

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 20TH SEPTEMBER, 2016**

**AT 6.00 PM**

**VENUE**

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

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

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

Councillor Melvin Cohen      Councillor Arjun Mittra      Councillor Shimon Ryde  
Councillor Jim Tierney      Councillor Alan Schneiderman

**Substitute Members**

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

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

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: Sarah Koniarski, sarah.koniarski@barnet.gov.uk, 020 8359 7574

Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	1 - 6
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	<b>Childs Hill Ward</b>	
6.	6 Beechworth Close London NW3 7UT - 16/1277/S73	7 - 42
7.	27 Hendon Way London NW2 2LX - 16/3603/HSE	43 - 50
8.	1 The Ridgeway London NW11 8TD - 16/4084/FUL	51 - 68
9.	Sunridge Court 76 The Ridgeway London NW11 8PT - 16/2679/FUL	69 - 78
10.	402 Finchley Road London NW2 2HR - 16/3214/FUL	79 - 98
	<b>East Finchley Ward</b>	
11.	Land Rear Of 123-131 East End Road London N2 0SZ - 16/2025/FUL	99 - 116
	<b>Finchley Church End Ward</b>	
12.	108 Holders Hill Road London NW4 1LJ - 16/4234/FUL	117 - 128
	<b>Garden Suburb Ward</b>	
13.	21 Temple Fortune Lane London NW11 7TS - 15/05603/FUL	129 - 150

	<b>Woodhouse Ward</b>	
14.	Britannia House 958 - 964 High Road London N12 9RY - 16/2568/FUL	151 - 166
15.	Britannia House 958 - 964 High Road London N12 9RY - 16/2602/FUL	167 - 182
16.	Britannia House 960 High Road London N12 9RY - 16/2702/FUL	183 - 198
17.	Factory To The Rear Of 45 To 51 Woodhouse Road North Finchley London N12 9ET - 16/3759/FUL	199 - 220
18.	29 Christchurch Avenue London N12 0DG - 16/4173/HSE	221 - 228
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20.	Any item(s) the Chairman decides are urgent	

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# Decisions of the Finchley and Golders Green Area Planning Committee

20 July 2016

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillor Melvin Cohen  
Councillor Arjun Mittra  
Councillor Shimon Ryde

Councillor Jim Tierney  
Councillor Alan Schneiderman

## 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on 15 June 2016 be agreed as a correct record and signed by the Chairman.

## 2. ABSENCE OF MEMBERS (IF ANY)

None

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

The following interests were declared:

Councillor	Item	Nature of Interest	Details
Alan Schneiderman	11	Non-pecuniary	That the councillor has an association to the Finchley Society.

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

None

## 5. ADDENDUM

The committee noted the information provided in the addendum.

The Chairman varied the order of business to facilitate consideration of the items in the following order:

- Item 7, 31A The Park
- Item 11, 104 Nether Street
- Item 8, 42 West Heath Drive
- Item 10, 14 Grosvenor Road
- Item 13, Holders Hill Road.

The Committee noted that officers had withdrawn the following items:

- Item 6, 6 Beechworth Close
- Item 9, 16 and 18 Oakfields Road

- Item 12, Finchley Police Station.

**6. 31A THE PARK, LONDON NW11 7ST**

**Planning application reference number: 16/2895/FUL**

Report: see pages 33 to 48 of the agenda and page 1 of the addendum report.

**Proposal:**

Demolition of the existing dwelling and detached garage and erection of 5 two-storey detached and semi-detached dwellings with rooms in roof space including hard and soft landscaping, off street parking spaces and refuse stores.

A planning officer introduced the report.

The committee heard two representations, from Mr Woolman and Mr Berman respectively, on behalf of objectors to the application and asked questions of the objectors.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

The committee debated the application and asked questions of the officers.

**RESOLVED:**

- 1. That planning permission in respect of application number 16/2895/FUL be granted subject to the conditions detailed in the report.**

<b>Votes were recorded as follows:</b>	
For	3*
Against	3
Abstention	1

\*The Chairman used her casting vote in favour of the motion to approve the application.

**7. 104 NETHER STREET, LONDON N12 8EU**

**Planning application reference number: 16/2710/RCU**

Report: see pages 79 to 84 of the agenda and page 1 of the addendum report.

**Proposal:**

Retention of existing front boundary wall with railings. Retention of existing fenestration (Retrospective).

A planning officer introduced the report.

The committee heard a representation from Mr Pickering (Chairman, The Finchley Society) on behalf of objectors to the application and asked questions of the objector.

The applicant's agent made a representation to the committee and answered questions arising from his submission.

The committee debated the application and asked questions of the officers. Following discussion the committee agreed to add conditions pertaining to the colour of the railings and a soft landscaping scheme for the front garden area.

**RESOLVED:**

1. That planning permission in respect of application number 16/2710/RCU be granted subject to the condition detailed in the report and subject to the following additional conditions 2(a)(b)(c) and 3:

“2a) Within 2 months of the date of this permission, a scheme of soft landscaping for the front garden area, including details of size, species, planting heights, densities and positions of the soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority.

2b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following the date of this permission.

2c) 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 2016.

- 3) Within 2 months of the date of this permission the gates and railings, including the existing ‘gold’ pattern, shall be painted black and maintained as such thereafter.

**Reason:** To safeguard the visual amenities of the property 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).”

<b>Votes were recorded as follows:</b>	
For	3
Against	2
Abstention	2

**8. 42 WEST HEATH DRIVE, LONDON NW11 7QH**

**Planning application reference number: 16/2823/HSE**

Report: see pages 49 to 56 of the agenda and page 1 of the addendum report.

**Proposal:**

Formation of new basement below existing property with associated lightwells to front, side and rear elevations.

A planning officer introduced the report.

**RESOLVED:**

1. That planning permission in respect of application number 16/2823/HSE be granted subject to the conditions detailed in the report.

<b>Votes were recorded as follows:</b>	
For	7
Against	0
Abstention	0

**9. 14 GROSVENOR ROAD, LONDON N3 1EX**

**Planning application reference number: 16/2970/FUL**

Report: see pages 65 to 78 of the agenda and page 1 of the addendum report.

**Proposal:**

Conversion of property into 3 self-contained flats following demolition of existing garage and erection of part single, part three storey side extension with 1 proposed roof light to front elevation. demolition and alteration to existing front entrance and creation of a new front entrance. Demolition of existing rear extension and erection of a part single, part-three storey rear extension. Alteration to existing roof including 3no roof lights to front elevation. Provision of 2 front parking spaces.

A planning officer introduced the report.

**RESOLVED:**

1. That planning permission in respect of application number 16/2970/FUL be granted subject to the conditions detailed in the report and subject to the following condition (contained in the addendum):

**“Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on drawing no. 09F-PG-Rev9 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.**

**Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.”**

<b>Votes were recorded as follows:</b>	
For	6
Against	0
Abstention	1



**10. 102 HOLDERS HILL ROAD, LONDON NW4 1LL**

**Planning application reference number: 16/3581/FUL**

Report: see pages 113 to 122 of the agenda and page 1 of the addendum report.

**Proposal:**

Conversion of a single family dwelling into 2 self-contained residential units. Single storey rear extension.

A planning officer introduced the report.

**RESOLVED:**

- 1. That planning permission in respect of application number 16/3581/FUL be granted subject to the conditions detailed in the report and the following condition (contained in the addendum):**

**“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).”**

<b>Votes were recorded as follows:</b>	
For	6
Against	0
Abstention	1

**11. 6 BEECHWORTH CLOSE, LONDON NW3 7UT**

Officers withdrew the item from the agenda.

**12. 16 AND 18 OAKFIELDS ROAD, LONDON NW11 0HY**

Officers withdrew the item from the agenda.

**13. FINCHLEY POLICE STATION, 193 BALLARDS LANE, LONDON N3 1LZ**

Officers withdrew the item from the agenda.

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

None

The meeting finished at 7.50 pm

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**Location**                      **6 Beechworth Close London NW3 7UT**

**Reference:**                    **16/1277/S73**

Received: 29th February 2016

Accepted: 2nd March 2016

Ward:                            Childs Hill

Expiry 27th April 2016

Applicant:                    Miss Katherine Somers

Proposal:                      Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include changes to the fenestration to both houses, alteration to light wells, revised rooflight design, creation of lift overrun to both houses, new skylights to both houses, enlargement of basement.

**AGENDA ITEM 6**

**Recommendation:** Approve subject to conditions

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

- 6BW-P2-200 Rev G, 6BW-P2(10)-003 Rev E, 6BW-P2(10)-004 Rev A, 6BW-P2(10)-005 Rev A, 6BW-P2(10)-006 Rev A, 6BW-A1(12)-50 Rev A, 6BW-P2(12)-100 Rev B, 6BW-P2(12)-101 Rev B, 6BW-P2(12)-103 Rev B, 6BW-P2(12)-105 Rev B, 6BW-P2(12)-104, (received: 22/04/16).
- No. TS-15-002-001 Rev D, 6BW-P2(12)-102 Rev A and 6BW-P2(10)-002 Rev C (25/04/16)
- Basement Impact Assessment (dated May 2016)
- Arboricultural Impact Assessment (dated June 2016)
- Construction Method Statement (dated August 2016 V2)

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2     Before this development is commenced, other than for demolition, site clearance and piling works, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 3 The materials used in the development shall be in accordance with those approved under planning permission 15/03476/CON.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 5 The enclosures for the storage of recycling containers and wheeled refuse bins used in the development shall be in accordance with those approved under planning permission 15/03476/CON. They shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

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

- 6 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, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 1 Elm Walk and 5 Beechworth Close.

Reason:

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

- 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 to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of 6 Beechworth Close 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 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 9 In the event of installations of any extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority before installation and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

- 10 The scheme of hard and soft landscaping, including details of existing trees to be retained, shall be implemented in accordance with the details submitted and approved in application 15/03476/CON.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2016 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 11 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 12 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 The development shall be implemented in accordance with the details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site submitted and approved in application 15/03476/CON.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 The temporary tree protection shall be implemented in accordance with the details submitted and approved in permission 15/03476/CON and 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 15 The development shall be implemented in accordance with the details submitted and approved in permission 15/03476/CON in connection with the tree protection details and 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.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

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

Reason:

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

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

- 18 Before the development hereby permitted is occupied, vehicular and cycle parking spaces shall be provided in accordance with the hereby approved drawing submitted as part of the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 of the Adopted Barnet Core Strategy DPD (2012).

- 19 This development must be begun within three years from 08.05.13.

Reason:

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

- 20 The development shall be implemented in accordance with the 'Demolition & Construction Method Statement' approved in permission 15/03476/CON and in accordance with the updated Construction Method Statement dated August 2016 V2 submitted with this application 16/1277/S73. Throughout the construction period the detailed measures contained within the approved Statements shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2016).

- 21 Before the buildings hereby permitted are occupied the proposed windows in the side elevations facing 1 Elm Walk and 5 Beechworth Close 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 Adopted Barnet Development Management Policies DPD (2012).

- 22 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 13% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2016) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2016).

- 25 The roof of the buildings 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).

- 26 a) The development shall be constructed in accordance with the revised Basement Impact Assessment (dated May 2016). The basement construction shall be watertight in accordance with BS 8102, the pile wall shall be adequately propped and groundwater monitoring shall be completed as set out in the BIA.



b) Prior to first occupation of the development, a report by a UK Registered Ground Engineer shall be submitted to and approved by the Local Planning Authority that states that the development has been implemented in accordance with the approved Basement Impact Assessment.

Reason:

To safeguard the risk of flooding to the site and neighbouring properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 27 The development shall be implemented in accordance with the noise assessment submitted and approved in application 15/03476/CON. Any measures identified in the report shall be implemented in their entirety before any of the units are occupied.

Reason:

To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2016.

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

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 £40,425.00 payment under Mayoral CIL.

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

application has therefore been assessed at this time as liable for a £155,925.00 payment under Barnet CIL.

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

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

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

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

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

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts:

- a) Institute of Acoustics and b) Association of Noise Consultants.

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

1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and & measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4) Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

- 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.

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- 7 Wildlife and Countryside Act 1981 Obligations: Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

## **Officer's Assessment**

The application was deferred by Members at the May meeting of the committee to allow the applicant to submit additional supporting information. The applicant has subsequently submitted three revised documents, including:

- Basement Impact Assessment
- Arboricultural Impact Assessment
- Construction Method Statement

Since the original meeting, the scheme has also been amended to retain the integral garage to house 1 and to omit the additional hardsurfaced area to the front of the site. The BIA has also been further amended to include a section on groundwater monitoring.

These matters are discussed further within the main report.

### **1. Site Description**

The application site is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site. The site is not located within a conservation area.

### **2. Site History**

Reference: 15/07605/S73

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Refused

Decision Date: 08.02.2016

Description: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include Internal alterations. Installation of access lift. Alterations to fenestration. Removal of garage and squaring off basement to House 1. Increase size of lightwell to rear of House 2, relocation of rooflights.

Reasons for refusal:

1. The plans submitted are considered to be inadequate, as they do not enable the full assessment of the proposed alterations to the building. On the basis of the plans supplied it is considered that the proposed development would, by reason of its design, be harmful to the character and appearance of the existing building, the street scene and this part of Beechworth Close. The application is therefore found to be unacceptable and contrary to policies 7.6 and 7.8 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 of the Barnet Development Management Policies Document (Adopted September 2012).

2. The proposed unit would fail to provide future occupiers with sufficient private outdoor amenity space and as a result, the amenities of future occupiers would be significantly affected. The proposal is therefore found to be unacceptable and contrary to

policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2012).

3. Insufficient information has been provided to demonstrate that the future occupiers of House 1 would have adequate space to manoeuvre their vehicles allowing them to enter and exit the site in a forward gear. The proposal would therefore create a situation prejudicial to highway and pedestrian safety and contrary to policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: 15/03476/CON

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approved

Decision Date: 11.08.2015

Description: Submission of details of Conditions Nos.2 (Levels); No.3 (Materials); No.5 (Refuse Enclosures); 10 (Hard and Soft Landscaping); No.13 (Details - Excavations for Drainage); No.14 & 15 (Trees Protection); No. 20 (Noise); No. 24 (Method Statement) pursuant to planning permission Ref:F/01083/13 dated: 8 May 2013.

Reference: F/01083/13

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approve subject to conditions

Decision Date: 09.05.2013

Description: Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

### **3. Proposal**

The current application proposes the following changes to a previously approved scheme (15/01592/FUL):

- Alteration to hardstanding (now omitted)
- Change of use of the garage to a kitchen (now omitted)
- Changes to the fenestration to both houses
- Alteration to light wells
- Revised rooflight design
- Creation of lift overrun to both houses
- New skylights to both houses
- Enlargement of basement

### **4. Public Consultation**

Consultation letters were sent to 25 neighbouring properties.

7 letters of objection have been received.

The objections received can be summarised as follows:

- Loss of off street parking spaces
- Enlargement of basement

- Issues relating to construction management
- The roof additions are too large and could create a roof terrace and harm the character of the area.
- The construction management plan should be updated
- Harm to protected trees
- Increase stress in on street parking
- Overdevelopment

Following consultation on the amended Basement Impact Assessment, Construction Method Statement and Arboricultural Impact Assessment, additional comments were received on behalf of the applicants and the local residents. Copies of letters relating to the BIA are appended to this report:

Appendix A - covering letter on behalf of residents.

Appendix B - extract from LBH Wembley report submitted on behalf of the residents.

Appendix C - letter from Chelmer Consultancy on behalf of the applicant.

Subsequent to receipt of these documents, the application has been amended to reinstate the garage previously approved for house 1 and to remove the additional hardstanding area in front of this dwelling.

## **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, DM03, DM04, DM08, DM17.

## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

Residential Design Guidance (adopted April 2012).

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

- Whether harm would be caused to the character of the area
- Whether harm would be caused to the amenities of future and neighbouring occupiers
- Whether harm would be caused to any protected trees

### **5.3 Assessment of proposals**

#### Preface

The application has been amended to reinstate the garage previously approved for house 1 and to remove the additional hardstanding area in front of this dwelling.

Having given careful consideration to the matters raised by the technical specialists from each party and the legal matters raised on behalf of the residents, a number of amendments have been made to suggested conditions to reflect the fact that work has commenced on site to implement the approved application. Details in relation to a number of conditions have already been submitted and approved in application 15/03476/CON.

The Construction and Management Plan has also been updated to include provisions for ground water monitoring during construction.

As the scheme is similar to that previously approved (F/01083/13), the following assessment will focus on the proposed changes highlighted above.

#### Alteration to hardstanding

No longer proposed.

#### Enlargement of basement

As the proposed basement is increasing in depth Members requested an amended version of the previously submitted Basement Impact Assessment which takes into account these proposed changes.

In relation to the previous application, the Council's Building Control Department Principal Structural Engineer has also confirmed the construction of the basement is unlikely to



have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely.

#### Change of use of the garage to a kitchen

No longer proposed.

#### Changes to the fenestration to both houses

The alterations to the fenestration are considered acceptable. Issues relating to overlooking and privacy have been addressed through the attached conditions.

#### The addition of a lift overrun to both houses

The proposed lift overruns have been set in from the exterior walls by a sufficient distance so as to largely obscure them from public view and consequently they will not adversely affect the character of the area.

#### Alteration to light wells

Barnet's Residential Design Guidance includes explicit reference to basement extensions, specifically that 'for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden.' In a subsequent section it also states that 'the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.'

The previous application was refused as the extension to the side lightwell (House B) took up valuable amenity space thus harming the living conditions of future occupiers. The revised scheme proposes only minor changes to the depth of this lightwell and would not protrude beyond the rear elevation. As this particular area of the site is not within any root protection area of nearby trees there are no objections on this basis.

#### Revised rooflight design and additional skylights

This element would preserve the character of the area.

#### Additional Documents Submitted

In response to the request from Members, the applicant has submitted three additional documents. All three documents have been commented on separately by external consultants on behalf of the local residents. Below is a summary of these comments followed by officers responses.

#### ARBORICULTURAL IMPACT ASSESSMENT (revised)

o Failure to apply the guidance in BS5837 without explanation. The consequence of this is the potential underestimation of the extent of tree roots running through the site and a possible associated failure to properly assess the impact of the development on the future life of the trees.

- o Lack of investigation into the potential impacts of new hard surfacing on the health of retained trees.
- o Lack of evidence to support claims of limited impact of the development on retained trees
- o The construction works currently underway have commenced without the installation of Tree Protection. This is not only contrary to planning conditions but, clearly, also puts the retained trees at risk.
- o Given the small size of the site and the lack of working space to carry out construction activities it is inevitable that damage will occur to retained trees and the rooting environment upon which they depend.

Response:

The principle change close to nearby trees is a slight increase in the area of hardstanding to the forecourt. In percentage terms, the additional hardstanding is negligible when compared to what was previously approved. The revised Arboricultural Impact Assessment has considered this proposed change and does not raise issues which would warrant refusal of the current application on these grounds alone. Further details of tree protection and works near to trees are required by condition. Nevertheless, this element of the scheme is no longer proposed as part of this application.

#### CONSTRUCTION METHOD STATEMENT (revised)

- o The potential for considerable disturbance to local residents arising, inter alia, from the restricted cul-de-sac nature of the access road.
- o A considerable increase in the amount of excavation and soil to be removed from site arising from the enlarged basements.
- o A doubling of the construction programme and associated disturbance from one to two years.
- o Potential problems in accessing the site with construction vehicles and risks to tree RPZs.
- o Failure to comply with the approved CMS in several areas.
- o Confirmation that the amended basements are almost 3.5m deeper than those originally approved. This measurement point was made on behalf of the objectors at the DC Committee but was refuted by the applicant's agent when questioned by Members. It is now clear that our clients' assessment of the additional basement depth was correct and this should be taken into account by the LPA. The S73 application drawings are unhelpfully unclear on the detail of the measurements which must make it difficult for the LPA to fully understand the additional excavation works comprised in this application.

Response:

A certain degree of noise and disturbance is to be expected from any building works. The principle change since the previous application is the increase in depth of the proposed basement. The revised Construction Method Statement has considered this revision and does not raise any additional concerns. The latest revision to the document sets out the proposed groundwater monitoring.

#### BASEMENT IMPACT ASSESSMENT (revised)

- o Lack of structural engineering and construction methodology information means that the residual impacts of the development cannot be identified.
- o Doesn't demonstrate that there will not be negative impacts on the stability of neighbours' properties or on the water environment in general.

o Considerably more detailed information and analysis is required before it can be concluded that the revised development is acceptable and satisfies Barnet Council's planning policies.

Response:

The Council's Building Surveyor has looked at the amended document and considers that no new matters are raised that are not already addressed by conditions proposed. He suggests that the basement construction will affect groundwater but that the consultant report submitted suggests this effect will not be significant. He advises that a hydrogeological report could be obtained but condition 26 requires monitoring of water levels as in the original permission.

Right of access:

Several objections have been raised over the applicant's right of access. To address this issue the site area has been revised and no longer includes this crossover. The applicant's solicitor has also submitted the following comments in response to queries raised by Members during the previous committee meeting.

*Vehicular and pedestrian access to 6 Beechworth Close, Hendon is from West Heath Road, along Beechworth Close, and over an existing crossover that crosses a verge between the property and Beechworth Close.*

*The owner of 6 Beechworth Close, Hendon is Six Beechworth Properties Limited. This company was, I understand, granted the right to cross over the verge under the terms of a deed of grant dated 16 March 1967.*

Officers have seen this deed and are satisfied that access can be provided to the site. The amended site plan submitted means that the site outlined in red is now the same as the one submitted for application F/01083/13 which this application seeks to vary.

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

Loss of off street parking spaces: Addressed in 'assessment of proposals' above.

Enlargement of basement: Addressed in 'assessment of proposals' above.

Issues relating to construction management: Addressed in 'assessment of proposals' above.

The roof additions are too large and could create a roof terrace and harm the character of the area: The changes to the roof would not create issues of overlooking. A condition has also been included to prevent the use of the roof as a balcony.

Harm to protected trees: Conditions relating to tree protection have been discharged previously (15/03476/CON). The additional hardsurfaced area to the frontage is no longer proposed.

Increase stress in on street parking: There is no change to parking provision over the approved application.

Overdevelopment: The current application proposes only minor changes to the previously approved scheme and therefore not considered to be an overdevelopment of the site.

## 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 application is recommended for APPROVAL.



Mr D Dear,  
Planning Department,  
Barnet Council.

BY EMAIL to [dominic.dear@barnet.gov.uk](mailto:dominic.dear@barnet.gov.uk)

Our Ref : 3031

5<sup>th</sup> July 2016

Dear Mr Dear,

**PLANNING APPLICATION 16/1277/S73 @ 6 BEECHWORTH CLOSE**

We act for Sir Mick Davis of No 6 Beechworth Close, Mrs A Brun of No. 4, Mrs C Colman of No 5 and Mr K Sacki of No 2 Beechworth Close. All are very close neighbours to the application site and have a clear interest in this S73 application.

