

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 9TH MAY, 2017**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

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

Chairman: Councillor Maureen Braun  
Vice Chairman: Councillor Brian Gordon LLB

Claire Farrier  
Sury Khatri

Hugh Rayner  
Gill Sargeant

Agnes Slocombe

**Substitute Members**

Tom Davey  
Dr Devra Kay  
Zakia Zubairi

Val Duschinsky  
Charlie O-Macauley

Helena Hart  
Mark Shooter

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: Jan.natynczyk jan.natynczyk@barnet.gov.uk 020 8359 5129

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 6
2.	Absence of Members (if any)	
3.	Report of the Monitoring Officer (if any)	
4.	Declaration of Members' Disclosable Pecuniary Interests and Non pecuniary Interests (if any)	
5.	Addendum (if applicable)	
	<b>Mill Hill Ward</b>	
6.	25 Tretawn Gardens London NW7 4NP - 17/0739/HSE	7 - 18
7.	St Vincents Farm Cottage The Ridgeway London NW7 1EL - 16/8115/FUL	19 - 38
8.	77 And 79 Devonshire Road London NW7 1DR - 17/1375/FUL	39 - 52
	<b>Edgware Ward</b>	
9.	The Vicarage Deans Lane Edgware HA8 9NT - 16/7594/FUL	53 - 72
	<b>West Hendon Ward</b>	
10.	71 Vivian Avenue London NW4 3XE - 17/0149/FUL	73 - 92
11.	Simon Court, 2-4 Neeld Crescent barnet	93 - 104
12.	Planning Enforcement Quarterly Update January 2017 to March 2017	105 - 114
13.	Any Item(s) the Chairman decides are urgent	

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# Decisions of the Hendon Area Planning Committee

9 March 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

The minutes of the meeting that took place on 09 February 2017 were signed as an accurate record.

## 2. ABSENCE OF MEMBERS (IF ANY)

None

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

None

## 8. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

## 9. ADDENDUM (IF APPLICABLE)

The Committee note the addendum to the report which was circulated.

## 4. 16-7537-FUL HIGHVIEW HOUSE, 6 QUEENS ROAD

The Committee noted the addendum to the report which was circulated by Officers.

The Hendon Planning Manager introduced the report and outlined the application which was considered by the Committee. In doing so he noted condition 4 which outlined the usage of the property.

Hugh Rayner that condition 4 be amended as highlighted below. This was unanimously agreed by the Committee.

Members of the Committee noted that they were not in favour of a further change to the usage of the building.

The Committee having considered the report:

Resolved to:

Approve the application as outlined in the Officers report subject to conditions, informative and amendment to condition 4.

Amended condition 4:

Condition 4 to be amended to read as follows:

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 by residents of the building only 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).

Vote for – 5

Against – 1

Abstain – 1

**5. 16-7886-HSE 3 TRETAWN GARDENS**

The Hendon Planning Manager introduced the report and outlined the application which was considered by the Committee.

The Committee having considered the report then unanimously:

Resolved to:

Approve the application as outlined in the Officer's report subject to conditions and informatives.

**6. 17-0149-FUL 71 VIVIAN AVENUE**

The Chairman noted that Officers had withdrawn application 71 Vivian Avenue in order for Officers to review the application in further detail.

**7. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None

The meeting finished at 19:55

**Location**                    **25 Tretawn Gardens London NW7 4NP**

**Reference:**                **17/0739/HSE**

Received: 8th February 2017

Accepted: 13th February 2017

Ward:                        Mill Hill

Expiry 10th April 2017

Applicant:                 Mr Paul Llewellyn

Proposal:                    Part single, part two storey rear extension with juliet balcony and new crown roof to proposed first storey extension. Single storey side extension following demolition of existing shed. Associated additional fenestration to side elevation

**Recommendation:** Approve subject to conditions

- 1    The development hereby permitted shall be carried out in accordance with the following approved plans:
  - DPL-01
  - DPL-02
  - DPL-03
  - DPL-04
  - DPL-05
  - DPL-06
  - DPL-07
  - DPL-08
  - DPL-09
  - DPL-10
  - DPL-11
  - DPL-14
  - Site Location Plan (Scale 1:1250)

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the north-east and south-west elevation(s), of the extension(s) hereby approved, facing Number 27 Tretawn Gardens and Number 23 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).

#### **Informative(s):**

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



## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The application site contains a detached single family dwelling located on the northern side of Tretawn Gardens, an area predominantly residential in character. Austell Gardens runs along the rear of the property.

The site is not part of a designated conservation area nor is it a listed building.

Owing to the slope of Tretawn Gardens, the application property is sited approximately 400-600mm lower than the neighbouring property at no. 27 Tretawn Gardens and approximately 400-600mm higher than the neighbouring property at no. 23 Tretawn Gardens.

A number of properties within the street have been significantly extended including 27 Tretawn Gardens which projects deeper at both levels. In addition, properties have been substantially extended on the (south) eastern side of Tretawn Gardens with two storey rear extensions including 6, 16 and 26 Tretawn Gardens

#### 2. Site History

Reference: 16/7132/HSE

Address: 25 Tretawn Gardens, London, NW7 4NP

Decision: Approved subject to conditions

Decision Date: 16 January 2017

Description: Single storey side and rear extension following demolition of existing shed

Reference: H/02828/12

Address: 25 Tretawn Gardens, London, NW7 4NP

Decision: Approved subject to conditions

Decision Date: 14 September 2012

Description: Single storey side and rear extension including 1no. roof-light and insertion of new fenestration to side elevations, following demolition of existing shed.

#### 3. Proposal

The application seeks permission for a roof extension involving the following:

- Ground floor side and rear extension with a depth of 5 metres from the rear wall with a maximum width of 5.7 metres where it would be set in by 150mm from the shared boundary line with no. 27 Tretawn Gardens. This element would have a flat roof with a height of 3.4 metres

- First floor rear extension with a depth of 4 metres from the rear wall and a width of 4.9 metres where it would be set in by 1 metre from the shared boundary line with no. 27 Tretawn Gardens. It would have a crown roof with an eaves height of 4.9 metres and overall height of 6.3 metres.

- Juliette balcony to first floor rear extension

- 1no. obscure glazed window to north-east flank wall of ground floor extension
- 1no. window to south-west flank wall of ground floor extension

#### 4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

7 objections were received within the consultation period, which can be summarised as follows:

- 1) First floor element would cause a loss of light and outlook
- 2) Juliet balcony would cause a loss of privacy
- 3) Extension would appear overbearing
- 4) Proposal conflicts with Local Plan policy
- 5) Insufficient evidence submitted, including absence of Light Impact Assessment

In addition, 1 representation of support was received outside the consultation period which can be summarised as follows:

- 6) Proposal is consistent with other recently approved development within the immediate 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 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 2016)

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

### Sustainable Design and Construction SPD (adopted April 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

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

With regards to the proposed ground floor extension, this element already benefits from extant permission (Ref: 16/7132/HSE). The only material difference is that the current submission proposes a smaller window, where the approved includes a double patio door, and omits the approved roof lantern. As a result, this element is considered acceptable on the grounds that it is not materially dissimilar to the extension approved within the extant permission.

The proposed first floor element is considered an acceptable addition to the existing building and street. Owing to the set down of the roof from the ridge of the main roof, as well as the hipped roof reflecting the style of the main roof, it would appear a subordinate addition and would relate sympathetically to the host property. Equally, it is noticed other properties along the street benefit from first floor development, including the immediate neighbour at no. 27 Tretawn Gardens as well as other nearby properties, including no. 4 and no. 28 Tretawn Gardens. As a result, the introduction of a first floor rear extension would be consistent with the prevailing character of the local area.

Objections have raised concerns that the first floor extension, at 4 metres deep, would conflict with guidance set out within Paragraph 14.23 of the council's Residential Design Guidance (2016) advising that two storey rear extensions projecting more than three metres are not normally considered acceptable as they can appear too bulky and dominant. Although the first floor element would project beyond three metres, it is considered not to appear overly bulky or dominant for the reasons set out above.

Given that no external platform is proposed to the Juliette balcony, this element would constitute permitted development and therefore consent is not required.

#### 2. Whether harm would be caused to the living conditions of neighbouring residents and future occupiers

As mentioned, the ground floor extension already benefits from extant permission and therefore will not be assessed on its impact on neighbouring amenity.

The proposed first floor extension is considered not to give rise to an unacceptable level of harm to the amenities of neighbouring properties. With regards to the impact on no. 27, it is noted that this neighbour already benefits from a first floor rear extension with a depth of 2.5 metres, approved under Application H/04677/09.

Indeed, this element would conflict with guidance set out within Paragraph 14.23 of the council's Residential Design Guidance (2016) advising that two storey rear extensions which are closer than 2 metres to the boundary and project more than 3 metres are not normally considered acceptable as they can have a detrimental effect on the amenities of neighbours.

However, the proposal is considered acceptable in light of this guiding principle for two reasons. Firstly, the presence of the existing 2.5 metre deep two storey rear extension at this neighbouring property means the proposed extension would project beyond the rear wall of this neighbouring first floor extension by 1.5 metres. The impact of this 1.5 metre projection is mitigated since it is set in from the shared boundary line by 1 metre, with the

neighbouring first floor projection set in from the boundary line by 1.2 metres. Given this overall distance of 2.7 metres from the flank walls of both first extensions, it is unlikely that such a projection of 1.5 metres would cause an unacceptable level of harm to the amenities of this neighbour, including a loss of light or outlook to their first floor windows.

Secondly, it is noted that this neighbour is sited approximately 400-600mm higher in level than the application property, as evidenced by the Existing Rear Elevation Profile (Drawing No. DPL-14). Given this level change, the two storey projection with an eaves height of 4.9 metres would remain lower in height than the existing neighbouring extension. As a result, it is unlikely that the addition would appear overbearing in relation to this neighbour.

With regards to the impact on the other neighbouring property at no. 23 Tretawn Gardens, the inside flank wall of the proposed first floor projection would be sited 3.5 metres from the boundary line adjacent this neighbour. The flank wall of the neighbouring property is distanced 1 metre to their boundary line which is screened with shrubbery. Although this neighbour is sited at a lower level than the application property, owing to a distance of 4.5 metres from the flank wall of the new extension to the neighbouring property it is considered there would be a limited impact on this neighbour.

Ultimately, the first floor element would comply with guiding principles set out in Paragraph 14.24 which seeks to ensure two storey rear extensions do not lead to a loss of light or outlook, cause an unacceptable sense of enclosure, have an overbearing impact, or cause harm to the character or appearance of the property and area.

In terms of the impact of the Juliette balcony, it is noted that since the property benefits from permitted development rights there would be no restriction precluding the insertion of such a feature. As no external platform is proposed to the balcony, such form of development would constitute permitted development and therefore consent is not required.

As the dwellings to the rear of the application property are a minimum of 47 metres away in distance, it is unlikely the proposals would cause significant harm to the amenities of these properties. As a result, the proposal would comply with principles set out within the council's Sustainable Design and Construction SPD (2016) under Table 2.4 which advise to maintain a minimum distance of 21 metres between windows to habitable rooms.

