

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 7TH SEPTEMBER, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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

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

Councillor Claire Farrier
Sury Khatri

Councillor Gill Sargeant
Councillor Agnes Slocombe

Councillor Hugh Rayner

Substitute Members

Tom Davey
Dr Devra Kay
Zakia Zubairi

Val Duschinsky
Charlie O-Macauley

Helena Hart
Mark Shooter

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: Faith Mwende faith.mwende@barnet.gov.uk 020 8359 4917.

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 10
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)	
	Mill Hill Ward	
6.	11 Sunnyfield London NW7 4RD - 17/4602/S73	11 - 22
	Edgware Ward	
7.	Edgwarebury Court Edgwarebury Lane Edgware HA8 8LP - 17/3229/FUL	23 - 36
	Hale ward	
8.	Land Rear Of 18 Maxwellton Close London NW7 3NA - 17/4462/FUL	37 - 58
	Colindale Ward	
9.	Land Side Of 22 Rankin Close London NW9 6SR - 17/4034/FUL	59 - 72
10.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

19 July 2017

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Zakia Zubairi

Councillor Hugh Rayner
Councillor Agnes Slocombe

Apologies for Absence

Councillor Maureen Braun

Councillor Gill Sargeant

1. MINUTES

RESOLVED - That the minutes of the meeting held on 14 June 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Maureen Braun and Councillor Gill Sargeant. Councillor Gill Sargeant was substituted by Councillor Zakia Zubairi.

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

All Councillors declared a non-pecuniary interest in agenda item 10, relating to Spectrum House Hillview Gardens, as the agent Joe Henry, was well known to the Councillors.

Councillor Rayner declared a pecuniary interest in agenda item 10, relating to Spectrum House Hillview Gardens as he his business has dealings with the agent, Joe Henry.

Councillor Rayner, having declared an interest withdrew from the meeting during debate and determination of the item and did not take part in the vote.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. PLANNING ENFORCEMENT QUARTERLY UPDATE - APRIL 2017 TO JUNE 2017

The Planning Officer introduced the report.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to note the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.

Votes were recorded as follows:

For	6
Against	0
Abstain	0

The committee therefore **RESOLVED to NOTE** the Planning Enforcement Quarterly Update for the period of April 2017 to June 2017.

6. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

7. 141 BELL LANE, LONDON, NW4 2AP - 17/1794/FUL

The Planning Officer introduced the report and addendum, which related to 141 Bell Lane.

An oral representation was made by the applicant, John Evans.

Following discussion of the item, the Councillor Farrier moved a motion to defer the application in order to clarify the measurements on the plan. The motion was seconded by the Councillor Rayner.

The votes for the motion to defer the item were recorded as follows:

For	6
Against	0
Abstain	0

The Committee therefore **RESOLVED to DEFER** the item to a future meeting

8. MIDDLESEX UNIVERSITY, THE BURROUGHS, NW4 4BT - 17/2701/S73

The Planning Officer introduced the application, which related to Middlesex University, The Burroughs.

An oral representation in objection to the application was heard from Alexander Fischbaum.

An oral representation was made by a representative of the applicant, Mr Parker.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

For	0
Against	6
Abstain	0

As a consequence of the above vote, a new motion was moved and duly seconded to **REFUSE** the application for the following reasons:

The floodlighting, by reason of the lighting levels and proposed additional hour of use, would, through prolonged light and noise pollution have an unacceptable impact on the visual and residential amenities of neighbouring occupiers and would be contrary to policy DM01 of the Development Management Policies DPD (adopted September 2012), CS5 of the Local Plan Core Strategy (Adopted version) 2012 and Residential Design Guidance SPD (adopted April 2013).

Votes were recorded as follows:

For	6
Against	0
Abstain	0

The Committee therefore **RESOLVED to REFUSE** the application which overturned the officer recommendation for the reasons above.

9. 97 - 101 BRENT STREET LONDON NW4 2DY - 17/1372/FUL

The Planning Officer introduced the report and addendum, which related to 97 - 101 Brent Street.

An oral representation was made by a representative of the applicant, Simon Bimbaun.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and addendum, which was to **REFUSE** the application.

The votes were recorded as follows:

For	5
Against	1
Abstain	0

The Committee therefore **RESOLVED to REFUSE** the application as per the officer's report.

10. SPECTRUM HOUSE HILLVIEW GARDENS LONDON NW4 2JR - 17/2261/FUL

Councillor Rayner having declared an interest left the room and did not vote on this item.

