

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 9TH MARCH, 2017

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.
Andrew Charlwood – Head of Governance**

Governance Service contact:
Paul Frost: paul.frost@barnet.gov.uk

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 INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
	Hendon	
4.	16-7537-FUL Highview House, 6 Queens Road	9 - 20
	Mill Hill Ward	
5.	16-7886-HSE 3 Tretawn Gardens	21 - 28
	West Hendon Ward	
6.	17-0149-FUL 71 Vivian Avenue	29 - 48
7.	Any Item(s) the Chairman decides are urgent	
8.	Report of the Monitoring Officer (If any)	
9.	Addendum (if applicable)	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Kirstin Lambert kirstin.lambert@barnet.gov.uk 020 8359 2177. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

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

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

Do not stop to collect personal belongings

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

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

Decisions of the Hendon Area Planning Committee

9 February 2017

Members Present:-

AGENDA ITEM 1

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

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

1. MINUTES

RESOLVED – The minutes of the meeting held on the 19 January 2017 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The committee noted the addendum to the main report, and considered its contents when deliberating the relevant applications.

6. MONTFORT HOUSE, 54 PARSON STREET, LONDON, NW4 1TP - 16/6366/FUL

The Committee received the Officer's presentation which included an addendum.

The Committee heard oral representations from Ms Emma Castleton, Chair of Governors and whose son attends Kisharon School and Mr Paul Darnell, the applicant's representative.

Following discussion and consideration of the issues, the Committee;

RESOLVED TO APPROVE the application which overturned the officer's recommendation for the following reason;

- (i) that on balance the provision of an additional special need school accommodation outweighed the harm that would be cause to the Grade II listed building.

Votes were as follows:-

Against (opposed to the officer’s recommendation)	5
For	1
Abstained	1

The committee further agreed;

- (ii) the delegation to officers to resolve the Travel Plan arrangements through legal agreement and agreeing a schedule of planning conditions.
- (iii) additional Informative: The applicant is advised any further development to the site will not be viewed favourably by the Hendon Area Planning Committee.

7. MONTFORT HOUSE, 54 PARSON STREET, LONDON NW4 1TP - 16/6367/LBC

The Committee received the Officer’s presentation which included an addendum.

The Committee heard oral representations from Ms Emma Castleton, Chair of Governors and whose son attends Kisharon School and Mr Paul Darnell, the applicant’s representative.

Following discussion and consideration of the issues, the Committee;

RESOLVED TO APPROVE the application which overturned the officer’s recommendation for the following reason;

- (i) that on balance the provision of an additional special need school accommodation outweighed the harm that would be cause to the Grade II listed building.

Votes were as follows:-

Against (opposed to the officer’s recommendation)	5
For	1
Abstained	1

The committee further agreed;

- (ii) the delegation to officers to resolve the Travel Plan arrangements through legal agreement and agreeing a schedule of planning conditions.
- (iii) Additional Informative: The applicant is advised any further development to the site will not be viewed favourably by the Hendon Area Planning Committee

8. CUMBERLAND LODGE, HILLVIEW ROAD, LONDON NW7 1AJ - 16/7596/HSE

The Committee received the Officer’s presentation.

The Committee heard an oral representation from the Ms Zela Mouskas the applicant

Following discussion by Committee and consideration of the issues, the Committee unanimously;

RESOLVED TO APPROVE the planning application as per the officer's recommendation.

9. 104 MILLWAY, LONDON NW7 3JJ - 16/8021/FUL

The Committee received the Officer's presentation.

The Committee heard oral representations from Mr Maurice Rahamim & Mr Simon Rahamim and applicant's agent.

RESOLVED to APPROVE the planning application as per the officer's recommendation.

Votes were as follows:-

For	4
Against	1
Abstained	2

Following discussion by Committee and consideration of the issues, the Committee;

RESOLVED to APPROVE the planning application as per the officer's recommendation.

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

None.

The meeting finished at 9.05 pm

This page is intentionally left blank

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

Reference: **16/7537/FUL**

Received: 28th November 2016

Accepted: 8th December 2016

Ward: Hendon

Expiry 2nd February 2017

Applicant: Mr A COHEN

Proposal: Erection of a single storey rear outbuilding.

AGENDA ITEM 4

Recommendation: Approve subject to conditions

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

Drawing No. QR6-4001A

Drawing No. QR6-4002A

Drawing No. QR6-4003

Drawing No. QR6-4004A

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

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

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

- 3 The materials to be used in the external surfaces of the outbuilding hereby approved shall match those used in the existing main building.

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

- 4 The use of the outbuilding as a gym, sauna, shower room and storage area hereby permitted shall at all times be incidental to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in

accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5
- a) No development or site works shall take place on site until details on the servicing required for the outbuilding and 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) The development shall be implemented in accordance with the details as approved under this condition.

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

- 6
- a) No 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.

- 7
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely

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

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The appeal site comprises a four storey block of residential flats known as Highview House and includes a large communal garden area to the rear. The site falls within a mainly residential area.

The site is not within a conservation area and is not a listed building.

There are no Tree Preservation Orders on site.

2. Site History

Reference: 16/0871/FUL

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

Decision: Refused

Decision Date: 11 April 2016

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

Reference: 16/2327/FUL

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

Decision: Refused

Decision Date: 16 June 2016

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

Reference: 16/2393/FUL

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

Decision: Approved subject to conditions

Decision Date: 25 January 2017

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

3. Proposal

The application proposes the erection of a single storey outbuilding in the communal garden area to the rear of the building.

The outbuilding would be designed in an 'L' shape. The outbuilding would have a maximum depth of 12 metres along the boundary adjacent to No. 7 Queens Road. It would have a depth of 9.3 metres along the boundary adjacent of 5 Queens Road, increasing to a depth of 12 metres, with the increase of 2.7 metres sited a distance of 6 metres from the boundary. The outbuilding would have a maximum width of 10.4 metres to the front elevation.