#### 5.4 Response to Public Consultation

1) The proposed first floor element complies with Paragraph 14.24 of the council's Residential Design Guidance (2016) and is unlikely to have a significant impact on no. 27. As discussed, it would project beyond the rear wall of the neighbouring first floor extension by 1.5 metres which is mitigated by the fact this neighbour is sited at a greater level.

2) Without a platform the proposed Juliette balcony would not give rise to an unacceptable level of overlooking.

3) Owing to the acceptable design of the proposal, it is not considered the extension would appear overbearing as discussed.

4) Indeed, the proposal would conflict with Paragraph 14.23 which states: 'Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.' However, upon further assessment it is considered the proposal would comply with Paragraph 14.24 and thus, on

balance, is considered acceptable regarding its impact on neighbouring amenity and its impact on the character and appearance of the building and local area.

5) Whilst the submission did not include a Light Impact Assessment, it was not considered reasonable nor necessary for the council to request such information to assist with the determination of the application. As discussed, the flank wall of the proposed first floor element would be sited 2.2 metres from the flank wall of the two storey extension at no. 27, and is therefore unlikely to cause a loss of light or outlook to the first floor windows of the neighbour. The applicant has demonstrated that the proposed development would accord with the forty-five degree wall from adjoining windows. Furthermore, none of the primary windows in adjoining properties would be located within ninety degrees of due south and as a result, there is no obligation for the applicant to demonstrate whether the scheme would have an impact on the receipt of sunlight.

## 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.

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 2016)

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

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted April 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**

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

With regards to the proposed ground floor extension, this element already benefits from extant permission (Ref: 16/7132/HSE). The only material difference is that the current submission proposes a smaller window, where the approved includes a double patio door, and omits the approved roof lantern. As a result, this element is considered acceptable on the grounds that it is not materially dissimilar to the extension approved within the extant permission.

The proposed first floor element is considered an acceptable addition to the existing building and street. Owing to the set down of the roof from the ridge of the main roof, as well as the hipped roof reflecting the style of the main roof, it would appear a subordinate addition and would relate sympathetically to the host property. Equally, it is noticed other properties along the street benefit from first floor development, including the immediate neighbour at no. 27 Tretawn Gardens as well as other nearby properties, including no. 4 and no. 28 Tretawn Gardens. As a result, the introduction of a first floor rear extension would be consistent with the prevailing character of the local area.

Objections have raised concerns that the first floor extension, at 4 metres deep, would conflict with guidance set out within Paragraph 14.23 of the council's Residential Design Guidance (2016) advising that two storey rear extensions projecting more than three metres are not normally considered acceptable as they can appear too bulky and dominant. Although the first floor element would project beyond three metres, it is considered not to appear overly bulky or dominant for the reasons set out above.

Given that no external platform is proposed to the Juliette balcony, this element would constitute permitted development and therefore consent is not required.

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

As mentioned, the ground floor extension already benefits from extant permission and therefore will not be assessed on its impact on neighbouring amenity.

The proposed first floor extension is considered to cause an acceptable level of harm to the amenities of neighbouring properties. With regards to the impact on no. 27, it is noted that this neighbour already benefits from a first floor rear extension with a depth of 2.5 metres, approved under Application H/04677/09.

Indeed, this element would conflict with guidance set out within Paragraph 14.23 of the council's Residential Design Guidance (2016) advising that two storey rear extensions which are closer than 2 metres to the boundary and project more than 3 metres are not normally considered acceptable as they can have a detrimental effect on the amenities of neighbours.

However, the proposal is considered acceptable in light of this guiding principle for two reasons. Firstly, the presence of the existing 2.5 metre deep two storey rear extension at this neighbouring property means the proposed extension would project beyond the rear wall of this neighbouring first floor extension by 1.5 metres. The impact of this 1.5 metre projection is mitigated since it is set in from the shared boundary line by 1 metre, with the neighbouring first floor projection set in from the boundary line by 1.2 metres. Given this overall distance of 2.7 metres from the flank walls of both first extensions, it is unlikely that such a projection of 1.5 metres would cause an unacceptable level of harm to the amenities of this neighbour, including a loss of light or outlook to their first floor windows.

Secondly, it is noted that this neighbour is sited approximately 400-600mm higher in level than the application property, as evidenced by the Existing Rear Elevation Profile (Drawing No. DPL-14). Given this level change, the two storey projection with an eaves height of 4.9 metres would remain lower in height than the existing neighbouring extension. As a result, it is unlikely that the addition would appear overbearing in relation to this neighbour.

With regards to the impact on the other neighbouring property at no. 23 Tretawn Gardens, the inside flank wall of the proposed first floor projection would be sited 3.5 metres from the boundary line adjacent this neighbour. The flank wall of the neighbouring property is distanced 1 metre to their boundary line which is screened with shrubbery. Although this neighbour is sited at a lower level than the application property, owing to a distance of 4.5 metres from the flank wall of the new extension to the neighbouring property it is considered there would be a limited impact on this neighbour.

Ultimately, the first floor element would comply with guiding principles set out in Paragraph 14.24 which seeks to ensure two storey rear extensions do not lead to a loss of light or outlook, cause an unacceptable sense of enclosure, have an overbearing impact, or cause harm to the character or appearance of the property and area.

In terms of the impact of the Juliette balcony, it is noted that since the property benefits from permitted development rights there would be no restriction precluding the insertion of such a feature. As no external platform is proposed to the balcony, such form of



development would constitute permitted development and therefore consent is not required.

As the dwellings to the rear of the application property are a minimum of 47 metres away in distance, it is unlikely the proposals would cause significant harm to the amenities of these properties. As a result, the proposal would comply with principles set out within the council's Sustainable Design and Construction SPD (2016) under Table 2.4 which advise to maintain a minimum distance of 21 metres between windows to habitable rooms.

#### **5.4 Response to Public Consultation**

1) The proposed first floor element complies with Paragraph 14.24 of the council's Residential Design Guidance (2016) and is unlikely to have a significant impact on no. 27. As discussed, it would project beyond the rear wall of the neighbouring first floor extension by 1.5 metres which is mitigated by the fact this neighbour is sited at a greater level.

2) As the Juliette balcony would constitute permitted development, an assessment of the impact on neighbouring amenity is not required.

3) Owing to the acceptable design of the proposal, it is not considered the extension would appear overbearing as discussed.

4) Indeed, the proposal would conflict with Paragraph 14.23 which states: 'Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.' However, upon further assessment it is considered the proposal would comply with Paragraph 14.24 and thus, on balance, is considered acceptable regarding its impact on neighbouring amenity and its impact on the character and appearance of the building and local area.

5) Whilst the submission did not include a Light Impact Assessment, it was not considered reasonable nor necessary for the council to request such information to assist with the determination of the application. As discussed, the flank wall of the proposed first floor element would be sited 2.2 metres from the flank wall of the two storey extension at no. 27, and is therefore unlikely to cause a loss of light or outlook to the first floor windows of the neighbour.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

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

# LOCATION PLAN

SCALE 1:1250



**Location**                      **St Vincents Farm Cottage The Ridgeway London NW7 1EL**

**Reference:**                    **16/8115/FUL**

Received: 21st December 2016

Accepted: 1st February 2017

Ward:                            Mill Hill

Expiry 29th March 2017

Applicant:                    Mr Winham

Proposal:                      Demolition of existing 8no. dwellings and ancillary buildings and erection of a part single storey, part two storey building to provide 7no dwellings. Associated cycle parking, storage, parking and amenity space. Alterations to hard and soft landscaping (Amended Description & Site plan).

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 1635.01.01 Revh; 1635.01.02 Revh; 1635.01.03 Revh; 1635.01.04 Revh; 1635.01.05 Revh; 1635.01.06 Revh; 1635.01.07 Revh; 1635.01.08 Revh; 1635.03.01 RevJ; 1635.03.02 RevK; 1635.03.03 Revh; 1635.03.04 Revh; 1635.03.05 Revh; 1635.03.06 RevK; 1635.03.07 Revh; 1635.03.08 Revh; 1635.03.09 Revh; 1635.03.10 Revh 1635.03.11 RevK; 1635.03.12 Revh; 1635.03.13 Revh; 1635.03.14 Revh.

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

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

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

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

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

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

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

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

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

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

- 6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 8 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

- 10 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).

- 11 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.

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

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

- 13 Prior to the site being brought into use in accordance with the hereby approved plans, details and specifications of all external lighting to be installed as part of the development shall be submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development and thereafter be maintained as such.

Reason: To ensure that appropriate lighting is provided as part of the development in accordance with policy DM01 of the Barnet Local Plan and 5.3 of the London Plan.

- 14 Prior to the commencement of the development details comprising a scheme of measures to enhance and promote biodiversity at the site as redeveloped shall be submitted the Local Planning Authority and approved in writing. The approved scheme of measures shall be implemented in full in accordance with the approved details before the first occupation of the development.

Reason:

To ensure that the development represent high quality design and meets the objectives of development plan policy as it relates to biodiversity in accordance with policies DM01 and DM16 of the Barnet Local Plan and policies 5.11 and 7.19 of the London Plan.

- 15 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.

- 16 a) No site works or works in connection with the development hereby approved shall be commenced until details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques has been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and thereafter maintained in accordance with the approved details.

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 17 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 18 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).

- 19 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.

- 20 Before the development hereby permitted is first occupied turning space and parking spaces shall be marked out within the site and any changes to vehicular access constructed in accordance with the details indicated on Drawing no. 1635.03.04Revh and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

- 21 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. The development shall be maintained as such in perpetuity thereafter.



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

22 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 2 of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 2 of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

#### **Informative(s):**

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

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

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

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

application has therefore been assessed at this time as liable for a £\_\_ payment under Barnet CIL.

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The site is St. Vincent's Farm Lodge. The site forms a collection of buildings accessed from St. Vincent's Lane along a driveway. The site is within the ward of Mill Hill. The site is not a listed building, but is located within a Conservation Area and the Green Belt. The site has an area of 3485sq.m. Much of the site has been subject to development with a large area subject to built footprint. This includes one large L-shaped part two storey and part single storey building and four smaller buildings.

It would appear that the site has previously been used as stables with some ancillary residential accommodation historically.

The site forms part of the wider agricultural holding known as Belmont Farm. The site is located within Mill Hill Conservation Area and the Green Belt.

### **2. Site History**

16/1925/191 - Use of building as 6no self-contained flats. - Lawful - 14.06.2016

15/06627/FUL - Construction of a first floor level following the partial demolition of the existing roof to facilitate the partial conversion of the property for the creation of 6 no. self contained units with provisions for car parking, refuse and amenity space following the demolition of the existing outbuildings. Associated hard and soft landscaping - Refused - 01.02.2016 - Currently at Appeal

H/05678/14 - Demolition of existing dwelling and ancillaries buildings and erection of single storey house including hard/soft landscaping and refuse/recycling facilities. - Refused - 18/12/2014

H/00290/12 - Erection of a two-storey detached house, single storey garage and outbuildings following demolition of a two-storey house, single storey residential accommodation, outbuildings and stables and hard surface yard. - Refused - 30.01.2013 - Dismissed at Appeal

#### Belmont Farm

H/00554/12 - The development proposed is change of use, part-demolition and extension of Children's Farm and an existing bungalow to provide a 4 bed bungalow. - Refused - 22/02/2013 - Allowed at Appeal - 25/10/2013

### **3. Proposal**

The application relates to the demolition of existing 8no. dwellings and ancillary buildings and erection of a part single storey, part two storey building to provide 7no dwellings. Associated cycle parking, storage, parking and amenity space. Alterations to hard and soft landscaping.