The Planning Officer introduced the application, which related to Spectrum House Hillview Gardens.

Oral representations in objection to the application were heard from Stefan Bialoguski and Renata Sieps.

An oral representation was made by a representative of the applicant, Joe Henry.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions.

The votes were recorded as follows:

For	1
Against	4
Abstain	0

As a consequence of the above vote, Councillor Farrier moved a new motion that was seconded by Councillor Slocombe to **REFUSE** the application for the following reasons:

The proposed development by virtue of its size, scale, bulk and massing including its proximity to the rear boundary with Albert Road and overall intensification of the site would give rise to an overdevelopment of the site, harmful to the visual amenities of the site and surroundings and also to the residential amenity of adjoining occupiers in Albert Road and Hillview Gardens. As such, the proposed development would be contrary to policies DM01 and DM02 of the Adopted Local Plan Development Management Policies DPD (2012) and policies CS1 and CS NPPF of the Adopted Local Plan Core Strategy (2012).

The votes were recorded as follows:

For	4
Against	1
Abstain	0

The Committee therefore **RESOLVED to REFUSE** the application which overturned the officer recommendation for the reasons above.

11. **47 HALE LANE - 17/2074/HSE**

The Planning Officer introduced the report and addendum, which related to 47 Hale Lane.

An oral representation was made by a representative of the applicant, Matthew Wood.

Following discussion of the item, the Chairman moved to the recommendation in the cover report, which was to approve the report subject to the conditions set out in the report and the addendum.

The votes were recorded as follows:

For	6
Against	0
Abstain	0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum.

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

None.

The meeting finished at 9.15 pm

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Location **11 Sunnyfield London NW7 4RD**

Reference: **17/4602/S73**

Received: 17th July 2017

Accepted: 17th July 2017

Ward: Mill Hill

Expiry 11th September 2017

Applicant: Mr Robin Samra

Proposal: Variation of condition 1 (Plans) pursuant to planning permission 17/2782/HSE dated 28/06/2017 for "Two storey rear extensions. New terraced area. Two storey front extension involving new front porch". Variations include new roof with raising ridge line and insertion of 1no rear dormer window and 1no side dormer window

AGENDA ITEM 6

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site Location Plan

12164/01

12164/03 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 The proposed window and the proposed dormer window in the side elevation facing No. 9 Sunnyfield 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 side elevations facing No. 9 and No. 13 Sunnyfield.

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

Informative(s):

Officer's Assessment

1. Site Description

The proposal site is a detached dwellinghouse located on Sunnyfield which is a street which is predominantly characterised by detached and semi-detached dwellings. The site is 0.4m higher than the adjoining land at 9 Sunnyfield and the current ridge height is 0.6m higher than 9 Sunnyfield. The land at 13 Sunnyfield is 0.4m higher than the application site. 11 Sunnyfield is situated 0.5m rearward of 13 and 3.0m rearward of 9.

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

2. Site History

Reference: 17/2782/HSE

Address: 11 Sunnyfield, London, NW7 4RD

Decision: Approved subject to conditions

Decision Date: 28 June 2017

Description: Two storey rear extensions. New terraced area. Two storey front extension involving new front porch

Reference: W06872A/00

Address: 11 Sunnyfield, London, NW7 4RD

Decision: Refused

Decision Date: 10 January 2000

Description: Retention of fencing panels along boundary with No.13.

3. Proposal

Planning permission was granted under application reference 17/2782/HSE for two storey rear extensions. New terraced area. Two storey front extension involving new front porch.

This application is for the variation of condition 1 (plan numbers) of planning permission 17/2782/HSE. The variation proposed is for changes to the approved plans involving the addition of 2No. dormers to the roof slope of the host property and to raise the ridge height of the host property.

The dormers proposed under this application involve the addition of 1No. rear dormer and 1No. side dormer window. The rear dormer proposed under this application would have a width of 2 metres, a height of 1.2 metres and a depth of 2 metres. Due to its' siting, the dormer would be situated away from the nearest side wall of No. 13 by approximately 7.2 metres. A distance of 6 metres would be retained between the side wall of the dormer and the side wall of No. 9.

The side dormer proposed under this application would face No. 9 and would be set back from the principal elevation at the host site by approximately 12 metres. The dormer proposed would have a height of 1.2 metres, a width of 1.2 metres and a depth of 0.6 metres.