Thank you very much for alerting our clients to the submission of further information in respect of the above application. In response, our clients have instructed consultants to review and comment on the latest updated documents as follows;

- LBH Wembley on the Basement Impact Assessment
- Knightbuild on the Construction Method Statement
- Tim Moya Associates on the Arboricultural Impact Assessment.

Documents from each above are attached for your consideration as part of the assessment of Application 16/1277/S73.

At the outset of the above application, our clients made the point that the deeper basements and extended vehicle parking and turning areas were so material that they justified further supporting information before the Council could reach an informed decision on whether consent should be granted. At the Planning Committee meeting on 10<sup>th</sup> May, Members accepted that the deeper basements with greater excavation required an updated BIA before reaching a decision and deferred the application to a later Committee pending its submission.

**Directors**  
Helen Cuthbert | Stuart Slatter | Claire Temple  
**Associate Directors**  
Alastair Close | Katie Turvey

**Consultants**  
Caroline Dawson | Dan Templeton  
**Associates**  
Rob Scadding | Heather Vickers | Alan Williams | David Williams

We note that the applicant has submitted an updated BIA along with updates of the CMS and AIA. The additional documents are, presumably, in response to the full range of comments made by our clients. We have, therefore, reviewed all of the documents and you will find the full response from experts in relevant fields contained within the attached documents.

In summary, the findings are as follows;

#### ARBORICULTURAL IMPACT ASSESSMENT

- Failure to apply the guidance in BS5837 without explanation. The consequence of this is the potential underestimation of the extent of tree roots running through the site and a possible associated failure to properly assess the impact of the development on the future life of the trees.
- Lack of investigation into the potential impacts of new hard surfacing on the health of retained trees.
- Lack of evidence to support claims of limited impact of the development on retained trees.
- The construction works currently underway have commenced without the installation of Tree Protection. This is not only contrary to planning conditions but, clearly, also puts the retained trees at risk.
- Given the small size of the site and the lack of working space to carry out construction activities it is inevitable that damage will occur to retained trees and the rooting environment upon which they depend.

#### CONSTRUCTION METHOD STATEMENT

- The potential for considerable disturbance to local residents arising, inter alia, from the restricted cul-de-sac nature of the access road.
- A considerable increase in the amount of excavation and soil to be removed from site arising from the enlarged basements.
- A doubling of the construction programme and associated disturbance from one to two years.
- Potential problems in accessing the site with construction vehicles and risks to tree RPZs.

- Failure to comply with the approved CMS in several areas.
- Confirmation that the amended basements are almost 3.5m deeper than those originally approved. This measurement point was made on behalf of the objectors at the DC Committee but was refuted by the applicant's agent when questioned by Members. It is now clear that our clients' assessment of the additional basement depth was correct and this should be taken into account by the LPA. The S73 application drawings are unhelpfully unclear on the detail of the measurements which must make it difficult for the LPA to fully understand the additional excavation works comprised in this application.

#### BASEMENT IMPACT ASSESSMENT

- Lack of structural engineering and construction methodology information means that the residual impacts of the development cannot be identified.
- Doesn't demonstrate that there will not be negative impacts on the stability of neighbours' properties or on the water environment in general.
- Considerably more detailed information and analysis is required before it can be concluded that the revised development is acceptable and satisfies Barnet Council's planning policies.

From the above it is clear that the applicant has not proven that the S73 scheme is acceptable as regards Basement Impact, harm to trees and the consequences of the construction process. There is no certainty shown in the submitted information in which the Council can have confidence that the proposed materially deeper basements (+ 3.5m) will not cause harm to neighbouring properties or the local water environment. Further, the deeper basements trigger a much more prolonged construction period – a doubling to two years – which is unsatisfactory in a tight cul-de-sac of residential properties. The tight nature of the access road and of the site itself will also be likely to lead to harm to retained trees which also seems likely given that the developer has not set in place the required tree protection measures.

We feel, therefore, that our clients' position of objection to the S73 application is justified and defensible and that there are clear grounds for refusing the application.

I would be grateful if you will confirm receipt of this letter and register it individually on behalf of the objectors. Our clients are keen to ensure that these comments and their considerable investment in analysis of the application documents are fully taken into account.

We would also like to be kept informed of any further submissions on the application and the date for its hearing at Committee.

I look forward to your confirmation.

Yours sincerely,

**Caroline Dawson**

Consultant

**Planning Potential**

London

Enc. x 3



### 3. Basement Impact Assessment Issues

#### 3.1 Scoping of Basement Impact Assessment (BIA)

BIA is expected to include the assessment of all potential impacts arising from a proposed basement development. These are generally separated into three broad areas of consideration as follows:

- groundwater flow (hydrogeology)
- surface water flow and flooding
- ground stability

In the case of the proposed development at this site a screening assessment of the desk study information results in the following potential issues to be assessed further.

##### 3.1.1 Potential Groundwater Issues (Hydrogeology)

- a. The site is located directly above an aquifer and it is clear that the proposed basement will extend into the aquifer and will affect the groundwater flow regime. Changes in the flow regime could potentially cause the groundwater level within the zone encompassed by the new flow route to increase or decrease locally.
- b. De-watering techniques, if adopted, can cause ground settlement. The zone affected by this settlement could extend beyond a site boundary and affect neighbouring structures. Conversely, an increase in water levels can have a detrimental effect on stability.
- c. Flow from nearby springs or watercourse may increase or decrease as a result of changes to the groundwater flow regime. If the flow is diverted, it may result in the groundwater flow finding another location to issue from with new springs forming or old springs being reactivated. A secondary potential impact is on the quality of the water issuing from the spring or being water abstracted from any local well.
- d. If an increased amount of surface water is discharged to the ground (e.g. via soakaways and/or SUDS) this may also impact upon the groundwater flow or levels.

##### 3.1.2 Potential Surface Water Issues (Flooding)

- e. Guidance advises that the sealing off of the ground surface by pavements and buildings to rainfall will result in decreased recharge to the underlying ground and that in areas underlain by an aquifer; this may impact upon the groundwater flow or levels. A change in the in proportion of hard surfaced or paved areas of a property will affect the way in which rainfall and surface water are transmitted away from a property. This includes changes to the surface water received by the underlying aquifers, adjacent properties and nearby watercourses. Changes could result in decreased flow, which may affect ecosystems or reduce amenity, or increased flow which may additionally increase the risk of flooding.
- f. As part of the site drainage, surface water flows (e.g. rainfall and run-off) may be materially changed from the existing route. The basement development may increase the load on the sewer and drainage systems if it leads to increased occupancy of dwellings. In turn this may increase the risk of flooding should the sewer and drainage systems become overwhelmed.
- g. Constructing a basement will typically remove the permeable shallow ground that previously occupied the site footprint. This reduces the capacity of the ground to allow rainfall to be stored in the ground (which in essence acts as a natural SUDS, or sustainable urban drainage system).

This runoff must then be managed by other means (e.g. through construction of SUDS), to ensure that it doesn't impact on adjoining properties or downstream watercourses.

### 3.1.3 Potential Ground Stability Issues

- h. Guidance advises that if the site is within 5m of a highway or pedestrian right of way, excavation for a basement may result in damage to the road, pathway or any underground services buried in trenches beneath the road or pathway.
- i. If the proposed basement will significantly increase the differential depth of foundations relative to the neighbouring properties, the proposed excavation for a basement may result in structural damage to neighbouring properties if there is a significant differential depth between adjacent foundations.

## 4. Basement Impact Assessment

The May 2016 Chelmer report is entitled Basement Impact Assessment and will be referred to here as such but appears (section 1.1) to refer only to a hydrogeological assessment and does not address an assessment of stability or surface water impacts. The brief is described as simply to prepare a revised hydrogeological statement (section 1.5).

The BIA does not refer to the current London Borough of Barnet requirements in relation to basement construction, which are contained in the 2013 Supplementary Planning Documents (SPD) for Sustainable Design and Construction and Residential Design Guidance and refers only (section 1.1) to the earlier London Borough of Barnet in Design Guidance No.5 "Extensions to houses" (Revised March 2010), which arguably does not apply to the situation under assessment.

The BIA notes that structural engineers have been appointed but does not include consideration of any structural engineering drawings (section 1.4).

The BIA notes (section 3.1 and 3.2) that while the footprint of the proposed basements is "broadly similar" to the original proposal, the proposed building ground floor has been lowered by 0.4m from +98.65m OD to +98.25m OD and the basement floor level has been lowered by 0.86m from +95.23m OD to +94.37m OD.

According to the revised BIA an additional level of basement has been added in order to accommodate swimming pools and plant with a floor level at suggested floor level at +92.37m OD, and the BIA acknowledged that this will likely involve excavation to approximately +91.90m OD.

It should be noted that the drawings have been independently scaled by others who have suggested a sub-basement floor level at +91.87m OD, and likely excavation to approximately +91.27m OD.

The BIA notes the site to lie within the hydrological catchment area of the Golders Hill Park chain of ponds (section 5.1).

Three boreholes were constructed at the site in 2012 using a continuous flight auger. Two boreholes were drilled to a depth of 8m below existing ground level, with the third being advanced to a depth of 15m.

The BIA describes the expected geological setting of the site as being Bagshot Formation overlying the Claygate Member (section 4.1). However, the geology reported by the 2012 ground investigation does not conform to the indications of the British Geological Survey maps of the area. The map evidence suggests the following approximate sequence of strata.

- Bagshot Beds  
Interface at +95 to 100m OD
- Claygate Beds  
Interface at +80m to +85m OD
- London Clay

The BIA refers to "the Hampstead Heath borehole" and deduces an alternative approximate strata sequence from that borehole to be approximately as follows:

- Bagshot Beds  
Interface at +110m OD
- Claygate Beds

Interface at +94m OD

- London Clay

The 2012 site investigation appears to have confirmed the site to lie within the Claygate, with the London Clay interface at around +94.5m OD. The investigation at this site thus appears to demonstrate the presence of about 4m of alternating beds of Claygate clays, silts and fine sand overlying the London Clay.

While the Claygate beds may be considered to be in part permeable and are regarded as a Secondary A Aquifer (Section 5.2) by the Environment Agency, the London Clay is usually virtually impermeable and is classed as unproductive strata by the EA.

Groundwater was encountered within the Claygate Beds by the 2012 investigation the records of these seepages along with subsequent water monitoring (in 2012) (section 6.5) suggest a water table (or piezometric surface) falling from a maximum of around +97m OD across the site with an hydraulic gradient of around 1 in 17.

The BIA concludes (inter alia) that

- the use of either a contiguous or a secant bored pile wall will be required for the proposed basements because of their close proximity to root protection areas. (section 8.7)
- the completed basement will obstruct groundwater flows
- the proposed basements may cause a slight local rise in groundwater levels next to their southern sides (section 8.8)
- it is unlikely that there would be any significant adverse impact on groundwater flows
- installation of land drainage on the southern sides of the basements is recommended in order to prevent groundwater rising to ground level (provided that an acceptable discharge location is available)
- well-pointing or other groundwater control methods may be required and that these may influence groundwater pressures beyond the site boundary with No.1 Elm Walk (although it is anticipated that there will be little or no pressure reduction beneath the foundations to No.1 Elm Walk).

## 5. Adequacy of information

### 5.1 Description of Works

The information that has been provided does not include any definitive description of the temporary and permanent works that are actually going to be undertaken. The BIA assessment provided thus amounts at best to an assessment of potential impacts associated with potential construction methodologies and provides a series of recommendations for design.

Until a structural engineer and an appointed contractor have committed to a particular scheme of temporary and permanent works there cannot be a categorical assessment made stating that the prospective development will not have any adverse impact affecting the local geology, hydrogeology or hydrology.

It is understood that although implementation of the consented scheme has in fact commenced and that there is a contractor on site, no structural engineering input or contractor input has been presented in the BIA document.

### 5.2 Investigation of Issues

It is considered that each of the nine potential issues (a to i) that have been identified in section 3.1 above would merit additional study, investigation or monitoring in order to enable the BIA to reasonably conclude the assessment of each with regards to land stability, hydrology or hydrogeology. Some of these potential impacts have not been addressed at all.

At the heart of the present uncertainty lies the presented geological model, which, on the basis of three boreholes constructed using continuous flight auger drilling techniques, effectively asserts that the British Geological Survey Mapping Information is wrong by some 10m to 15m. While it is accepted that a small error in the mapping of several metres would not be unusual, this is a very significant amount of discrepancy and does not tally. One possible deduction from the investigation findings is that there may be some local faulting within the strata. Because such a feature, if present, could potentially cause havoc with the assumptions of ground permeability and hydrogeology that have been made, the apparent anomalous ground conditions certainly merit further investigation. It has been noted that the investigation undertaken to date has used techniques that are not considered to be wholly reliable for accurate logging purposes.

It is noted that a ground stability report (Document 7) was prepared for the original scheme, but that the report did not consider the significantly deeper basement excavation that is now under consideration. It is noted that the report did conclude that a rigorous heave analysis using finite element methods should be undertaken during detailed design once the construction methods and sequence have been finalised.

The London Borough of Barnet have specifically raised issues relating to possible groundwater coffering effects from basements installed in this area, where the natural groundwater flow regime is interrupted. By diverting underground streams off their natural course, this can cause reduced flow in these surface water courses, and/or increased groundwater levels in other surrounding areas, depending on how the basement structures interrupt the natural flow regime. This may also lead to a consequent loss in water volumes to some of these ponds. In view of the above concerns, and the sensitivity of the study site location, it is considered that further, more detailed consideration of the hydrogeological issues needs be carried out.

A suggested list of the components to be expected in a good BIA is set out in the following table.

### Suggested BIA components

1	Description of proposed development.
2	Plan showing boundary of development including any land required temporarily during construction.
3	Plans, maps and or photographs to show location of basement relative to surrounding structures.
4	Plans, maps and or photographs to show topography of surrounding area with any nearby watercourses/waterbodies including consideration of the relevant maps in the Strategic FRA by URS (2014)
5	Plans and sections to show foundation details of adjacent structures.
6	Plans and sections to show layout and dimensions of proposed basement.
7	Programme for enabling works, construction and restoration.
8	Identification of potential risks to land stability (including surrounding structures and infrastructure), and surface and groundwater flooding.
9	Assessment of impact of potential risks on neighbouring properties and surface and groundwater.
10	Identification of significant adverse impacts.
11	Evidence of consultation with neighbours.
12	Ground Investigation Report and Conceptual Site Model including <ul style="list-style-type: none"> <li>- Desktop study</li> <li>- exploratory hole records</li> <li>- results from monitoring the local groundwater regime</li> <li>- confirmation of baseline conditions</li> <li>- factual site investigation report</li> </ul>
13	Ground Movement Assessment (GMA).
14	Plans, drawings, reports to show extent of affected area.
15	Specific mitigation measures to reduce, avoid or offset significant adverse impacts.
16	Construction Sequence Methodology (CSM) referring to site investigation and containing basement, floor and roof plans, sections (all views), sequence of construction and temporary works.
17	Proposals for monitoring during construction.
18	Confirmatory and reasoned statement identifying likely damage to nearby properties according to Burland Scale
19	Confirmatory and reasoned statement with supporting evidence that the structural stability of the building and neighbouring properties will be maintained (by reference to BIA, Ground Movement Assessment and Construction Sequence Methodology), including consideration of cumulative effects.
20	Confirmatory and reasoned statement with supporting evidence that there will be no

	adverse effects on drainage or run-off and no damage to the water environment (by reference to ground investigation, BIA and CSM), including consideration of cumulative effects.
21	Identification of areas that require further investigation.
22	Non-technical summary for each stage of BIA.

### 5.3 Mapping Detail

It is considered that an illustrative long section should be established showing the assumed topographical geological and hydrogeological detail. This section should stretch from the catchment watershed on West Heath Road to the Leg of Mutton Pond.

### 5.4 Assessment Methodology

It is considered that

- a rigorous analysis of ground movements is required by the previous ground stability report and, arguably, by Condition 21 of the original consent
- groundwater flow modelling is required to be undertaken in order to explore the potential effects of the proposed basement and to substantiate the hydrogeological assessment.

### 5.5 Mitigation

Despite the submission of a Construction Method Statement it is not at all clear what actual mitigation is actually planned. No engineering design appears to have yet been progressed.

### 5.6 Monitoring

The need for on-going groundwater monitoring has been identified but it is noted that no groundwater monitoring appears to have been undertaken since 2012, despite Condition 19 of the original consent.

## 6. Conclusions

The residual impacts of the proposed development cannot be identified until a specific scheme of construction methodology has been selected and assessed. Although it is understood that implementation of the consented scheme has in fact commenced and that there is a contractor on site, no structural engineering input or contractor input has been presented in the BIA document and hence the BIA cannot be concluded.

It would appear that applicant's specialist consultant has not been properly briefed to address the London Borough of Barnet's present requirements as reported on 10<sup>th</sup> May 2016 and has as a result delivered what must be considered an unacceptable response.

The amended Basement Impact Assessment does not demonstrate that the proposed development will

1. maintain the stability of the neighbouring properties
2. avoid adversely affecting drainage and run-off or causing other damage to the water environment and
3. avoiding cumulative impacts on the water environment

It is considered that the following further information is required to be obtained through additional study, investigation or monitoring:

- A detailed assessment of the configuration of the geological strata beneath the site using best practice investigation techniques. Reason: to confirm the geology.
- The presentation of an illustrative long section hydrogeological model stretching from the catchment watershed on West Heath Road to the leg of Mutton Pond. Reason: to clarify the groundwater situation
- An updated assessment of groundwater impact, based upon additional groundwater monitoring and local modelling of the proposed basement. Reason: to demonstrate acceptability of the impacts.
- A specific construction sequence and methodology indicating in detail how neighbouring properties and highways are to be protected. Reason: to demonstrate robustness of the intended mitigation.
- A detailed assessment of the extent of the possible ground movements to be expected during and after the works. Reason: to demonstrate acceptability of the residual impacts.

In the present absence of sufficient information to demonstrate compliance with Barnet Planning Policy the application must be considered inadequate and refused.



## References

2010 March	London Borough of Barnet	Design Guidance No. 5 " <i>Extensions to houses</i> "
2013 April	London Borough of Barnet	Report of Cabinet meeting 18 <sup>th</sup> April
2013 April	London Borough of Barnet	Adopted Local Plan - Supplementary Planning Document: " <i>Residential Design Guidance</i> "
2013 November	London Borough of Barnet	Report of Council meeting 5 <sup>th</sup> November
2014 January	London Borough of Barnet	Report of Council meeting 21st January



6 Beechworth Properties Ltd

20<sup>th</sup> July 2016

Our Ref: 6970a

**6 Beechworth Close, London NW3 7UT – Response to LBH Wembley**

We write in response to your request for comments on the 'Independent Review of Basement Impact Assessment for planning application 16/01277/S73' by LBH Wembley (LBHW, Ref: LBH4418 Ver. 0.1, dated 4<sup>th</sup> July 2016).

**General Comments:**

1. Our Basement Impact Assessment reports (original and revised) were specifically hydrogeological Basement Impact Assessments which, although not included in the title, was recorded in paragraph 1.5, as noted by LBHW, and in the title to Section 7 – "Hydrogeological Basement Impact Assessment". The continuing theme throughout their report that our hydrogeological BIA was actually a defective 'full' BIA is therefore inappropriate. The hydrogeological BIA was never intended to cover the other aspects which would normally be included in a 'full' BIA because those aspects were provided in separate documents as described below and as fully referenced by LBHW in their list of "Information Examined".
2. The hydrogeological BIA formed part of a suite of documents which support the original/current planning applications including:
  - Ground Stability Report by CSI.
  - Flood Risk Assessment by CSI.
  - Geotechnical Interpretive Report by CSI.
  - Construction Method Statements (CMS), originally by Fidler Associates, and more recently by Hennerton.

All these reports are listed under "Information Examined" in Section 1.4 of LBHW's report, with the exception of the original CMS by Fidler Associates.

3. LBH Wembley will be aware that it is common practice for multiple specialist reports to be submitted in support of individual planning applications for basements, especially where the lead consultants do not have all the required technical expertise available in-house.
4. To our knowledge, no 'Hydrology Report' as defined in LB Barnet's Sustainable Design & Construction SPD has been requested by any party in relation to this basement.

**Specific Comments:**

- A. LBH Wembley's brief is stated (in Section 1.2) as "to provide an independent assessment of information submitted against the requirements of planning policy". The relevant policies are those of the London Borough of Barnet, as identified in Section 2.1. Minimal evidence has been seen to suggest that they have considered any of the technical reports, by ourselves or others, other than our hydrogeological BIA.

- B. Section 3.1: While we agree that the “three broad areas of consideration” in a ‘full’ BIA are as identified by LBHW (and we have prepared many such BIAs ourselves), only the ‘groundwater flow (hydrogeology)’ item is relevant to our hydrogeological BIA. For the other two items:
- Surface water flow and flooding: See CSI’s Flood Risk Assessment (Ref: FRA/3369 Rev.2, October 2012).
  - Ground stability: See CSI’s Ground Stability Report (Ref: GSR/3369 Rev.2, October 2012).

Sections 3.1.2 and 3.1.3 are therefore irrelevant to LBHW’s review of our Hydrogeology BIA.

- C. Section 3.1.1.a is correct, the site is underlain by the Claygate Member aquifer (to depths of 3.9-4.4m at least), but reference to the borehole logs would have shown LBHW that the strata encountered in the three boreholes are predominantly clays with only laminations of silt and fine sand (laminae are defined in BS5930 as being less than 20mm thick). While the CFA drilling method used for these boreholes does not permit accurate identification of individual laminae or thin beds of silt/sand, the water strikes within these strata had been proven (on a site adjacent to this site on Elm Walk) to be a good guide to the level of thicker laminae/thin beds of silt/sand in these strata (see also Comment L below).
- D. Section 3.1.1.b selectively reports the risks identified in the first part of paragraph 7.3.5 of the hydrogeological BIA, but not our conclusion in the second part which stated “*However the pressure reduction is unlikely to exceed that which will have occurred naturally during past fluctuations of groundwater levels and it is anticipated that there will be little or no pressure reduction beneath the foundations to No.1 Elm Walk which are estimated to be about 9m from the proposed basement.*” This opinion remains valid; see also Comment O below.
- E. Section 3.1.1.c: There are no springs in the vicinity of the site and no watercourses that we are aware of which are likely to be affected. In the unlikely event that locally concentrated flow is encountered, sufficient possibly to give rise to changes in the groundwater regimes in sites around this property, then a groundwater bypass could be installed, subject to formal design once the geometry of the more permeable soil unit is known.
- F. Section 3.1.1.d: No increase in discharge of surface water to the ground would be acceptable. Instead, any increase in hard surfacing should be mitigated by the use of one of the various methods of temporary interception storage in order avoid any increase in run-off to the mains drainage system.
- G. Section 4, second paragraph: There is nothing in Barnet’s 2013 SPDs which is relevant to the hydrogeological impact of the proposed basement, so there was no need to reference those SPDs.
- H. Section 4, third paragraph: Once again, structural matters were considered in our Ground Stability Report, which LBHW appear to have largely ignored even though it was listed in their report as “Information Examined”.
- I. Section 4, paragraphs 4 to 6: A swimming pool was previously proposed so it is misleading of LBHW to suggest that “an additional level of basement has been added”. Increasing the depth of the basement below the base of the clays with laminations of silt/sand, which was recorded at 94.3-94.55m AOD, will have no significant additional hydrogeological impact because the clays below that level are expected to have very low permeabilities and hence no significant groundwater flow.
- J. The remaining paragraphs 7 to 14 of Section 4 provide a reasonable summary of the findings in our Hydrogeological BIA.
- K. Section 5.1: We would welcome, and have lobbied some Councils for, planning policies in London boroughs which require ground engineering experts to be involved throughout the construction of basements, but at present none of the boroughs have such a policy. As a result, the role of ground

engineering experts remains advisory, providing recommendation for implementation by the structural engineers who typically have responsibility for the construction of the basement shell. Structural engineering input was provided for the original scheme by Fidler Associates, and is understood to have been provided for the current scheme by Hennerton. Once again, the impact of structural aspects of the scheme was considered in our Ground Stability Report.