The proposed building will provide a total of 7 residential units comprising of 3 x 1 bed, 1 x 2 bed, 1 x 3 bed and 2 x 4 bed.

The development will cover an L-shape as per the existing arrangement. The proposal will be sited around an inner garden area. To the rear of the site hardstanding is proposed to provide car, motorcycle and cycle parking spaces.

The main dwelling to the front of the site will measure approximately 6m in height to the ridge line, although there is a level change across the site so this will be higher at some points, however, when viewed from the front it will be 6m. The building will measure 8.3m in depth, 14m in width at two storeys and will provide two storey levels of accommodation. A single storey side element which forms part of the buildings to the rear will be attached to the main front facing dwelling. This single storey building will have a height of 4m and will have a width of 7.6m.

The buildings behind will have a maximum width of 42.2m, depth of 8.2m and will have varying roof heights ranging from 3.8m to 4m in height. It should be noted that the site slopes downwards and accounts in part for the varying roof level.

The proposed buildings will be comparable in siting, size, design and height as the existing buildings.

#### **4. Public Consultation**

Consultation letters were sent to 55 neighbouring properties.

12 responses have been received, comprising 6 letters of objection, 6 letters of support.

The objections received can be summarised as follows:

- Additional traffic in an already congested area.
- Parking is already problematic.
- Works being carried out at same time as Research centre will cause problems.
- Maintenance of the access road will be effected by additional traffic and during construction works, this is likely to increase repair costs.
- Increased noise and disturbance.
- Freeholders would need to agree to have construction traffic
- Increased development on greenbelt.
- Loss of view

CAAC - This application is for the demolition of the existing grooms' accommodation and replacement by a residential development of seven flats in an "L" shaped block. There would be no increase in height, or of volume or footprint. The Committee had concerns over the loss of rural quality that the development would bring in terms of its modern design and intensification of traffic flows and noise in this essentially peaceful part of the Conservation Area.

Historic England Archaeology - no recommendations on archaeology grounds.

#### **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.

- Local Plan Core Strategy (Adopted September 2012): Policies

CS NPPF

CS1 Barnet's place shaping strategy - protection, enhancement and consolidated growth - the Three Strands Approach

CS3 Distribution of growth in meeting housing aspirations

CS4 Providing quality homes and housing choice in Barnet

CS5 Protecting and enhancing Barnet's character to create high quality places

CS7 Enhancing and protecting Barnet's open spaces

CS9 Providing safe, effective and efficient travel

CS10 Enabling inclusive and integrated community facilities and uses

CS11 Improving health and well being in Barnet

CS12 Making Barnet a safer place

CS13 Ensuring the efficient use of natural resources

CS14 Dealing with our waste

CS15 Delivering the Core Strategy

- Local Plan Development Management Policies Development Plan Document (Adopted September 2012): Policies.

DM01: Protecting Barnet's character and amenity

DM02: Development Standards

DM03: Accessibility and inclusive design

DM04: Environmental considerations for development

DM08: Ensuring a variety of sizes of new homes to meet housing need

DM11: Development principles for Barnet's town centres

DM13: Community and education uses

DM14: New and existing employment space

DM15: Green Belt and open spaces

DM16: Biodiversity

DM17: Travel impact and parking standards

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the green belt, Mill Hill conservation area, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal would provide adequate amenity for future occupiers.
- Whether harm to traffic and parking and public highways.
- Whether harm would be caused to the ecology of the site.
- Whether harm would be caused to trees and landscaping.

### **5.3 Assessment of proposals**

#### History of the site

The history of the site is listed earlier in the report but two applications are noted as they form part of the position of the LPA in regards to the current scheme.

The site has a significant history of planning applications. Notably a certificate of lawfulness was made lawful in June 2016 for the use of the building as 6 self-contained flats. This certificate forms a fall-back position and position of the LPA in regards to what is considered to be an appropriate land use of the site. It is therefore considered that the principle of residential accommodation on this site is acceptable.

Conservation area consent under application H/00291/12 was approved subject to conditions in January 2013 for the demolition of a two-storey house, single storey residential accommodation, outbuildings and stables and hard surface yard. This conservation area consent was approved on the basis that the demolition of the existing buildings on site is not harmful to the character of the conservation area. This application informs the position of the LPA in regards to the demolition of the existing buildings on site. There are no objections to the demolition of the buildings as part of the current scheme.

#### Impact on the openness of the greenbelt

The site falls within the designated Greenbelt and Mill Hill Conservation Area. As such an assessment as to whether the proposed development will impact on the openness of the designated Greenbelt needs to be made.

Section 9 of the National Planning Policy Framework (NPPF) sets out the Government's approach to protecting Green Belt Land, and the Council's Planning Policy DM15 of the Core Strategy reiterates the NPPF's requirements.

The NPPF sets out in Paragraph 80 that the Green belt serves the following principals: to check the unrestricted sprawl of large built-up areas; to prevent neighbouring towns merging into one another; to assist in safeguarding the countryside from encroachment; to preserve the setting and special character of historic towns; and to assist in urban regeneration, by encouraging the recycling of derelict and other urban land.

In addition, the NPPF outlines in Paragraph 89 that new buildings in the Greenbelt are inappropriate, with the exception of (in part) a limited number of scenarios to this general approach. In this case, of most relevance are the exceptions detailing that the new building would be in the same use and not materially larger than the one it replaces, and the building not having a greater impact on the openness of the Green Belt. In addition, the last criterion which relates to the limited infilling or the partial/complete redevelopment of previously developed sites whether redundant or in continuing use which would not have a greater impact on the openness of the green belt and the purpose of including land within it than the existing development.

The site at present contains buildings, as well as some hardstanding. The proposals would introduce a residential use on existing stables. The applicant has indicated they are redundant stables that were formerly part of the wider Belmont Riding Centre. It is questioned whether the development would be inappropriate development as defined within paragraph 89.

The development creates a slightly higher form of development in part, but does result in the substantial clearance of large parts of the site in one regard. In the other regard relating to use, it is considered that a residential use proposed here of seven units (reduced from eight) that there would be a lesser impact. In any case, the previous use as a residence and place of work for jockeys, it is not considered to be so dissimilar in intensity.

It is noted that an inspector allowed an appeal for a new dwelling at Belmont Farm, although this is a different site this is considered to provide a In relation to assessing the impact of development within the greenbelt and what may be considered as previously developed land, the inspector commented:

*In this particular case the proposal would involve operational development to create the proposed bungalow and, further to paragraph 9 above, it would also involve a change of use. The original use of the building complex was equestrian (rather than agricultural) and the appellant suggests the appeal proposal would be a redevelopment of previously developed land. That is one interpretation, but the proposal can also be considered as a re-use of buildings and/or the extension or alteration of a building....The wording of the clauses in paragraphs 89 and 90 of the Framework for these three categories of development which will not be inappropriate does not limit them to any specified type of use. Thus, in this case, the re-use of the existing buildings as a dwelling would not be inappropriate development, provided those buildings are of permanent and substantial construction, that the re-use would preserve the Green Belt's openness and that it would not conflict with the purposes of including land in the Green Belt. It is not suggested the existing buildings in this instance are anything other than of permanent and substantial construction. Moreover the net effect of the proposed alterations (ie. demolishing some*



*elements of the building and extending others) would be a reduction in total building footprint and volume....The wording of the clauses in paragraphs 89 and 90 of the Framework for these three categories of development which will not be inappropriate does not limit them to any specified type of use. Thus, in this case, the re-use of the existing buildings as a dwelling would not be inappropriate development, provided those buildings are of permanent and substantial construction, that the re-use would preserve the Green Belt's openness and that it would not conflict with the purposes of including land in the Green Belt. It is not suggested the existing buildings in this instance are anything other than of permanent and substantial construction. Moreover the net effect of the proposed alterations (ie. demolishing some elements of the building and extending others) would be a reduction in total building footprint and volume...I have borne in mind the Council's views about the proposal as a whole being a material change of use, as a result of the Estate's previous planning history, and also that 'change of use' as a category of development in itself is not mentioned in the Framework. In this case the principal element of the appeal proposal is the creation of a dwelling through the alteration, extension and reuse of existing buildings and I have set out my reasoning for concluding that this would not be inappropriate development in the Green Belt. I appreciate the proposed dwelling would have a substantial residential curtilage and, if considered in isolation, the change of use of this area would not fall within any of the categories set out in Framework paragraphs 89 and 90 as being not inappropriate. However it would seem illogical to consider such an integral and ancillary element of the proposal separately from its principal element, and it will be apparent from the preceding paragraphs that I have assessed the impact of the proposal as a whole.*

It is noted that there are some similarities between the previous appeal scheme and that under consideration in this request. The previous inspector considered that *it appears unlikely that this particular combination of circumstances would be repeated elsewhere, allowing the proposal would not set any precedent for new residential development in the Green Belt.*, it does appear that whereas paragraph 90 (Reuse of buildings) was applicable in the previous appeal, 89 (Demolition and re-build of buildings) would be relevant here.

The inspector appears to imply that the previous use of the buildings on this site was equestrian, and that it would have constituted previously developed land. It is therefore considered that this can inform the position of the LPA in terms of what is acceptable development within the greenbelt.

Policy DM15 of the Development Management Policy DPD reiterates the NPPF's requirements and states that development in the Green Belt will only be acceptable where it does not result in a disproportionate addition over and above the size of the original building. The Residential Design Guidance SPD sets out that within Barnet's Green Belt, development should not result in disproportionate addition over and above the size of the original house. An 'Original Dwelling' is as originally built if constructed after 1 July 1948. As a guiding principle the volume of the original dwelling should not be increased by more than 25% by external measurement in order to protect openness. The cumulative impact of previous or non-original extensions will be taken into account. It should be taken into account that the buildings were not all originally used as residential accommodation but were used as stables and other agricultural buildings. Although, the guidance applies to dwellings it is considered as an appropriate indicator of the level of development that would be considered as acceptable when comparing existing and proposed building including its footprint, height and scale.

In terms of considering whether the buildings would be materially larger, the agent has provided floor area and volume comparisons. This indicates that the existing residential

units have a volume of 1396.2m<sup>3</sup>, stables 362.1m<sup>3</sup> giving a total of 1758.2m<sup>3</sup>. The associated outbuildings/stables to be demolished as part of the proposal have a volume of 1248m<sup>3</sup>. The proposed building has a total volume of 1645m<sup>3</sup>. The proposal will result in a reduction in volume with a difference of minus 1361.2m<sup>3</sup>. It is therefore considered that the proposal is acceptable in volume terms.

It is noted that there is slight overspill of the proposed development in terms of additional depth and width over the footprint of the existing accommodation and stabling wing to the rear of the development but any additional volume issues caused by this may be negated by the proposed loss of volumes of the existing property, both to the front elevation and rear elevation of the main dwelling house and decrease in overall height of the buildings from the existing. It should also be noted that a number of existing outbuildings/stable buildings will be removed as part of the proposal and replaced with communal and private garden space as part of the residential development. This will help ensure that the site maintains a suitable level of openness.