The outbuilding would have a height of 4 metres with a flat roof, increasing to a height of 4.8 metres when including the height of the roof lights located in the roof of the building.

The outbuilding would be sited a distance of 4.4 metres from the rear boundary (adjacent to the rear of No. 42 Sydney Grove, NW4 2EH), a distance of 2 metres from the side boundary adjacent to No. 5 Queens Road, and 1.8 metres from the side boundary adjacent to No. 7 Queens Road.

The proposed outbuilding would be located at a distance of over 27 metres from the rear elevation of the main building of Highview House.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties.

5 responses have been received, comprising 5 letters of objection. 2 have requested to speak at committee.

The objections received can be summarised as follows:

- Questioning who will use the facilities in the proposed outbuilding- whether to the general public or residents of the main building
- Suspicions of ultimate intention of the use of the outbuilding in the future (for the use of occupation)
- Harm/loss to trees
- Need to protect and preserve garden areas
- Potential for light and noise pollution, and expelling of boilers, to adjoining properties
- Impact of construction on amenities of neighbouring occupiers
- Larger in square metres than previously refused application
- None of the 6 flat owners have written to show support for the proposed outbuilding
- Outbuilding will result in loss of view to No. 42 Sydney Grove. Will result in loss of privacy to No. 42 Sydney Grove. Will impact the properties' value of No. 42 Sydney Grove
- Unclear of how foul sewage will be disposed of
- Large and substantial building

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Background

A planning application was previously refused at the site (application reference 16/2327/FUL, dated 10 April 2016) for the erection of single storey building to the rear garden which would accommodate two self-contained studio flats, amongst other works.

The refusal for the studio flats was upheld at appeal (reference APP/N5090/W/16/3153746). The Planning Inspector that two studio flats in the rear garden, in addition to the subdivision of the existing garden area would have an adverse impact upon the character and appearance of the area.

This application proposes a materially different scheme as it proposes a single storey outbuilding to accommodate a gym, sauna, shower room and storage area for residents of the main building. It would not involve the subdivision of the rear garden area and will be ancillary use to the main building, as confirmed in the application form and design and access statement.

5.4 Assessment of proposals

Impact on character and appearance of the surrounding area:

Planning permission is sought for the erection of a rear garden outbuilding to be used as a gym for the residents of Highview House. The floor plan indicates the proposed use, siting and layout.

The outbuilding would have a maximum depth of 12 metres along the boundary adjacent to No. 7 Queens Road. It would have a depth of 9.3 metres along the boundary adjacent of 5 Queens Road, increasing to a depth of 12 metres, with the increase of 2.7 metres sited a distance of 6 metres from the boundary. The outbuilding would have a maximum width of 10.4 metres to the front elevation.

The outbuilding would have a height of 4 metres with a flat roof, increasing to a height of 4.8 metres when including the height of the roof lights located in the roof of the building. The proposed outbuilding would be located at a distance of over 27 metres from the rear elevation of the main building of Highview House.

The site is not within a conservation area and is not a listed building. The application site is also not within the green belt. Furthermore, Planning Officers note that there are outbuildings in the rear garden areas serving the properties along Queens Road and Sydney Grove. As such, there are no constraints on this site which would preclude development of this type.

The outbuilding would be sited a sufficient distance from the rear elevation of the main property and surrounding boundaries to retain a degree of openness. Given the distance of separation between the proposed outbuilding and the dwelling house and the relative sizes between both buildings, it is considered that the proposed development would not

appear as an overly large building in this context. The proposed single storey outbuilding would appear as subordinate and proportionate structure. A substantial garden area would remain totalling 525sq.m. Only 18% of the rear garden area would be occupied by the proposed footprint.

Notwithstanding the fact that there are no Tree Preservation Orders on site, from the plans submitted by the applicant the existing trees on site would be retained and thus the development would maintain the green nature which characterise the rear garden areas along this side of Queens Road. A condition has been attached to secure details of the service runs before development commences in order to protect and preserve the health and quality of the trees on site.

Impact on amenity of neighbouring occupiers:

The outbuilding would be sited a distance of 4.4 metres from the rear boundary (adjacent to the rear of No. 42 Sydney Grove, NW4 2EH), a distance of 2 metres from the side boundary adjacent to No. 5 Queens Road, and 1.8 metres from the side boundary adjacent to No. 7 Queens Road. The outbuilding would border the rearmost area of the gardens serving the neighbouring properties and as such would not impact the visual or residential amenities of neighbouring occupiers.

The application form and accompanying documentation confirms that the outbuilding would be used by the residents with the main building at No. 6 Queens Road (which contains 7 existing flats). It is not considered the activity resulting from the ancillary use proposed would result in an unacceptable level of noise or disturbance to the neighbouring properties.

5.5 Response to Public Consultation

- Questioning who will use the facilities in the proposed outbuilding- whether to the general public or residents of the main building

The submitted application form and design and access statement confirms that the outbuilding will provide ancillary accommodation for residents within No. 6 Queens Road.

- Suspicions of ultimate intention of the use of the outbuilding in the future (for the use of occupation)

The application has been submitted on the basis that the outbuilding will accommodate uses (gym, sauna, shower room and storage area) ancillary to the main building, and the application has been assessed accordingly. A condition has been attached to this recommendation to secure this.

It is not considered reasonable to refuse the application on the potential use of the outbuilding in the future. Any change of use or breach of condition would be subject to the separate enforcement investigations.

- Harm/loss to trees

As abovementioned, there are no Tree Preservation Orders on site. Notwithstanding the fact that there are no Tree Preservation Orders on site, from the plans submitted by the applicant the existing trees on site would be retained and thus the development would maintain the green nature which characterise the rear garden areas along this side of

Queens Road. A condition has been attached to secure details of the service runs before development commences in order to protect and preserve the health and quality of the trees on site.