- L. Section 5.2: LBHW have overlooked the advice in paragraph 6.2 of our report, that the findings of the three boreholes on this site provided corroboration of two previous investigations on an adjacent site in Elm Walk. The first investigation by SLR Consulting used a CFA rig. Our subsequent investigation used a 'windowless' sampling rig in order to study the geology in more detail; the findings were similar to those from the investigation at 6 Beechworth, and found permeable layers at or close to the levels of the water strikes in SLR's boreholes. Thus, we are confident that the geological map is wrong and that there is no Bagshot Formation strata beneath this site, and hence do not consider that there is any need for further ground investigation.
- M. The list of components "expected in a good BIA" has been lifted from Camden's audit system and is not universally applicable; some aspects are concerned purely with report formatting and other non-technical matters (eg: consultation with neighbours), and the list omits other aspects which we now include in 'full' BIAs. The scope of BIAs has evolved since the original suite of documents were prepared for this basement in 2012, but we remain of the view that the submitted hydrogeological BIA covers adequately the groundwater issues associated with this basement.
- N. Section 5.3: A long-section from the watershed to the Leg of Mutton Pond will add nothing to our understanding of the groundwater regime on and immediately around this site. We have a series of groundwater readings from three triangulated boreholes which gave a flow direction that is consistent with the topography and the expected flow towards the valley and the Leg of Mutton pond. This is far more detailed than for many similar basement schemes.
- O. The rigorous analysis of ground movements recommended in our Ground Stability Report concerned the magnitudes of base heave beneath the basement slab(s) in Section 7.2 of that report, not the 'Ground movements alongside the basement' in Section 7.1, so would not be relevant to potential movements affecting neighbouring properties. The closest point between this basement and the surrounding houses is at the southern corner of House A/1's basement, which will be approximately 9.4m from the northern corner of the single-storey section of No.1 Elm Walk (note, this is corner to corner, which reduces the potential impact on the neighbouring building). The closest approach of House A/1 to the main part of No.1 Elm Walk will be a separation of about 14.6m between the lightwell on the south side House A/1. While data published in CIRIA C580 could be used to predict the magnitude of likely displacements (if any) beneath No.1 Elm Walk, at these separations we are confident that provided the bored pile walls are constructed in accordance with best practice there is very unlikely to be any discernible movement or damage to No.1 Elm Walk.
- P. Section 5.5: Please refer to the appointed Structural Engineer.
- Q. Section 5.6: Unfortunately all three standpipes have already been destroyed.

**Conclusions:**

The report considered by LBHW was purely a hydrogeological BIA; other reports by ourselves and others provided most of the information which LBHW state was missing from the hydrogeological BIA. We remain of the opinion that the scope of the ground investigation was sufficient for the proposed scheme, especially considering our prior knowledge of an adjacent site, and no further ground investigation is required. The construction sequence and methodology have been provided by others and, while a more detailed ground movement analysis could be undertaken, we are confident that it would predict no significant damage to the nearest neighbouring property (No.1 Elm Walk).

Please contact us if you require clarification of any aspect of these matters.

Yours sincerely

**Location**                    **27 Hendon Way London NW2 2LX**

**Reference:**                **16/3603/HSE**

Received: 2nd June 2016

Accepted: 8th June 2016

Ward:                        Childs Hill

Expiry 3rd August 2016

Applicant:                 Mr Najib Daulatzai

Proposal:                    Demolition of existing garage and erection of two storey side extension  
and part single part two storey rear extension

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

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

- HI-01
- HI-02
- HI-03
- HI-07
- HI-08

All received 02.06.2016.

- HI-04a
- HI-05a
- HI-06a

All received 19.08.2016.

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation at first floor level facing 29 Hendon Way 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).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor flank elevation(s), of the extension(s) hereby approved, facing 25 and 29 Hendon Way.

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

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

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

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

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



## **Officer's Assessment**

### **1. Site Description**

The site of the application is a two-storey semi-detached dwelling house located on west side of Hendon Way, within the Childs Hill ward.

The property is not listed and does not lie within a Conservation Area.

### **2. Site History**

Reference: 15/06370/192

Address: 27 Hendon Way, London, NW2 2LX

Decision: Lawful

Decision Date: 6 November 2015

Description: Roof extension involving hip to gable, rear dormer window with 3no rooflights to front elevation

Reference: 15/07641/FUL

Address: 27 Hendon Way, London, NW2 2LX

Decision: Refused

Decision Date: 16 February 2016

Description: Two storey side extension and part single part two storey rear extension to facilitate conversion of single family dwelling into 4 no. self contained flats

Reference: 16/1691/FUL

Address: 27 Hendon Way, London, NW2 2LX

Decision: Withdrawn

Decision Date: 25 May 2016

Description: Conversion of property into 4no. self-contained flats with associated alterations and extensions including a hip to gable and rear dormer window roof extension, single storey front extension, part single, part two storey side and rear extension, provision of 3no. off-street parking spaces, associated refuse storage to front and external access staircase to rear

Reference: 16/3734/PNH

Address: 27 Hendon Way, London, NW2 2LX

Decision: Prior Approval Required and Refused

Decision Date: 16 June 2016

Description: Single storey rear extension with a maximum depth of 5metres from the original rear wall. Eaves height of 2.9metres and maximum height of 4metres

### **3. Proposal**

The application seeks consent for:

- Demolition of existing garage
- Erection of two storey side extension with 1.5 metres width with a dual pitch roof.
- Part single storey part two storey rear extension with a flat roof at the ground floor and a pitched roof at the first floor joining the existing one.

## 4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.

7 responses have been received comprising 7 letters of objection.

The comments can be summarised as follow:

- Overdevelopment of the existing property
- The extension will spoil the enjoyments of the adjoining houses
- It is not suited to the area
- It will cause distress and reduce the quality of life for all concerned
- The proposal would potentially mean the same number of people residing in the property as a 4 unit site, therefore it will increase noise, waste and foot fall.
- The proposal is not in keeping with the existing housing in the area
- It will directly impact the other semi-detached property in terms of noise.
- The rear garden would be tiny, almost non-existent and not sufficient for a family
- It may be used as a multi-occupancy building for letting.
- The extensions are very large and overbearing.
- Loss of privacy
- Overlooking
- Loss of privacy
- Extensions too close to the boundary
- It will be out of character to the area
- Unsuitable property
- It will ruin the uniformity of the houses in the area
- The conversion into 4 flats would be unacceptable
- The building work has already begun
- It will mean the surrounding properties will no longer be private due the scale and position of the extension
- Loss of natural light
- The style of the existing houses is not suited to being made into contemporary units
- It will increase traffic, pollution and noise level.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### Preliminary Matters

It is noted that a previous application 15/07641/FUL dated 11th February 2016 for the property site was refused.

The current application is a similar proposal however it has been substantially amended in order to comply with our policies. The proposal for the conversion of the property into 4 flats has been removed.

Works has been carried out to the site property that was considered Lawful under application 15/06370/192 dated 6th November 2016. This was confirmed at the time of the site visit.

### Two storey Side Extension

Following discussions with the Case Officer the original proposal was amended in order to comply with Barnet Planning Policies.

The proposed side extension would project 1.5 metres from the side of the host dwelling. A dual pitched roof is proposed which would be 8.15 metres high, 0.50 metres lower than the existing roof. The eaves will have a height of 5.80 metres matching the existing eaves. There will be a gap of 1 metre between the flank wall of the proposal and the shared boundary with the neighbouring property at 29 Hendon Way and a gap of approximately 3 metres between the flank walls of both properties. Therefore it is not considered that the extension will result in a loss of light or will overshadow the adjoining property.

There will be one window in the ground floor and two windows in the first floor facing the property at 29 Hendon Way. The existing property already benefits from side walls in the ground and first floor level and due to the approximately 3 metres distance from the property at number 29, it is not considered the windows will represent a loss of privacy in the neighbouring properties and as such these windows are considered acceptable, subject to a condition requiring the first floor to be obscure glazed.

As a result of the extension works the existing single storey garage located adjacent to the shared boundary with 29 Hendon Way would be demolished.

The two storey side extension follows the recommendations of the Residential Design Guidance (SPD) sets in points 14.14, 14.15, 14.16 and 14.17. By virtue of the size, scale and siting of the proposed side extension, when considered in relation to the existing property on site, the side extension will remain a subordinate and proportionate addition of the main property and will not look out of keeping with the character of the area or overbearing.

For the reasons above, it is considered the extension would not impact the character or appearance of the street scene or host dwelling to an unacceptable level.

#### Part Single part two storey rear extension

A part two storey and part single storey rear extension is proposed to the rear of the property. The ground floor rear extension will extend approx. 2.8 metres from the adjacent property at number 25 and will join the side extension with a total width of 8.35 metres. These extensions will increase the internal space of the kitchen and the dining room with the addition of a lounge. The ground floor extension will have a flat roof with a maximum height of 3 metres and a skylight.

The first floor extension will extend 3 metres to the rear with a width of 5.4 metres. The extension is set back 3.45 metres from the shared boundary with the semi-detached property at number 25. It will have a pitched roof with a maximum height of 6.90 metres height. Therefore, the proposed rear extensions comply with the recommendations in The Residential Design Guidance (SPD) for extensions in semi-detached houses.

The extension at the first level will not have any side windows. As such, it is considered that limited harm will be caused to the amenity of the neighbouring occupiers. It is considered that the design of the proposed extension is such that it would not impact the amenity of the neighbouring occupiers to an unacceptable level in terms of privacy, loss of light and overlooking.

Taking into consideration the size, scale and sitting of the proposed extension and the orientation of the site, it is deemed the proposed part single part two storey extension would not impact the amenity of occupiers of the adjoining property to an unacceptable level and will not look overbearing nor will it look out of keeping with the character of the area.

On this basis, it is considered that the proposed extension would not impact the amenities of these neighbouring occupiers to an unacceptable level.

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

- The application has been assessed and is not considered to constitute over-development and complies with the relevant policies.
- The planning matters raised have been addressed in the main report.
- As stated in the report above the current application does not involve the conversion of the property into flats.

- Noise from building works are considered unavoidable and it would be unreasonable to attach a condition restricting noise due to the scale of this scheme

- It was confirmed in the site visit that extensions to roof were carried out under permitted development that was deemed lawful under application 15/06370/192, dated 6 November 2015

## 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** 1 The Ridgeway London NW11 8TD

**Reference:** 16/4084/FUL

Received: 21st June 2016

Accepted: 21st June 2016

**Ward:** Childs Hill

Expiry 16th August 2016

**Applicant:** OPULENT PROPERTIES LIMITED

**Proposal:**

Demolition of existing dwelling and erection of a two storey detached building including rooms in roofspace and basement level comprising of 9no. self-contained flats. Associated amenity space, landscaping, refuse and cycle storage and basement parking

AGENDA ITEM 8

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

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

#### 3. Highways

The applicant is to enter into a legal agreement under S106 to contribute £3,500 for the alterations to the Traffic Management Order and on-street lining and signing to enable the existing crossover access to be closed and proposed access to be constructed.

#### 4. Monitoring of the Agreement £100.00

Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

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

Existing (Received: 18/07/16)

- TR16-PP-101 Rev A

Proposed (Received: 18/07/16).

- TR16-PP-006 Rev B
- TR16-PP-004 Rev B
- TR16-PP-005 Rev B
- TR16-PP-007 Rev B
- TR16-PP-001 Rev B
- TR16-PP-002 Rev B
- TR16-PP-003 Rev B

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

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

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

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings 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 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 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 Adopted Barnet Development Management Policies DPD (2012).

5 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.

6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

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

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

7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

9 Prior to first occupation, the development hereby approved 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.

10 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). The development shall be maintained as such in perpetuity thereafter.

Reason:

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

11 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).

12 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).

13 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.

14 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.

15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. TR16-PP-001 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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).

17 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing Hodford Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

18 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.

19 Before the development commences a drawing showing the details of the gradient for the proposed vehicular ramped access to the basement shall be submitted to and approved by the Local Planning Authority. The gradient shall not exceed 1:10 otherwise the gradient would need to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

Reason: To ensure 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.

20 Before the development commences details of traffic signal controls for ramp access shall be submitted to and approved by the Local Planning Authority.

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

21 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts and the Automated Electronic Access Control Shutter must be submitted to and approval by the Local Planning Authority.

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

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

Reason:

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

### RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/11/2016, unless otherwise agreed in writing, the Planning Performance and Business Development Manager Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

### 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 £24,045.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £92,745.00 payment under Barnet CIL.

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

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

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

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

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

- 4 If the development is carried out it will be necessary for a vehicular crossover to be constructed over the footway by the Highway Authority at the applicant's expense.

You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.



## **Officer's Assessment**

### **1. Site Description**

The application site is located at 1 The Ridgeway, NW11 8TD and currently contains a single family dwelling. This site is located close to the junction of The Ridgeway with The Vale, Hodford Road, and Roborough Road. The site is irregularly shaped and is large in comparison with those in the immediately surrounding area. The Ridgeway is predominantly characterised by semi-detached dwellings.

The site is located within an area of special archaeological interest. There are no other specific planning restrictions relating to this site.

### **2. Site History**

No relevant history.

### **3. Proposal**

- Demolition of existing dwelling and erection of a two storey detached building including rooms in roofspace and basement level comprising of 9no. self-contained flats
- Associated amenity space, landscaping, refuse and cycle storage and basement parking

### **4. Public Consultation**

Consultation letters were sent to 51 neighbouring properties.

81 letters of objection have been received (summarised below):

- Harm the character of the area
- Loss of Privacy
- Noise and disturbance from use
- Noise and disturbance from construction works
- Loss of light
- Insufficient refuse storage
- Highways safety
- Insufficient off street parking
- Issue relating to water pressure
- Harm to wildlife
- Issues relating to the comings and goings of lorries during construction
- Issues relating to structural integrity
- Overlooking
- Overshadowing
- Reduce family housing

2 letters of support were also received.

### **5.1 Policy Context**

National Planning Policy Framework:

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 document 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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

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

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety
- Impact on trees

## **5.3 Assessment of proposals**

### Impact on the character of the area

#### Policy Context

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 London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

In this instance the Council would not object to the principle of flatted development on this site. It is acknowledged that The Ridgeway is predominately characterised by single family dwellings, however, the application site is located within an area which has had similar developments approved, such as Woodstock Road. Furthermore, it is considered that the site is well suited to this type of development given its close proximity to the Golders Green Town Centre and transport hubs.

The proposed siting, design or scale of the proposed structure would not cause harm to the character or appearance of the application site, the street or the wider area. As mentioned previously, the area in the vicinity of the application site is predominately characterised by large, two storey semi-detached dwellings. It is considered that the form or the proposed structure at its principal elevation would not depart from this character significantly. It would be two storeys in height with rooms in the roofspace. Furthermore, the building would incorporate bay windows and the roof form would not be significantly at odds with other buildings in this area.

Although the building would be set back from the front building line and sit behind the rear building line along The Ridgeway, it is not considered that the siting of the proposed building would be detrimental to the character of the street in this instance. This determination is based on the nature of the plot and the existing building. In particular, it is noted that the site is located at the end of the street and is the last building along The Ridgeway. As such, any departure from the established building line will not be detrimental in this instance.

#### Conclusion

In conclusion the proposed building, in terms of scale, siting and external appearance would complement the character of The Ridgeway. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan

Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

### Impact on neighbouring amenity

#### Noise and disturbance

In terms of use of the site as flatted development, it is considered unlikely that general noise and disturbance resulting from 9 additional households would be such that it would disturb adjoining occupiers. It is noted that that the site would be set back from the adjoining dwellings located to the east and west of the application site on account of the large size of the plot.

#### Overlooking and loss of privacy

Windows located within the side elevations of the building above ground floor level will be obscure glazed (secured through condition) in order to avoid potential overlooking and a loss of privacy. It is also noted that the building would not incorporate any intrusive balconies or terrace features at the rear or side elevations.

#### Daylight, sunlight, Outlook and overshadowing

Rear Gardens of Hodford Road:

With regard to light and overshadowing, the rear gardens serving these properties are north facing and therefore unlikely to be affected thus preserving the living conditions of existing users.

To safeguard outlook from neighbouring rear facing gardens and windows the applicant made several changes to the buildings silhouette during pre-application discussions. The two storey element towards the rear was set in from the boundary by 2.5m and, as a result, would not be significantly dissimilar from the existing side elevation.

3 The Ridgeway:

When designing the proposed scheme care was taken to match the neighbours building line (close to this boundary) leading to the two storey addition being set away from the boundary by over 2m. As result, there are unlikely to be any issues relating to loss of light, outlook or overshadowing.

#### Impact on future amenity

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. 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. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. These include requirements to provide high quality indoor and outdoor spaces and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council 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 that has adequate amenities for its future occupiers. The Mayor has also adopted SPG's (entitled Housing) providing detailed guidance on issue related to designing new residential accommodation to achieve acceptable amenities for its future occupiers.

### Dwelling size

The following units are proposed:

#### Ground Floor

Flat 1 2b3p	88.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>
Flat 2 2b3p	86.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>
Flat 3 2b4p	93.00 m <sup>2</sup>	Private Garden	54.6 m <sup>2</sup>
Flat 4 2b4p	94.00 m <sup>2</sup>	Private Garden	54.6 m <sup>2</sup>

#### First Floor

Flat 5 2b4p	90.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>
Flat 6 2b4p	92.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>
Flat 7 2b4p	98.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>

#### Second Floor

Flat 8 2b3p	69.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>
Flat 9 2b4p	116.00 m <sup>2</sup>	Shared garden	257 m <sup>2</sup>

All 9 flats would exceed the relevant minimum unit sizes as set out in the London Plan 2016.

### Density

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 6a. The site is approximately 0.0945 hectares in size and the development includes 9 self-contained flats. Calculations show that the proposed scheme's density is approximately 95.24 units per hectare, and this is within the density range for its context and the guidelines in the London Plan (70-130u/ha). All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

### External amenity space provision

The design, quality and size of the private outdoor amenity space and communal garden are considered to be such that they would provide sufficient external amenity space to meet the requirements of Barnet guidance for the flats proposed. The proposal is therefore considered to be acceptable in this regard.

#### Dwelling layout and outlook

Officers find that the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site.

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 at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

#### Daylight and sunlight

While slight concerns are raised over light to the basement bedrooms (Flats 1 and 2), as they are south facing and would not serve as the main living area, the living conditions of future occupiers would be unaffected.

#### Privacy and overlooking

The distance between directly facing clear glazed windows to habitable rooms in the proposed dwellings would be less than 21m. There are also no rear facing balconies so as to reduce overlooking or privacy. Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony, terrace or rear garden) within the development would not be less than 10.5m in the majority of cases.

For the reasons set out above the proposal is considered to comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, subject to the conditions recommended. It is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

#### Parking

Barnet's Highways officers made the following comments:

The ramp access to the basement parking is not wide enough for two-way flow and therefore will require traffic signal control. The existing crossover will need to be reinstated back to a footway and a new crossover constructed. Modifications are required to the existing parking controls that will require amendments to the Traffic Management Order and lining and signing works that will require a S106 agreement

The number of off street parking spaces would meet Barnet's requirements (Policy DM17 Development Management Policies DPD 2012) and there is no highway objection to this application subject to a legal agreement being signed.

### Trees

There are 9no trees which have been categorised within the site. 6no trees are categorised as C and 3no as B.

3 Category C trees have been identified for removal to facilitate this development, but due to their relatively low amenity value or poor condition they are not worthy of influencing any layout. Their importance within the overall planning context is limited and their loss should not influence the determination of this planning application. More specifically, the following points are pertinent:

There is however one category B tree which is considered important on site, as it has a high potential to contribute to amenity and is under the control of a third party so any adverse effects upon it should be minimised. Although outside the identified RPA, excavation for the newly proposed structure is in proximity to this tree. Furthermore, construction activity, including post development landscaping will be undertaken within the RPA. The submitted Impact assessment states that this may be retained successfully if appropriate protective measures are correctly specified and implemented (in accordance with the attached conditions).

### Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

## **5.4 Response to Public Consultation**

Harm the character of the area: Addressed in 'assessment of proposals'.

Loss of Privacy: Addressed in 'assessment of proposals'.

Noise and disturbance from use: Addressed in 'assessment of proposals'.

Noise and disturbance from construction works: A certain degree of noise and disturbance is to be expected from any construction works. A condition has however been included which would require a Construction Management Plan to be submitted and agreed by the local authority prior to works commencing on site, where such concerns would be addressed.

Loss of light: Addressed in 'assessment of proposals'.

Insufficient refuse storage: The refuse storage would be site towards the front of the property, obscured by soft landscaping. Both of these elements would be secured through condition.

Highways safety: Addressed in 'assessment of proposals'.

Insufficient off street parking: Addressed in 'assessment of proposals'.

Issue relating to water pressure: Such concerns would be addressed through building control which is separate to and independent of the planning process.

Harm to wildlife: Much of the existing rear garden would be retained and a landscaping condition has been attached to preserve and enhance wildlife on site.

Issues relating to the comings and goings of lorries during construction: A certain degree of noise and disturbance is to be expected from any construction works. A condition has however been included which would require a Construction Management Plan to be agreed with the local authority prior to works commencing on site, where such concerns would be addressed.

Issues relating to structural integrity: Such concerns would be addressed through the building control process which would be in addition to obtaining planning permission.

Overlooking: Addressed in 'assessment of proposals'.

Overshadowing: Addressed in 'assessment of proposals'.

Reduce family housing: The loss of the family housing is compensated for by the creation of 9 additional units for which there is great demand in Barnet.