Given the siting, size, height and volume of the proposed development is it considered that the proposal is acceptable in Greenbelt terms.

In regards to views through the site, the proposal is not considered to disrupt the views through the site into the Totteridge Valley.

The site falls within the Mill Hill conservation area. Policy DM06 states that proposals in the boroughs conservation areas should preserve or enhance the character of the conservation area of which it forms a part.

The site is located within Mill Hill Conservation Area. It is not specifically designated or detailed within the Mill Hill Conservation Area Character Appraisal Statement; However the report notes that there are important views across the valleys into the Conservation Area from Totteridge Common and Totteridge Lane, particularly the National Research Institute building which acts as a landmark building.

The Council's Mill Hill Conservation Area Character Appraisal Statement, Adopted April 2008, indicates that the Area comprises a blend of rural cottages, mansions for wealthy Londoners and a scattering of institutional buildings strung out for a mile along the high ground of the Ridgeway. The Area looks out in both directions over Green Belt countryside and is described as being typical of a number of small villages in a countryside setting. The proposal would not interrupt views of the valley to the north because of the low height of the building.

The proposal has been designed to respect the character of the area, the buildings will be of a similar building form as the existing buildings with similar roof style. Although additional fenestration detailing will be incorporated into the proposal this is considered to be acceptable. The height of the buildings replicates the slope down with the buildings being of varying heights. The proposal has been amended to remove the French doors from the front elevation.

A previous appeal APP/N5090/W/15/3014894 was dismissed, this appeal related to

demolition of the existing two storey dwelling, associated outbuildings and hardstanding to be replaced with a contemporary, single storey home that is both appropriate within the Green Belt and Mill Hill Conservation Area and functional as a long term family home".

This proposal was refused in part due to the impact of the proposal on the semi-rural village character of that scheme . the proposal would detract from the semi-rural village

character and architectural quality of the Conservation Area despite factors such as additional tree planting and the removal of the hardstanding. As a result the proposal would fail to conserve or enhance the character or appearance of the Mill Hill Conservation Area. There would be conflict with DMP Policies DM01 and DM06, which seek high quality development that has regard to the local historic context.

The current scheme under consideration is considered to be significantly different to the previous proposal and has been designed to respect the semi-rural character of the area.

The LPA's heritage officer has reviewed the proposal and is satisfied with the proposal and how it sits within the Conservation Area.

The proposal is considered to comply with the principles of DM06 and will preserve the character of this part of Mill Hill Conservation Area.

#### Impact on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

The site is not sited in close proximity to any other residential properties. The nearest residential properties are located at Etienne House which is set a sufficient distance from the proposed dwellings that there would be no overlooking or loss of privacy.

In regards to noise and disturbance it should be noted that the site has lawful use for 6 residential units, the re-development of the site for 7 units is not considered to result in increased comings and goings that would result in identifiable harm.

It is not considered that there would be any mutual overlooking from the new units as a result of the proposal. The height of the buildings replicates the slope down with the buildings being of varying heights. The proposal has been amended to remove the French doors from the front elevation.

#### Amenity of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Each of the dwellings comply with the relevant standard according to bedroom space.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. Each of the bedrooms comply with this requirement

All proposed residential development should provide suitable outlook and daylight for future units; the proposal would provide suitable outlook and dual aspect to all units in this regard is considered to be acceptable.

At ground floor, although the open planned kitchen/dining rooms have windows fronting St Vincents Lane, however, it is noted that there is a buffer zone of soft landscaping between the access road and the front facing windows and between each unit, this is considered to provide adequate levels of privacy. In addition, these are not sole windows to an open plan flat and as such other windows afford a greater level of privacy.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. Individual garden space is provided for each unit in addition to a communal area of garden area to the rearmost part of the site. The communal area can be directly accessed via the rear of each unit or from the proposed parking area. The site is considered to provide adequate levels of external amenity space.

### Traffic and parking

12 parking spaces are proposed comprising of 6 parking spaces to the front including a designated disabled parking space and a further 6 parking spaces are located to the rear of the site. Policy DM17 of the development management policies document states that normally up to 1 space should be provided for 1 bedroom units, 1-1.5 spaces should be provided for 2-3 bedroom units, 1.5-2 spaces for 4 bedroom units. The proposal would provide the maximum range of parking required for 7 units. The parking spaces have been designed to ensure there is adequate manoeuvring space to allow cars in and out of the site. Cycle parking and motorcycle parking is also proposed as part of the development which is considered to be acceptable.

### Ecology

Ecology surveys have been carried out at the site to determine the potential value of the habitat. Surveys were undertaken in 2012 and again in March 2017 . The results of the ecology survey determined that the habitat value for bats, badgers, amphibians, reptiles and birds.

The 2017 survey indicated that these buildings have negligible likelihood of supporting roosting bats.

The asbestos roofs of many of the buildings make the buildings unsuitable for roosting bats. Although the open access into the interior of many of the buildings can provide good habitat value for night feeding roosts, no evidence of the buildings being used by bats was found. The asbestos roofs mean the temperature inside the buildings will fluctuate dramatically and therefore makes it unlikely that these buildings will be used by bats. All buildings lacked potential roost features, despite the good quality foraging habitat in the landscape around the site.

In regards to birds these buildings contain evidence of nesting birds and provide habitat value for breeding birds. Any building/tree and scrub removal should be undertaken outside the period 1st March to 31st August. If this timeframe cannot be avoided, a close inspection of the building/trees and scrub to be removed should be undertaken immediately prior to clearance. All active nests will need to be retained until the young have fledged.

Enhancement measures are proposed including installing new bird boxes these will be secured by way of condition.

## **6. Trees and landscaping**

It is considered that the proposal will not result in the loss or damage of trees of special amenity value with appropriate conditions for a method statement, tree protection measures and landscaping.

### Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

## **5.4 Response to Public Consultation**

In regards to parking and traffic, the proposal is not considered to result in harm. As stated in the report the lawful use of the site is as 6 self contained units, the increase to provide 7 units. This increase is not considered to be harmful to the public highways.

Matters in regards to the maintenance and management of the access road and the upkeep of this is not covered by planning legislation. This would be a civil matter that would need consultation with a solicitor.

The proposal has been assessed in greenbelt terms and is considered to be acceptable.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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



**Location** 77 And 79 Devonshire Road London NW7 1DR

**Reference:** 17/1375/FUL

Received: 6th March 2017

Accepted: 22nd March 2017

**Ward:** Mill Hill

Expiry 17th May 2017

**Applicant:** Mr Kenton

**Proposal:** Demolition of two existing bungalows and erection of 4no terraced single family dwellings. Associated parking

AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; KEN.OCT.16CB - existing plans; KEN.OCT.16C 1 of 5; KEN.OCT.16C 3 of 5; KEN.OCT.16C 5 of 5.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

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

- 11 The roof of the rear projections 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).

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

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

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

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

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

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

**Informative(s):**

- 1 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](http://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 £5133.10 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 £19799.10 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](mailto: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](http://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](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](http://legislation.gov.uk)

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

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

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

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

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

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



## **Officer's Assessment**

The application has been called in to committee by Councillor Khatri. The reason being the proposal would have a harmful impact on the character of the area.

### **1. Site Description**

The application site covers two single storey bungalows in the Mill Hill ward on the southern side of Devonshire Road opposite the junction with Devonshire Crescent. The site is flanked by two storey dwellinghouses on either side. The property is set back from the pavement edge by front gardens. The area is a classified road and there is no CPZ on this stretch of the road. The site not located in a conservation area and none of the buildings are listed. There are no trees subject to a Tree Preservation Order.

The rear of the site is accessed by a single lane track about Aberdare Gardens. The existing two bungalows are anomalous within the street which predominantly features semi detached pairs of two storey dwellings

### **2. Site History**

Reference: H/00126/13

Address: 77 Devonshire Road, London, NW7 1DR

Decision: Refused

Decision Date: 16 April 2013

Description: Demolition of two existing detached bungalow dwellings and erection of two pairs of semi-detached houses including rear roof dormers and new off street car parking.

Reasons for refusal:

The four new dwellings as a result of their siting, size, bulk, and design would relate poorly to neighbouring buildings, and constitute an overdevelopment appearing cramped, unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. This would be contrary to policy DM01 of the Local Plan Development Management Policies (Adopted) 2012.

No undertaking has been given by the developer to meet identified additional libraries, health and monitoring contributions which would be incurred by the community as a result of the development, contrary to the adopted Supplementary Planning Documents on Library Facilities, Health Facilities and Planning Obligations, CS10, CS11, CS15 of the Local Plan Core Strategy (Adopted) 2012 and Local Plan Development Management Policies DM13.

### **3. Proposal**

The application relates to the demolition of two existing bungalows and erection of 4no terraced single family dwellings. Each two storey dwelling would have its own front garden parking. The terrace would be terminated at each end with a hipped roof. Three of the properties with the exception of the most southerly located would have a single storey rear extension. Each property would have its own private garden. Each property has been designed with a characteristic two storey front gable and bay window projection.

### **4. Public Consultation**

Consultation letters were sent to 49 neighbouring properties.

2 responses have been received, comprising 2 letters of objection and 1 letter of support..

The objections received can be summarised as follows:

- Third or fourth time this proposal has been put forward and nothing in the area has changed in the interim.
- Any variation to uniform streetscene would be detrimental.
- Loss of amenity in particular daylight.

## **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, DM17.

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

## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

Permission has previously been sought and refused under application H/00126/13 for the demolition of two existing detached bungalow dwellings and erection of two pairs of semi-detached houses including rear roof dormers and new off street car parking. This was dismissed at appeal.

The refusal and appeal history forms a material consideration when assessing the current application.

Since the previous refusal, CIL has been implemented by Barnet and as such contributions towards education, health and libraries are no longer secured by way of legal agreement. This reason for refusal is no longer application and contributions to any development will now be secured via the community infrastructure levy.

The previous scheme was also refused for the following reason " The four new dwellings as a result of their siting, size, bulk, and design would relate poorly to neighbouring buildings, and constitute an overdevelopment appearing cramped, unduly obtrusive and detrimental to the character and appearance of the streetscene and general locality. This would be contrary to policy DM01 of the Local Plan Development Management Policies (Adopted) 2012."

#### Impact on the character of the area

The proximity of the dwellings to the site boundaries, their greater height and depth, the comparatively small back gardens and the lack of space around the dwellings, would make them appear overly dominant in the street scene and out of character with the wider surroundings and characteristic development pattern. In assessing the previous scheme that was considered at appeal the inspector noted *The appeal proposals would replace the two bungalows with two pairs of semi-detached houses. The plots would be appreciably less wide than the adjoining semi-detached dwellings, with development coming close to the site boundaries, filling almost the entire width of the plots. As the appellant has stated, the plot widths would be similar to those on Oakhampton Road. However, that area has a less spacious character than this part of Devonshire Road. In some parts of Devonshire Road development does come close to, or up to, plot boundaries and there have been extensions which have reduced the gaps between dwellings. However, that is not so much the case in the vicinity of the appeal site.*

The current scheme proposes a row of terrace dwellings with the plot width of the properties on either end being wider than that previously proposed. In addition, the proposal will now have two storeys of accommodation with no accommodation proposed in



the roofspace, the dwellings will not extend as deeply into the rear garden area and will be of a similar footprint to the existing two storey dwellings.