- Need to protect and preserve garden areas

The development is sited in a large rear garden area. The outbuilding would be sited a sufficient distance from the rear elevation of the main property and surrounding boundaries to retain a degree of openness. Furthermore, from the plans submitted existing trees would be retained, thus maintaining the green nature of the rear garden areas.

- Potential for light and noise pollution, and expelling of boilers, to adjoining properties

From the plans submitted, there does not appear to be a boiler flue proposed.

Considering the proposed use of the outbuilding it is not considered that the development would result in a harmful level of light pollution or noise disturbance to neighbouring occupiers.

- Impact of construction on amenities of neighbouring occupiers

A degree of temporary disruption is expected with a development of any size. Considering the size of the development proposed it is not deemed that disruption during the construction period would constitute a reason for refusal in this instance.

- Larger in square metres than previously refused application

Even in the event the outbuilding proposed is larger in footprint than that previously approved, the application has been assessed on its own planning merits, and found acceptable.

- None of the 6 flat owners have written to show support for the proposed outbuilding

Every application is based on its own planning merits.

In the event that the occupiers/owners of the flats in the building have not written express support to the Council for the scheme would not be a justifiable reason for refusal.

- Outbuilding will result in loss of view to No. 42 Sydney Grove. Will result in loss of privacy to No. 42 Sydney Grove. Will impact the properties' value of No. 42 Sydney Grove

DCLG guidance states planning is concerned with land use in the public interest, so that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material consideration. Loss of views could also not be a material consideration.

In the interest of clarity, the visual and residential amenities of occupiers at No. 42 Sydney Grove have been carefully considered in this application.

The outbuilding would be sited at a distance of 4.4 metres from the rear boundary adjacent to the rear garden area of No. 42 Sydney Grove. There is no window facing the rear

boundary. As such, it is not considered the outbuilding would impact the light or outlook received by these occupiers to an unacceptable level.

- Unclear of how foul sewage will be disposed of

A condition has been attached to secure details of the service runs before development commences in order to protect and preserve the health and quality of the trees on site.

- Large and substantial building

Considering the size of the main building (a four storey block of apartments) and the plot size, it is considered that the proposed single storey outbuilding would appear as subordinate and proportionate structure.

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.



Proposed

This page is intentionally left blank

Location **3 Tretawn Gardens London NW7 4NP**

Reference: **16/7886/HSE**

Received: 12th December 2016

Accepted: 19th December 2016

Ward: Mill Hill

Expiry 13th February 2017

Applicant: Mr Murray

Proposal: Two storey side and rear extension. Balcony to first floor rear. New raised patio area. Roof extension involving raising of the roof height, rear and side dormer windows, 1no. rooflights to front, rear and both side elevations to facilitate a loft conversion

AGENDA ITEM 5

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; DB257-01; DB357-02 dated 01 December 2016

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

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

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

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

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

- 4 Notwithstanding any other details shown on the plans hereby approved, the windows and any other glazing to be inserted in the southwestern and northeastern elevations and in the dormers to the southwestern and northeastern roof slopes of the extension/dwelling shall, up to a minimum height of 1.7 metres above finished floor level, be fixed shut (without any opening mechanism) and glazed in obscure glass. The windows(s) shall thereafter be retained as such.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in elevations facing either 1 or 5 Tretawn Gardens.

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

- 6 Prior to the commencement of development, details of privacy screens and/or boundary treatments to a height of no less than 1.8m above the finished patio level which shall enclose the patio and be erected adjacent to the boundaries with 1 and 5 Tretawn Gardens shall be submitted to and approved in writing by the Local Planning Authority. The development shall be carried out in accordance with the approved details.

Reason: In the interests of the amenity of neighbouring properties and in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

This application relates to a southeast facing detached dwelling in the residential area of Mill Hill. The property has two storeys and has a hipped roof to the front and a gable end to the rear. To the rear of the dwelling there is a flat roof garage and to the southwest side of the dwelling there is a carport.

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

2. Site History

None

3. Proposal

This application seeks full planning permission for the construction of a two storey side and rear extension following the demolition of the existing garage and carport. The roof height would also be raised and a dormer would be added in each of the side roof slopes. Roof lights would be added to the front, rear and both side roof slopes. A julliet balcony would be created to the rear elevation at first floor level. A new patio would be created to the rear.

4. Public Consultation

Consultation letters were sent to four neighbouring properties.

Six letters of objection were received raising the following issues:

- Loss of privacy to Nos 68, 70 and 72 Uphill Grove.
- The side windows would look straight into No 66 Uphill Grove including the two bedroom windows and would overlook the garden, ground floor family kitchen area and living space, and upstairs bedrooms of No 68 Uphill Grove. The second floor dormer window would also overlook the garden, ground floor windows and bedroom windows of No 70 Uphill Grove.
- There would be a loss of privacy to the conservatory to No 66 Uphill Grove which is constructed of glass.
- The additional scale and height of the extension would result in loss of privacy and light to No 68 Uphill Grove, especially given the land is more elevated than that of Uphill Grove.
- The patio to the rear is too wide and too high and would permit views into the neighbouring properties.
- The flank extension is too close to the neighbouring property at 1 Tretawn Gardens.
- The first floor facing elevation of the side extension should also be set back 2m behind the rear elevation of 1 Tretawn Gardens.
- An approved window on the flank elevation at 5 Tretawn Gardens would be compromised by this proposal.
- The proposed development would overlook both 1 and 5 Tretawn Gardens and would result in loss of light to both properties.

