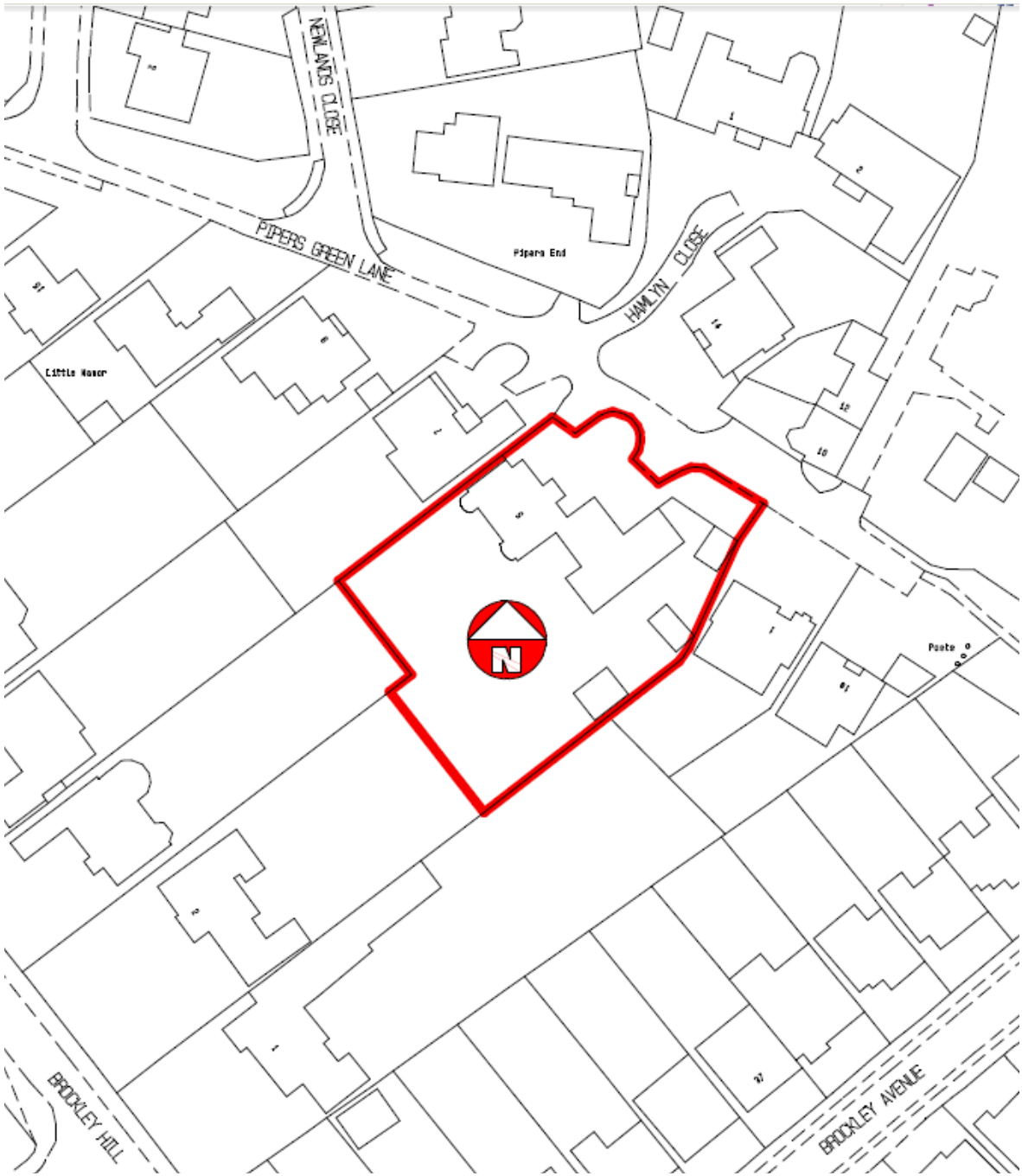
The matters raised within the public consultation exercise have been addressed in the body of the report above.

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.