*The inspector noted Because of the additional depth of the proposed dwellings, the garden areas to the rear would be noticeably reduced in size, particularly in the case of No. 77. This would also be uncharacteristic of the dwellings in this part of the road. In addition, in the case of proposed plot one, much of the angled frontage of the property would be taken up with hard surface to accommodate a vehicle, with very limited space to provide planting to help integrate the development.*

The changes to the plans including the removal of the single storey rear projection to no.75 and the reduced depth of the dwellings since the appeal is such that the current scheme is considered to address the previous concerns raised by the inspector.

*The inspector also noted The ridge height of the proposed dwellings would be noticeably higher than the adjacent houses, incorporating accommodation in the roof with fairly bulky rear dormers. They would also have a deeper plan form, with their two storey elements extending beyond the rear wall of the adjacent dwellings and with a single storey structure beyond that.*

As discussed above the proposed dwellings no longer incorporate accommodation in the roofspace and the building footprint has been reduced to align with the neighbouring properties at first floor level. The proposal is considered to sit comfortably within the site and would not appear cramped.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. A 2 bedroom house over two storeys would be expected to provide a minimum floor area of 70sqm; the proposed dwellings would both comply with this minimum space standard.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The units each comply with this guidance.

All proposed residential development should provide suitable outlook and daylight for future units; the proposal would provide suitable outlook and dual aspect.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units; the SPD specifies that for dwellings of 5 habitable rooms, a garden with an area of at least 55sqm would be required. Each unit would benefit from private rear gardens which meet the relevant requirement.

#### Impact on the amenities of neighbours

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

The two storey rearward projection of the dwellings has been reduced since the previous refusal and as such the dwellings will not extend beyond the established building line of either neighbouring property 73 and 81 Devonshire Road. It is noted that there are single storey projections to the rear of dwellings 77,79 and 79A. Given the distance maintained between the proposed building line and the nearest existing property at 81 Devonshire Road and the depth and height of the ground floor projection it is not considered that the proposal would result in a loss of amenity to the existing neighbouring property. The plans have been amended since its initial submission to remove the ground floor rear projection from proposed dwelling no.75, as a result of this amendment it is not considered there will be any appreciable loss of amenity to the neighbouring occupiers at no.73.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres. Given the orientation of the dwellings when considered against Oakhampton Road it is not considered that there would be any direct overlooking as a result of the proposal.

#### Traffic and parking

The proposal is considered to comply with council policies in respect of parking provision. A full investigation will need to be carried out by the highways team in respect of the crossovers to be provided and the parking layout will be reviewed after the investigation. The provision of 1 parking space per dwelling is considered to be acceptable.

#### Accessibility and Sustainability

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

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

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

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

#### **5.4 Response to Public Consultation**

All planning considerations are considered to be covered in the above appraisal.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

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



**Location**                    **The Vicarage Deans Lane Edgware HA8 9NT**

**Reference:**                **16/7594/FUL**

Received: 29th November 2016

Accepted: 12th December 2016

Ward:                        Hale

Expiry 6th February 2017

Applicant:                C/O Agent

Proposal:                    Demolition of existing vicarage and garage buildings and redevelopment to provide a replacement vicarage plus 8no. additional two storey dwellinghouses with associated access, amenity space, hard and soft landscaping, refuse stores and cycle storage. Provision of 15no. off-street parking spaces

**Recommendation:** Approve subject to conditions

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

850/P/1011

850/P/1010

Landscape masterplan

850/P/300

850/P/1000

850/P/010

850/P/1012

850/P/110

850/P/1101

850/P/1012

850/P/4001

850/P/2100

850/P/2101

850/P/2102

850/P/3003

850/P/4000

850/P/1010

850/P/0001

Design and Access Statement Part 1

Design and Access Statement Part 2

Heritage Statement

Transport Assessment

Planning Statement

Tree Survey

Ecology appraisal

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development;
- xi. details of temporary enclosures or security hoardings;
- xii. confirmation that all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's SPD "Control of dust and emissions during construction and demolition" JULY 2014 or subsequent guidance. The developer shall keep an up to date list of all NRMM used on the online register at <https://nrmm.london>.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

- 5 Before the permitted development is occupied the refuse collection arrangements shall be in place in accordance with the approved planning application.

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

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

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

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

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

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

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

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

- 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).

- 9 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.

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

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

- 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 20% 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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A-E of Part 1 of Schedule 2 of that Order shall be carried out within the area of each residential curtilage hereby approved.

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

- 13 The development hereby approved shall not be occupied until details of the vehicular access as indicated on Drawing No. 850/P/1000 for the proposed development is submitted to and approved by the Highway Authority including the reinstatement of the existing access and new access constructed in accordance with the approved plans.

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

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

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

- 15 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

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

- 16 The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general

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

**Informative(s):**

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

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

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

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

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

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

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

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

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

3 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to carryout photographic survey of the public highway before commencing any development work in the vicinity of the development

- 4 There is a bus stop in the close proximity of the existing site entrance which is likely to be affected by the proposed development. The applicant is advised that TfL Buses needs to be consulted to ensure that any impact on the bus operation is mitigated prior to commencement of development.
- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

## Officer's Assessment

### 1. Site Description

The site contains the vicarage for the John Keble Church (grade II listed) and is bound by the Baden Powell Centre and John Keble Church to the south west of the site. To the east and south are the rear gardens of residential properties on Sefton Avenue and Church Close respectively. The Vicarage is accessed via a crossover from Deans Lane to the north.

Deans Lane is defined by dwellings of varying density and design, ranging from purpose built flats, to semi-detached and terraced dwellings. Dwellings within Deans Lane largely follow the orientation of the street. Deans Lane also contains an eclectic mix of business units that include, A1/A2/A5/D1 and D2.

The site is not located within a Conservation Area and with the exception of the John Keble Church, there are no other protected features. The site is in Flood Zone 1 (low probability of flooding) and is less than 1 hectare.

### 2. History

W00082 - use of Church Hall for a children's play group. - Approved - 20/05/1965

W00082B - Demolition of existing scout hut and adjoining shed and construction of replacement single storey building for Scouts and Guides. - Approved - 05/06/1988

H/03948/08 - Replacement of single glazed windows with double glazed windows. - Refused & Dismissed at appeal - 31/12/2008

### 3. Proposal

The existing vicarage building has reached the end of its useful life as a result of the poor standard of the original build quality. It requires significant on-going maintenance, and suffers from subsidence. As a result, the Diocese wishes to build a replacement vicarage to modern building standards. The applicant therefore seeks planning permission for the relocation of the vicarage to the southern end of the site (4B/5P - 199sqm). The new vicarage will be located 1.5m from the western boundary, 8.1m from the eastern boundary and 7m from the southern boundary. The new vicarage will contain a width of 11m, and a depth of 14.3m so to accommodate a 4-bed unit.

The application also seeks permission for a terrace of (8) two storey units (1 x One bed, 2 x Two-bed, 5 x Three-bed).

1B/2P - 54sqm

2B/4P - 76sqm

2B/4P - 73sqm

3B/5P - 141sqm

3B/5P - 141sqm

3B/5P - 141sqm

3B/5P - 141sqm

3B/5P - 141sqm

The new terrace will contain a depth of 62.3m and a maximum width of 15.8m and will be located 16m from the northern boundary, 4m from the eastern boundary and 7m from the western boundary (i.e. At its closest point.) It is important to note that the 4m separation from the eastern boundary will be facilitated by a single storey structure. At first floor level,

the new terrace will be located 10m from eastern boundary. All new units will benefit from rear gardens which will be located adjacent to rear gardens of Sefton Avenue.

The site area is 0.3 ha and the current proposal would provide 46 habitable rooms. The proposed density would therefore be 161 hr/ha

The new units will benefit from 15 Off-street parking. These will be located at the northern end of the site, in close proximity to Deans Lane, where the site will be accessed.

Two trees within the application site are subject to a Tree Protection Order. These form part of a wider group of trees extending beyond the application boundary which are protected. These trees are being retained, and proposals have been designed to prevent any damage to the trees or their roots during construction or use

### **3. Public Consultation**

Consultation letters were sent to 65 neighbouring properties. The Council has received 14 objections and these are summarised as follows:

- Loss of view (including that of the sunset)
- Loss of privacy
- Loss of light
- Depreciation of property value
- The proposed high density development is not in keeping with the character of the area.
- Increase in residents will have a detrimental impact on sewage and water services
- The proposed density is excessive for the site
- Increased strain on refuse and recycling services situation.
- Increase in congestion
- Increase in noise pollution
- Decrease in off-street parking
- Loss of sunlight
- Building works will result in a disruption
- The proposal does not benefit local residents
- Overlooking
- Existing and proposed mature trees within Sefton Avenue will overshadow the proposed new development
- The application does not mention the prior removal of trees (2016)
- Previously removed trees should be replaced
- The repositioning of the vicarage will have a detrimental impact on the setting of the listed building.

Highways and transport: No objections subject to conditions

Trees: No objection subject to conditions

London Fire and Emergency Planning Authority: No objection

Heritage Officer: No objection

TFL Buses: No response

Thames Water: No objection

## **5 Policy Context**

### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM07, DM14

### Supplementary Planning Documents

#### Sustainable Design and Construction SPD (adopted April 2016)

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

## **Main issues for consideration**

The main issues for consideration in this case are:

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

## **6 Assessment of proposals**

### **Principle of Housing**

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and



the provision of social infrastructure. Further, policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed development would result in the redevelopment of a site that has previously been used as the vicarage.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing, including purpose built flats.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment for housing of the site is deemed acceptable

### **Vicarage**

The vicarage is not considered to be constitute a non-designated heritage asset under paragraph 135 of the National Planning Policy Framework. As such, the relocation of this feature is not objectionable in principle, subject to the scheme proposed being compliant with the relevant development plan policies.

### **Impact on the character of the area and setting of the listed building**

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The site (0.3 hectares) is located in an suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 26 units/hectare. The London Plan advises that development should be at 150-250 habitable rooms/hectare. The proposals appear to be at 161 habitable rooms/hectare.

The residential element which will address the street will contain generous areas of private garden. The proposed development would be set back from the edge of the highway. This space in conjunction with parking on the forecourt would form defensible space for new dwellings.

The proposed development would be constructed from brick, would contain part flat, part pitched roofs with a single rear projection on unit 1. The massing of the terrace will be broken with recessed front walls. All fenestration will be simplistic in character and uniform in symmetry.

Given that the pattern of development is already disrupted by the existing development, the proposal whilst not mimicking the established pattern of development, does go some way to improve the situation by creating a residential terrace that addresses the wider character of the area in a traditional manner. Also found to be positive, were the creation of landscaped areas to the rear of the dwellings.

Within this residential area, the proposal retains a degree of spaciousness expressed by gardens and also through amenity spaces within the public realm. The architectural vernacular whilst more modern than the historic character of the street has gone a long way to respect the mixed character of the street.