This application also seeks permission to raise the ridge height of the property by 0.6 metres. Plans indicate that this would allow the host property to align with the ridge height of No. 13. At present, the host property sits 0.6 metres lower than this neighbouring site, whilst it is higher than the neighbouring property at No. 9 by approximately 1 metre due to the presence of a naturally slopping ground level along this stretch of Sunnyfield.

In summary this application seeks to vary the condition listed below in the manner prescribed above. As such, aside from the 2No. dormer windows and the raising of the ridge height there would be no other changes between the proposed put forward under this application and the application approved under Barnet Planning Reference 17/2782/HSE

Conditions seeking variation

Condition Number(s): 1

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties.

8 responses were received amounting to letters of objection, which can be summarised as follows:

- An increased sense of overbearing would be experienced by neighbouring occupiers through the raising of the ridge height of the host property
- The host property would be left in a state of overdevelopment should the proposals be approved
- Impacts on amenity grounds would be worsened if the proposed be approved under this application
- Discrepancies between the plans and the true relationship between the host property and the neighbouring site at No. 13
- Concerns that the raising of the ridge height would appear out of character despite the host property and the neighbouring sites being located on a small incline at present.
- Concerns over the cumulative effect of development through this application and the previously approved application.
- Concerns that the dormer windows would give rise to overlooking and a loss of privacy due to the siting of the dormers.
- The effect of the proposed increase would result in a substantial increase in scale, size and volume compared to the original house and it would create a house that is overbearing and out of keeping with the neighbouring properties.
- The proposed raised roof and two dormer windows would have a serious detrimental impact on the visual and residential amenity of the neighbouring properties, creating an unacceptable sense of enclosure, loss of light and loss of privacy.
- The properties in this location of Sunnyfield are on a gradient and the staggered height of the roofs compliment this. The proposed redesign to raise the roof height would break this visual rhythm and due to its elevated height would be incongruous the street

scene and as such allowing the proposals would break the natural rhythm of this stretch of Sunnyfield..

- Due to a lack of off-street parking, concerns were also raised over an increase demand a 5No. bedroom house would have on parking requirements and as the development has been started, this is being experienced by the surrounding residents at present which has restricted access to the surrounding properties for neighbouring residents and refuse/recycling services.
- Concerns have also been raised regarding the safety of the public highway and walkway during construction due to the increase in vehicles on the road.
- Concerns were also raised regarding potential damage to the public highways and objectors wish a condition to be attached to the permission which would ensure the replacement of any damaged section of the highway at the cost of the applicant
- Concerns over discrepancies between the previously approved scheme and the proposed put forward under this application in terms of separation distances between the host property and the neighbouring occupiers at Nos. 9 and 13.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan March 2015

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, 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 the conversion of the existing garage into habitable room and insertion of window to replace garage door is acceptable.
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The applicant seeks consent for the variation of condition 1 (plan numbers) of planning permission 17/2782/HSE. The variation proposed is to alter the approved plans under this scheme including the addition of 2No. dormers to the roof slope of the host site and to raise the ridge height of the host property. A planning officer had previously assessed the amenity and character impacts in the original planning application reference 17/2782/HSE and concluded the proposals were on balance acceptable. As such, only the proposed changes between the previous application and this application will be addressed and assessed in the below.

Impact on the character and appearance of the property and general locality (Principle):

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The Council's Residential Design Guidance states that dormer extension should appear as subordinate features and not exceed half the width and half the depth of the original roof slope. It considered that the proposed dormers, in both the side and rear elevation, would comply with the above guidance due to their depths, heights and widths.

The dormers are set away from the eaves of the roof slope and set down from the ridge height of the roof by approximately 0.8 metres and as such would be subordinate and sympathetic features to the dwellinghouse.

It is noted that the rear dormer would not be immediately viewable from the street scene and as such, its impact on the character of the dwellinghouse will be minor when viewed from the principle elevation. As such, due to its' lack of visual manifestation when viewed from the principle elevation and its' compatibility with the aforementioned residential design guidance, it is found that the rearward facing dormer would have form an acceptable and subordinate addition to the dwellinghouse in situ when viewed alongside the previously approved scheme.

Moreover, research into the area shows a number of side dormers approved through full planning permission along Sunnyfield. Dormers of similar to the proposed have been approved at the adjoining property at No. 80 which is in situ. Other dormers similar to the proposed have been approved at No. 2, No. 31 and No. 52 . As such, it is found that the small side dormer would respect the character of the dwellinghouse and the street scene and would not leave the dwellinghouse in a state of overdevelopment. This is assisted through the rearward sitting of the side dormer when viewed from the principal elevation.