## **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 application is recommended for APPROVAL.





**Location** Sunridge Court 76 The Ridgeway London NW11 8PT

**Reference:** 16/2679/FUL

Received: 22nd April 2016

Accepted: 6th May 2016

**Ward:** Childs Hill

Expiry 1st July 2016

**Applicant:** Mr Richard Levy

**Proposal:**

Partial demolition and rebuild of third floor to create 9 additional bedrooms with ensuite bathrooms and guest toilet to existing residential elderly care home. New front porch. Provisions made for cycle parking, and installation of solar panels on the roof

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

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

- Proposed:

- 01/416/2/P05 Rev A (received: 28/04/16).
- 01/416/2/P07 Rev A (received: 04/07/16)
- 01/416/2/P08 Rev B (received: 04/07/16)
- 01/416/2/P06 Rev A (received: 28/04/16).
- 01/416/2/P09 Rev A (received: 04/07/16)
- 01/416/2/P10 Rev B (received: 04/07/16)
- 01/416/2/P02 (received: 28/04/16).
- 01/416/2/P03 Rev A (received: 28/04/16).
- 01/416/2/P04 Rev A (received: 28/04/16).

Existing (received: 28/04/16).

- 01/416/2/Sur05
- 01/416/2/Sur07
- 01/416/2/Sur08
- 01/416/2/Sur06
- 01/416/2/Sur02
- 01/416/2/Sur03

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) Notwithstanding the plans submitted, no development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building (including privacy screen for the proposed terrace) 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.

#### **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 £7,525.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority.

All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £29,025.00 payment under Barnet CIL.

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 application relates to a three storey building with mansard roof, currently in use as a care home.

The surrounding area is entirely residential.

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

### **2. Site History**

No relevant history.

### **3. Proposal**

- Partial demolition and rebuild of third floor to create 9 additional bedrooms (including lift overrun)
- New front porch
- Provisions made for cycle parking
- Installation of solar panels on the roof

### **4. Public Consultation**

Consultation letters were sent to 43 neighbouring properties.

8 letters of objection have been received (summarised below):

- Harm the character of the area
- Strain on local utilities and services
- Overlooking/privacy issues
- Issues relating to the lack of off street parking
- Overdevelopment
- Increase in noise pollution and traffic
- Impact highway safety
- Overprovision of care homes

4 letters of support were also received.

### **5.1 Policy Context**

National Planning Policy Framework:

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 document 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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM09, DM13, DM17.

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Principle of the proposed use
- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

## **5.3 Assessment of proposals**

Principle of the proposed use

As the proposed scheme would not create a new care home but rather add space to an existing care home, the principle of the proposed development is considered acceptable.

#### Impact on the character of the area

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. This document states that permission should be refused for development which is of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions. It identifies that good design involves integrating development into the natural, built and historic environment and also points out that although visual appearance and the architecture of buildings are important factors, securing high quality design goes beyond aesthetic considerations.

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 Ridgeway and surrounding roads are entirely residential in character made up of semi-detached and detached properties set over two stories, many of which have been extended towards the rear and at roof level. The three storey building located on the application site departs from this character as it is three stories in height with a mansard roof occupying approximately a third of the roof space. The current application proposes to replace this mansard roof with a new fourth floor of modern appearance.

Several objections have been received relating to the excessive bulk and massing of the proposed extension likely to harm the character of the area. To address such concerns the applicant has taken care to set the flank walls in from the side elevations. In order to further reduce the impact on the street scene, planners requested the proposed front elevation be set in even further. When viewed from the street, the additional floor would now be slightly obscured from public view and while it may still add to the buildings overall bulk, this change is negligible and not so great so as to cause any harm to the character of the area.

In term of materials, a modern palette is proposed (when compared to the existing building) consisting of a mixture of metal and glass panelling. While these modern accents might be unlike other properties in the area the property itself is unique. It is also not located within a conservation area and therefore some evolution of the areas character is to be expected. The details of these materials would be secured through condition.

The proposed new front entrance is also considered to be a proportionate addition to the host property and would preserve the character of the area.

In conclusion the proposed fourth floor would preserve the character of the area in accordance with accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

#### Impact on neighbouring amenity

#### Outlook and visual impact:

It is considered that the design, size and siting of the proposed extension is such that they would have an acceptable visual impact and not result in any significant loss of outlook from neighbouring properties, including dwellings on The Ridgeway, Ridge Hill and Gresham Gardens. The application is therefore considered to be acceptable and compliant with development plan policy in these regards.

#### Daylight, sunlight and overshadowing:

Due to the sites orientation the gardens, serving residential properties to the rear, would be unaffected in terms of impact on light or overshadowing.

#### Noise and disturbance:

Several objections have been received concerning the increase in noise and disturbance associated with the proposed use. However, given the nature of the use (a care home) and the relatively small increase in number of occupiers (10 single bedrooms) the proposed situation is unlikely to create the levels of noise and disturbance which might be considered sufficient to warrant refusal of the application on these grounds alone.

#### Overlooking, privacy:

Attention has also been paid to the proposed terrace facing neighbouring gardens which would create issues of overlooking and loss of privacy. To address this issue, planners have attached a condition relating to privacy screens, which would need to be submitted to and agreed by the local authority before the units are occupied. These privacy screens would have a height of approximately 1.7m (less tall than the proposed extension) thus not affecting the amenities of neighbouring occupier or the character of the area.

The proposal would therefore preserve the living conditions of occupiers of neighbouring properties. In accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012 and the Sustainable Design and Construction, and Residential Design Guidance SPDs, which, amongst other things, require development proposals to be designed to allow for adequate outlook and amenity space for neighbouring occupiers.

#### Impact on future amenity

As the proposal is for use class C2 accommodation, which has a communal element (and not self-contained use class C3 dwellings), it is accepted that the London Plan standards on the minimum internal space for new dwellings do not need to be strictly applied. The proposed rooms and en suite bathrooms however by far exceed the 12m<sup>2</sup> requirement for a double bedroom in Barnet's Sustainable Design and Construction DPD (2013). When account is taken of the wider design and layout of the individual units and the scheme more widely (including the communal elements) it is considered, on balance that the proposed units provide an adequate level of internal space. The proposal is therefore considered to be acceptable in this regard.

Any future residents would also have access to the existing garden at ground floor level and all rooms would also be provided with sufficient daylight and outlook.



## Parking

Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

While the proposal would not provide any off street parking, given the schemes circumstances, including its location just outside Golders Green Town Centre with a PTAL of 3 and the nature of the use proposed, it is not considered, on balance, that this would not result in any demonstrable harm. The lack of car parking provision proposed for the scheme is therefore found to be acceptable in this instance.

It is noted that a number of objections have been received that the development has inadequate parking and would result in unacceptable adverse impacts on the road network surrounding the site, highway safety and the amenities of neighbouring occupiers during both its construction and operational phases. However, for the reasons outlined, it is considered that the development proposed, is acceptable and compliant with development plan policies in respect of parking and other transport and highways related matters.

## Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

## **5.4 Response to Public Consultation**

Harm the character of the area: Addressed in 'assessment of proposals' above.

Strain on local utilities and services: The additional units are unlikely to create such a strain on utilities and local services so as to warrant refusal of the application.

Overlooking/privacy issues: Addressed in 'assessment of proposals' above.

Issues relating to the lack of off street parking: Addressed in 'assessment of proposals' above.

Overdevelopment: Addressed in 'assessment of proposals' above.

Increase in noise pollution and traffic: Addressed in 'assessment of proposals' above.

Impact highway safety: Addressed in 'assessment of proposals' above.

Overprovision of care homes: The design and access stamen includes sufficient information to demonstrate a demand for the additional units.

## 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 application is recommended for APPROVAL.



**Location** 402 Finchley Road London NW2 2HR

**Reference:** 16/3214/FUL

Received: 16th May 2016

Accepted: 31st May 2016

**Ward:** Childs Hill

Expiry 26th July 2016

**Applicant:** The Honourable Fraternity of Ancient Freemasons

**Proposal:** Demolition of existing building and erection of new five storey building to provide 283sqms of class A2 floor space at ground floor level and 8no self contained flats above with associated, bike store, amenity space, refuse/recycling storage.

AGENDA ITEM 10

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

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

3. 3. Highways (traffic order) £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

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

1250S01; 1251S02; 1251S03; 1251S07; 1251S09; 1251S11; 1251S12; Planning Statement (dated 16th May 2016) which includes Annex 1 ; Lifetime Homes Statement; 1251 AP01: Proposed Site Plan; 1251 AP02: Proposed Ground Floor Plan; 1251 AP03:

Proposed First Floor Plan; 1251 AP04: Proposed Second Floor Plan; 1251 AP05: Proposed Third Floor Plan; 1251 AP06: Proposed Fourth Floor Plan; 1251 AP07: Proposed Front Elevation; 1251 AP09: Proposed Rear Elevation; 1251 AP11: Proposed Section A-A; 1251 AP12: Proposed Street Elevation

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) 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).

5 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.

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

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

7 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 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 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 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 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.

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

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

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

14 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 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).

16 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be

submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

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

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

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

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

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

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



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

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

19 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

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

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

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

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

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

21 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

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

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

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

### RECOMMENDATION III:

#### 1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

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

negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The applicant is advised that 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.

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

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

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,

please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

4 The applicant is advised that any alteration if required to the public highway (including pavement) will require prior consent of the local highways authority. You may obtain an estimate for this work from Environment and Operations Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan (DCMP) above shall control the hours, routes taken by delivery and construction vehicles, delivery arrangements, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

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

## **Officer's Assessment**

### **1. Site Description**

The application site currently houses the Honourable Fraternity of Ancient Freemasons. The current building faces east onto Finchley Road, and is sited at a 45° angle to Finchley Road. The current building is two stories in height, with timber sash window, a pronounced gable feature located centrally with doors beneath it. The building is constructed of brick.

No 402 is designated as part of a main retail frontage area. It is not in a conservation area and the existing building is not listed or locally listed. It fronts onto the busy A598. There are no trees on the site.

### **2. Site History**

Reference: F/04068/13

Address: 404-406 Finchley Road, London, NW2 2HZ (Adjacent to application site)

Decision: Approved subject to conditions

Decision Date: 22 Oct 2013

Description: Demolition of existing buildings and construction of a part three, part four storey building with a 385sqm ground floor retail unit and 9 residential units above. Provision of 9 car parking spaces, refuse and bicycle storage. Installation of PV panels to roof.

Reference: C10763F/06

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 18 Jan 2007

Description: First floor extension including pitched roof and parapet and addition of 6 rooflights.

Reference: C10763E/04

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 02 Aug 2004

Description: Change of use from B1 to Freemason's Meeting Hall [Use Class D2] with ancillary office accommodation.

Reference: C10763D/03

Address: 402 Finchley Road London NW2

Decision: Approved subject to conditions

Decision Date: 17 Oct 2003

Description: Change of use from offices (class B1) to food and drink (class A3).

Reference: C10763C

Address: 402 Finchley Road London NW2

Decision: Lawful

Decision Date: 27 Nov 1996

Description: Use as offices and meeting hall to rear

Reference: C10763B

Address: 402 Finchley Road London NW2  
Decision: Unlawful  
Decision Date: 24 Oct 1996  
Description: Use as offices and meeting hall to rear.

Reference: C10763  
Address: 402 Finchley Road London NW2  
Decision: Refused  
Decision Date: 21 May 1991  
Description: Four storey office development with basement level car parking for 22 cars.  
Vehicular access to Finchley Road

Reference: C10763A  
Address: 402 Finchley Road London NW2  
Decision: Refused  
Decision Date: 21 May 1991  
Description: Four storey office development with basement level car parking for 22 cars.  
Vehicular access to Finchley Road (Duplicate Application)

### **3. Proposal**

The proposal is to demolish the existing Honourable Fraternity of Ancient Freemasons building and construct a new five storey building to create 283sqm of Class A2 floor space at the ground floor level, and 8no self contained flats above it with associated bike store, amenity pace, refuse/recycling storage.

7no individual flatted units are proposed and would provide the following floorspace:

- Flat 1 (First Floor) 2 bedroom 4 Person- 100m<sup>2</sup> (DCLG Standard 70m<sup>2</sup>)
- Flat 2 (First Floor) 1 bedroom 2 Person - 75m<sup>2</sup> (DCLG Standard 50m<sup>2</sup>)
- Flat 3 (Ground Floor) 2 bedroom 4 Person - 88 m<sup>2</sup> (DCLG Standard 70m<sup>2</sup>)
- Flat 4 (First Floor) 1 bedroom 2 Person - 63m<sup>2</sup> (DCLG Standard 50m<sup>2</sup>)
- Flat 5 (Third Floor) 2 bedroom 4 Person - 81 m<sup>2</sup> (DCLG Standard 70m<sup>2</sup>).
- Flat 6 (Third Floor) 1 bedroom 2 Person - 56m<sup>2</sup> (DCLG Standard 50m<sup>2</sup>)
- Flat 7 (Fourth Floor) 1 bedroom 2 Person - 53m<sup>2</sup> (DCLG Standard 50m<sup>2</sup>)
- Flat 8 (Fourth Floor) 1 bedroom 1 Person - 38m<sup>2</sup> (DCLG Standard 37m<sup>2</sup>)

With regards to amenity, Flats 1 and 2 at first floor level of the proposed development would have front and rear balconies. Flats 3 and 4 would both have front facing balconies, with a privacy screen at the flank elevation of the balcony at Flat 4, adjacent to 404/406 Finchley Road. Flats 5 and 6 would both have front facing balconies, with a privacy screen at the flank elevation of the balcony at Flat 6 adjacent to 404/406 Finchley Road. Flats 7 and 8 would both have front facing balconies, with a privacy screen at the flank elevation of the balcony at Flat 8 adjacent to 404/406 Finchley Road.

The submission of the application follows extensive discussions with officers.

### **4. Public Consultation**

Consultation letters were sent to 221 neighbouring properties.

12no objections have been received the comments are summarised as follows:

- Loss of outlook
- Loss of residential amenity to surrounding properties

- Development should be limited to 3 stories in the interests of residential amenity and character
- No DayLight Sunlight report to assess the impact on neighbours
- Right to Light
- The development would have considerable impact on residents at 404/406 Finchley Road
- The development would have a significant additional impact on residents at Pattison Road
- The development should provide parking
- Impact on parking
- Impact on the character and appearance of the area
- Loss of the existing building which adds to the character of the area and creates an openness
- It would have impact on the light and privacy of the development at Lightworks Apartments
- Impact on local highway
- Impact on privacy

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan March 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 (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, CS4, CS5, CS7, CS9 and CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM11, DM14 and DM17.

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Residential Design Guidance SPD (adopted April 2013)

- The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

## **5.2 Main issues for consideration**

- The principle of residential use
- The principle of the A2 use at ground floor
- The standard of accommodation provided and amenities of future occupiers of the proposed units
- The impact the proposal would have on the character and appearance of the area
- Impact on the amenities of neighbouring and surrounding occupiers
- Transport, Highways and parking matters

### Principle of the residential use

The government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many new homes as possible are constructed on brownfield land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are use only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban area as being the most suitable for development.

The site is a previously developed site, and therefore it is a sequentially preferable site for new housing.

Policy CS5 of Barnet's Core Strategy outlines that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding of local characteristics. Proposals should preserve and enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

In this instance, the principle of upper level flats above a commercial use is evident in the surrounding locality. Planning permission was granted for the adjoining site at 404/406 Finchley Road under application reference F/04068/13 for the demolition of the existing buildings and construction of a part three, part four storey building with a 385sqm ground floor retail unit and 9 residential units above, as well as provision for parking and refuse.

Taking the above into account, it is considered that the principle of residential development above commercial uses has been established at this location, and it is considered that the principle of the residential development is consistent with the surrounding pattern of development in the area.

#### Principle of the A2 use

Policy DM11: 'Development principles in the town centres' outlines that 'the council will expect a suitable mix of appropriate uses as part of development within the town centres to support their continued vitality and viability'.

The proposal incorporates the creation of 283sqm of Class A2 floor space at the ground floor level. Taking into account the location of the proposal, within a main retail frontage, it is considered that the proposed new A2 use would contribute towards the vitality and viability of the town centre, and it would introduce an active frontage, and introduce a commercial use to the location. It is considered that the proposal would comply with Policy DM11.

#### Impact of the proposal on the character and appearance of the area

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

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development, and in this case the building should respect the character of Finchley Road.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities that can have an unacceptable impact on the established character of an area. In this case, it would be considered that flatted development would be suitable on this site, as the principle of residential development is consistent with the surrounding pattern of development at Finchley Road. The existing building is not listed locally, nationally listed, or within a conservation area, and it is considered that on balance the principle of demolition of the existing building is considered to be acceptable.

Any development on this constrained urban site should have due regard to the built form and pattern of development of Finchley Road. In this regard, the proposed development has been designed to complement the scale and height of the adjacent buildings, with the development appearing higher than 400a Finchley Road (13.5m in height) and lower than 404/406 Finchley Road (17m in height). Taking this into account, it is considered that the proposed building respects the building heights and lines of this section of the road. It is also considered that the design of the proposed, with the use of brick and glass, as well as the set back of each progressive upward level of the building, would ensure that the development complements the surrounding buildings. Zinc is to be used for the fifth floor of the development, to complement the adjacent building 404/406 Finchley Road.

Taking the above into account, it is considered that the proposed development is in keeping with the established character of the area, and would complement the design and scale of the surrounding uses, to be acceptable.

#### The quality of accommodation for future occupants

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 2016 and provides adequate internal space for future occupants.

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. Balconies are proposed for each of the new flats. The two first floor flats benefit from amenity spaces to the front and rear to satisfy the policy. The upper floor flats each have a balcony, all exceeding the minimum 5sqm for 1-2 person dwellings with an extra 1sqm per each additional occupant required by the London Plan. Flats 5 and 6 have front balconies measuring 2.5sqm and 7sqm respectively which is lower than the requirements of Table 2.3 within the Sustainable Design and Construction SPD. It is considered that the proposed balconies would provide adequate amenity spaces for Flat 1, 2, 3, 4, 7 and 8, meeting the standards outlined by Barnet Council's Outdoor Amenity Space Requirements. On balance it is considered that the proposed amenity space for Flat 5 and 6 would not have such a harmful impact on the residential amenity of the proposed occupiers to warrant the application being refused.

The proposal has been carefully designed to ensure that the development maximises the light and outlook afforded to future occupiers. Taking into account that the proposal has been designed with large windows to ensure that the maximum amount of light is afforded to each flat, it is considered that the proposed flats would support an appropriate level of amenity for future occupiers.

Having carefully considered the proposal, on balance, officers find that the scheme would provide adequate amenities for the future occupiers of the proposed dwellings. The proposal is found to have an adequate design and layout from an amenity perspective. The dwellings would all have an internal area which is sufficient to meet the relevant London Plan space standard for the number of bedspaces proposed. They would also have adequate daylight, sunlight, outlook and privacy.

#### Impact the proposal would have on the amenities of neighbours

Concerns have been raised that the proposed development would have an adverse impact on residential amenity of neighbours.

Planning permission was granted under F/04068/13 at the adjacent site for 9no flats, with a neighbouring courtyard positioned adjacent to the proposed development. In the interests of preserving the residential amenity of the neighbouring occupiers, privacy screens would be located at the flank elevation of the balconies of the proposed flats, as well as each of the windows facing towards the development at 404/406 being obscure glazed. Taking this into account, it is considered that the proposed development would not have a significant detrimental impact on the residential amenity of those adjoining neighbours at 404/406.

Concerns have been raised in relation to the impact the development would have on the residential amenity of neighbours at Pattison Road, with the rear of properties at Pattison Road having a view of the rear of the proposed development. Taking into account the distance of the proposal from the rear of the dwellings at Pattison Road, as well as the

oblique angle that the rear elevation would be seen from in Pattison Road, it is considered that the proposed development would not have a harmful detrimental impact on the residential amenity of neighbours.

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not have a severe impact with regards to it being overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing or losses of daylight, sunlight, aspect, privacy or outlook. The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

#### Impact of the proposal on highway safety

Policy DM17 - Travel impact and parking standards outlines that 'the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

The Policy then outlines that 'residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity'.

The application is located within a PTAL 4 area, which highlights that the site has a good level of access to public transport.

Within the Planning Statement provided to support the application, the applicant has submitted as Annex 1 a Car Park study to highlight both the parking restrictions in the area which are already applied, and the amount of parking available at the site at overnight times, and during the day.

Highways officers have commented as follows:

The proposed development would require parking provision of between 3 and 9.5 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

No parking is provided. The existing use of the site also has no parking provision.

Taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone and there is pay by phone bays available for parking.
- o The applicant has undertaken parking beat survey within 200m walking distance of the site which shows that although there is parking pressure on public highway close to the site there are parking spaces available on public highway further away from the site.

Development without parking provision could be acceptable provided the occupants of the new development are exempted from purchasing parking permits. A contribution of £2,000 is required towards the amendment of the traffic order.

Cycle parking:

No cycle parking has been provided. A condition will be placed on the application for the provision of cycle parking.

Refuse:

Refuse storage shall be provided at ground level within 10ms of public highway.

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

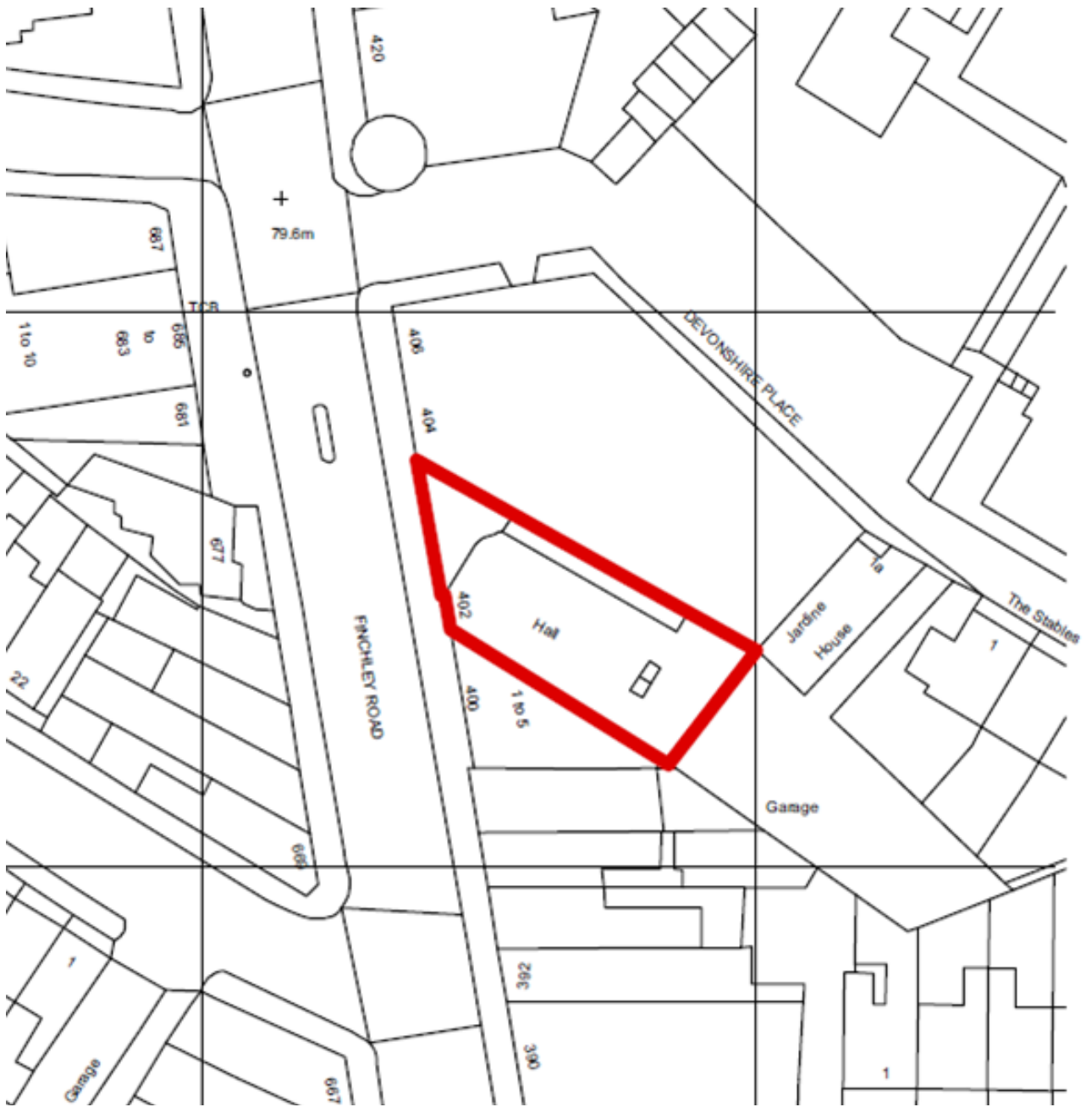
The concerns and views raised have been considered within the body of the report.