Location **14 Marion Road London NW7 4AN**

Reference: **16/1940/FUL**

Received: 23rd March 2016

Accepted: 6th April 2016

Ward: Mill Hill

Expiry 1st June 2016

AGENDA ITEM 8

Applicant:

Proposal: Demolition of existing garages and erection of two storey dwelling

Recommendation: Approve subject to conditions

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: AFCA -213 -AC -16 Rev C; Agents letter dated 17th August;

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).

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the south elevation facing No. 12 Marion Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

Reason:

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

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

Reason:

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

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

Reason:

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

- 10 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.

- 11 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the front forecourt of the property 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.

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 Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system. Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application. Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to developer.services@thameswater.co.uk to determine if a building over / near to agreement is required.

Water Comments

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company, The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £3,360 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 £12,960 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 comprises of an open site located on the eastern side of Marion Road. The application site has a width of 5.2 metres and a footprint of 158.6m². Two single storey garages abut are positioned at the rear of the site. No. 12 Marion Road is located to the north of the application site and No. 16 Marion Road is located to the south of the application site. Marion Road is residential in character comprising of predominantly two storey terrace dwellinghouses uniform in character and a strong front alignment with small front gardens and no off street parking.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Reference: 15/00805/FUL

Address: 12 Marion Road, London, NW7 4AN

Decision: Refused

Decision Date: 1 May 2015

Description: Change of use from storage to two storey house with rooms in roof space including extension to roof with 2no. front rooflights, alterations to fenestration involving replacement of existing front garage door with 2no. windows and insertion of front door replacing existing window; and refuse/recycling facilities.

Reference: W15842/07

Address: 12 Marion Road, London, NW7 4AN

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Conversion of existing stable into a 2-bedroom house and erection of a two-storey attached 3-bedroom house.

3. Proposal

This application seeks to demolish the existing two rear garages and erect a gable/crown roof, 3 bedroom, 2 storey detached dwellinghouse featuring a front ground floor bay window, rear dormer window and two front rooflights.

The proposed dwellinghouse measures a height of 8.47 metres and a width of 4.72 metres. The depth of the main body of the proposed dwellinghouse is 9.45 metres in depth and the depth of the bay windows on the front elevation is 0.45 metres so its total depth is 9.9 metres. The southern elevation of proposed dwellinghouse is set back from the northern elevation of No. 12 Marion Road by 2.1 metres and it is set back from the northern flank of the rear outrigger at No. 12 Marion Road by 3.55 metres. The northern

elevation of the proposed dwellinghouse is setback from the southern elevation of No. 16 Marion Road by 0.25 metres.

Two obscure glazed windows, one on the ground floor ground and one to the first floor of the south elevation provide light to the dining room and first floor bathroom.

The proposed materials are to comprise of: -

Brick: Red brickwork (Blockley Sandrigham), Roof Tiles: Grey tile; Timber double glazed windows.

4. Public Consultation

Consultation letters were sent to 81 neighbouring properties.

5 replies have been received that raise the following concerns:

- The design of the proposed dwellinghouse is out of character with the street scene.
- This proposed development is on an already busy and crowded residential street so it will have a detrimental effect on all of its residents.
- Car parking at the front of the proposed dwellinghouse would be unsightly in this narrow space.
- The access road raises a number of issues. In creating a sharp T junction with Marion Road itself the restricted site and view will create dangers to pedestrians including many children from the nearby school who use that pavement to reach the park.
- The egress for vehicles from the access road will most often be shrouded by vehicles parked on the street creating a danger to passing vehicles also.
- In widening the access the street will lose more greenery including a tree on the public pavement. With the loss of the replacement tree on the opposite side of the road this will set a precedent in breaking up the tree-lined character of Marion Road.
- The proposed dwellinghouse would have an inadequate amount of private amenity space.
- The proposed dwelling house would lead to a significant loss of light to the rear of the terrace property at No. 16 Marion Road and to its garden.
- The proposed dwellinghouse would block out light from the window on the side elevation of No. 12A Marion Road. This property is a maisonette and the windows on the side elevation are the only source of light to this property.
- The proposed dwellinghouse will result in the loss of the front garden at No. 12A Marion Road.
- The occupier of No. 12A Marion Road accesses the property from the rear and if the proposed dwellinghouse is built then the only form of access will be through a communal driveway.
- It is unclear whether the proposal involves alteration to the two storey stable block at the rear of No. 12 Marion Road.