The proposed roof extension would result in an increase in ridge height of 0.6 metres, but would still retain a single ridgeline and would be pitched at the same angles as the existing roof form. Furthermore, given that the existing property is at a higher level than No. 9 due to the locality of the property on a sloping gradient, it is considered that the proposal sufficiently takes into account of the slope in the land and the relationship between the adjoining neighbouring properties. Due to its' presence on a sloping gradient, it must be expected that the host site will always be taller than its' counterpart at No. 9.

As the ridge height of the host property would not exceed its' higher neighbouring counterpart at No. 13, it is not found that allowing the raising of the ridge height would be a detrimental addition to the dwellinghouse in situ nor would the raising of the ridge height be detrimental to the character of the dwellinghouse or the street scene.

Impact on the amenities of neighbouring occupiers:

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

Given the siting of the side dormers, it is found that the amenities of the neighbouring occupiers would be protected, with specific attention drawn to privacy as the proposed windows in the flank elevations would be obscure glazed which would protect the amenities of these neighbouring occupiers. A condition will be attached to this application should it be approved ensuring that the side dormer window be obscure glazed and non-openable below a height of 1.7 metres to ensure the protection of privacy of this neighbouring resident.

Due to the development already approved under planning reference 17/2782/HSE, the property is now situated further rearward than the established rear walls of the neighbouring sites at Nos. 9 and No. 13 as such, any rearward facing dormer would not give rise to any undue impact upon the neighbouring properties in terms of loss of light, outlook and privacy. Rear facing windows would directly look out onto the rear garden of the host site and the adjoining sites.

The impact would therefore be neutral in this instance in terms of amenity issues. Moreover, due to its' limited width, it is unlikely that visibility will be facilitated into the neighbouring sites through the rear dormer window however if this is facilitated through the proposed this would be directly into the rear gardens of the neighbouring sites rather than into any habitable rooms at the neighbouring properties.

Due to the imbalance in the heights of the properties at the moment and due to the separation distances between the eaves of the host property and the neighbouring properties at Nos. 9 and 13, it is not found that an increased sense of enclosure would occur through the proposed raising of the ridge height. As the angle of the roof will remain the same as the roof in situ, it is not found that the proposals would lead to an increased loss of light or outlook to the neighbouring occupier at No. 9.

It is therefore considered that the proposed amendments would not have any significant impact on the character and appearance of the host dwelling or street scene or on the amenities of neighbours.

5.4 Response to Public Consultation

An increased sense of overbearing would be experienced by neighbouring occupiers through the raising of the ridge height of the host property

Due to the separation maintained between the host site and the neighbouring occupiers and due to the angle of the roof proposed under this application, it is not found that the

proposed increase in ridge height would have a detrimental impact on the amenities of the neighbouring occupiers

The host property would be left in a state of overdevelopment should the proposals be approved

Due to the computability of the dormers with the Council's Residential Design Guidance, it is not found that they would constitute an overdevelopment of the site. The proposed increase in the ridge height of the roof is also found not to cause a severe imbalance to the character of the host site which would lead to overdevelopment.

Impacts on amenity grounds would be worsened if the proposed be approved under this application

It is not found that the proposed changes put forward under this application would have an adverse impact on the amenities of the surrounding residents. Please refer to above at paragraph 5.3.

Discrepancies between the plans and the true relationship between the host property and the neighbouring site at No. 13

Following a review of the plans, a site visit and research into the surrounding area it is not found that the plans are misleading. This has been checked using online aerial photography which appears to mirror the current state of the host property in relation to its' neighbouring sites in the same manner as the plans put forward under this application.

Concerns that the raising of the ridge height would appear out of character despite the host property and the neighbouring sites being located on a small incline at present

It is not found that the proposed changes to the ridge height of the property would leave the host site appearing out of character when viewed from the streetscene. This is due to its' location on a slope and due to the host site not exceeding the ridge height of No. 13.

Concerns over the cumulative effect of development through this application and the previously approved application

It is not found that the changes to the roof put forward under this application would have a detrimental impact on the character of the dwelling or the amenities of the neighbouring sites when viewed alongside the previously approved permission at the host property nor would the cumulative effect of development lead to a state of overdevelopment.