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

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that 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 a significant adverse impact on the amenities of neighbouring occupiers and provides adequate living accommodation for future residents. This application is therefore recommended for approval.



**Location**                      **Land Rear Of 123-131 East End Road London N2 0SZ**

**Reference:**                      **16/2025/FUL**

Received: 29th March 2016

Accepted: 12th April 2016

Ward:                              East Finchley

Expiry 7th June 2016

Applicant:                      Neil Burges

Proposal:                      Erection of 3no two storey dwellinghouses with associated amenity space, refuse storage and provision of 5no parking spaces

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

Proposed (Received: 09/09/16).

- 1978-P01
- 1978-P02 Rev A
- 1978-P03 Rev A

Reports:

Daylight Sunlight Study (dated: January 2016)

Tree Impact Assessment (dated: July 2016)

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings 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 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

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



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

- 7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

- 9 Prior to first occupation, the development hereby approved 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.

- 10 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). The development shall be maintained as such in perpetuity thereafter.

Reason:

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

11 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).

12 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).

13 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.

14 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.

- 15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 1978-P01 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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).

- 17 Before the building hereby permitted is first occupied the proposed rear facing windows above ground floor level facing Sedgemere 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).

- 18 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.

- 19 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 to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved.

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

### **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 £10,080.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £38,880.00 payment under Barnet CIL.

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 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 application site is a triangular plot situated to the rear of properties along East End Road and Sedgemere Avenue. To its East the site borders Sherwood Hall, a group of four, three storey blocks set within a small estate. The site contains a number of garages and was historically used for commercial purposes. At the time of the site visit it was clear that the site had been vacant for some time, with the remaining garages in very poor state of repair and much of the site overgrown.

### **2. Site History**

Application: C02818E/06

Address: Land Rear Of 123-131 East End Road N2

Dated: 10.10.2006

Decision: Refused

Description: Proposed residential building with three storeys and roof space including dormer windows accommodating 8 flats, each of 3 habitable rooms (Outline Application).

*Reasons for refusal:*

*1) The proposed development would, by reason of its location, size, height and siting be a visually obtrusive form of development which would detract from the character and appearance of the existing area and have an adverse and visually obtrusive impact on the amenity of the occupiers of the adjoining dwellings and is considered an overdevelopment of the site*

*2) The proposed development does not include a formal undertaking to meet the costs of extra education places and community benefit arising as a result of the development*

### **3. Proposal**

- Erection of 3no two storey dwellinghouses
- Associated amenity space, refuse storage and provision of 5no parking spaces

### **4. Public Consultation**

Consultation letters were sent to 153 neighbouring properties.

17 letters have been received.

The objections raised are as follows:

- Out of character with the area
- Loss of outlook
- Loss of trees
- Highway safety
- Overbearing
- Harm wildlife
- Lack of off street parking
- Loss of light

- Odours from refuse storage
- Overlooking/loss of privacy
- Noise and disturbance from use
- Noise and disturbance from construction works
- No reference to the proposed materials

## **5.1 Policy Context**

National Planning Policy Framework:

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 document 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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

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

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).



## 5.2 Main issues for consideration

The main issues are considered to be:

- Whether the principle of the development is acceptable
- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety
- Impact on trees

## 5.3 Assessment of proposals

### Principle of the development is acceptable

Development Management Policy DM01 (Protecting Barnet's character and amenity) states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In order to protect character Policy DM01 requires development to demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused.

The site is occupied by garges/ storage buildings and as such is classified as brownfield land. It's redevelopment is in principle considered acceptable.

Due to the residential nature of the surrounding properties, the principle of providing residential accommodation on the site is not objectionable. Furthermore, because of the state of disrepair of the site, the loss of the existing storage garages would also not be objected to.

### Impact on the character of the area

#### Policy Context

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 London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

During pre-application discussion planners raised concerns over the proposed bulk and massing and in response, the applicant has made a number of major revisions to successfully address these issues.

## Density

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 1b. The site is approximately 0.0484 hectares in size and the development includes 3 houses. Calculations show that the proposed scheme's density is approximately 62 units per hectare, and this is within the density range for its context and the guidelines in the London Plan (35-75u/ha). All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

## Scale, Bulk, height and massing

Due to the site's unique location and proximity to neighbouring properties great care was taken during pre-application discussions to limit the proposed bulk and massing, achieved in the following ways:

- The number of proposed houses was reduced from 5 to 3
- The overall height of each house was reduced from two stories (with rooms within the roof slope) to single storey (with rooms located within the roof slope).
- The net ground floor footprint was reduced by over 30%
- The spacing between each house was increased
- Each house was set further away from the neighbouring boundaries

Whilst it is acknowledged that the proposed building would be larger in terms of bulk and massing than the existing dilapidated single storey outbuildings, there are site specific circumstances which render this acceptable. Most importantly the three houses are set back from the street by over 20m and, given the relatively narrow entrance, the houses would be slightly obscured from public view. In addition, the site is surrounded by a mixture of 2 and 3 storey buildings which exceed both the bulk and massing of the proposed houses.

## Design

Several objections have been received regarding the limited details relating to materials within the submitted plans and supporting documents. The application form does however state that the principle material's will be a mixture of brick and weather board. These materials would fit in with the character of the area and specific details will be secured through condition.

In terms of design the proposed double ended gable front projections coupled with a high proportion of glazing does slightly depart from the more traditional architectural features surrounding the application site. However, this is not considered an issue because the site is not located within a conservation area and some evolution of the areas character is to be expected. Moreover, the site is not seen as part of the established streetscene.

## Conclusion

In conclusion the proposed buildings, in terms of scale, siting and external appearance would preserve the character of the area. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning

Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

### Impact on neighbouring amenity

The previous application for a three storey block of flats (C02818E/06) was refused for a number of reasons but the following excerpt from the officers delegated report relates to the impact on to neighbours:

*A building of [three storeys] in this location would be overbearing and obtrusive. The site is a small site surrounded by residential developments and it is considered that the proposed development would have a detrimental impact on their amenity."*

As described above, the bulk and massing of the revised scheme has been considerably reduced so as to address these issues in the following ways:

### Noise and disturbance

In terms of use of the site's use as houses, it is considered unlikely that general noise and disturbance resulting from 3 additional households would be such that it would disturb adjoining occupiers.

### Overlooking and loss of privacy

During the pre-application stage case officers were given the opportunity to speak to several neighbours whose main concerns related to overlooking and a loss of privacy. Given the application site is surrounded on all sides by the rear gardens of neighbouring properties such issues were carefully considered and formed the basis of the current design/layout.

In response all the windows located in the rear elevations above ground floor level (facing Sedgemere Avenue) would be obscure glazed and permanently fixed shut as the rooms within are not habitable.

In addition, the distance between directly facing clear glazed windows to habitable rooms in the proposed building would be more than 21m. Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony, terrace or rear garden) within the development would not be less than 10.5m (see annotated plan no. 1978-P02 Rev A).

### Daylight, sunlight and overshadowing

The submission is accompanied by a daylight sunlight study which assesses the potential impact to the following properties:

- 127 to 131a East End Road
- 3 to 17 Sedgemere Avenue
- 31 to 36 & 12 to 24a Sherwood Hall

The report finds that all neighbouring windows pass the BRE diffuse daylight and direct sunlight tests. The development also satisfies the BRE overshadowing to gardens and open spaces requirements. Bearing these points in mind the scheme is found to be acceptable in this regard.

## Outlook and visual impact

### Sedgmere Avenue:

The proposed rear elevations have been set away from these neighbouring boundaries by a distance of 4-9m. The proposed roofs would also slope away from these gardens to further reduce any impact. The distance and design mean the proposed houses would not appear overbearing or lead to a loss of outlook for these neighbouring occupiers.

### East End Road:

The flank wall of the first house (closest to East End Road) would be sited approximately 4m from the rear of these gardens. Bearing in mind the distance separating the two and given only one side elevation would be visible, the proposed relationship is not such that it would affect the living conditions of any users of these spaces.

### Sherwood Hall:

The proposed front elevations are set away from these neighbouring boundaries by over 10m which is sufficient distance so as to prevent the living conditions of these occupiers being affected.

## Impact on future amenity

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. 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. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. These include requirements to provide high quality indoor and outdoor spaces and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council 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 that has adequate amenities for its future occupiers.

The Mayor has also adopted SPG's (entitled Housing) providing detailed guidance on issue related to designing new residential accommodation to achieve acceptable amenities for its future occupiers.

## Internal space provision

House 1	108 m2
House 2	108 m2

House 3

108 m2

All three houses would exceed the minimum unit sizes as set out in the London Plan (2016).

#### External amenity space provision

Three houses have been provided with individual private gardens which exceed Barnet's requirements (Table 2.3 Sustainable Design and Construction SPD 2013).

#### Dwelling layout and outlook

Officers find that the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site.

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 at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

#### Daylight and sunlight

All habitable rooms would meet Barnet's 20% glazing requirement suggesting the rooms within would benefit from sufficient light.

#### Parking

Plan no. 1978-P02 Rev A shows 5 off street parking spaces which would meet the requirements of Policy DM17 of Barnet's Development Management Policies (2012).

#### Trees

The applicant has submitted a tree impact assessment and tree protection plan identifying the loss of five trees on site. Barnet's tree officers have reviewed the document and agree that these trees offer little in terms of amenity value and no objections are raised regarding their loss.

The report goes to point out that part of the third house (furthest from East End Road) is within the root protection area of trees T10, T11, T12 but subject to the correct tree protection measures being implemented (see conditions attached)no specific issues are raised.

#### Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

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

Out of character with the area: Addressed in 'assessment of proposals'.

Loss of outlook: Addressed in 'assessment of proposals'.

Loss of trees: Addressed in 'assessment of proposals'.

Highway safety: The proposed scheme does not raise any issues relating to highways safety.

Overbearing: Addressed in 'assessment of proposals'.

Harm wildlife: The application site includes a number of disused outbuildings and a number of trees. The loss of the trees has been assessed above but the proposed changes are not considered to harm any wildlife in this area to such an extent that would justify refusal of the application on these grounds alone.

Lack of off street parking: Addressed in 'assessment of proposals'.

Loss of light: Addressed in 'assessment of proposals'.

Odours from refuse storage: A condition relating to refuse has been attached where the siting of the proposed refuse will be confirmed and located a sufficient distance from neighbouring occupiers to address these concerns.

Overlooking/loss of privacy: Addressed in 'assessment of proposals'.

Noise and disturbance from use: Addressed in 'assessment of proposals'.

Noise and disturbance from construction works: A certain degree of noise and disturbance is to be expected from any construction works but the level of the proposed works are not such that they would warrant refusal of the application on these grounds alone.

No reference to the proposed materials: Addressed in 'assessment of proposals'.

## **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 application is recommended for APPROVAL.



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**Location**                    **108 Holders Hill Road London NW4 1LJ**

**Reference:**                **16/4234/FUL**

Received: 28th June 2016

Accepted: 7th July 2016

Ward:                        Finchley Church End

Expiry 1st September 2016

Applicant:                Mr b menahem

Proposal:                 Conversion of ground floor flat to form 2no self-contained flats

AGENDA ITEM 12

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing no. 4621/45/B; Planning Statement by Stuart Henley and Partners.

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

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

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

- 3 Before the 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 shall be implemented in full accordance with the details indicated on the hereby approved Drawing no. 4621/45/B 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).

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

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

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

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

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

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

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

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

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

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

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

- 9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 10 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 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.

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

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's

expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

- 3 The applicant is advised that there are several conditions of the approved development 15/00565/FUL that still require details to be provided to the Local Planning Authority. The hereby approved scheme has not considered the details required by these conditions.

## **Officer's Assessment**

### **1. Site Description**

The application property is a semi-detached building located on the within the Finchley Church End ward. The property is sited adjacent to a row of terrace properties

Planning permission was recently granted to convert the property into 3 flats (ref 15/00565/FUL dated 1/4/2015). When a site visit for the current application was undertaken, work was being carried out at the premises to start implementing the approved planning consent. A condition attached to the approved consent required that the garage space shown on the approved plans to be implemented and used for the sole purpose of parking a car to provide the required off-street car parking spaces for the proposal.

### **2. Site History**

Reference: 15/00565/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 1 April 2015

Description: Part single part two storey side and rear extension following demolition of existing side projection with associated alterations to roof, involving enlargement of existing rear dormer, to facilitate conversion into 3no. self-contained flats including alterations to hard/soft landscaping, 2no. off-street parking spaces and refuse/recycling facilities

Reference: 15/03542/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 5 August 2015

Description: Conversion of garage to habitable room

Reference: 15/04300/HSE

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved subject to conditions

Decision Date: 14 August 2015

Description: New balcony to existing first floor rear extension

Reference: 16/0451/CON

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Approved

Decision Date: 22 June 2016

Description: Submission of details of condition 9 (Refuse) pursuant to planning permission 15/00565/FUL dated 1/04/15

Reference: 16/1971/FUL

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Withdrawn

Decision Date: 26 May 2016

Description: Conversion of ground floor to form 2no self-contained flats

Reference: F/04594/14

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Lawful

Decision Date: 30 September 2014

Description: Roof extension involving 2No. front facing rooflights, 1No. rear dormer to facilitate a loft conversion.

Reference: F/04585/14

Address: 108 Holders Hill Road, London, NW4 1LJ

Decision: Prior Approval Not Required

Decision Date: 22 September 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.0 metres and a maximum height of 3.0 metres

### **. Proposal description**

The applicant seeks planning consent for the conversion of the existing ground floor 3bed flat (approved under reference 15/00565/FUL) into two self-contained flats. The flats would be comprised of:

- 1 x2 bed flat
- 1 x studio unit for 1 person.

There would be no parking provision for the proposed new unit.

## **4. Public Consultation**

Consultation letters were sent to 61 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- The original front garden has been completely lost.
- New studio would be out of character as none in the area; at Ullswater Court, a number of these studios were unlawfully created and Barnet successfully won a case confirming their enforcement action that all the studio flats must be removed
- Allowing this would make it difficult to refuse future development/ set precedent
- Over intensive use
- If parking spaces occupied, refuse, recycling bins will be on the street and vice versa.
- Plans are misleading and bins are not located there
- Parking pressures
- Precedent for development in upper floors of building
- Puts unreasonable stress on sewers
- Minimum standards not met & unit poorly designed

A site notice was erected on the 14th July.

The Council's Highways team were also consulted.

## **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 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.

- Impact on local highways and parking pressures

### **5.3 Assessment of proposals**

#### Impact on the character of the area

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

It is therefore considered that the proposal would comply with Policy CS5 (Protecting and enhancing Barnet's character to create high quality places) of Barnet's Core Strategy which seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Document 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 area, in particularly Holders Hill Road, has a mixed character comprising of single family dwellings, converted properties and purpose built blocks of flats. As such the principle of the conversion into flats is considered to be acceptable and has already been established on the site given the approved scheme.

There would be no external alterations or manifestations to the proposed conversion of the ground floor unit to create two units at ground floor.

On balance, the conversion of the existing ground floor into two flats is not considered detrimental to the established character of the area and is therefore considered acceptable.

#### Impact on the amenities of neighbouring and future occupiers

Officers do not object to the principle of the development insofar as the impact to the amenity of neighbouring residential occupiers.

There would be no changes to the building externally and therefore in terms of built form, the building would have no greater impact on the amenities of neighbouring occupiers than currently experienced.

In terms of activity from the occupiers of the future units, the existing flat at ground floor has three double bedrooms which could accommodate up to 6 occupiers. Given that the proposed flats would be a studio flat for 1 occupier and a 2 bedroom flat with up to 4 occupiers, the activity on the site and number of occupiers is comparable. As such it is not considered that the proposal would be detrimental to the amenities of neighbouring occupiers insofar as noise and disturbance.



All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the Minor Alterations to the London Plan 2016. In addition, flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers.

Both units would provide sufficient internal floor space to comply with the minimum standards. With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats the required provision of outdoor amenity space is 5sqm per habitable room; both units would exceed this standard.

With regards to the outlook to future occupiers, the studio would be dual aspect. The Sustainable Design and Construction SPD stipulates that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. The studio would benefit from 3 windows which, when combined, would exceed this standard.

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

The proposal would have an acceptable impact on the amenities of both neighbouring and future occupiers.

### Highways

The Council's Highways officers have been consulted on the scheme and have provided the following comments:

"The proposal is to change the ground floor of the building from a 3 bed flat into 1x2 bed and 1 studio flat. 3 parking spaces are provided for the property that includes PTAL 1b (poor) CPZ 1-6pm, a parking survey indicated that there was available parking at evening and morning outside controlled hours. The proposal would result in an additional demand of 1 parking space and would have minimal impact to the surrounding highway network. There is no highway objection to the proposal."

Parking space widths comply with the standard and the information indicates that there would be sufficient space to allocate the refuse and recycling bins. Furthermore, the siting of the refuse store for the original scheme has already been approved under reference 16/0451/CON.

The refuse store also complies with the requirements of householder refuse and recycling provision.

### Flood Risk

The site falls within a flood risk identified as low. The Sequential Test is not considered to be applicable in this instance. The flood zone 3 falls in the rearmost part of the garden. The proposal comprises no building works but seeks to the existing ground floor flat into 2no flats.

## 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% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

## CIL

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

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

The proposal would not result in any increase in the floor area and therefore the development is not CIL liable.

## **5.4 Response to Public Consultation**

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

"The original front garden has been completely lost"- The application does not involve any changes to the front garden and this is as per previous applications on the site.

"New studio would be out of character as none in the area; at Ullswater Court, a number of these studios were unlawfully created and Barnet successfully won a case confirming their enforcement action that all the studio flats must be removed" - The proposal is part of a one previous house development which would be comprised of four flats of different tenures. It is not considered that the context is the same as the 36 studio units discussed in the appeal inquiry for the development at Ullswater Court (APP/N5090/C/15/3005873). Officers do not consider that the change from a 1 x3 bed unit to 1 x 2bed and 1 x studio

unit would cause demonstrable harm to the character of the area given the mixed tenure of the host site.

"Allowing this would make it difficult to refuse future development/ set precedent" & "Precedent for development in upper floors of building" - every case is assessed on its own merits; the development is considered acceptable in this case of the reasons specified above.

"Over intensive use"- covered in the assessment above.

"If parking spaces occupied, refuse, recycling bins will be on the street and vice versa" - covered in the assessment above.

"Due to position of a parking bay immediately adjacent to the property, cars parked there have to drive out into the carriageway with severely reduced visibility"- covered in the assessment above.

"Plans are misleading and bins are not located there"- If the proposal has not been implemented in accordance to the approval, the Council's enforcement team can investigate; however based on the information provided, officers consider that the scheme is acceptable

"Parking pressures"- Addressed above.

"Puts unreasonable stress on sewers"- This is not a material consideration in the determination of the application.

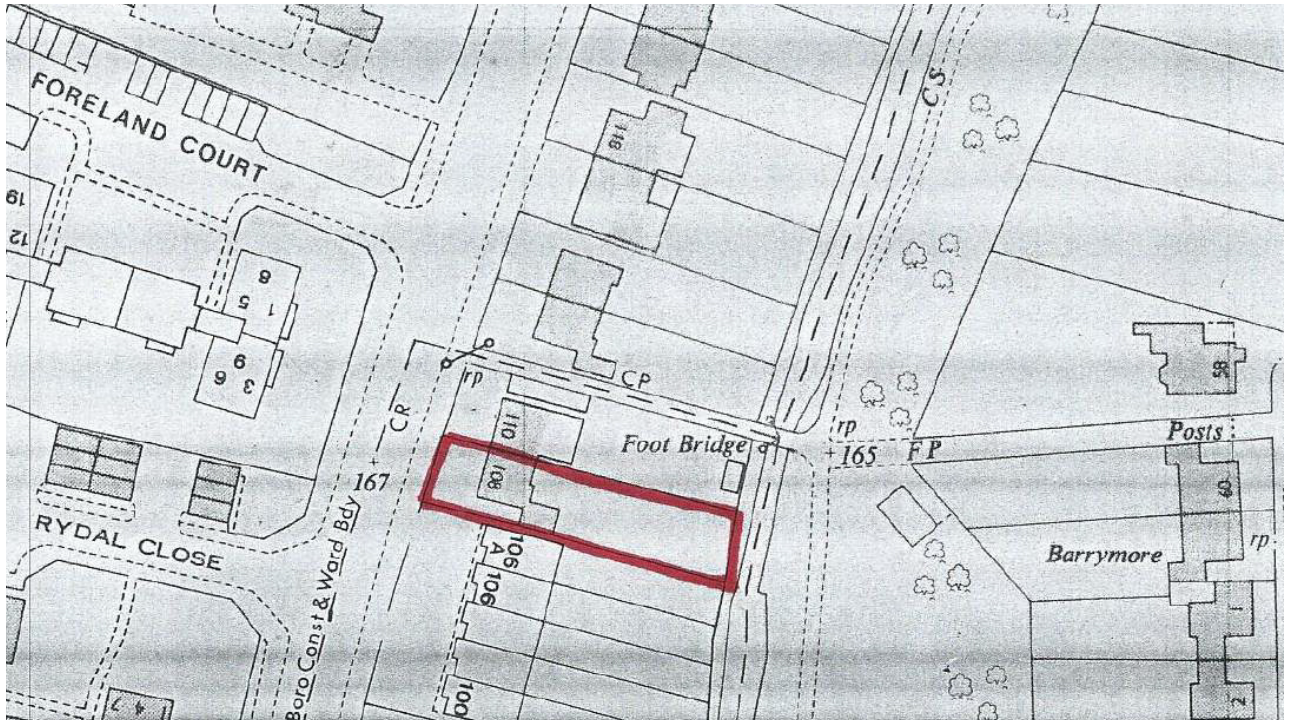
"Minimum standards not met & unit poorly designed"- addressed above.