It is considered that the proposed development in the form and appearance of a short terrace would respect and respond to these positive characteristics of the area which correspond to the local character.

(Impact on landscaping and trees are assessed below)

### **Impact on the setting of the listed building**

Section 66 (1) of the Act states, "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The preamble to DM06 of the local plan is clear in its favour of the conservation of Listed Buildings with an emphasis on the retention of Listed Buildings in active use. The same presumption will apply to other external works which might harm the architectural and historic character and setting of such buildings.

John Keble Church, listed grade II and the only heritage asset close to the site, has a modest garden style setting, with an open aspect to the south and west. The church hall and Baden Powell Centre lie to its west and north-west. In terms of its setting it is views of the west front and tower of the church that contribute most to its significance, and to a lesser degree the west elevation as seen from Deans Lane. The Site does not contribute to the significance of the listed building other than by affording views towards the tower from the north along Deans Lane, and from the east, in between the properties along Sefton Avenue.

As detailed in the proposal section of this report, the application seeks to retain the listed building in its entirety. The site, comprising a former vicarage in a large overgrown garden, lies between the rear of John Keble Church (to the north-west) and the rear of the semi-detached houses along the south side of Sefton Avenue (to the east). The repositioning of the vicarage will not in itself harm the setting of the listed building. In fact its new positioning along with the proposed detailed landscape plan will improve the views and therefore the setting of the listed building. The modest height of the terrace is not considered to cause a detrimental impact on views to the church (As discussed above only glimpsed views via Sefton Ave are currently afforded.)

The proposal is not considered to cause a detrimental impact on the setting of the listed building.

### **Quality of accommodation for future occupants**

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that

development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. All new dwellings would feature private terraces and rear amenity space which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to the rear and would be functional space.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking from and to neighbouring properties. The new residential terrace will contain a minimum separation of 10m from the rear boundary.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook with the main living areas being served by windows on two elevations. The main outlook for the living areas would be situated to the front and rear of the site.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Concern has been raised that with the loss of privacy by reason of overlooking. However, all first floor rear windows will be located 10m away from the common boundary with Sefton Avenue. Given the distances between buildings (Directly facing windows will be located in excess of 21m) neighbouring amenity by way of overlooking is not considered to be harmed to a point of detriment.

Given the separation between directly neighbouring properties and rear gardens of Sefton Avenue, the new residential building is not considered to result in an overbearing impact on neighbouring amenity.

Concern has been raised with the loss of sunset views over the Church. Rights to a view are not material planning considerations.

#### **Whether the proposals would have an acceptable impact on highway and pedestrian safety**

Policy DM17 sets out parking requirements for residential developments. The proposal is for the demolition of the existing vicarage and garage buildings to provide a replacement vicarage and 8 additional dwellings comprising 2x2bedroom units, 5x3bedroom units and 1x4+bedroom unit. 15 parking spaces are proposed

Considering that the site is located within a high Public Transport Accessibility Level (PTAL) rating of 2, which is considered as a poor accessibility, parking provision of 15 parking spaces for the proposed development of predominantly 2, 3 and 4 bedroom residential units is acceptable on highway grounds.

The existing vehicular access to Deans Lane, which emerges onto the bus stop, will be permanently closed and a new vehicular access to Deans Lane is proposed to the south west. The proposal is considered to be an improvement on the existing situation by reason of reduced risk to highway and pedestrian safety.

19 cycle parking spaces will be provided in the basement area, and cycle stands are to be provided for each individual dwelling.

The provision of 19 cycle parking spaces is 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, however, 2 Cycle parking spaces per 4 bed residential unit are required in order to meet cycle parking standards

#### Emergency Access

The emergency access proposed is considered to be sufficient.

#### Refuse arrangement

The proposal seeks to have a refuse vehicle to enter the site for refuse collection. The access road would therefore need to be built to the Council's adoptable standards and the applicant will be expected to sign a Waiver of liability and indemnity agreement to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

#### Services

As assessment on the impact of services has revealed the proposal will not add an unreasonable levels of pressure on existing infrastructure.

#### Arboriculture

The property contains a number of protected trees. The most significant of are being retained and protected which are T1, T7, T11 & T9 at the front of the property. A large group of elm trees along the frontage will be removed; however it is highly likely that these trees will die of dutch elm disease in the near future. Trees located to the rear of the site will be removed but these do not have a significant visual presence in the local environment. Hedgerows and trees in the boundary are retained which will help screen the new development. The landscaping plans set out in principle the level of new planting on the site and green spaces. A detailed landscape plan will be required that offsets the loss of trees and provides long term visual tree amenity. The draft arboricultural method statement provides sufficient information and measures to ensure that retained trees are maintained in good health.

#### CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

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

## **Response to Public Consultation**

- Depreciation of property value - Not a material planning consideration
- Increase in residents will have a detrimental impact on sewage and water services
- Increase in noise pollution
- Building works will result in a disruption - If approved, the application will be subjected to a demolition and construction statement so to protect neighbouring amenity.

All other concerns have been addressed in the main body of the report.

## **6. Equality and Diversity Issues**

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

## **7. Other**

### **Ecology**

The PEA recorded nine broad habitats within the site. Incidental sightings of seven faunal species were also recorded during the field survey.

The Preliminary Roost Assessment of buildings B1 and B2 recorded no bats or evidence of bats within either building. A number of external features were recorded for each building, and both buildings are considered to have moderate potential to support roosting bats.

All trees on site were assessed as having negligible potential for roosting bats, therefore no further surveys of this tree are required. An arboricultural survey is recommended for any trees to be lost to the development, and protection of trees to be retained.

Any habitat clearance should be carried out following a mitigation method statement specific to reptiles, and under an ecological watching brief. This will avoid impacts on reptiles, hedgehog, common toad and common frog, all of which have been recorded within 1km of the site boundary.

No bats were recorded emerging from or returning to roost in the main building and associated garage of John Keble Vicarage, Deans Lane, Edgware, London during the dusk emergence and dawn return to roost surveys. These results indicate that bats are unlikely to be roosting within these buildings, and consequently the development will not contravene European legislation pertaining to bats.

No further bat surveys are required.

## **8. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, listed building, 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 subject to conditions.



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**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 10

**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](http://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](mailto: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](http://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](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](http://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 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 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 m<sup>2</sup>  
Flat 2 (1b2p) 58.5 m<sup>2</sup>  
Flat 3 (1b1p) 43.7 m<sup>2</sup>  
Flat 4 (1b1p) 37.1 m<sup>2</sup>  
Flat 5 (1b1p) 44.8 m<sup>2</sup>  
Flat 6 (1b1p) 56.4 m<sup>2</sup>  
Flat 7 (1b1p) 40.4 m<sup>2</sup>

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 m<sup>2</sup> 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 28.9m<sup>2</sup>, and Flat 2 would be provided with 4.2m<sup>2</sup>. The rear garden would be used communally by all residents and has an area of approximately 250m<sup>2</sup> 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.

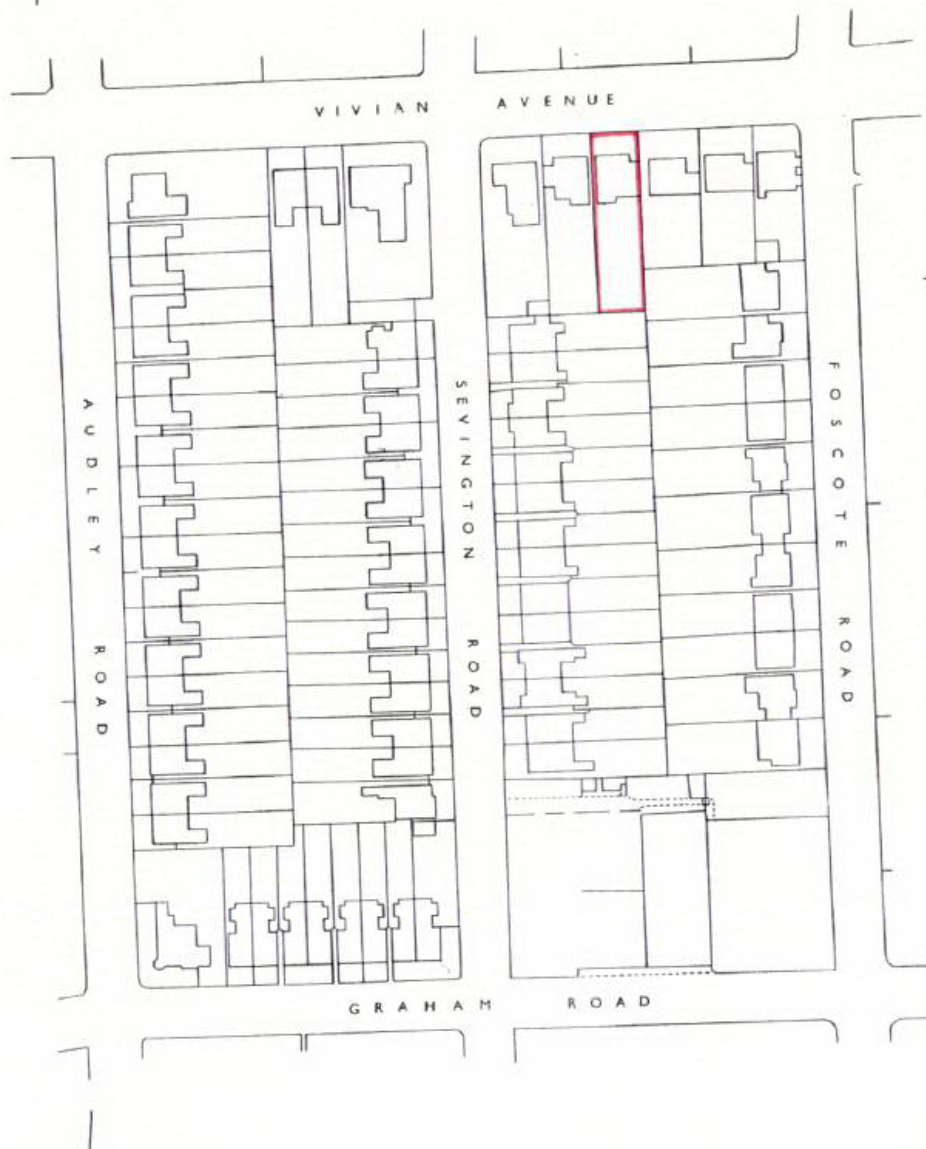
## **6. Equality and Diversity Issues**

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

**Location**                      **Simon Court 2 -4 Neeld Crescent London NW4 3RR**

**Reference:**                    **17/1019/FUL**

Received: 20th February 2017

Accepted: 23rd February 2017

Ward:                              West Hendon

Expiry 20th April 2017

Applicant:                      Mr Ezie Simon

Proposal:                        Erection of outbuilding to rear

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

- Site Location Plan
- Existing Site Plan Drawing No 120 B-050 Rev 00
- Proposed Site Plan Drawing No 120 B-051 Rev 00
- Proposed Floor Plan and Elevations Drawing No 120 B-101 Rev 00

All Received 20 February 2017

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

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

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

3     The use of the outbuilding as a 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).

- 4 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).

**Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

The site consists of a large detached two storey building with a crown roof. The building contains nine self-contained residential flats with amenity space provided at the rear of the building. Four of the flats have one bedroom, four have two bedrooms and the final flat has three bedrooms. Parking spaces are provided at the front of the site and in the underground car park.

The property is within the West Hendon ward. The area is characterised by residential development.

There are no special planning constraints on the site. The property is not listed and does not fall within a designated conservation area.

A parking court with garages is located to the south of the site. To the north (Neeld Crescent), west (Audley Rd/Station Rd) and south west (Vivian Avenue) of the site are residential properties all of which contain large rear outbuildings.

Planning permission was recently granted at appeal (ref: APP/N5090/W/16/3142284) for a single storey side extension to provide additional accommodation for Flat 3.

### **2. Site History**

Reference: 15/06394/FUL

Address: Simon Court, 4 Neeld Crescent, London, NW4 3RR

Decision: Refused

Decision Date: 17 December 2015

Description: Single storey side extension

The extension was refused by committee on the grounds that the extension would be a disproportionate addition which is not subordinate to the property and would be harmful to the character and appearance of the host property. However on appeal the extension was allowed. The appeal decision considered the extension was a modest and subordinate addition compared to the substantial size of the host building.

Reference: H/04169/11

Address: Simon Court, 4 Neeld Crescent, London, NW4 3RR

Decision: Application Invalid On Receipt

Decision Date: No Decision Made.

Description: Retention of a 3-storey building with 9 no. self-contained flats., Provision of 9 no. parking spaces in the basement and a lift

Reference: H/04925/13

Address: Flat 1, Simon Court, 4 Neeld Crescent, London NW4 3RR

Decision: Approved

Decision Date: 19 November 2013

Description: Submission of details pursuant to condition 4 (levels), condition 6 (materials), condition 7 (means of enclosure), condition 8 (refuse) and condition 11 (landscaping) of planning permission W12943D/07 dated 24/09/2007.

Reference: W12942D/07

Address: 2-4 Neeld Crescent, London, NW4 3RR

Decision: Approved subject to conditions

Decision Date: 29 August 2007

Description: Demolition of existing houses and erection of a two storey building with rooms in the roofspace to provide 9 no self-contained flats with basement parking and cycle storage.

Reference: W12942E/08

Address: 2-4 Neeld Crescent, London, NW4 3RR

Decision: Finally Disposed of

Decision Date:

Description: Submission of details of condition 6 (materials) pursuant to planning application W14942D/07 dated 20/09/2007.

### **3. Proposal**

The applicant seeks permission to erect a single storey outbuilding in the communal garden at the rear of the property.

The outbuilding would have a crown roof with a maximum height of 3 metres with an eaves height of 2.4 metres. The depth of the outbuilding would be 6.1 metres and would have a maximum width of 9.7 metres along the front elevation.

The outbuilding would be located 2.3 metres from the boundary with 6 Neeld Crescent, and 2.3 to 2.9 metres from the rear boundary shared with 150- 144 Audley Road. The proposed outbuilding would be located at a distance of over 9 metres from the rear elevation of the main building.

The outbuilding is proposed to be divided into 4 rooms to be used as storage for the existing flats.

The remaining rear garden is over 265 square metres.

### **4. Public Consultation**

Consultation letters were sent to 39 neighbouring properties.

22 responses have been received, comprising 9 letters of objection and 13 letters of support.

The objections received can be summarised as follows:

- A previously approved side extension has not been shown on the plans to demonstrate the total impact of buildings on the site
- Height exceeds boundary fencing
- Not set against boundaries so is visually prominent for neighbouring properties
- Other outbuildings in the area have been built without permission. This has a cumulative impact
- Outbuilding interrupts wildlife corridor
- Footprint of development on site is too large and the site is overdeveloped
- Residents park on the road or forecourt
- Light pollution from windows
- Noise nuisance
- Existing brick wall is very high
- Existing basement could be used for storage instead



- Cars always being repaired at the basement entrance
- New boundary fence on north boundary is placed further into garden so width of garden is reduced
- Concern this will be used for an office or flat in the future
- No landscaping completed as condition of consent for flats
- Outbuilding is noticeable and causes loss of outlook
- Loss of permeable garden surface

The letters of support can be summarised as follows:

- The outbuilding will provide much needed storage space for residents
- Other properties in the area have similar outbuildings
- Will not affect outlook or amenity of neighbouring occupiers
- The remaining garden provides sufficient amenity space for residents

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

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

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

#### The Mayor's London Plan 2016

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

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

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies 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.

### **5.4 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 storage for the residents of Simon Court. The floor plan indicates the proposed use, siting and layout.

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, it is noted that there are outbuildings in the rear garden areas of properties along Neeld Crescent, Audley Road/Station Road and

Vivian Avenue. The neighbouring property 146 Audley Road was given permission for an outbuilding at 3.3 metres in height in 2003 (W11854B/03). This outbuilding adjoins the rear boundary of the applicant site. 90 Vivian Avenue also has an outbuilding erected along the boundary with the applicant site. A Lawful Development Certificate was issued for this outbuilding under reference W11428B/03. It is noted that an outbuilding in the rear garden of 10 Neeld Crescent was refused retrospective planning permission under reference H/03343/13 as it was considered larger than neighbouring outbuildings and would create a loss of amenity space. However a subsequent enforcement notice was quashed at appeal (APP/NS090/C/13/2210124) on the basis that the outbuilding actually fell within Permitted Development.

The proposed outbuilding is within the size of an outbuilding which could be erected under Permitted Development and is considered to be in scale with other outbuildings in the area. The addition of the outbuilding of this size would therefore not appear out of character with the 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. 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 a subordinate and proportionate structure. A substantial garden area would remain of over 265sq.m.

Impact on amenity of neighbouring occupiers:

The outbuilding will be located in the rear garden of the property 2 metres away the boundaries with neighbouring properties. The outbuilding will extend 9.7 metres adjacent to the boundary shared with properties 150- 146 Audley Road. The rear walls of the neighbouring properties 148 and 146 are approximately 20 metres from the boundary given the large rear gardens. It is noted that 150 Audley Road has been extended up to the boundary with the applicant property and the outbuilding will be closest to this dwelling. However there are no rear windows proposed facing 150 Audley Road and the separation of 2 metres is considered to mitigate any effects to this property.

The side of the outbuilding will face toward Vivian Avenue. The outbuilding will be located an estimated 30 metres from the rear elevation of the properties on Vivian Avenue. The separation of the outbuilding from the neighbouring property at 6 Neeld Crescent is an estimated 16 metres. Given the outbuilding will be located at least 2 metres from the boundaries of any neighbouring properties, and considering the outbuilding is located over 10 metres from the rear elevations of all surrounding dwellings except for 150 Audley Road, it is not expected to have an impact on neighbouring properties in terms of a loss of sunlight, over-shadowing or loss of privacy.

The outbuilding is within the size standards for outbuildings built under Permitted Development and is therefore not considered to be a substantially large outbuilding and would be in scale with others in the vicinity. The proposed windows in the side elevation of the outbuildings will have a maximum height of 2.2 metres. Given the setback from windows in the neighbouring property and given the windows are proposed at a height just exceeding a standard boundary fence height, the windows are not likely to give rise to any loss of privacy for neighbouring occupiers.

The application form and accompanying documentation confirms that the outbuilding would be used by the residents with the main building at Simon Court (which contains 9 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**

A previously approved side extension has not been shown on the plans to demonstrate the total impact of buildings on the site

- o The application has been considered on its planning merits. The prior planning permission for the side extension is acknowledged but given its position on the site, it does not affect the proposal for the outbuilding.

Height exceeds boundary fencing so will be visible

- o The visual impact of the outbuilding has been assessed and is not considered harmful to the character of the area or amenity of neighbouring properties.

Not set against boundaries so is visually prominent for neighbouring properties

- o The visual impact has been assessed and is not considered harmful to the character of the area or amenity of neighbouring residents.

Other outbuildings in the area have been built without permission. This has a cumulative impact

- o The presence of the outbuildings contributes to the character of the area. While outbuilding erected without planning permission should not be a material consideration for the character of the area, there are lawful examples of outbuildings in the immediate vicinity including 90 Vivian, 146 Audley Road, 6-8 and 10 Neeld Crescent and 112 Station Road.

Outbuilding interrupts wildlife corridor

- o It is considered the proposed development maintains sufficient rear amenity space. No significant vegetation is being proposed for removal for this development.
- o The property is not a designated Wildlife or ecology corridor such as a Site of Importance for Nature Conservation.

Footprint of development on site is too large and the site is overdeveloped

- o The footprint of development is not considered to be out of scale with the footprint of developments in the area.
- o 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.

Residents park on the road or forecourt

- o This is not a relevant consideration of the proposed application.

Light pollution from windows

- o The outbuilding is to be used for storage and lights are not expected to be on during night time hours. Furthermore the windows are only 2.2 metres in height and a boundary fence of 2 metres would mostly obscure the windows.

#### Noise nuisance

o The outbuilding is to be used for storage for existing residents. Considering the proposed use of the outbuilding it is not considered that the development would result in a harmful level of noise disturbance to neighbouring occupiers

#### Existing brick wall is very high

o The existing brick wall is not the subject of this application.

#### Existing basement could be used for storage instead

o The outbuilding is assessed on its own merits.

#### Cars always being repaired at the basement entrance

o This is not a relevant consideration in determining the development of an outbuilding.

#### New boundary fence on north boundary is placed further into garden so width of garden is reduced

o The presence of the fence inside of the boundary does not alter the overall footprint of development within the curtilage of the property.

#### Concern this will be used for an office or flat in the future

o Several objectors have raised concerns that the outbuilding will be used as self-contained flat or office in the future. The application has been submitted on the basis that the outbuilding will accommodate storage for residents only which is considered ancillary to the main building, and the application has been assessed accordingly. A condition has been attached to this recommendation to secure this.

o 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.

#### No landscaping completed as condition of consent for flats

o The compliance of conditions under a previous planning application is an enforcement matter.

#### Outbuilding is noticeable and causes loss of outlook

o The outbuilding is less than 3 metres high

o 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 material consideration. Loss of views could also not be a material consideration.

o In the interest of clarity, the visual and residential amenities of neighbouring occupiers have been carefully considered in this application.

#### Loss of permeable garden surface

o There is still a reasonable amount of permeable garden remaining.

### **6. Equality and Diversity Issues**

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

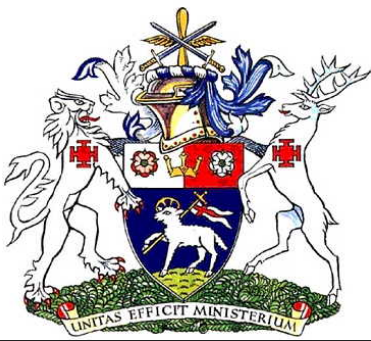
### **7. Conclusion**

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



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## Hendon Planning Committee

9<sup>th</sup> May 2017

<b>Title</b>	<b>Planning Enforcement Quarterly Update January 2017 to March 2017</b>
<b>Report of</b>	Head of Development Management
<b>Wards</b>	All
<b>Status</b>	Public
<b>Urgent</b>	No
<b>Key</b>	No
<b>Enclosures</b>	None
<b>Officer Contact Details</b>	Fabien Gaudin, <a href="mailto:fabien.gaudin@barnet.gov.uk">fabien.gaudin@barnet.gov.uk</a> , 020 8359 4258

### Summary

The report provides an overview of the planning enforcement function in the period between January 2017 and March 2017.