Concerns that the dormer windows would give rise to overlooking and a loss of privacy due to the siting of the dormers

As referenced above, the a condition will be attached to the permission should it be approved to ensure that the side dormer window be obscured glazed and non-openable which will protect the amenities for the neighbouring occupier at No. 9. As the previously approved permission would leave the host site projecting further rearward than either neighbouring occupier at No. 9 and No. 13, the amenity impacts through a rearward facing dormer would be neutral to these neighbouring occupiers.

The effect of the proposed increase would result in a substantial increase in scale, size and volume compared to the original house and it would create a house that is overbearing and out of keeping with the neighbouring properties

It is not found that the proposed additions to the previously approved plans would result in a state of overdevelopment of the host site nor would the development be overbearing to the neighbouring occupiers.

The proposed raised roof and two dormer windows would have a serious detrimental impact on the visual and residential amenity of the neighbouring properties, creating an unacceptable sense of enclosure, loss of light and loss of privacy

It is found that subject to conditions, the amenity impacts in terms of loss of privacy would be avoided through the erection of the proposed. In terms of the raising of the ridge height and the addition of a rearward facing dormer window that the amenities of the neighbouring occupiers would be protected.

The properties in this location of Sunnyfield are on a gradient and the staggered height of the roofs compliment this. The proposed redesign to raise the roof height would break this visual rhythm and due to its elevated height would be incongruous the street scene and as such allowing the proposals would break the natural rhythm of this stretch of Sunnyfield.

It is found that the raising of the ridge height would not disrupt the natural rhythm of this stretch of Sunnyfield as the host site will not exceed the height of No. 13. No. 9 is naturally lower in height than the host property and the raising of the ridge height would not exacerbate this.

Due to a lack of off-street parking, concerns were also raised over an increase demand a 5No. bedroom house would have on parking requirements and as the development has been started, this is being experienced by the surrounding residents at present which has restricted access to the surrounding properties for neighbouring residents and refuse/recycling services.

The loft space will be used as a playroom and a bathroom and not as a fifth bedroom of the host site and as such it is not found that the proposed would lead to an increased sense of congestion once construction has finished.

Concerns have also been raised regarding the safety of the public highway and walkway during construction due to the increase in vehicles on the road

Due to the scale of the development proposed, this is not a material planning consideration under this application.

Concerns were also raised regarding potential damage to the public highways and objectors wish a condition to be attached to the permission which would ensure the replacement of any damaged section of the highway at the cost of the applicant

Damage to public highways is not a material planning consideration and as such the objectors are reminded to report any damage to the highway to the Highways Team.

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 variation to the approved plans would be acceptable. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or the character and appearance of the host dwelling and streetscene. It is acceptable on highways grounds. This application is therefore recommended for approval.

BOROUGH OF BARNET



Location	Edgwarebury Court Edgwarebury Lane Edgware HA8 8LP	
Reference:	17/3229/FUL	Received: 18th May 2017
		Accepted: 30th May 2017
Ward:	Edgware	Expiry 25th July 2017
Applicant:	Mr Richard Davidov	
Proposal:	Two storey rear extension to provide larger living accommodation for flat Nos. 5 and 6. Roof extension involving hip to gable to both ends including 6no. rear dormer windows, 6no rear rooflights and 8no. front rooflights to provide 3no. additional self-contained flats	

AGENDA ITEM 7

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; EC/10; proposed parking; EC400A.

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

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

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

- 6 Prior to the 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.

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

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

- 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), Policies 5.2 and 5.3 of the London Plan (2015) 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £29565.00 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 £4665.00 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The site relates to a 2 storey block located on the eastern side of Edwarebury Lane. The building contains six 2-bedroomed flats with existing parking spaces to the rear (i.e. 6 parking spaces and 9 garages) which are accessed to the side of the building off Edwarebury Lane. The site benefits from a large front forecourt area and is bounded at the front by a high level boundary fence.

This part of Edwarebury Lane is mixed in character with both larger single family dwellings and purpose built blocks of flats. The site is located within walking distance of The Promenade the shopping parade on Edwarebury Lane.

The site falls within a flood risk zone 2.

The property is not located within a Conservation Area, nor is any part of the property considered to be a listed feature.