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

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

## **7. Conclusion**

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



**Location** 21 Temple Fortune Lane London NW11 7TS

**Reference:** 15/05603/FUL

Received: 7th September 2015

Accepted: 6th October 2015

**Ward:** Garden Suburb

Expiry 1st December 2015

**Applicant:** Mr Masoud Farahani

**Proposal:** Demolition of existing residential dwelling house and erection of 4 storey building with car parking, refuse and cycle storage in the basement

AGENDA ITEM 13

**Recommendation:** Approve subject to s106

### **RECOMMENDATION I:**

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

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

3. 3. Highways (traffic order) £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

### **RECOMMENDATION II:**

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

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

A001; A101 Rev B; A102; A103; A104; A105; A106 Rev B; A107 Rev B; A108 Rev B; A109 Rev B; A110 Rev B; A111 Rev B; A112 Rev B; A113 Rev B; A114 Rev B; A115 Rev B; A116 Rev B; A117 Rev B; A201 Rev B; A202 Rev B; A203 Rev B; A204 Rev B; A205 Rev B; A206 Rev B; A207 Rev B

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

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

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

3 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) 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 2016.

8 Before the building hereby permitted is first occupied the proposed window(s) and balconies in the side elevation facing Charlton Lodge shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

9 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).

10 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed around all balconies and the roof garden, shall be submitted to and approved in writing by the Local Planning Authority.

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

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

11 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.

12 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).

13 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.

14 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.

15 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.

16 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.

17 Before the development hereby permitted is first occupied turning space and parking spaces, included one disabled space, shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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

18 a) .Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts 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 prior to the first occupation and retained as such thereafter.

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

19 A vehicular sight line of 2.4 metres by 43 metres shall be provided to the either side of the site access when exiting onto the Public highway, prior to the occupation of the development and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests 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.

20 a) No development other than demolition works shall take place until details of the proposed green walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

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

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

21 The level of noise emitted from the lift and any ventilation equipment shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

22 a) Before the development hereby permitted is first occupied, the cycle storage and parking shall be provided as shown on plan no. A111B.

b) The development shall be implemented in full accordance with the details as approved 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).

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

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

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

24 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Planning Performance and Business Development Manager REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

**Informative(s):**

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

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

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

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

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

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

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

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

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

- 4 In case if 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. 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 London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 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 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement

## **Officer's Assessment**

### **1. Site Description**

The application site is a detached single family dwelling. It is acknowledged that the application site lies directly opposite the Hampstead Garden Suburb conservation area which is also subject to article 4 Direction. Temple Fortune Lane is an important boundary road, the first to be built in the Suburb in 1907. Originally it was part of an historic road from Hampstead through to Hendon, which included parts of Hampstead Way, and Bridge Lane across the Finchley Road. Its boundary role was a key factor influencing the character of its development. In 1907 the cemetery site was not developed and the new houses would have been viewed from Finchley Road. As the road nears the junction with Meadway there is still the feel of a country lane with a rough grass verge, ditch and field hedge bordering the cemetery. The road is lined with plane trees and most hedges are intact, although some are overgrown. A notable feature of the road is the number of small semi-circular greens or shrubberies, and the one open rectangular green, which provide privacy and a village green ambience for the houses. Many houses are situated on a higher level than the road itself, with gardens above retaining walls which mostly do not have hedges. This makes the road feel relatively spacious.

The section nearest to Finchley Road suffers from traffic noise, and there is heavy parking despite controls. The character of this section of the road has changed in the last 40 years due to the development of flats, houses and the Temple Fortune Heath Centre.

### **2. Site History**

Reference: F/02237/12

Address: 21 Temple Fortune Lane, London, NW11 7TS

Decision: Refused

Decision Date: 18 Sep 2012

Description: Demolition of an existing residential house and erection of a block of eight residential units with underground car parking

The above application was refused for the following reasons:

1. The proposed development would, by reason of its height, size, bulk, and siting in proximity to the boundary of flats in Charlton Lodge, result in an obtrusive and overbearing development that would lead to an increased sense of enclosure and a significant loss of outlook, open aspect from and light to the garden area of these neighbouring properties contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012.

2. The proposed ramp by the boundary of Charlton Lodge providing access to the undercroft parking would introduce an alien feature to the streetscene that would be detrimental to the character and appearance of the adjacent Hampstead Garden Suburb Conservation Area, contrary to Policies DM01, DM02 & DM06 of the Local Plan Development Management Policies (Adopted) 2012; and the Supplementary Planning Guidance in the form of the 'Temple Fortune Lane, Willifield Way, Area 3 Character Appraisal' as part of the 'Hampstead Garden Suburb Character Appraisals' (October 2010).

3. The proposed development would include a one bedroom unit resulting in a cramped form of development leading to sub-standard accommodation which fails to provide adequate internal floor space, contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012; Supplementary Planning Document on Sustainable Design & Construction SPD (June 2007); and Policy 3.5 (table 3.3) of the London Plan July 2011.

4. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012.

5. The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents 'Contributions to Education', "Contributions to Health Facilities", 'Contributions to Libraries' and "Planning Obligations".

An appeal was lodged by the applicant to The Planning Inspectorate regarding the decision.

The appeal was dismissed by The Planning Inspectorate and the Inspector made the following conclusions:

"Whilst I have found in favour of the appellant in relation to the size of the one bed flat, I have found against the appellant in relation to the effect on the occupiers of Charlton Lodge, the effect on future occupiers of the development in regard to the provision of garden area and with regard to the visual impact of the ramp and this provides compelling and overriding reasons why the development should not be permitted."

### **3. Proposal**

This application seeks consent for the demolition of existing residential dwelling house and erection of 4 storey building with car parking, refuse and cycle storage in the basement.

The proposed development will accommodate 6 flatted units.

### **4. Public Consultation**

100 consultation letters were sent to neighbouring properties.

11 objections have been received

The views of objectors can be summarised as follows;

- Damaging impact on the Hampstead Garden Suburb Conservation Area
- Design out of character
- Building positioned too far forward
- Bulk and massing overbearing
- Ramp unsightly on street frontage
- Visually intrusive



- Height
- Overdevelopment
- Loss of views
- Impact of construction work
- Noise and disturbance
- Potential blocking of private accesses
- Impact on parking
- Object to car lift / underground parking
- Drawings are not representative of neighbouring buildings
- Too large for road
- Too many apartments proposed

An additional consultation exercise was carried out on the amended plans and a further 12 objections were received.

Additional comments can be summarised as follows;

- Loss of privacy
- Obscure glazing must remain as so in perpetuity
- Maintenance of planters

Other / internal consultations:

Highway officers:

Detailed comments are provided within the main report but, on balance, the proposal is acceptable on highway grounds. However, as the access to the car park is via a single lift, the following need to be taken into consideration.

- o Due to the shortfall in parking provision the new occupants are likely to park on public highway resulting in the overspill of parking from the proposed development;
- o The new occupants may not feel confident or safe in using the vehicular lift and decide to park on public highway;
- o In the event of the car lift breaking down, the residents would want to park on public highway.

To ensure that there is no detrimental impact on the public highway as a result of the proposed development on public highway, the applicant would be required to enter into a Section 106 Agreement to prevent occupants of the flats of the proposed development from purchasing resident's car parking permits.

A contribution of £2000 would be required towards the cost of amending traffic order to prevent the residents occupying the proposed development from applying for parking permits.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM17.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Whether harm would be caused to the character and appearance of the area, street scene and the adjacent Hampstead Garden Suburb Conservation Area;
- The living conditions of future residents;
- The living conditions of neighbouring occupiers;
- Parking, Access and Vehicle Movements.

## **5.3 Assessment of proposals**

### Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

The replacement building is noted as taller and deeper than the existing dwelling, however, as the existing street scene sees a variety of building heights, with the neighbouring flatted development being part three-storey, part four stories in height and the proposed development is not considered to disrupt any uniformity in the street scene.

Following amendments to the proposals the proposed development has been pushed further back into the site so that there is a setback from the rear of the pavement of 4.8m to ensure that vehicles will not over hang the pavement whilst waiting for the car lift. This also has the benefit of ensuring the resultant development is better sited within the plot and does not appear unduly prominent in the street scene.

It is therefore considered that the proposed demolition of the existing single dwelling house to provide a four storey flatted development of 6 units would not be detrimental to the established character of the area.

The proposed dwellings would represent an increase to the density of development on the site, however, given the mixed character within the street comprising purpose built flatted blocks and converted units, it is considered that the proposed composition of the development to incorporate six units within a detached block would not be out of keeping or out of character with the established typology in the street.

Regarding the design of the proposed development, this scheme shows a mainly brick-built building with rendered panels and a zinc roof, with grey fenestration to match.

Under this application the previously proposed ramp has been removed from the scheme and now vehicles access the basement car parking area by entering an integral garage and utilising a car lift into the basement. This is considered to remove any concerns raised previously regarding the detriment caused to visual appearance as a result of the ramp.

It is considered that due to the range of architectural styles found along this part of the street, the proposed development would not appear out of character and the resultant development has been successful in replicating the massing, bulk and form of properties in the local area.

The proposed development is therefore considered to be acceptable in principle.

#### Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation:

#### Ground Floor

F1- 2b4p: 65.8sqm

F2- 2b4p: 71.6sqm

#### First Floor

F3- 2b4p: 89.2sqm

F4- 2b4p: 70.4sqm

#### Second Floor

F5- 3b6p: 155sqm

Third Floor

F6- 2b4p: 121.7sqm

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%.

The Council require garden space to be provided for new dwellings in order to help to protect and improve the quality of residential areas and maintain living standards, and it is recognised that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flat developments, the space can be provided communally around buildings but it must be usable. Front gardens that do not provide a reasonable level of privacy, areas that are overlooked by neighbouring development and areas whose use is hindered by their size or the siting of refuse storage enclosures will not be regarded as usable. For flat developments, in appropriate locations and where there is no significant overlooking, balconies may be considered an acceptable substitute for garden space.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. A communal roof terrace would be provided at the top of the proposed development. Planting would be used to restrict the useable space and ensure this amenity provision does not result in any overlooking or potential loss of privacy to neighbouring occupiers.

In addition to this, the ground floor units would have direct access into the rear garden. At first floor unit 3 would have access to two balconies one to the front and one to the rear of the site, both providing 3.6m<sup>2</sup> of amenity space and unit 4 would have one balcony of 3.7m<sup>2</sup>. At second floor flat 5 would have access to two rear balconies, one of 4m<sup>2</sup> and another of 6.3m<sup>2</sup>. At third floor flat six would have access to three balconies, one to the front measuring 4.8m<sup>2</sup> and two at the rear measuring 7.3m<sup>2</sup> and 12.6m<sup>2</sup> respectively.

Where necessary the balconies and roof terraces would be fitted with obscure glazed privacy screens to prevent any overlooking and potential loss of privacy both to future and neighbouring occupiers. Further details of the privacy screens are required through condition.

Furthermore, it should be recognised that the site is located close to the Temple Fortune Town Centre and is within 5 minutes walking distance from The Hampstead Heath Extension, East & Big Wood to the North. Princess Park is also within 10 minutes walking distance. In this regard it is considered that the proposed development offers sufficient access to amenity areas for future occupiers.

An appropriate area for the storage of recycling and refuse bins, as well as cycle store has been provided for each new dwelling within the basement accommodation. An area at the front of the site has been designated for placing bins on collection day. This is considered to be acceptable, although further details of an enclosure to lessen the visual impact of the bins at street level is required and as secured through the imposition of a condition.

Impact on 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

Previous concerns related to the impact of the proposed development on existing occupiers at the neighbouring Charlton Lodge. The scheme has been amended since the previous refusal to show the bulk of the rear of the proposed development being brought away from the side closest to Charlton Lodge and positioned at the front of the site in front of the front building line for the neighbouring development, so that only a core of the development is sited adjacent to the shared boundary but finishes adjacent to the first block section of Charlton Lodge. The rest of the development is proposed to be set in further from the shared boundary with Charlton Lodge.

This is considered to ensure that the resultant development does not detrimentally impact neighbouring occupiers through any sense of enclosure and perception of bulk along this flank. Furthermore, all windows along the flank elevation will be fitted with obscure glazing and where necessary privacy screens will be used on balconies to ensure no loss of privacy or overlooking to future or neighbouring occupiers.

#### Highways:

The site is located on Temple Fortune Lane.

The proposal is for demolition of existing residential dwelling house and erecting new 4 storey building to provide new residential units comprising 1 x 3bedroom unit and 5 x 2bedroom units. 6 parking spaces are provided in the basement.

6 cycle parking spaces are also provided in the basement.

#### Proposed Vehicular Access:

The vehicular access to the basement car park is proposed via a single car lift. For a development of this size two car lifts should normally be provided to ensure that in the event of lift breaking down the residents especially disabled residents are able to access the car park and to minimise the detrimental impact on public highway as Temple Fortune Road is considered as a busy road. In the event that the application is approved with one car lift then the applicant will need to provide a maintenance contract details for the lift access to ensure that any breakdown is dealt with immediately without any delay.

The applicant also needs to confirm that the access to the car lift will be designed to ensure that the vehicles coming off the public highway will be prioritised so that the vehicles are not waiting on public highway.

The existing parking bay fronting the site on Temple Fortune Lane will be affected by the proposed access for the site and would need to be amended accordingly at the applicant's expense and would be subject to public consultation.

#### Parking Provision:

6 car parking spaces are being provided in the basement. At least 1 parking space needs to be identified and designed for disabled use. The vehicular access to the basement is proposed via a single lift access.

The Public Transport Accessibility Level (PTAL) for the site is 2 which is considered as poor accessibility.

The proposed development will need to provide parking spaces in the range of 6 to 9 parking spaces to meet the parking standards as set out in the Development Management Policies of the Barnet Local Plan approved in 2012. Taking into consideration the PTAL rating for the site as 2 the proposed parking provision of 6 parking spaces is falling short by 2 parking spaces.

Taking into consideration that;

- o The site is close the Town Centre location and local amenities;
- o The site is within an one hour Control Parking Zone (CPZ) with by Phone parking fronting the site;

On balance, the proposal is acceptable on highway grounds. However, given the proposed access to the car park the following need to be taken into consideration.

- o Due to the shortfall in parking provision the new occupants are likely to park on public highway resulting in the overspill of parking from the proposed development;
- o The new occupants may not feel confident or safe in using the vehicular lift and decide to park on public highway;
- o In the event of the car lift breaking down, the residents would want to park on public highway.

To ensure that there is no detrimental impact on the public highway as a result of the proposed development on public highway, the applicant would be required to enter into a Section 106 Agreement to prevent occupants of the flats of the proposed development from purchasing resident's car parking permits.

A contribution of £2000 would be required towards the cost of amending traffic order to prevent the residents occupying the proposed development from applying for parking permits.

The proposals as amended are considered to be acceptable. 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.

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

In regards to the concerns raised regarding the design and appearance of the replacement building, it is considered that that proposed new buildings will respect the varied appearance of the streetscene and not result in any loss of amenity to neighbouring occupiers or the setting of the Hampstead Garden suburb Conservation Area. Details of the proposed materials to be used are required by condition, this will ensure that the development is successfully implemented.

The concerns raised regarding potential loss of light to neighbouring occupiers has been assessed and it is considered that the proposals will not detrimentally impact on the

amenity of neighbouring occupiers in this manner. The resultant spacing between the new dwellings and the existing neighbour is comparable to the spacing found between other properties along the road and therefore considered acceptable and not considered to give rise to any loss of amenity regarding loss of light.

In regards to the parking issues raised, the development offers one car parking space per unit. The number of car parking spaces, together with the proposed legal agreement, are considered to be sufficient for the development.

A Construction Management Plan condition is suggested to ensure that the proposed development is constructed with the minimal amount of disturbance to the locality.

To address the concerns regarding noise and disturbance during construction a condition restricting construction working hours is suggested.

It should be noted that to negate any potential overlooking, all side windows, are to be obscure glazed to ensure no loss of amenity to neighbouring occupiers. Furthermore, additional details of the proposed privacy screen are required through condition to ensure they are appropriately detailed and do not result in any loss of amenity to neighbouring occupiers through overlooking.

It should be noted that 'loss of view' is not a material planning consideration. It is considered that the amended siting and design, incorporating the setbacks at upper floor levels ensure that the development will not appear unduly overbearing

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

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

## **7. Conclusion**

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





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

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

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

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

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

4 a) 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).

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

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

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

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

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

7 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 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

12 a) Before the development hereby permitted is first occupied, details of enclosures for the storage of bikes 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).

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

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

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

### RECOMMENDATION III:

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#### RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

- 4 The applicant is advised this planning permission only conveys approval of the proposed additional storey at top floor level of the existing building only and not for any associated replacement windows in the main building. Replacement of windows in the main building would require planning permission under a separate full planning application.

## Officer's Assessment

### 1. Site Description

The site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

### 2. Site History

Reference: 15/07451/FUL

Address: Ground Floor, Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 29 Feb 2016

Description: Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft.

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).

3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Brtiannia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013)

5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being

contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

### **3. Proposal**

This application seeks consent for the creation of an additional storey at top floor level of existing building to provide 2no. Self-contained flats.

It should be noted that the proposed development has been amended since its original submission and now only proposes one additional storey as opposed to 2 storeys as originally submitted so the overall height of the proposed development is no higher than the existing lift shaft. As a result of the amendments the proposed number of units have also been reduced from 4 to 2 units.

It should also be noted that there are 2 other separate applications currently still under determination for further extensions to create additional units on Britannia house.

### **4. Public Consultation**

134 consultation letters were sent to neighbouring properties.

7 objections have been received

The views of objectors can be summarised as follows;

- Height
- Loss of light
- Loss of privacy
- Proposed height
- Out of character
- Overlooking
- Insufficient amenity space
- Position outside of main town centre is not suitable for such a tall building
- Impact on parking and congestion
- Detrimental to visual amenity

Other / internal consultations:

Highways: The proposed development is acceptable on highways grounds subject to conditions and informatives and Section 106 agreement to amend the traffic order for exemption of purchase of residents permits.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2015

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

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

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

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

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

#### Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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**

### Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

To accord with Policy D3 the size, shape, position and detail of spaces around new building should enhance development and be in keeping with the character and quality of the area, and Policy D4 expects new development to respect the constraints of the site to accommodate development, and that it should not result in overdevelopment. Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

This application seeks consent to erect an additional storey to the existing block to provide two additional units above the 7th floor. The scheme has been amended since its original submission and now shows only one additional storey proposed, so the overall height of the proposed development would not be any higher than the existing lift shaft. As a result of the proposed amendment the number of units proposed has also been reduced from 4 to 2. This ensures the proposed extensions appear more subordinate to the main host block.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

In the interest of clarity, this application does not convey granting of planning permission for new replacement windows in the main building. The applicant is advised any associated new replacement windows will require planning permission under a separate full planning application.

Living conditions of future occupiers

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

The proposed development would provide the following accommodation:

F31- 2b4p: 70sqm

F32- 2b3p: 61sqm

These dwellings would exceed 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%.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Whilst 22 sqm of amenity space has been provided for flat 32 in the form of a terrace no amenity space is provided for flat 31. However, none of the other units converted under prior approval benefit from private amenity space and therefore, on balance given the development has good access to green open spaces at Friary Park and Coppetts Wood located a few minutes' walk south east of the site it is considered to be acceptable.

Details of privacy screening would need to be submitted to ensure there would be no overlooking of neighbouring properties from the terrace area therefore a condition is attached to ensure details of this condition is discharged to the satisfaction of the local planning authority.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details have been submitted to show the proposed enclosure and therefore a condition is attached to ensure the details of this condition is discharged with appropriate enclosures in place. Also no details have been provided for the proposed cycle store this too is required to be discharged through the imposition of a condition.

## Highways

The proposal is for an extension to provide additional 2 no self-contained flats comprising 2x1 bedroom units.

The proposed development would require parking provision of between 0 and 2 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

## Cycle parking:

No cycle parking has been provided. A condition will be placed on the application for the provision of cycle parking.

## Refuse:

Refuse storage facilities are provided at ground floor level in accordance with the Councils' standards.

#### Impact on neighbours

The proposal is sited on top floor level which maintains sufficient distance from the boundaries of neighbouring sites. It is not considered the proposal would result in unacceptable level of overlooking and a loss of privacy to neighbouring occupiers.

The proposals are considered to be acceptable. 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.

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

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance away from neighbouring occupiers the proposed extensions are sited. Although they introduce an extension at third and fourth floor levels, this still provides an adequate step down from the main height of the existing seven storey building.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regard to the design of the proposed extensions, as detailed above the design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

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

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

### **7. Conclusion**

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





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**Location**                      **Britannia House 958 - 964 High Road London N12 9RY**

**Reference:**                    **16/2602/FUL**

Received: 20th April 2016

Accepted: 24th May 2016

Ward:                              Woodhouse

Expiry 19th July 2016

Applicant:                      Aga Slecicka

Proposal:                        Part single, part two storey rear extension (to the eastern wing) to provide an additional 5no self contained flats at third and fourth floor levels

AGENDA ITEM 15

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

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

3.     3. Highways (traffic order)                      £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

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

359/PL/400; 359/PL/401; 359/PL/402 Rev B; 359/PL/403; 359/PL/404 Rev D; 359/PL/405; 359/PL/406 Rev B; 359/PL/407; 359/PL/408 Rev B; 359/PL/409; 359/PL/410 Rev C; 359/PL/411 Rev D; 359/PL/412; 359/PL/413 Rev A; 359/PL/414 Rev A

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

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

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

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

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

4 a) 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).

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

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

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

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

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

7 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 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

12 a) Before the development hereby permitted is first occupied, details of enclosures for the storage of bikes 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).

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

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

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

### RECOMMENDATION III:

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#### RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

- 4 The applicant is advised this planning permission only conveys approval of the proposed rear extension at 3rd and 4th floor levels only and not for any associated replacement windows in the main building. Replacement of windows in the main building would require planning permission under a separate full planning application.

## Officer's Assessment

### 1. Site Description

The site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

### 2. Site History

Reference: 15/07451/FUL

Address: Ground Floor, Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 29 Feb 2016

Description: Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft.

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).

3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Brtiannia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013)

5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being

contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

### **3. Proposal**

This application seeks consent for a part single, part two storey rear extension (to the eastern wing) to provide an additional 3 no self-contained flats at third and fourth floor levels.

It should be noted that the proposed development has been amended since its original submission and now shows a reduction in the number of units from 5 to 3 in order to ensure that all units are no longer single aspect and to accommodate a set back away from the existing living room windows of units 15 and 22.

It should also be noted that there are 2 other separate applications currently still under determination for further extensions to create additional units on Britannia house.

### **4. Public Consultation**

134 consultation letters were sent to neighbouring properties.