Thames Water commented that they had no objections to the proposal 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 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, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

The Council's approach to developments 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

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.

The Council's Residential Design Guidance SPD was adopted April 2013. This sets out information for applicants to help them design an extension to their property and new build development which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

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

In respect to amenity, extensions and new build developments 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.

5.2 Main issues for consideration

The main issue in this case are considered to be covered under the following main areas:

- The principle of residential development;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- The living conditions of neighbouring residents;
- The living conditions of future occupiers;

5.3 Assessment of proposals

Principle of development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value

Policy 3.4 of The London Plan (2011) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

Having regard to the London Plan (2011) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

There is no objection to the removal of the existing garages which are vacant, in a dilapidated state and of no amenity value and its replacement by a new residential dwellinghouse which is acceptable in principle. The application site is located within an existing residential area, where Policy DM01 directs new development to. Being an established residential area, accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

Design, Character and Appearance

Marion Road is characterised by predominantly terrace dwellings that are uniform in character with a strong front main building line. The proposed dwellinghouse is considered to be of a size and scale that fits comfortably within the application site and it carries through the front main building line with No. 12 Marion Road. The design of the roof is considered acceptable in a residential area where roof profiles are in the main gable ended. The size, siting and alignment of the windows on the proposed dwellinghouse are considered to be in proportion with the amount of brickwork and their design is in character with the surrounding locality. The proposed materials are also considered in keeping with the surrounding locality and the submission of samples can be conditioned.

Rear dormers are a feature of the street scene. The proposed rear dormer has a size, design and position that would not dominate the roof plane of the dwellinghouse.

The proposed rear garden is of a length, depth and shape that are similar to the other rear gardens of the dwellings on Marion Road.

For these reasons the proposed dwellinghouse is considered to be a suitable addition to the application site and it respects the character of neighbouring properties and the street scene.

Notwithstanding the above, in order to prevent the dwelling from being substantially extended to the detriment of the area or adjoining dwellings (existing and proposed) it would be reasonable to impose a condition on any planning permission removing permitted developments rights relating to Class A (extensions), Class B (roof additions and alterations, Class C (any other alterations to the roof), Class D (erection or construction of a porch), Class E (outbuildings) and Class F (Hard surfaces) so that an assessment can be made on any further or future additions to the properties. In addition, in order to ensure that the proposed dwellings would be of a suitable appearance, in keeping with the surrounding area a condition requiring that sample materials of the external finishes be submitted to and be agreed by the Council prior to any works on site may be imposed to help ensure that the proposed development would assimilate into the site and its surrounding area.

It is considered that the proposed dwellinghouse is in proportion and character with the adjoining and nearby properties and would respect and relate to the spacing and character of the surrounding area. Accordingly, the proposed development, on balance, complies with Policy DM01 and DM02 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013).

Impact on the amenity of adjoining properties

The National Planning Policy Framework states, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

The plans that were originally submitted with the proposal raised several concerns related to amenity and so therefore amendments to the plans were requested. The amended plans received in August 2016 contained the following alterations to the proposal:

- Reduction in the number of bedrooms from 4 to 3.
- The 2.4m deep single storey lean to rear extension was removed so that the rear elevation of the proposed dwellinghouse aligns with the rear elevation of No. 16 Marion Road.
- The eaves levels have been realigned and the design of the roof has changed from a crown roof to a ridge roof.
- The width of the dwellinghouse has been reduced from 4.9 metres to 4.72 metres.
- The overall depth of the dwellinghouse has been reduced from 11.7 metres to 9.45 metres.
- The rear dormer was reduced in width and height measuring a width of 2 metres set and was set in between 1 metre from the southern gable and 2.6 metres from the northern gable.
- One rooflight from the front roofslope has been removed.

No. 12 Marion Road is located to the south of the application site and it has an 'L' shaped design. The northern flank of the main body of No. 12 Marion Road is set back 3.55 metres from the southern flank of the proposed dwellinghouse. No. 12 Marion Road has a rear outrigger that projects 5.4 metres in depth from the rear elevation of the main body of the dwelling. The southern elevation of proposed dwellinghouse is set back 3.55 metres from the northern flank of the rear outrigger at No. 12 Marion Road. Due to this separation distance, it is considered that the proposal would not cause the occupiers of No. 12 Marion Road to suffer a material loss of amenity as a result of a loss of daylight/sunlight or a loss of outlook and nor would it have an overbearing impact on this property.