2. Site History

Reference: 15/00654/FUL

Address: Edwarebury Court, Edwarebury Lane, Edware, HA8 8LP

Decision: Approved subject to conditions

Decision Date: 1 May 2015

Description: 3 no. rear dormers and 15 no. rooflights to facilitate creation of 2nd floor in existing roof space to provide 3 no. self-contained 1 bedroom flats

Reference: 15/01765/FUL

Address: Edwarebury Court, Edwarebury Lane, Edware, HA8 8LP

Decision: Refused

Decision Date: 27 May 2015

Description: Hip to gable roof extension on both side elevations with 3no. rear dormer windows, 4no rear roof lights, and 8no front facing roof lights to facilitate the creation of second floor on the roof space to provide 2no self-contained 1 bed room flats and 1 no. 2 bed room flat

Reference: 15/03381/FUL

Address: Edwarebury Court, Edwarebury Lane, Edware, HA8 8LP

Decision: Approved subject to conditions

Decision Date: 27 July 2015

Description: Extension to roof including hip to gable ends to both sides, 3no rear dormer windows, 4no roof lights to rear elevation and 8no roof lights to rear elevation to provide 3 new self-contained flats

Reference: 15/04807/FUL

Address: Edwarebury Court, Edwarebury Lane, Edware, HA8 8LP

Decision: Refused

Decision Date: 24 September 2015

Description: Extension to building to create 3rd floor level and roof extension including hip to gable ends to both sides, 3no rear dormer windows, 6no roof lights to front elevation and 6no roof lights to rear elevation to provide 3 new self-contained flats, , Creation of 2nd

floor with new gable ended roof 3no rear dormers windows, 6no rooflights to front and rear roof slopes.

Reference: 15/06488/FUL

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Refused

Decision Date: 23 December 2015

Description: Extension to building to create 3rd floor level and roof extension including hip to gable ends to both sides, 3no rear dormer windows, 6no roof lights to front elevation and 3no roof lights to rear elevation to provide 3 new self-contained flats with associated parking

Reference: 16/5859/FUL

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Refused

Decision Date: 25 November 2016

Description: Extension to building to create 2nd floor level and roof extension including hip to gable ends to both sides, 3no rear dormer windows, 8no roof lights to front elevation and 4no roof lights to rear elevation to provide 3no self-contained flats with associated parking

- Refused: 25.11.2016

(i) Insufficient information has been provided in the plans to determine if the proposed dwellings are suitable 1 bed 1 person 37sqm units (with shower rooms instead of bathrooms), given that the planning statement and submitted plans both contain contrary information to the actual measured gross internal areas. Combined with the lack of information on ceiling heights of the proposed dwellings (i.e. ceiling height meeting 2.3m for at least 75% of the gross internal area), the proposal would, by reason of its design and layout result in a poor form of development that fails to provide adequate amenities for the future occupiers is therefore found to be unacceptable and contrary to policy 3.5 of the London Plan (2016), 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 Residential Design Guidance Supplementary Planning Document (Adopted 2016), the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2016) and the Mayors Housing Supplementary Planning Guidance (Adopted 2016).

(ii) The proposed alterations to the roof, by reason of the proposed pitch angle, overall size, bulk and design, would result in a visually obtrusive and incongruent roof form that is harmful to the host property and out of keeping with the character and appearance of the vicinity, the streetscene and the area more widely. The application is therefore found to be unacceptable and contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policy CS5 of the Barnet Core Strategy (2012), Policies 7.4 and 7.6 of the London Plan (2016) and the guidance contained within Barnet's Residential Design Guidance Supplementary Planning Document (2016).

Reference: 16/7135/FUL

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Approved subject to conditions

Decision Date: 12 May 2017

Description: Two storey rear extension

Reference: H/04273/08

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Finally Disposed Of

Decision Date: 16 November 2012

Description: Alterations to roof including 3 No. rear dormers and rooflights to front and side to facilitate the creation of 2 one-bed flats and 1 two-bed flat.

Reference: W14296C/08

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Refused

Decision Date: 16 April 2008

Description: Alterations to roof including 3 No. rear dormers and rooflights to front and side all to facilitate 3 No. additional two-bedrooms flats.

Reference: W14296A/06

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Approved subject to conditions

Decision Date: 31 January 2007

Description: Creation of second floor to provide 3No. additional one-bedrooms flats.

Reference: W14296/06

Address: Edgwarebury Court, Edgwarebury Lane, Edgware, HA8 8LP

Decision: Withdrawn

Decision Date: 4 April 2006

Description: Creation of second floor to provide 3No. additional two-bedrooms flats.