9 objections have been received

The views of objectors can be summarised as follows;

- Loss of light
- Loss of privacy
- Proposed height
- Out of character
- Overlooking
- Insufficient amenity space
- Position outside of main town centre is not suitable for such a tall building
- Impact on parking and congestion
- Detrimental to visual amenity

Other / internal consultations:

Highways: The proposed development is acceptable on highways grounds subject to the comments and the suggested conditions and informatives and S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2015

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

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

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

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted April 2013)

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

#### Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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**

Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

To accord with Policy D3 the size, shape, position and detail of spaces around new building should enhance development and be in keeping with the character and quality of the area, and Policy D4 expects new development to respect the constraints of the site to accommodate development, and that it should not result in overdevelopment. Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

This application seeks consent to erect rear extensions at part third floor and part 4th floor level of the eastern wing of Britannia House, providing three additional units.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

The proposed development has been amended since the original submission to show a reduction in the number of units proposed from five to three in order to ensure the proposed new units meet the requirements of the London Plan and adopted Design Guidance which stipulates that new development should not provide solely aspect outlook to future occupiers. The amended scheme ensures the proposed new units are at least dual-aspect to afford the future occupiers with a better outlook and greater level of amenity.

The footprint of the proposed scheme has also been amended to introduce a cut-back away from the living room windows of flats 15 and 22 of the existing block. This ensures that the outlook from these windows is not detrimentally affected by the proposed development.

In the interest of clarity, this application does not convey granting of planning permission for a new replacement windows in the main building. The applicant is advised any associated new replacement windows will require planning permission under a separate full planning application.

Living conditions of future occupiers

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

The proposed development would provide the following accommodation:

#### Third Floor

F31- 2b3p: 68sqm

F32- 1b2p: 60sqm

#### Fourth Floor

F33- 3b5p: 114sqm

These dwellings would exceed 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%.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. Flat 32 would have access to a roof terrace of 12sqm and Flat 33 would have access to a roof terrace of 20sqm. Also it should be noted the development has good access to green open spaces at Friary Park and Coppetts Wood located a few minutes' walk south east of the site it is therefore considered to be acceptable.

Details of privacy screening would need to be submitted to ensure there would be no overlooking of neighbouring properties from the proposed terracing area therefore a condition is attached to ensure details of this condition is discharged to the satisfaction of the local planning authority.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details of a proposed enclosure have been provided and therefore a condition requiring its details is suggested. No details of a proposed cycle store have been provided; this too is required through the imposition of a condition.

#### Highways

The proposal is for a two storey side extension to provide additional 3no self-contained flats.

The proposed development would require parking provision of between 0 and 3 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

Cycle parking:

No cycle parking has been provided. A condition will be placed on the application for the provision of cycle parking.

Refuse:

Refuse storage facilities are provided at ground floor level in accordance with the Councils' standards.

Impact on neighbours

The proposed extensions are sited set in at 3rd and 4th floor levels. It is considered that sufficient distance have been maintained from the boundaries of the neighbouring properties. It is not considered the proposed extensions would result in unacceptable overlooking and a loss of privacy to neighbouring occupiers.

The proposals are considered to be acceptable. 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.

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

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance away from neighbouring occupiers the proposed extensions are sited. Although they introduce an extension at third and fourth floor levels, these are set back from the outer edge of the main building.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regard to the design of the proposed extensions, as detailed previously the design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

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

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



## 7. Conclusion

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



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

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

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

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

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

4 a) 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).

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

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

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

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

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

7 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 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

12 a) Before the development hereby permitted is first occupied, details of enclosures for the storage bikes 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).

### RECOMMENDATION III:

#### 1 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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



- 4 The applicant is advised this planning permission only conveys approval of the proposed 2 storey side extension only and not for any associated replacement windows in the main building. Replacement of windows in the main building would require planning permission under a separate full planning application.

## **Officer's Assessment**

### **1. Site Description**

The site is Britannia House, a seven storey building on the corner of High Road and Britannia Road within the Woodhouse ward. The existing building is seven stories to the front and steps down to three storeys to the rear.

The site is not located within a town centre. Britannia Road has office and community buildings on the south side however the north side is generally residential. The High Road has a mixture of uses with shopping parades to the south and opposite, and residential properties to the north.

### **2. Site History**

Reference: 15/07451/FUL

Address: Ground Floor, Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Refused

Decision Date: 29 Feb 2016

Description: Roof extension to existing building adding seventh and eight floors, extending the third and fourth floors to the eastern wing to provide a of total 9no additional self-contained units with associated parking and refuse. New communal terrace to fourth floor. Changes to fenestration. With associated extension to lift shaft.

The above application was refused for the following reasons:

1. The proposals would result in the creation of a tall building in a strategically inappropriate location that would cause harm to the character and appearance of the area, being contrary to policy DM05 of the Adopted Barnet Development Policies DPD (2012) and policy CS5 of the Adopted Core Strategy (2012).

2. The extensions to the building, by reason of their height and design, would appear out of scale with neighbouring buildings, appearing obtrusive and incongruous. The proposals would be detrimental to the character and appearance of the streetscene and general locality and be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012), policy CS5 of the Core Strategy (2012), and policies 7.4 and 7.6 of the Mayor's London Plan 2015 and Adopted Barnet 'Residential Design Guidance' SPD (2013).

3. The proposed development would result in a harmful level of overshadowing to the rear windows and garden of no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted Barnet 'Residential design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

4. The proposed development would appear overbearing, oppressive and visually dominating as perceived from the rear windows and garden of no.5 Brtiannia Road and no.972 High Road. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and Adopted 'Residential Design and Construction' and 'Sustainable Design and Construction' SPDs (2013)

5. The proposals would result in the harmful overlooking of the rear gardens of neighbouring residential properties at no.972 High Road and no.5 Britannia Road, being

contrary to policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012), and 'Residential Design Guidance' and 'Sustainable Design and Construction' SPDs (2013).

6. Insufficient car parking is provided which would be likely to lead to overspill parking on the public highway contributing to increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Reference: F/01895/14

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 4 Jun 2014

Description: Change of use (5th and 6th Floor) from B1 office to C3 residential (18 Units)

Reference: F/05325/13

Address: Britannia House, 958 - 964 High Road, London, N12 9R

Decision: Prior Approval Required and Approved

Decision Date: 9 Jan 2014

Description: Change of use from B1 office (first, second, third & fourth) to C3 residential

### **3. Proposal**

This application seeks consent for a two storey side extension to provide 2no additional self-contained flats at first and second floor levels.

It should be noted that the proposed development has been amended since its original submission. The amendments reduce the size of the extension by setting it back from front and side elevation as a result the number of units have also been reduced from 4 as originally proposed down to 2 units.

It should also be noted that there are 2 other separate applications currently still under determination for further extensions to create additional units on Britannia house.

### **4. Public Consultation**

134 consultation letters were sent to neighbouring properties.

5 objections have been received

The views of objectors can be summarised as follows;

- Height
- Loss of light
- Loss of privacy
- Proposed height
- Out of character
- Overlooking
- Insufficient amenity space
- Position outside of main town centre is not suitable for such a tall building
- Impact on parking and congestion
- Detrimental to visual amenity

Other / internal consultations:

Highways: The proposed development is acceptable on highways grounds subject to the comments and the suggested conditions and informatives and S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

## **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.

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development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

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- 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**

### Proposed siting, character and appearance

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

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

To accord with Policy D3 the size, shape, position and detail of spaces around new building should enhance development and be in keeping with the character and quality of the area, and Policy D4 expects new development to respect the constraints of the site to accommodate development, and that it should not result in overdevelopment. Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

It is recognised that each planning application should be considered on its own merits nevertheless it is considered that if it is determined that the proposal would not harm the character, it would be difficult for the Local Planning Authority to justify refusal. It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

As amended, this application now seeks consent to erect a two-storey side extension to provide two additional units at first and second floor. The scheme has been amended since its original submission and now shows a set back from the front and flank elevation. This ensures the proposed extensions appear more subordinate to the main host block as well as ensuring the proposed extensions do not appear too dominant adjacent of the flank wall of the neighbouring residential property at 972 High Road.

The design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

In the interest of clarity, this application does not convey granting of planning permission for a new replacement windows in the main building. The applicant is advised any associated new replacement windows will require planning permission under a separate full planning application.

#### Living conditions of future occupiers

It is considered that the current application complies with the internal 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 of the units.

The proposed development would provide the following accommodation:

#### First Floor

F31- 1b2p: 55sqm

#### Second Floor

F32- 1b2p: 55sqm

These dwellings would exceed 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%.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. It is recognised that no private amenity space has been provided as part of this application. However, none of the other units converted under prior approval benefit from their private amenity space and therefore, on balance in this case it is considered to be acceptable. The development has good access to green open spaces at Friary Park and Coppetts Wood located a few minutes' walk south east from the site.

An appropriate area for the storage of recycling and refuse bins has been suggested at the ground floor and it is recognised that space exists for such a facility, however, no details of a proposed enclosure have been provided and therefore a condition requiring its details is suggested. No details of a proposed cycle store have been provided; this too is required through the imposition of a condition.

#### Highways

The proposal is for a two storey side extension to provide additional 2 no self-contained flats comprising 2x1bedroom units.

The proposed development would require parking provision of between 0 and 2 parking spaces in accordance with the parking standards as set out in the Development Management Policy DM17.

Although it is mentioned in the Design and access statement that there is parking available on site, no parking provision has been identified for the proposed development.

However, taking into consideration the following:

- o The site is located within a town centre location and close to local amenities.
- o The site is within an All Day Controlled Parking Zone.

Development without parking provision could be acceptable if the occupants of the new development are exempted from purchasing parking permits for the CPZ. S106 contributions of £2,000 would be required towards the amendment of Traffic Order for exemption of Purchase of permits.

#### Cycle parking:

No cycle parking has been provided. A condition will be placed on the application for the provision of cycle parking.

#### Refuse:

Refuse storage facilities are provided at ground floor level in accordance with the Councils' standards.

#### Impact on neighbours

It is considered that the siting of the proposed extension maintains a sufficient distance away from the boundaries of neighbouring properties and not considered to result in unacceptable overlooking and a loss of privacy to neighbouring occupiers.

The proposals are considered to be acceptable. 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.

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

In regard to the concerns raised regarding potential loss of light, overlooking and loss of privacy to neighbouring occupiers the proposals are not considered to detrimentally impact on the amenity of neighbouring occupiers in this manner due to the distance maintained away from neighbouring properties.

In regards to the parking issues raised, it should be noted that the Highways department have raised no objection to the proposed development.

In regard to the design of the proposed extensions, as detailed previously the design of the proposed extensions matches that of the existing block using matching materials and following the same fenestration detailing. As such it is considered that the design and appearance of the proposed extension is in keeping with the host building and will not appear out of character in the street scene.

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

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

#### **7. Conclusion**

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





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**Location**                      **Factory To The Rear Of 45 To 51 Woodhouse Road North Finchley  
London N12 9ET**

**AGENDA ITEM 17**

**Reference:**                      **16/3759/FUL**

Received: 8th June 2016

Accepted: 14th June 2016

Ward:                                Woodhouse

Expiry 9th August 2016

Applicant:                        Mr Adam Shafron

Proposal:                         Demolition of existing buildings and erection of three storey building with 8.  
no self-contained flats, with landscaping, car parking, cycle and refuse  
storage

**Recommendation:** Approve subject to s106

#### RECOMMENDATION I:

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

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

3.     3. Highways (traffic order)                      £2,000.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

#### RECOMMENDATION II:

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

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

Existing (Received: 08/06/16)

- WHR-DS-01-ZZ-DR-A-P210 Rev P0

- 01

Proposed (Received: 07/09/16).

- WHR-DS-01-ZZ-DR-A-P201 Rev P1
- WHR-DS-01-ZZ-DR-A-P200 Rev P1
- WHR-DS-01-ZZ-DR-A-P202 Rev P1
- WHR-DS-01-ZZ-DR-A-P203 Rev P1
- WHR-DS-01-ZZ-DR-A-P204 Rev P1
- WHR-DS-01-ZZ-DR-A-P205 Rev P1
- WHR-DS-01-ZZ-DR-A-P206 Rev P1
- WHR-DS-01-ZZ-DR-A-P300 Rev P1
- WHR-DS-01-ZZ-DR-A-P100 Rev P0
- WHR-DS-01-ZZ-DR-A-P101 Rev P0
- WHR-DS-01-ZZ-DR-A-P102 Rev P1
- WHR-DS-01-ZZ-DR-A-P103 Rev P1
- WHR-DS-01-ZZ-DR-A-P003 Rev P0

Reports:

Geo-Environmental Desk Study Report (dated April 2016)

Transport Assessment (dated: May 2016)

Daylight and Sunlight Study (Dated: April 2016)

Marketing report prepared by Jeremy Leaf and Co (dated: January 2016)

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

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

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

3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings 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 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 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 Adopted Barnet Development Management Policies DPD (2012).

5 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.

6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

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

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

7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures

so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

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

Reason:

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

9 Prior to first occupation, the development hereby approved 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.

10 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). The development shall be maintained as such in perpetuity thereafter.

Reason:

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

11 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).

12 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).

13 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.

14 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 (including green roof) 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.

15 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. WHR-DS-01-GF-DR-A-P003 P0 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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).

17 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.



## Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

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

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

19 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation above ground floor level facing no. 42 Woodhouse Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

21 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

22 a) No development other than demolition works shall take place until details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

### RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 22/11/2016, unless otherwise agreed in writing, the Planning Performance and Business Development Manager Control REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## 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 £26,250.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £101,250.00 payment under Barnet CIL.

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

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

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

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 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 existing site is a light industrial (B1c Class) unit accessed from Woodhouse Road that runs along the side boundary of no.43 (Woodhouse Road).

To the front is Churchfield House, a supermarket at ground floor level with residential units above. A garage block is located to the east and residential gardens to the west and north.

### **2. Site History**

Site Address: Rear of 45-51, Woodhouse Road, N12 9ET

Application Number: F/05546/13

Application Type: Full Application

Decision: Refused

Appeal Decision: No Appeal Decision Applies

Proposal: Demolition of existing building and construction of 5 x 3 bedroom terraced houses and 2 x 2 bedroom semi-detached houses, with associated car and cycle parking, refuse facilities, and amenity space.

Reasons for Refusal:

1 The proposals by reason of the lack of marketing information provided have not demonstrated to the Local Planning Authority's satisfaction that the site is no longer suitable and viable for business use in the short, medium and long term. The proposals would be contrary to policy DM14 of the Adopted Barnet Development Management Policies 2012.

2 The proposed development by reason of its height, scale, massing and design would appear visually dominating and overbearing as perceived from the rear gardens of no.4 Lambert Road, no.6 Lambert Road, no.43 Woodhouse Road and no.41 Woodhouse Road. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

3 The proposals, by reason of their cramped nature and form, scale, massing and design, would constitute an overdevelopment of the site and be detrimental to the character and appearance of the general locality and streetscene. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

4 The proposed development, by reason of the form of the proposed amenity areas, and in particular their shallow depth, and limited light and outlook to the rear windows would provide a poor level of amenity for future residents. The proposals would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document on Residential Design Guidance.

5 The proposed front windows and balcony amenity areas would be likely to cause a harmful degree of overlooking to neighbouring residential occupiers at 43 Woodhouse Road, 2 Lambert Road and 4 Lambert Road. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

### **3. Proposal**

- Demolition of existing buildings and erection of a three storey building with 8. no self-contained flats
- Landscaping, car parking, cycle and refuse storage

### **4. Public Consultation**

Consultation letters were sent to 68 neighbouring properties.

39 letters of objection have been received (summarised below):

- Out of character with the area
- Loss of privacy/overlooking
- Loss of light
- Noise and disturbance from use
- Lack of off street parking
- Loss of trees
- Overbearing
- Negatively affect property prices
- Overdevelopment of the site
- Overshadowing
- Small amenity space for future occupiers
- Potential pollution
- Loss of employment
- No affordable housing

#### **5.1 Policy Context**

National Planning Policy Framework:

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 document 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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

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

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Whether the principle of the development is acceptable
- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

## **5.3 Assessment of proposals**

Whether the principle of the development is acceptable

The NPPF advises that:

*Planning policies should avoid the long term protection of sites allocated for employment use where there is no reasonable prospect of a site being used for that purpose. Land allocations should be regularly reviewed. Where there is no reasonable prospect of a site being used for the allocated employment use, applications for alternative uses of land or buildings should be treated on their merits having regard to market signals and the relative need for different land uses to support sustainable local communities.*

Policy DM14 advises that the loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

In terms of marketing evidence the applicant has submitted a report prepared by Jeremy Leaf & Co.



This states that:

- The building is fire damaged and in a serious state of disrepair; and that there is no scope to retain the building given the extent of this.
- The site has been marketed through a marketing board and on the Jeremy Leaf Website
- The rent was guided at £4 per square ft with flexible terms being considered.
- There was some interest but none was pursued. Principle reasons were the poor condition of buildings and the cost of the demolition of the site.

It would appear that a marketing exercise has been undertaken. Whilst there may be some argument that a greater amount of advertising could have been undertaken, in the view of officers the price of £4 per square foot appears reasonable. Having inspected the site, officers note its poor condition and agree that this is likely to discourage potential occupiers. Furthermore, the redevelopment of this backland site for a commercial use could give rise to noise/amenity concerns, and is unlikely to be attractive for commercial uses.

Therefore, on balance, it is considered that there is little prospect of re-use of the site for employment use, and as such, there would be no material conflict with policy DM14 of the Adopted Barnet Development Management Policies (2012).

#### Impact on the character of the area

##### Policy Context

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 London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

During pre-application discussion planners raised concerns over the proposed bulk and massing and in response, the applicant has made a number of major revisions to successfully address these issues.

#### Scale, Bulk, height and massing

##### Density

With regard to the London Plan 2016 and the Density Matrix found in Table 3.2, it is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 3. The site is approximately 0.0125 hectares in size

and the development includes 8 self-contained flats. Calculations show that the proposed scheme's density is approximately 64.0 units per hectare, and this is within the density range for its context and the guidelines in the London Plan (35-95u/ha). All matters considered, the density of the development is considered to be appropriate for the area and therefore the Council has no objections on this matter.

Due to the sites depth and the proximity of neighbouring occupiers, care was taken to limit the proposed bulk and massing which was achieved in the following ways:

- The proposed footprint is similar to that of the existing industrial building on site
- The flank elevation facing the houses on Woodhouse Road is slightly staggered and this relief serves to break up the flank wall.
- To avoid the building appearing top heavy the third floor was set in by 3/4.5m on the side elevations and 4.5 towards the rear.
- Glass will be used to house the proposed staircase core so as to render it more transparent.

Whilst it is acknowledged that the proposed building would be larger in terms of bulk and massing than the existing factory there are site specific circumstances which render this acceptable. Most importantly the building is slightly obscured from public view and it is also worth noting that the adjacent three storey building (Churchfield House) is of similar proportions, meaning the transition from one building to the other would not appear out of place.

### Design

The proposed modern flat roof design using white render and glazing departs slightly from the more traditional buildings surrounding the application site. However, no objections are raised because the site is not located within a conservation area and some evolution of the areas character is to be expected for a backland site. Given the backland nature of the site, the building will not be prominent within the streetscene.

### Conclusion

In conclusion the proposed building, in terms of scale, siting and external appearance would preserve the character of the area. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

### Impact on neighbouring amenity

#### Noise and disturbance

It is noted that that the site would be set away from the adjoining dwellings and also that the existing industrial use on site would generate a certain degree of noise and disturbance. In terms of use of the site as flatted development, it is considered unlikely that general noise and disturbance resulting from 8 additional households would be such that it would disturb adjoining occupiers.

#### Overlooking and loss of privacy

Windows located within the side elevations of the building above ground floor level will be obscure glazed (secured through condition) in order to avoid potential overlooking and a loss of privacy.

The distance between directly facing clear glazed windows to habitable rooms of neighbouring properties would be more than 21m. Similarly the distance from a clear glazed habitable room window to a directly facing private external amenity area (balcony, terrace or rear garden) within the development would not be less than 10.5m in the majority of cases.

For the reasons set out above the proposal is considered to comply with the requirement (as set out in the Barnet Residential Design Guidance SPD) that in new residential development there should be a minimum distance of about 21m between properties with facing windows to habitable rooms and 10.5m to a neighbouring garden, subject to the conditions recommended. It is considered that the design and layout of the windows, doors and external amenity areas in the proposal are such that the new residential units would all be provided with an adequate level of privacy and not suffer unacceptable overlooking. The proposal is therefore found to be acceptable in this regard.

#### Daylight, sunlight and overshadowing

37-43 Woodhouse Road and 2 - 8 Lambert Way:

The rear gardens serving these properties are north east facing and benefit from limited sunlight during the morning. To limit any loss of light the two storey element has been set away from these boundaries by 6m and the three storey element by 9m.

Grove Road:

These neighbouring gardens are west facing and the resulting affect could be more noticeable during late afternoon. However, the rear of these gardens are separated from the proposed flank wall by a distance of just under 18m. Bearing this in mind the effect is unlikely to be so significant that it would negatively affect the living conditions of these occupiers

#### Outlook and visual impact

With regard to outlook the main area of concern when designing the proposed scheme was the potential impact to the rear gardens of Woodhouse Road with specific reference to no. 43. While it is appreciated that the outlook from this garden would be slightly reduced when compared to the existing situation on site, that is not to say this new relationship would harm the amenities of these occupiers.

As pointed out above, the three storey element is over 9m from this shared boundary and the two storey element 6m, which is considered a sufficiently large distance so as not to affect the outlook of these occupiers to a level which would significantly affect outlook.

#### Impact on future amenity

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. 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. Policy DM04 states that buildings should be designed to minimise exposure to air pollutants. The same policy states that proposals to locate noise sensitive development in areas with high levels of noise will not normally be permitted and also that the mitigation of any noise impacts will be expected where appropriate.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. These include requirements to provide high quality indoor and outdoor spaces and seek accommodation which has an appropriate layout and meets the needs of its occupiers over their lifetime.

The council 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 that has adequate amenities for its future occupiers.

The Mayor has also adopted SPG's (entitled Housing) providing detailed guidance on issue related to designing new residential accommodation to achieve acceptable amenities for its future occupiers.

#### Internal space provision

UNIT 1	Ground	71 m2	Garden
UNIT 2	Ground	71 m2	Garden
UNIT 3	Ground	75.5 m2	Garden
UNIT 4	First	71 m2	Balcony
UNIT 5	First	71 m2	Balcony
UNIT 6	First	75. m2	Balcony
UNIT 7	Second	78 m2	Balcony
UNIT 8	Second	53 m2	Balcony

All 8 units proposed would exceed the minimum unit sizes as set out in the London Plan (2016).

#### External amenity space provision

The table above shows the type of amenity available to each unit. Units 1, 2 and 3 benefit from private gardens which exceed Barnet's requirements (Table 2.3 Sustainable Design and Construction SPD 2013). The remaining units have been provided with modest balconies large enough to comfortably accommodate a table and chairs. In addition, the occupiers of the upper floors would also have access to a large communal garden towards the rear which would also exceed the above requirements.