- The building is too high and too big and is out of character with the wider area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the

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

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

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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Planning permission is sought for the erection of a two storey side and rear extension. The proposed development would also alter the form and appearance of the existing dwelling converting the roofscape into a crown roof which would be increased in height. A dormer would be added to the rear and flank roof elevations.

The proposed extension to the side would result in a set back from the front elevation. By virtue of the levels change between 1 and 3 Tretawn Gardens combined with the difference in massing between bungalow and dwelling, it is considered that there is adequate separation to avoid a terracing impact within the street.

The application proposes a larger taller crown roof formation which differs from that which currently exists for the property, however, it is considered that both this design would not be insubordinate or disproportionate to the existing property and would also reflect the size scale and massing of other significant developments that have been constructed in Tretawn Gardens.

The proposed dormers are considered not to overwhelm the roof scape and although they are visible easily from the streetscene because of the siting of the property, it is considered that this would not be to the detriment to the character and appearance of the wider area.

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

It is proposed to construct a two storey side and rear extension, to raise the roof of the existing property and to insert a dormer window into the southwestern, northeastern and rear roof slopes. It is also proposed to construct a raised patio to the rear and a julliet balcony at first floor level to the rear elevation.

The two storey extension would abut the boundary with No 1 Tretawn Gardens to the southwest. No 1 is a bungalow and due to the slope of the land is set at a lower level than the application site. The proposed side and rear extension would project no further to the front or rear than the dwelling of No 1. It is therefore not considered that the proposal would result in any significant loss of outlook to No 1. Given the orientation of the two properties, the extension would not result in the loss of light to No 1.

The side and rear extension would abut the boundary with No 5 Tretawn Gardens to the northeast. That property is set back considerably further than No 3 and to its southwestern side has a flat roof garage. The proposed two storey rear extension would project no further to the rear than the rear of No 5 and therefore it is not considered that the proposal would lead to a loss of light or outlook to No 5.

It is proposed to construct a dormer window to the northeastern roof slope. It is proposed that this window would be obscurely glazed. Furthermore, whilst two windows are proposed in the northeastern elevation, these would serve a bathroom and en suite. As a result there would be no significant impact upon the privacy of No 5. A condition is attached to ensure that all windows in the northeastern elevation would be obscurely glazed in order to protect the privacy of No 5.

It is also proposed to construct a dormer window to the southwestern roof slope and to insert 1no window to the southwestern side elevation. This window would serve a landing. The proposal would be located adjacent to No 1 Tretawn Gardens and as such the proposed dormer and window to the southwestern elevation would directly overlook the roofscape and rear of No 1. Consequently a condition has been attached requiring that these windows are obscurely glazed.

Three objections have been received from properties on Uphill Grove to the southwest, objecting to the proposal on the grounds that the dormer window and window to the southwestern elevation would overlook the rear and rear gardens of properties on Uphill Grove and would have a detrimental impact upon the privacy of those properties. The proposal would be located approximately 30m from the rear elevations of Nos 68, 70 and 72 Uphill Grove. Whilst some privacy would be lost from the rear of those properties and their gardens, given the distance it is not considered that the impact would be great enough to warrant refusal alone. Nevertheless a condition requiring obscure glazing to be installed has been attached in order to control the impact of the development upon No 1. This obscure glazing would also benefit the occupants of Nos 68 - 72 Uphill Grove and preserve the privacy of those properties and their gardens.

It is proposed to insert a dormer window into the rear roof slope. It is not considered that this dormer window would adversely impact the residential amenity of neighbouring properties.

It is not considered that the proposed Juliet balcony or the proposed rear garden patio would have such a significant further detrimental impact upon the residential amenity of neighbouring properties to warrant refusal.

Having regard for the above, it is therefore considered that on balance the proposal complies with all local and national planning policy and the application is recommended for approval subject to a condition requiring obscure glazing.

5.4 Response to Public Consultation

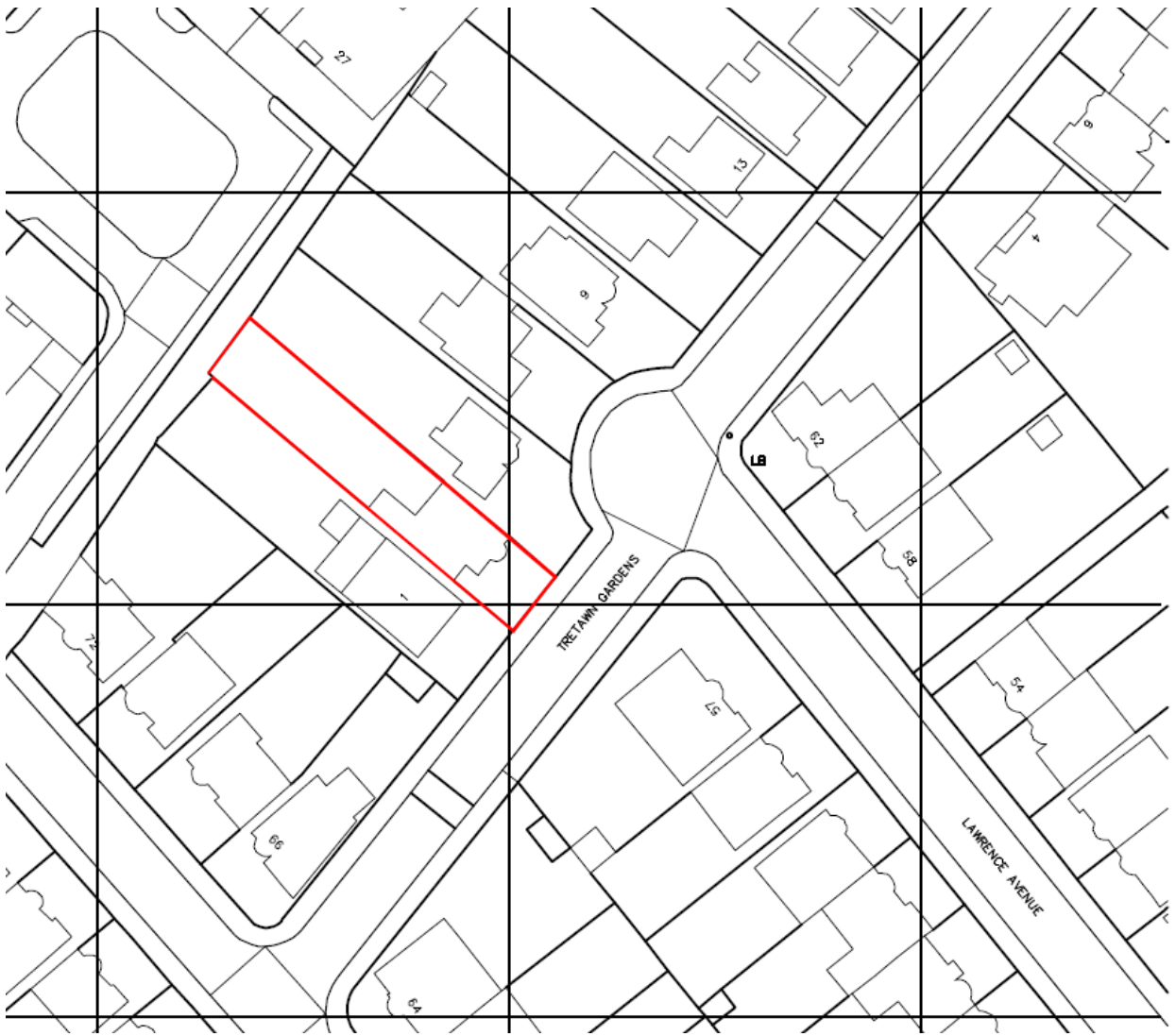
Covered above.