Two windows are proposed in the south elevation of the dwellinghouse which are to give light to a ground floor secondary dining room window and first floor bathroom and which are to be conditioned to being obscure glazed to prevent any overlooking or loss of privacy to No. 12 Marion Road.

The northern elevation of the proposed dwellinghouse is setback from the southern elevation of No. 16 Marion Road by 0.25 metres. The rear elevation wall of the proposed dwellinghouse is to align with the rear elevation wall of No. 16 Marion Road. Given the general character of the properties that are laid out in a staggered rear alignment with some having a slightly deeper rear alignment and with some having two storey rear extensions it is considered that the proposal would not result in any over bearing impact, loss of light or outlook to No. 16 Marion Road.

Giving consideration to the scale of the proposal, the siting of windows in the adjoining property, the orientation of the dwellings, separation distances and boundary screening, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, the development complies with Policy DM02 of the Local Plan and the SDG and the NPPF.

The SDG states that the amount of private amenity space that a new house should provide is determined by the number of habitable rooms that it has. The proposed dwellinghouse has 6 habitable rooms so therefore the requirement is 70m² of private garden space. The proposed development seeks to provide a rear garden with an area of 77m² which is in excess of 70m² and which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any excessively undue direct overlooking or loss of privacy. A 2 metre high close boarded fence is to be erected on the shared boundary with the adjoining properties.

The SDG contains internal layout requirements for proposed dwellings to ensure an acceptable standard of accommodation for the occupiers. The three bedrooms and the kitchen, dining area and lounge all meet the required minimum room dimensions and floor areas for a house that has 4 occupiers. Due to the fenestration of the proposed dwellinghouse, it is considered that each room would receive sufficient daylight, outlook and ventilation.

For these reasons, it is considered that the proposed dwellinghouse would provide future occupiers with an acceptable standard of accommodation.

Parking and highway

The proposed development is for a 3 bed dwelling with the provision of 2 car parking spaces involving the loss of two rear garages. The development exceeds the Councils minimum car parking requirement, which is for 1.5 spaces for a 3 bedroom terraced house so therefore parking provision provided by proposal is considered acceptable.

The site is within a sustainable location within walking distance of public transport and service facilities in Mill Hill Broadway shopping centre. Mill Hill Broadway main line railway is sited just off the Broadway and provide Thames Link services with regular trains to St Albans and Luton airport to the North and West Hampstead and St Pancras international to the south continuing onto City Thames Link. Mill Hill East underground station is within 1.5miles to the southeast of Mill Hill Broadway. Various bus services operate in the area. For these reasons the proposal is considered to comply with the NPPF's requirements for transportation.

5.4 Response to Public Consultation

The proposed development is an infill vacant unused plot of land which is considered appropriate for a new dwellinghouse and in keeping with the character of Marion Road and the surrounding area. The proposed development is similar to other dwellings in the road with the accommodation of off street parking and amenity space and would be conditioned with landscaping conditions at any approval.

The southern elevation of the proposed dwellinghouse would be set back at a distance of 3.55 metres from the northern flank of the existing rear outrigger at No. 12 Marion Road. The windows on the northern flank of the rear outrigger at No. 12 Marion Road serve a kitchen and a bathroom which are not considered to be habitable rooms and as such, not given the same weight as if they had been main habitable rooms and the separation distance it is not considered that they would suffer any undue loss of amenity.

The property at No. 12 Marion Road is converted into flats and owned by the applicant. The alterations to No. 12 Marion Road are a civil matter between the owners of the properties and not a planning issue.

The proposed parking provision on the application site is considered to be adequate and the proposal would not have a negative impact on highway safety.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it has been concluded that on balance, the proposal is an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not have any significant adverse amenity implications on the residential amenity of neighbouring dwellings; parking and highway safety, landscaping. As such, the proposal is in accordance with Policies of the Development Management DPD, policies of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and with the relevant parts of the National Planning Policy Framework. This application is therefore recommended for approval subject to the attachment of relevant conditions.