### Recommendation

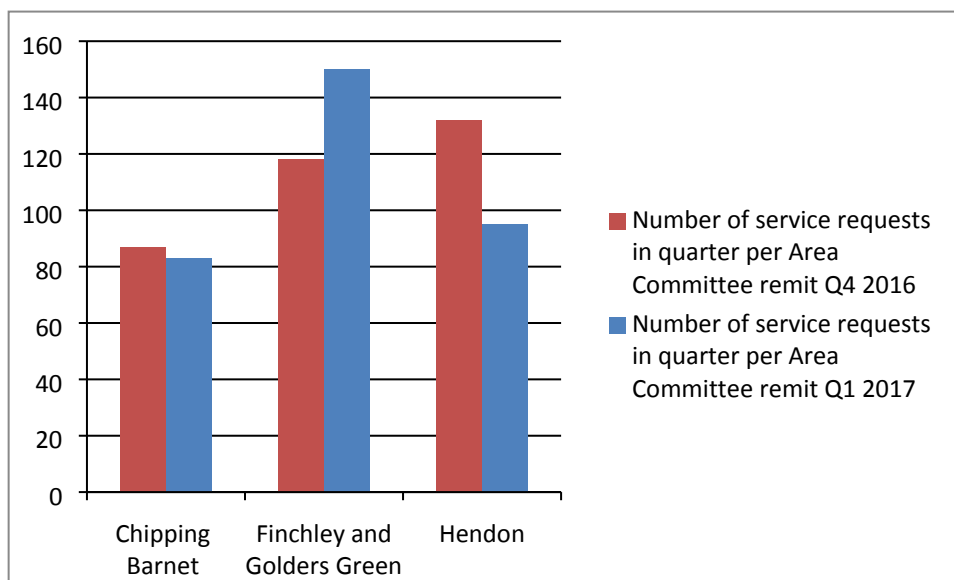
1. That the Committee note the Planning Enforcement Quarterly Update for the period of January to March 2017.

## **1. WHY THIS REPORT IS NEEDED**

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function over the period of January to March 2017.
- 1.2 Further updates will be reported quarterly and will include comparisons with previous quarters.

### 1.3 Number of service requests

In the period between January and March 2017, 371 service requests were received, alleging potential breaches of planning control which is approximately 10% higher than in the previous quarter. The number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet		
Ward	Q1 2017	Q4 2016
Brunswick Park	8	17
Coppetts	20	12
East Barnet	20	8
High Barnet	24	14
Oakleigh	11	15
Totteridge	17	13
Underhill	10	8

Hendon		
Ward	Q1 2017	Q4 2016
Burnt Oak	12	12
Colindale	4	8
Edgware	17	18
Hale	18	15
Hendon	26	27
Mill Hill	21	25
West Hendon	13	27

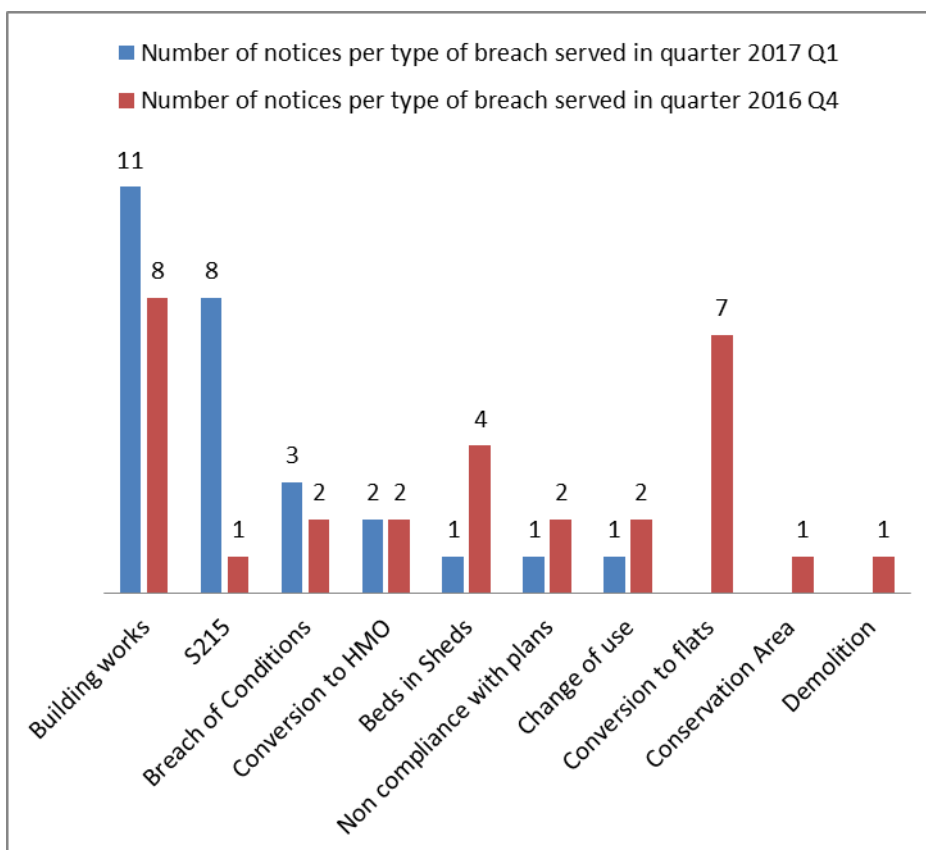
Finchley and Golders Green		
Ward	Q1 2017	Q4 2016
Childs Hill	47	36
East Finchley	7	9
Finchley Church End	20	10
Golders Green	19	20
Garden Suburb	18	11
West Finchley	12	13
Woodhouse	27	19

Future quarterly updates will show the evolution of number of requests quarter on quarter.

#### 1.4 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 1.5 shows details of such cases resolved in the last quarter.

In the last quarter, 27 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is comparable to the 30 notices served in the previous quarter. Notices relating to building works continue to constitute the most common type of notices served across the Borough. Since the last quarter, there was an increase in number of s215 notices that increased from 1 to 8.



### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between January and March 2017

	Number of cases closed Q1 2017	Number of cases closed Q4 2016
<b>Full compliance</b> following serving of enforcement notice	11	19
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	42	76
<b>Lawful development</b> No breach of planning control was identified following investigation	167	130
<b>Breach detected</b> but harm insufficient to justify enforcement action	22	51
<b>Total</b>	<b>242</b>	<b>276</b>

It should be noted that almost seven out of ten investigations completed in the last quarter revealed that no breach of planning control had occurred on site.

Of the 75 sites where a breach was detected, it was necessary to carry out works in 70 % of cases (either via a formal or informal route). The proportion of sites where a breach was detected but insufficient harm to justify enforcement action was identified reduced from 35% to 30% quarter on quarter. Examples of why no action was taken vary and include the following reasons:

- A site in the Oakleigh Ward was granted permission for the construction of a new house. A garage was demolished prior to the owner submitting details of a 'Demolition & Construction Method Statement'. The garage was demolished without incident and no further construction works are taking place. A warning was issued to the owner who was advised that no further works should be carried out to implement the approved planning permission without all pre-commencement conditions being discharged and that failure to adhere to the conditions may lead to further planning enforcement action.
- A breach in the Totteridge Ward was noticed on site by one of the Council's tree officers and related to potential harm to protected trees. Levels details and details of replacement planting have now been approved and no further action is possible at this time. The case will be reopened if the condition of the retained trees significantly deteriorates or the replacement trees fail to establish.
- A case was closed for a breach in the Woodhouse ward relating to the height of an extension exceeding an approved planning permission. Following a site visit and review of the extension, officers came to the conclusion that the extension as built from a height perspective would have been given planning permission. This is because the maximum height of the extension at the site is lower than a larger extension that has been approved at the neighbouring site.

Future quarterly updates will show the evolution of number of requests quarter on quarter.

## 1.6 Notable cases updates

### Finchley and Golders Green

The landlord of 11 Quantock Gardens, NW2 has paid the first instalment of £212,000 of the £ 555,954 owed under the 'Proceeds of Crime' provisions for the unlawful conversion of the property into flats.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems following the convictions of the respective owners for breaches of planning enforcement notices. The Council is pursuing Proceeds of Crime in relation to each.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. A judgment is expected in July.

A District judge sitting at Willesden Magistrates' Court has finished hearing evidence in the 'deception' case concerning the sub-division of a property in Clifton Gardens, NW11. This is the first type of this case that the Council has pursued. Counsel on both sides have been asked to provide closing submissions in writing with a judgment expected in June. If the LPA is successful in its claim it will be able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds that the owner attempted to hide the alleged breach from investigating officers.

### Hendon

A rear extension has been demolished at 10 Hillview Gardens. A planning enforcement notice had previously been upheld by a planning inspector following a public Inquiry held In September 2016.

### Chipping Barnet

The notice served in respect of the residential development of 'The Spinney' 24 Hendon Wood Lane has been upheld at appeal albeit the inspector agreed after hearing submissions to the public inquiry that the time period for compliance should be extended from 5 months to 9 months. The owner of the Spinney had brought many cabins and caravans on site to provide a large number of dwellings. Although the LPA had to accept that the initial complaint from a member of the public had come too late to allow for full clearance of the site the notice demands a substantial reduction. Colleagues in the Metropolitan Police (MPS), London Fire Brigade (LFB) and environmental health who had supported the planning department's actions have been informed of the outcome

Work on securing and clearing the abandoned factory at Allum Way (opposite Totteridge and Whetstone Tube station) continues. The planning department and the MPS took joint action with the aim of first securing and then demolishing the derelict structure. The MPS and LFB had previously expressed their concerns that if the building was allowed to remain in its previous state a risk of serious injury or death to trespassers or members of the emergency services would continue to exist. The LPA agreed with this observation whilst also noting that the structure was a visually obtrusive feature and that the land could be put to better use.

## **2. REASONS FOR RECOMMENDATIONS**

2.1 Not Applicable

## **3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED**

3.1 Not Applicable

## **4. POST DECISION IMPLEMENTATION**

4.1 Not Applicable

## **5. IMPLICATIONS OF DECISION**

### **5.1 Corporate Priorities and Performance**

5.1.1 Not applicable

### **5.2 Resources (Finance & Value for Money, Procurement, Staffing, IT, Property, Sustainability)**

5.2.1 Not applicable

### **5.3 Social Value**

5.3.1 Not applicable

### **5.4 Legal and Constitutional References**

5.4.1 Not applicable

### **5.5 Risk Management**

5.5.1 Not applicable

### **5.6 Equalities and Diversity**

5.6.1 Not applicable

### **5.7 Consultation and Engagement**

5.7.1 Not applicable

### **5.8 Insight**

5.8.1 Not applicable



## **6. BACKGROUND PAPERS**

6.1 None

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