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 extensions 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 71 Vivian Avenue London NW4 3XE

Reference: 17/0149/FUL

Received: 11th January 2017

Accepted: 19th January 2017

Ward: West Hendon

Expiry 16th March 2017

Applicant: Ms B. Friedman

Proposal: Demolition of existing building and construction of a new two storey detached building with rooms in the roofspace and basement with lightwells to front, side and rear to provide 7no. self-contained flats. Single-storey outbuilding to the rear to be used as a gym. Associated amenity space and refuse storage and provision of 2no. off-street parking spaces to the front

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

Proposed Plans and Elevations by Tal Arc Ltd, Dwg No. 71VA-PP7-03

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 9 The approved development shall make provision for cycle parking spaces in accordance with London Plan Cycle Parking Standards. Details of such spaces shall be submitted to and approved by the Local Planning Authority and provided prior to first occupation and retained thereafter.

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

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

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

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

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

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

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

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

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any

part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

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

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

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

15 Before the building hereby permitted is first occupied the proposed window(s) in the first and second floor flank elevations facing 69 and 73 Vivian Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

16 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).

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £7070 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 £27270 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 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>.

Officer's Assessment

1. Site Description

The property previously featured a two storey detached single dwelling, close to its junction with Sevington Road. Following implementation of planning consent 15/03894/FUL for a flat conversion, structural issues were encountered and the building was subsequently fully demolished. Hence, the property is currently a demolition site. The previous house was not a Local or Statutorily Listed Building and the site is not within a Conservation Area.

2. Site History

Reference: 14/07466/PNH

Application type: Prior Notification

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2014

Description: Single storey rear extension with a proposed depth of 7.450 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/00299/HSE

Application type: Householder Application

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Part single, part two storey rear extension. First floor side extension

Reference: 15/03894/FUL

Application type: Full Application

Decision: Approved subject to conditions

Decision Date: 22 September 2015

Description: Part single, part two storey rear extension. First floor side extension.

Conversion of existing garage into a study. Construction of basement with rear, front and side lightwells

Reference: 16/1744/FUL

Application type: Full Application

Decision: Prior Approved subject to conditions

Decision Date: 7 October 2016

Description: Conversion of the building into 7no. self-contained flats following a part single, part two storey rear extension and first floor side extension. Extension to roof including dormer windows to side and rear elevations and rooflight window to front. Conversion of existing garage into a habitable space. Construction of basement with rear, front and side lightwells

The applicant has provided a letter from Martin Redston Associates (Consulting Civil and Structural Engineers) dated 17 November 2016 that states the following:

"We are writing to confirm that as a matter of urgency we inspected the remaining left hand side and front flank of the building. As discussed it had been intended that you retain these structural elements at the above site. Our observations verified that the brick walls are badly cracked and distorted and could collapse at any time. Therefore in their present condition, they should be demolished for safety of site personal and members of the

public. We look forward to receiving confirmation that this operation has been completed at the earliest opportunity".

It is understood that this led to the ultimate demolition of the remainder of the building. Notwithstanding this, given that the building is not within a Conservation Area the demolition would be permitted development under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, it is acknowledged that a condition of this permitted development is the requirement to notify the Local Planning Authority (LPA) as soon as possible when the safety issue is identified. On 28 November 2016 a complaint was received about the demolition (LPA ref# ENF/01454/16). Ultimately this led to the submission of the subject application on 11 January 2017 whereby the Council officially received notice about the demolition, albeit not strictly in accordance with the GPDO.

3. Proposal

The applicant proposes to demolish the existing building, albeit this has already commenced under the GPDO, then the construction of a new two-storey detached building to provide 7 self-contained flats, featuring a single-story outbuilding (gym), associated amenity space, refuse storage, and car parking. It should be noted that the ultimate proposal is similar to that consented under 16/1744/FUL.

4. Public Consultation

83 consultation letters were sent to neighbouring properties.

38 objections and 42 letters of support have been received as at 23 February 2017.