#### Dwelling layout and outlook

Officers find that the proposed dwellings are reasonably proportioned, with rooms that are not excessively deep or narrow. It is also accepted that the design approach proposed makes adequate efforts to maximise the number of dual aspect dwellings within the constraints of this site.

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 at neighbouring properties. An example of a way in which this is achieved is the careful siting an orientation of windows in the proposed buildings. It is considered that each of the dwellings proposed in this instance has an acceptable outlook.

### Daylight and sunlight

The applicant has submitted a daylight and sunlight study the conclusion of which states that the development layout satisfies all of the requirements set out in the BRE guide 'Site Layout Planning for Daylight and Sunlight' and therefore considered acceptable.

### Parking

The proposal is to to demolish the existing building and provide 7 x 2 bedroom flats and 1 x 1 bedroom flat in a three storey building.

In accordance with LBB Parking Standards the development should provide 1 to 1.5 car parking spaces per unit for the two bedroom flats and between 0 and 1 space for the one bedroom units. The site is within the North Finchley CPZ and has a PTAL of 3 being medium accessibility and is estimated to generate a parking demand of 10 spaces (4 spaces are proposed on site).

A parking survey has been provided with the Transport Statement. Car parking controls are Mon-Sat 0900-1700 and an assessment has been made on the number of parking spaces overnight. Additional surveys should be carried out at different times of the day as the location is in the vicinity of North Finchley town centre and there are competing demands when residents are returning home to find parking spaces occupied by visitors to commercial premises such as restaurants, etc. In these cases a survey between the hours of 1800-2100 will be required, noting the amount of parking on a 15-minute basis over this time.

As the surveys have not been carried out at these times the applicant will be expected to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits.

In accordance with the London Plan the development will provide 20 cycle spaces with the minimum provision being 2 spaces per unit.

There is no highway objection to the proposals subject to a legal agreement being signed by the applicant agreeing to the removal of the right of residents to this property to purchase residential parking permits and securing a contribution of £2000 to change the relevant Traffic Management Order (TMO).

### Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

## **5.4 Response to Public Consultation**

Out of character with the area: Addressed in 'assessment of proposals' above.

Loss of light: Addressed in 'assessment of proposals' above.

Loss of privacy/overlooking: Addressed in 'assessment of proposals' above.

Loss of light: Addressed in 'assessment of proposals' above.

Noise and disturbance from use: Addressed in 'assessment of proposals' above.

Lack of off street parking: Addressed in 'assessment of proposals' above.

Loss of trees: Addressed in 'assessment of proposals' above.

Overbearing: Addressed in 'assessment of proposals' above.

Negatively affect property prices: This has been taken into account but it is not a material planning consideration and has therefore been attributed limited weight in this instance.

Overdevelopment of the site: Addressed in 'assessment of proposals' above.

Overshadowing: Addressed in 'assessment of proposals' above.

Small amenity space for future occupiers: Addressed in 'assessment of proposals' above.

Potential pollution: A condition relating to land contamination has been attached to this decision notice where such issues would be addressed.

Loss of employment: Addressed in 'assessment of proposals' above.

No affordable housing: The proposed scheme falls below the affordable housing threshold.

## **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 application is recommended for APPROVAL.



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**Location**                      **29 Christchurch Avenue London N12 0DG**

**Reference:**                      **16/4173/HSE**

Received: 24th June 2016

Accepted: 29th June 2016

Ward:                              Woodhouse

Expiry 24th August 2016

Applicant:                      Mrs Gaynor Bond

Proposal:                      Construction of single storey rear outbuilding for use as granny annexe ancillary to the existing house

**AGENDA ITEM 18**

**Recommendation:** Approve subject to conditions

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

Site Location Plan; OT-EL01-PA Rev D; OT-EL02-PA Rev D; OT-PL00-PA Rev D; OT-PL01-PA Rev E

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

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

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

- 3 The materials to be used in the external surfaces of the building(s) hereby approved must be constructed from the materials detailed on plan OT-EL01-PA Rev D and retained as such.

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

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

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

**Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of Christchurch Avenue in the Woodhouse ward.

The host street is residential in character but Christchurch Avenue joins Ballards Lane at the western end and this forms part of the Primary and Secondary Retail Frontage of the Finchley Church End Town Centre. The site is not located within a Conservation Area and has no individual designation.

The application property is a two-storey, semi-detached single family dwelling house which benefits from various extensions, detailed below.

### **2. Site History**

Reference: 15/01663/192

Address: 29 Christchurch Avenue, London, N12 0DG

Decision: Lawful

Decision Date: 15 May 2015

Description: Single rear extension. Conversion of garage into habitable room, rear dormer and 1 no. rooflight to front to facilitate hip to gable loft conversion

Reference: 15/01727/PNH

Address: 29 Christchurch Avenue, London, N12 0DG

Decision: Prior Approval Not Required

Decision Date: 23 April 2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.3 metres and maximum height of 3.275 metres

### **3. Proposal**

This application seeks consent for the construction of a single storey rear outbuilding for use as granny annexe ancillary to the existing house.

### **4. Public Consultation**

5 consultation letters were sent to neighbouring properties.

6 responses have been received, comprising of 5 letters of objection and one comment.

The views of objectors can be summarised as follows;

- Too high
- Use for rental
- Detrimental impact on wildlife
- Precedent
- Two-storey structure unacceptable
- Overlooking
- Loss of privacy
- Noise and disturbance
- A tree has been cut down before the application

## 5. Planning Considerations

### 5.1 Policy Context

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

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

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

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

#### The Mayor's London Plan 2015

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM06, DM11, DM14.

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

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The acceptability of the proposed extensions and alterations
- Whether harm would be caused to the character and appearance of the existing building and the street scene
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

This application seeks consent to erect a single storey outbuilding to the rear garden of the application property. There already exists a small garden shed at the rear of the application site, closer to the boundary with 27 Christchurch Avenue, which will be removed as part of the works. The proposed new outbuilding would measure 7.8m in width, 7.2m in depth, 2.25 in height to the eaves and 3.8m to the ridge of the pitched roof. Rooflight windows would be provided in the front, rear and side roof slope facing 31 Christchurch Avenue. All other fenestration would be provided on the front elevation facing the main application property and would comprise of two doors and five windows.

The outbuilding would be sited between three property boundaries; 27 and 31 Christchurch Avenue to either side of the application site, and 31 Woodberry Way to the rear. It should be noted that there exists an outbuildings in the rear garden of the neighbouring property at 27 Christchurch Avenue; this is of a similar size of the one proposed under this application also with pitched roof. There also exists a smaller shed building, similar to that existing on the applications site, at the rear of 31 Woodberry Way. From looking at aerial photos of the street it appears other outbuildings exist in neighbouring other gardens too. It is therefore considered that the proposed development would not appear out of character.

The outbuilding is proposed to be used ancillary to the main dwelling house as accommodation for the family's elderly ill uncle who lives far away, without any other family to support him. All meals will be prepared by the family in the main house and no cooking facilities will be provided within the proposed outbuilding.

It should be noted that in many cases the erection of an outbuilding would be a permitted development. However, in this case as this application shows the proposed outbuilding to be sited within 2m of the neighbouring boundary and be over 2.5m in height, it is necessary to apply for full planning permission.

It is not considered that the proposed development will give rise to any loss of amenity to neighbouring occupiers. The position of the outbuilding at the very rear of the application site is considered to be sited a sufficient distance away so as not to give rise to any potential overlooking or loss of privacy. As detailed above in many cases the erection of an outbuilding would be permitted development and therefore not require a full planning application.

## **5.4 Response to Public Consultation**

The concerns raised are noted.

To prevent the outbuilding being used for rental a condition is suggested requiring the outbuilding to be in use as ancillary to the main dwelling house and not as a separate unit.

In regards to the concerns raised that the proposed development is too high is noted. Under permitted development a single family dwelling house can erect an outbuilding of larger dimensions without full planning permission. It is only as the proposed development is over 2.5m in height and within 2m of the property boundary that full planning permission is necessary.

It is not considered that proposed development will create a precedent for future outbuilding developments as other single family dwelling houses benefit from permitted development rights that would allow them to erect an outbuilding without full planning permission, under permitted development.

Concern has been raised that the proposed development offers an unacceptable two-storey structure. However, the proposed development is single storey with a pitched roof and rooflights in the roof to give additional light.

In regards to any overlooking or loss of privacy issues arising from the development it is considered that although windows are shown in the roof of the proposed development these will be at a height that prevents direct visibility into neighbouring gardens. Any other fenestration is limited to the elevation facing the main dwelling house. From conducting the site visit and standing at the rear of the garden in a similar position to the proposed development views into neighbouring gardens were obscured by the existing side projection of the main dwelling house on one side and the fence on the other, views of the neighbouring gardens was not possible. It is not considered that the proposed development would result in any unacceptable loss of privacy or overlooking.

It is not considered that the proposed development will result in unacceptable noise and disturbance. the outbuilding will be ancillary to the main house and will not be used as a self contained dwelling. Furthermore, As noted previously it is possible to erect a single storey outbuilding of greater size in the rear garden of a single family dwelling house without full planning permission under permitted development.

The concerns raised regarding a tree being cut down before the application is noted, however, there was no tree protection order issued on any trees at the application site and the Council has no control over what people do to unprotected trees in their own garden.

The concern raised that the proposed development will result in a detrimental impact on wildlife is disputed and attention is drawn to the previous comments regarding the possibility of erecting an out building without full planning permission.

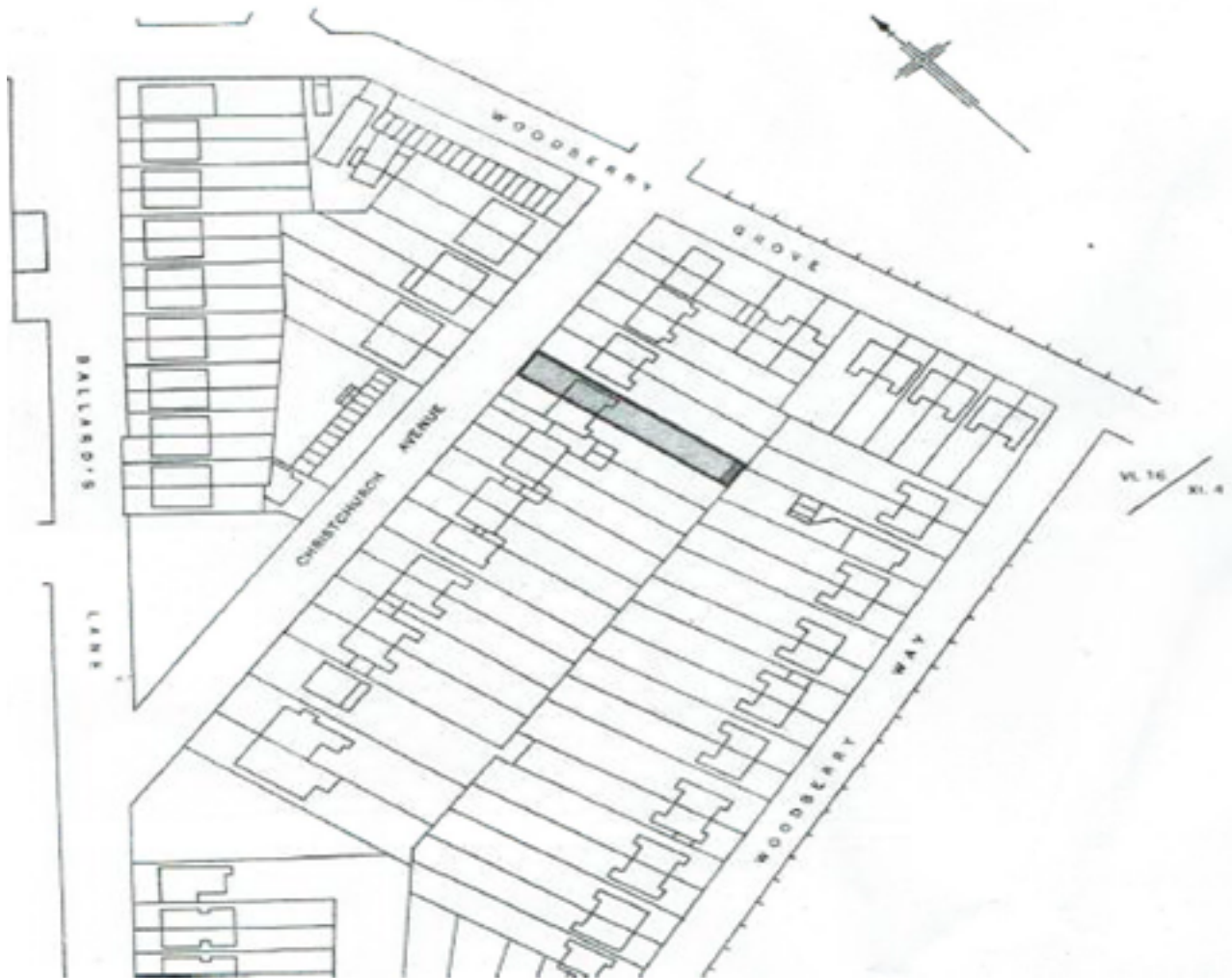
## **6. Equality and Diversity Issues**

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**

On balance the proposals are considered to be acceptable. It is considered that the proposed development would have an acceptable impact on the character and

appearance of the application site, the street scene and the adjoining area. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is recommended for approval.



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**Location** 124 Friern Park London N12 9LN

**Reference:** 16/4307/FUL

Received: 30th June 2016

Accepted: 14th July 2016

**Ward:** Woodhouse

Expiry 8th September 2016

**Applicant:** Mr Adrian Bohr

**Proposal:**

Demolition of the existing dwelling and construction of a three storey detached building including a fourth floor within a setback roof level, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space

AGENDA ITEM 19

**Recommendation:** Approve subject to conditions

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

01187\_EX\_01 P01; 01187\_BA\_LOC P01; 01187\_BA\_00 P01; 01187\_BA\_01 P01; 01187\_BA\_02 P01; 01187\_BA\_E\_01 P01; 01187\_BA\_E\_02 P01; 01187\_BA\_E\_03 P01.

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

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

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

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

8 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 122 and 126 Friern Park shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

9 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).

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

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02

of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 11 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.

- 12 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).

- 13 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.

- 14 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.

**Informative(s):**

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

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

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the

Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](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 application site consists of a detached dwelling house on the southern side of Friern Park. The street is characterised by a mixture of dwelling types and building types. Adjoining the site to the east is a two storey building which has been converted into flats. The adjoining building to the west is a newly constructed block of flats which has been built to replicate the adjoining dwelling to form a semi-detached pair. Within the street on both sides of the road are substantial purpose built flatted block of flats. Architectural styles fluctuate in respect of traditional dwelling house types to rectangular flat roof blocks with large footprints.

The road slopes from west to east downhill and significantly downhill from the street frontage to the site's rear boundary with significant steps down from the ground floor level. There is a front forecourt laid to hardstanding with a garage to the eastern flank of the building. There is substantial mature planting and landscaping particularly to the side and rear gardens of the property.

The site is not in a conservation area. The site is not a listed building and the application property is not within the setting of a listed building. There are no Tree Preservation Orders affecting the site.

### **2. Site History**

Reference: 15/06884/FUL

Address: 124 Friern Park, London, N12 9LN

Decision: Refused

Decision Date: 18 February 2016

Description: Demolition of existing dwelling and construction of a new three storey property with 8no self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space.

The above application was refused at Committee by Members for the following reasons:

1. The proposed development, by reason of its size, siting, scale, bulk and design and the introduction of car parking within the rear garden, would constitute overdevelopment of the site, would fail to respect, and would detract from, the established character and appearance of the site property and the wider area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

2. The proposed development, by reason of the location of the proposed car parking area and access thereto, would result in the introduction of car movements and associated noise and disturbance into the rear garden area, which would be detrimental to the residential amenity of neighbouring occupiers contrary to Policy CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2013) and Adopted Sustainable Design and Construction SPD (2013).



An appeal has been lodged by the applicant to The Planning Inspectorate against this refused decision which is currently still under determination.

### **3. Proposal**

This application seeks consent for the demolition of the existing dwelling and construction of a three storey detached building including a fourth floor roof level which affords a setback from all elevations, comprising of 8no. self-contained flats, provision of 9no. off-street parking spaces, associated refuse bin storage, cycle storage and amenity space.

This application differs from the previous scheme in its approach to the proposed design. The previous scheme took on a more traditional design whereas this scheme is more modern in its design.

### **4. Public Consultation**

96 consultation letters were sent to neighbouring properties.  
19 objections have been received

The views of objectors can be summarised as follows;

- Destruction of historic family home
- Impact on traffic and parking
- Noise and disturbance
- Impact of terraces
- Boundary dispute
- Overbearing, bulky appearance
- Overlooking
- Loss of light
- Impact on mature parking to rear of site
- Increased crime
- Insufficient parking
- Construction management plan needed for development
- Impact on neighbouring planting
- Details of boundary treatments needed
- Road cannot accommodate more flats
- Overdevelopment
- Out of character

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

### The Mayor's London Plan 2015

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

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

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The acceptability of the proposed new self-contained flats
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

Principle of development and Impact on character of the area

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

From conducting the site visit it was clear that the character of Friern Park consists of traditional family dwellings houses, along with a range of detached flatted developments or varying types and ages. The proposed scheme shows a detached part three storey, part four storey block which is considered to respond well to the more traditional architectural forms found in the area.

The replacement building is noted as taller and deeper than the existing development, however, as the existing street scape sees a variety of building heights and does not benefit from an established front or rear building line, or design characteristic the proposed development is not considered to disrupt any uniformity within the street scene. The proposed depth is considered to be comparable to other developments in the area as shown in the submitted Design and Access statement.

It is therefore considered that the proposed demolition of the existing single dwelling house to provide a part three part four -storey flatted development, of 8 units would not be detrimental to the established character of the area.

The proposed dwellings would represent an increase to the density of development on the site, however, given the mixed character within the street comprising purpose built flatted blocks and converted units, it is considered that the proposed composition of the development to incorporate eight units within a detached block would not be out of keeping or out of character with any established typology in the street.

Regarding the design of the proposed development, this scheme takes on a more modern approach than the previous scheme showing a mainly brick-built building with projecting

brick pattern and soldier course to break up the floors and empathise its horizontal nature. Both the roof and entrance will be clad in dark grey.

It is considered that due to range of architectural styles found along Friern Park the proposed development would not appear out of character and the resultant scheme is considered to replicate the massing, bulk and form of properties in the local area.

The proposed development is therefore considered to be acceptable in principle.

#### Living conditions of future occupiers

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

The proposed development would provide the following accommodation:

F1-	2b3p:	61.5sqm
F2-	2b4p:	74.8sqm
F3-	2b4p:	72.6sqm
F4-	2b4p:	74.8sqm
F5-	2b4p:	72.6sqm
F6-	2b4p:	74.8sqm
F7-	1b2p:	50.9sqm
F8-	1b2p:	53.3sqm

These dwellings would meet the minimum gross internal space standards 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%.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. A south-facing communal garden would be provided at the rear of the site providing 146m<sup>2</sup> of amenity space to all units.

In addition to this, flat one would also have direct access to the area at the front of the site, whilst this is not considered to be quality private amenity space, this is in addition to the private communal space provided at the rear. It is considered this offers an extra area for enjoyment and planting for future occupiers of this unit. Flat 2 would have direct access to a private garden at the rear of the site measuring 42m<sup>2</sup>; Flat 4 would have access to a private rear balcony measuring 7m<sup>2</sup>; Flat 6 would have access to a private rear balcony measuring 7m<sup>2</sup>; Flat 7 would have private access to a roof terrace measuring 9m<sup>2</sup> and Flat 8 would have access to a private roof terrace measuring 9m<sup>2</sup>. Where necessary the balconies and roof terraces would be fitted with obscure glazed privacy screens to prevent any overlooking and potential loss of privacy both to future and neighbouring occupiers. Further details of the privacy screens are required through condition.

An area for the storage of recycling and refuse bins has been provided for each new dwelling towards the front of the site. A cycle store is proposed at the rear of the site, whilst the positioning of the store is considered to be acceptable no details have been

provided regarding its appearance. This is considered to be acceptable, although further details of the enclosures would be required through the imposition of a condition.

The site has a PTAL rating of 1. The proposed development offers one car parking spaces per units in line with Highways requirements. The parking facilities would be provided at the rear of the site, accessed via a ramp, in a similar manner to other flatted developments found along Friern Park, thereby reducing the impact on parking within the street. The parking spaces located closest to the development would be covered with a timber pergola to reduce the noise and improve the visual impact to both future and neighbouring occupiers. A disabled parking space would be provided at the front of the site.

#### Impact on neighbours

In order to further reduce the impact of noise from cars coming in and out of site from the rear, it is proposed to erect a 1.8m high acoustic barrier along the sides and rear of the site to absorb noise. Furthermore, the rear planting will be retained to provide a natural landscape barrier which will give extra visual and noise protection.

The proposals are considered to be acceptable. 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.

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

Whilst the loss of this attractive family home is regretted, the existing building holds no specific heritage designation and the site is not located within a Conservation Area, and therefore the building holds no protection with which to prevent its demolition.

In regards to the concerns raised regarding the design and appearance of the replacement dwellings, it is considered that that proposed new buildings will respect the varied appearance of the streetscene and not result in any loss of amenity to neighbouring occupiers or the wide vicinity. Details of the proposed materials will be subject to a condition, to ensure the development would be implemented in materials that is in character with the rest of the properties in the area.

The concerns raised regarding potential loss of light to neighbouring occupiers has been assessed in the above report and it is considered that the proposals will not detrimentally impact on the amenity of neighbouring occupiers in this regard. The resultant spacing between the new dwellings and the existing neighbour is comparable to the spacing found between other properties along the road and therefore considered acceptable and not considered to give rise to any loss of amenity regarding loss of light.

In regards to the parking issues raised, the development offers one car parking space per unit; number of car parking spaces is considered to be sufficient for a development of this type. Other developments along Friern Park benefit from a similar arrangement which see the car parking provided at the rear of the site and therefore the proposed development is not considered to be an out of character development

A construction management plan condition is suggested to ensure that the proposed development is constructed with the minimal amount of disturbance to the locality.

To address the concerns regarding noise and disturbance during construction a condition restricting construction working hours is suggested.

The concerns regarding the impact of the proposed development on existing wildlife is noted and unfortunately not considered to constitute a material planning consideration in this case; the existing owner as single family occupier could exercise their right to develop for example an outbuilding which covered up to 50% of the curtilage of the property, this too could be considered to be harmful to wildlife but deemed acceptable and not requiring full planning permission. The existing planting at the rear of the site is proposed to be retained and this will provide shelter for existing wildlife.

It should be noted that to negate any potential overlooking, all side windows, are to be obscure glazed to ensure no loss of amenity to neighbouring occupiers. Furthermore, additional details of the proposed privacy screen are required through condition to ensure they are appropriately detailed and do not result in any loss of amenity to neighbouring occupiers.

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

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

## **7. Conclusion**

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



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