3. Proposal

Two storey rear extension to provide larger living accommodation for flat Nos. 5 and 6. Roof extension involving hip to gable to both ends including 6no. rear dormer windows, 6no rear rooflights and 8no. front rooflights to provide 3no. additional self-contained flats

The dormers will measure 2.4m by 2.1m.

The two storey rear extension will have a depth of 3m and a width 8.3, maintaining a distance of 2.4m from the boundary with The Orchards, the proposal will have a pitched roof set down from the main ridge line.

4. Public Consultation

Consultation letters were sent to 109 neighbouring properties.

7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Loss of amenity - loss of daylight, light, increased noise, privacy
- Character and appearance - will be tallest building in surrounding area,
- Increased parking and traffic problems.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

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

5.3 Assessment of proposals

The site has a substantial planning history which is a material consideration in this case. Planning permission has been granted for the extension to roof including hip to gable ends to both sides, 3no rear dormer windows, 4no roof lights to rear elevation and 8no roof lights to rear elevation to provide 3 new self-contained flats under application 15/03381/FUL dated July 2018. Planning permission has also previously been granted in May 2017 under application 16/7135/FUL for a two storey rear extension.

Essentially the current application seeks to combine the two extant permissions into one permission and provide an additional rear dormer window. Previously consented was 3 dormers, the proposal now provides 4 dormers to the rear. This has been reduced since the initial submission which proposed a total of 6 dormers.

As per the previous consent under application 16/7135/FUL the proposed two storey rear extension at 3m in depth is considered to be a reasonable and proportionate addition, relative to the scale and proportion of the host dwelling and would therefore not have a demonstrable adverse impact on the character and appearance of the building or its vicinity. With a sympathetic roof form that relates to the existing roof form it is considered that the extension will relate well to the host building.

At 3m in depth the proposed extension would not project past the adjacent rear elevation at the neighbouring site known as The Orchard, and as such, it would not result in a loss of light or over-shadowing of the neighbouring property; or, be perceived as visually obtrusive addition that is harmful to the visual amenities of the neighbouring occupiers. The Local Planning Authority consider that the proposal will not facilitate a demonstrable increase in the potential to overlook the neighbouring properties beyond the existing balcony provision, and will therefore not result in a loss of privacy to an extent that would warrant the applications refusal.

The two storey element of the current proposal is considered to be acceptable.

The proposal also seeks to extend the roof form with 4 rear dormer windows and front rooflight windows. The four dormer windows fit comfortably within the roofslope and will leave clear roofslope above and below. There is adequate spacing between each of the dormers and the dormers are of an appropriate size to ensure that the development does not result in an overdevelopment of the roofslope.

The provision of 3 additional units has previously been accepted within the roofslope and as such there is no in principle objection to increasing the number of flats.

The London Plan 2016 states that 1 bedroom 2 person dwellings should have a minimum internal floor area of 50sqm. The proposed flats measure the following;

Flat 7- 68sqm

Flat 8 - 53sqm

Flat 9 - 53sqm

It is noted that there is an area of soft landscaping to the rear of the site, it is also considered that given the location of the units it is not necessary for the units to have separate amenity space provision.

Traffic and Parking

The proposal also includes parking spaces to the rear of the property for the new units. The additional 2 x 1 bed and 1 x 2 bed flats will have a parking demand of 1-4 spaces. Therefore the provision of 1 space per unit is in accordance with the current standard. Furthermore, given that the site is within close proximity to a town centre location, it would have good access to public transport. As such, the proposal is not considered to result in a significant amount of parking stress within the area.

The applicant is required to provide 4 cycle spaces in accordance with the London Plan minimum standards and will be conditioned.

Flood Risk

It is noted that the site falls within flood risk zone 2 accordingly the agent has provided details of flood resilience measures to be incorporated within the proposal. These measures include ensuring the finished floor levels of the proposal are set 315mm above the ground level of the site, this will match the existing internal floor levels. In addition, new sockets will be set 300mm above the internal floor levels and the foundations of the development will use waterproof concrete.

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 25% 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.

5.4 Response to Public Consultation

The application has been considered by the traffic and development team and it is considered that there is sufficient provision of parking to ensure there will be no undue parking stress as a result of the additional units.