The views of objectors can be summarised as follows:

- Building has been demolished without planning consent
- The proposed gym building is being lived in
- There are concerns about on-going damage to neighbouring properties from construction
- The applicant has a history of retrospective planning applications and non-compliance
- 7 flats is over-development on this site
- Adverse impacts from construction traffic
- The provision of car parking is inadequate
- The proposed refuse storage is unsightly and unsafe
- The building should be rebuilt for a single family home
- The public notice was tampered with twice during consultation
- The current build as progressing does not reflect the current proposal
- The building may ultimately be used for more than 7 flats
- The construction has not been stopped in lieu of an implementable planning consent
- The build commenced without pre-commencement conditions being satisfied
- The process (i.e. applications for house extensions) to arrive at a flat conversion was misleading
- Dust and mud from the demolition has not been adequately contained
- It is unclear how finished levels will be determined
- No further consent should be given to enlarge the house
- The existing house was structurally sound and did not need to be demolished
- The removal of trees and shrubs from the rear garden has caused biodiversity loss

- The flats do not provide a quality living environment for future occupiers
- The building is out of character with the street
- The finished building will have adverse impacts on neighbour's amenity
- It is unclear how Council will guarantee compliance in the future
- The development sets an unfavourable precedent
- The proposal drawings are deficient in detail as they do not show front or rear boundaries
- The current application is not the same as the previous insofar that it is retrospective
- It is not appropriate to apply for planning permission in retrospect
- Vivian Avenue cannot accommodate additional traffic
- It is unclear when the building inspector condemned the house as unsafe
- The building contractor appears to be working out of hours

It is noted that the Council has received a number of representations expressing support for the application as is common with previous applications for this site. This is an issue raised by Members at a previous Committee where an application for this site was determined.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of flats in this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether significant harm would be caused to the living conditions of neighbouring residents
- Whether there is a sufficient level of amenity for future occupiers

5.3 Assessment of proposals

The principle of flats in this location

Assessment: The principle of flats in this location has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make the principle of the development unacceptable.

For completeness, the previous appraisal is cited below:

"The proposal seeks to sub-divide the previously approved redeveloped site into nine self-contained flats. Recent previous schemes (references 15/00299/HSE and 15/03894/FUL) gave consent for very similar extensions as sought under this application.

It should be noted that this part of Vivian Avenue is characterised by a variety of semi-detached single family dwellings and flatted development. Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. From an assessment on site, council tax records and planning history it appears that self-contained units exist in the area.

The number of overall units has been reduced from nine to seven to lessen the impact of the development on neighbouring occupiers, and given the majority of the proposed units are single occupancy it can be considered that the proposed development is similar in density to a large five bedroom house.

Furthermore, it is considered that given the site is located close to the primary retail frontage of Vivian Avenue in Hendon affording good transport links, and the Highways

department have raised no objection to the proposals, the scheme is on balance considered to be able to accommodate seven self-contained units.

The proposal is therefore considered to be acceptable and in line with the established character of the area. The National Planning Policy Framework, indicates that the character of an area is made up of much more than its physical appearance, but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the proposal would be in line with Policy DM01."

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

Assessment: The applicant proposes to rebuild the previously consented building allowed under 16/1744/FUL. Therefore, the acceptability of the overall character and appearance of the ultimate building has already been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make the character and appearance of the building unacceptable.

There are minor differences between both of the schemes. For example, the revised development now under consideration demonstrates a more traditional roof form with a ridge roof and more regular hipped roof form. This implies a reduction in height of the overall building and a more modest form of development.

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

Assessment: The applicant proposes to rebuild the previously consented building allowed under 16/1744/FUL. Therefore, the acceptability of the impacts on the living conditions of neighbouring residents from the ultimate building has already been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make the impacts on the living conditions of neighbouring residents unacceptable.

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance the development will have on the visual character and appearance of the area, as well the impact on the amenity of neighbouring occupiers."

Whether there is a sufficient level of amenity for future occupiers

Assessment: The applicant proposes to rebuild the previously consented building allowed under 16/1744/FUL. Therefore, the level of amenity afforded to future occupiers for the ultimate building has already been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make the living conditions of future occupiers unacceptable.

For completeness, the previous appraisal is cited below:

"It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2015 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation and amenity space:

Internal floor areas

Flat 1 (2b3p) 72.8 m²
Flat 2 (1b2p) 58.5 m²
Flat 3 (1b1p) 43.7 m²
Flat 4 (1b1p) 37.1 m²
Flat 5 (1b1p) 44.8 m²
Flat 6 (1b1p) 56.4 m²
Flat 7 (1b1p) 40.4 m²

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

Looking specifically at the lower ground floor units proposed; Unit 1 shows its entire amenity space provided via a large lightwell feature at lower ground level. Given the site's change in levels to the rear where they drop away, this lightwell feature would not be totally underground and the occupiers of this unit would be afforded adequate light and outlook to and from their amenity area, as such it is considered that on balance this unit would provide an acceptable level of amenity for future occupiers.

In regards to Unit 2, this unit is proposed to be a duplex unit split over two levels; lower ground and ground floor, and therefore whilst the outlook at lower ground floor level may be limited the appropriate amount of light and outlook would be afforded at ground floor level. This unit would also benefit from easy access into the communal garden at the rear of the site. On balance it is considered that Unit 2 would provide an acceptable level of amenity for future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room. It is proposed to provide the units in the basement with lightwells as additional amenity to the communal garden. Flat 1 which is proposed to be contained within the basement would have a large lightwell of 28.9m², and Flat 2 would be provided with 4.2m². The rear garden would be used communally by all residents and has an area of approximately 250m² exceeding the requirements.

An existing outbuilding would be retained for use as a gym for all residents of the property.

An appropriate area for the storage of recycling and refuse bins has been provided for each new dwelling at the front of the site. This is considered to be acceptable. No details of the proposed enclosures have been provided at this stage and therefore a condition requiring these details is required.

The site has a very high PTAL rating of 5 and is located within a controlled parking zone. The proposed development offers two parking spaces to serve the units. The parking spaces would be provided for the ground floor units. Highways officers have reviewed the scheme and raise no objection to the proposals subject to the attached conditions and informatives."

5.4 Response to Public Consultation

Building has been demolished without planning consent

Response: Council is in receipt of a letter from Martin Redston Associates (Consulting Civil and Structural Engineers) dated 17 November 2016 that states the following:

"We are writing to confirm that as a matter of urgency we inspected the remaining left hand side and front flank of the building. As discussed it had been intended that you retain these structural elements at the above site. Our observations verified that the brick walls are badly crack and distorted and could collapse at any time. Therefore in their present condition, they should be demolished for safety of site personal and members of the public. We look forward to receiving confirmation that this operation has been completed at the earliest opportunity".

It is understood that this lead to the ultimate demolition of the remainder of the building.

Given that the building is not within a Conservation Area the demolition would be permitted development under Part 11, Class B of the Town and Country Planning (General Permitted Development) (England) Order 2015 (GPDO). However, it is acknowledged that a condition of this permitted development is the requirement to notify the LPA as soon as possible when the safety issue is identified. On 28 November 2016 a complaint was received about the demolition (LPA ref# ENF/01454/16). Ultimately this led to the submission of the subject application on 11 January 2017 whereby the Council officially received notice about the demolition (cited above), albeit not strictly in accordance with the GPDO.

The proposed gym building is being lived in

Response: It was observed during a site visit on 2 February 2017 that the building proposed to be used for a gym was being used as a welfare unit/site office. Under Schedule 2, Part 4, Class A of the GDPO, temporary buildings can be established for operations (e.g. demolition, construction etc.) carried out in connection with a lawful development. Given the demolition of the house is lawful under the GPDO and the ultimate development proposal is before Council for consideration the use as a welfare unit/site office would be considered lawful. However, if the building is being used for something else not reasonably in connection with such an operation (e.g. residential accommodation) then it may be reported to Council's Planning Support Team for further investigation.

There are concerns about on-going damage to neighbouring properties from construction

Response: This is a civil matter and not a planning consideration.

The applicant has a history of retrospective planning applications and non-compliance

Response: Each planning application is assessed on its own merits. The applicant's history is not a material planning consideration.

7 flats is over-development on this site

Response: The principle of 7 flats in this location has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or

material considerations have emerged that would make the principle of the development unacceptable.

Adverse impacts from construction traffic

Response: Two additional conditions have been added over and above the previous consent 16/1744/FUL to require the applicant to submit a Construction Method Statement and to restrict construction hours to 8:00-18:00 M-F, 8:00-13:00 Saturday, and not on Sundays or Public Holidays. This will allow Council additional control over this issue to mitigate potential impacts.

The provision of car parking is inadequate

Response: The principle of 7 flats with 2 car parks in this location has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The proposed refuse storage is unsightly and unsafe

Response: The size and location of the refuse storage has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The building should be rebuilt for a single family home

Response: The principle of flats in this location has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The public notice was tampered with twice during consultation

Response: It is acknowledged that the public notice was removed at least once during the period as this was physically confirmed by Officers. Please be advised that the LPA exceeded its obligations under the Development Management Procedure Order 2015 in regard as a development such as this only requires that either the proposal is notified by letters to neighbours or by public notice.

The current build as progressing does not reflect the current proposal

Response: The building must be constructed as consented. If it is not then this can be reported to Council's Planning Support Team for investigation.

The building may ultimately be used for more than 7 flats

Response: The building may not be used for more than 7 flats unless consented as such. If the building is used for more than 7 flats non-compliance can be reported to Council's Planning Support Team for investigation.

The construction has not been stopped in lieu of an implementable planning consent

Response: As discussed, above the demolition of the building is proceeding in accordance with the GPDO. The construction of a new building is not permitted at this time.

The build commenced without pre-commencement conditions being satisfied

Response: Breaches such as this can be reported to Council's Planning Support Team for investigation.

The process (i.e. applications for house extensions) to arrive at a flat conversion was misleading

Response: From a legal administrative perspective the process of achieving the building envelope via house extensions prior to a flat conversion is sound.

Dust and mud from the demolition has not been adequately contained

Response: An additional condition has been added over and above the previous consent 16/1744/FUL to require the applicant to submit a Construction Method Statement. This will allow Council additional control over this issue to mitigate potential impacts.

It is unclear how finished levels will be determined

Response: Identical to 16/1744/FUL, the applicant has been conditioned to submit finished levels for Council's assessment.

No further consent should be given to enlarge the house

Response: Council cannot prevent the applicant from applying for further consents to enlarge the building. Any future application will be assessed on its own merits according to policy and material considerations at that time.

The existing house was structurally sound and did not need to be demolished

Response: Council has received correspondence from Martin Redston Associates (Consulting Civil and Structural Engineers) dated 17 November 2016 that states that the left hand side and front flank of the building were badly cracked and distorted and could collapse at any time. It is understood that this ultimately led to the full demolition of the building. In light of this Council does not accept that the previous house was structurally sound.

The removal of trees and shrubs from the rear garden has caused biodiversity loss

Response: The principle of this development, including associated vegetation clearing has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The flats do not provide a quality living environment for future occupiers

Response: The principle of this development, including the quality of the living environment for future occupiers, has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The building is out of character with the street

Response: The principle of this development, including its architectural character, has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The finished building will have adverse impacts on neighbour's amenity

Response: The principle of this development, including its impacts on neighbouring amenity, has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

It is unclear how Council will guarantee compliance in the future

Response: Future non-compliance can be reported to Council's Planning Support Team for investigation.

The development sets an unfavourable precedent

Response: The principle of this development has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

The proposal drawings are deficient in detail as they do not show front or rear boundaries

Response: The drawing titled "Proposed Plans and Elevations" by Tal Arc Ltd, Dwg No. 71VA-PP7-03 does show the front and rear boundaries. This document is publically available.

The current application is not the same as the previous insofar that it is retrospective

Response: This application is partly retrospective insofar that the demolition had started when the application was lodged. However, the planning application as it relates to the ultimately building is not retrospective as the building has not been built.

It is not appropriate to apply for planning permission in retrospect

Response: This application is not made in retrospect as the building has not been built.

Vivian Avenue cannot accommodate additional traffic

Response: The principle of this development, including additional traffic movements, has previously and recently been established by 16/1744/FUL. Since this decision was made on 7 October 2016 no policy or material considerations have emerged that would make this unacceptable.

It is unclear when the building inspector condemned the house as unsafe

Response: Council is in receipt of a letter from Martin Redston Associates (Consulting Civil and Structural Engineers) dated 17 November 2016 that states that the left hand side and

front flank of the building were badly cracked and distorted and could collapse at any time. It is understood that this ultimately led to the full demolition of the building. This may be taken as the date at which the building was deemed as unsafe. This correspondence can be viewed on Council's website using reference number 17/0149/FUL.

The building contractor appears to be working out of hours

Response: An additional condition has been added over and above the previous consent 16/1744/FUL to restrict construction hours to 8:00-18:00 M-F, 8:00-13:00 Saturday, and not on Sundays or Public Holidays. This will allow Council additional control over this issue to mitigate potential impacts.

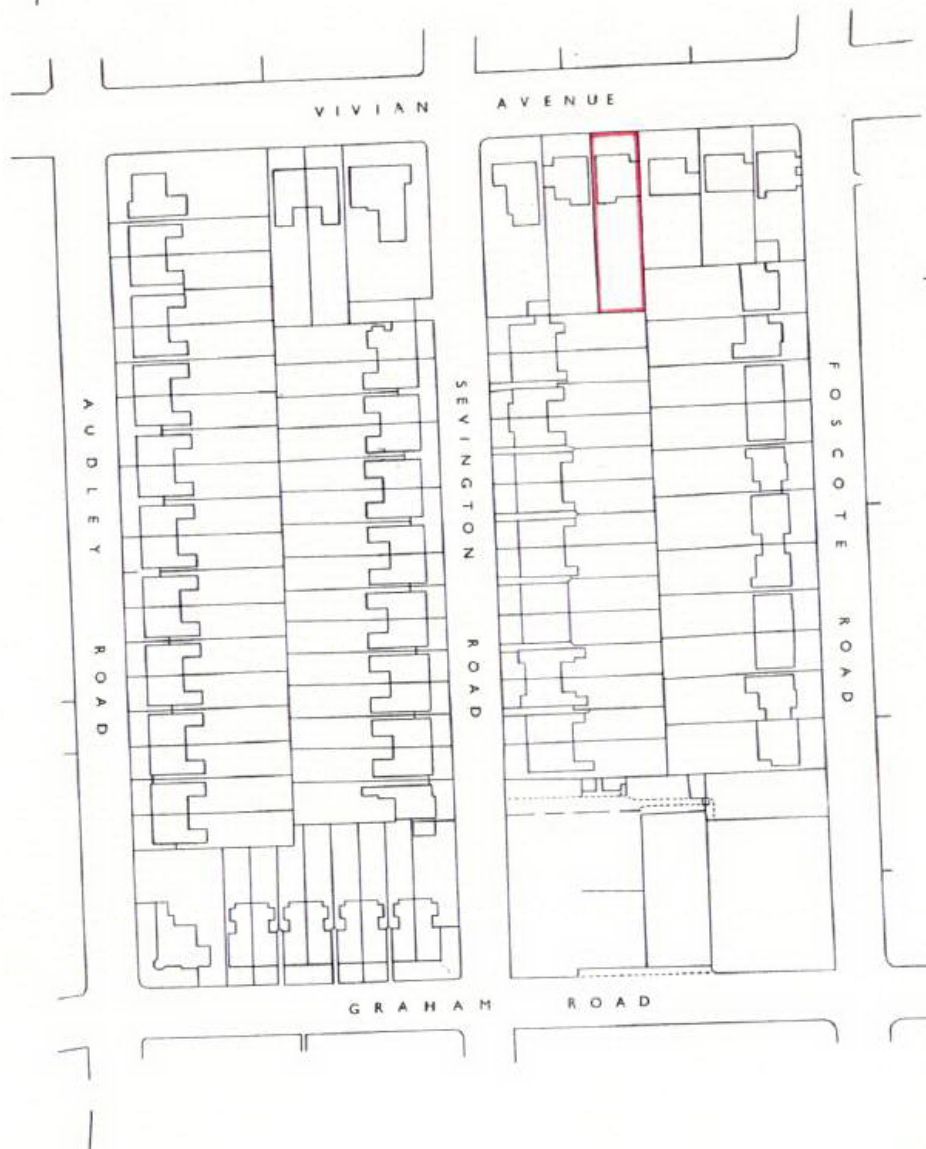
6. Equality and Diversity Issues

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

The applicant implemented consent 16/1744/FUL in late 2016. Following implementation, advice was issued by Martin Redston Associates (Consulting Civil and Structural Engineers) on 17 November 2016 about the structural integrity of the existing building that ultimately led to its full demolition. The applicant now proposes to build the development exactly as consented by 16/1744/FUL.. Given the applicant proposes to rebuild this extant consent albeit in a slightly modified manner it is recommended that the development is consented subject to the conditions contained herein.

VW
SW



NE
SE

This page is intentionally left blank