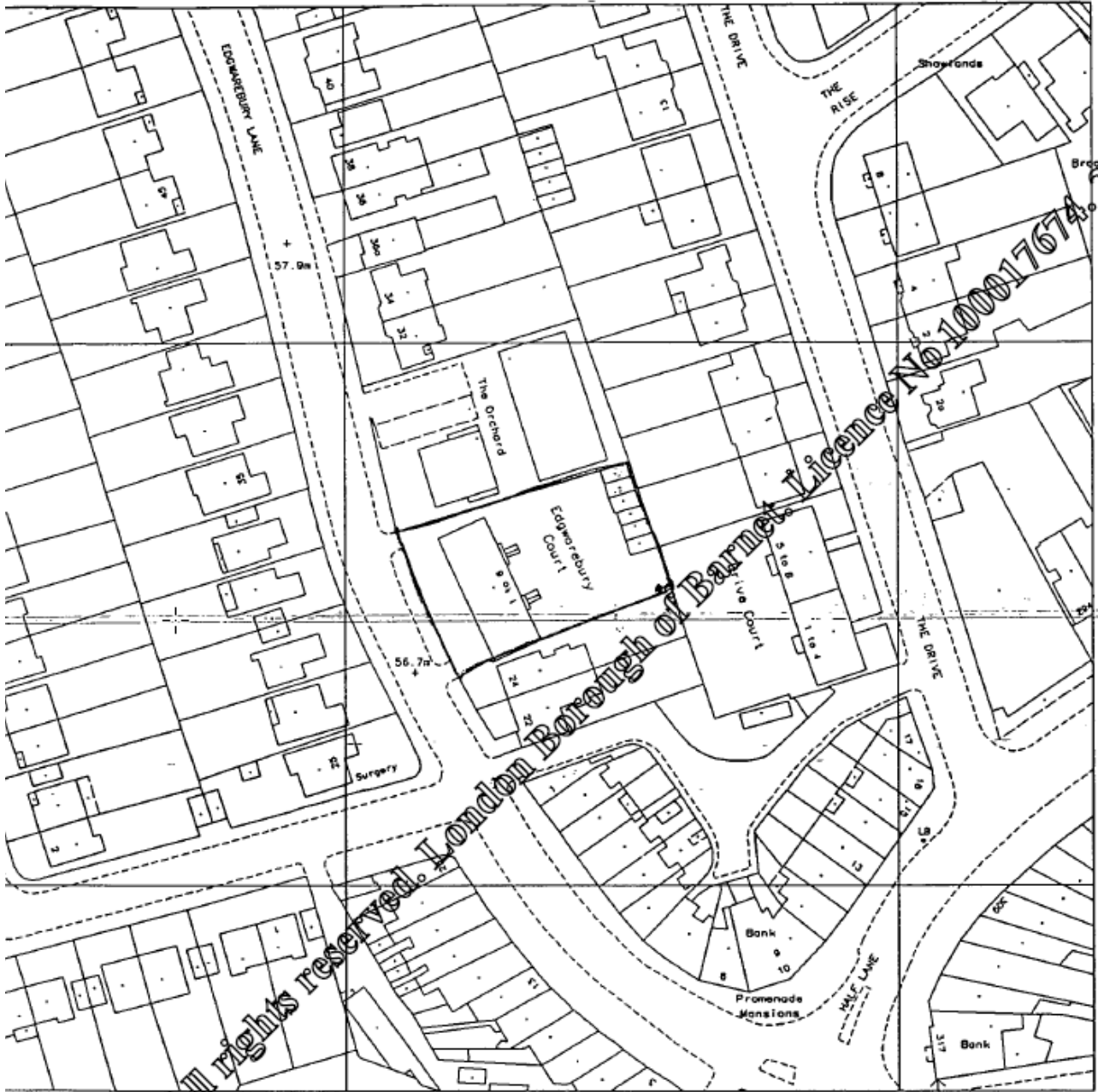
The proposed extensions are as per previously approved furthermore, it is not considered that the proposed extensions will result in a loss of amenity to the neighbouring residential properties.

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.



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Location	Land Rear Of 18 Maxwellton Close London NW7 3NA	
Reference:	17/4462/FUL	Received: 12th July 2017
		Accepted: 12th July 2017
Ward:	Hale	Expiry 6th September 2017
Applicant:	Mr Hathi	
Proposal:	Creation of 4no dwelling houses with associated parking, access, cycle storage, and refuse and recycling store	

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, RE/18MC/1C, RE/18MC/2C, RE/18MC/3C, RE/18MC/4C, RE/18MC/5C, RE/18MC/6C.

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

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

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

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

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

- 4 a) No development 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) 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).

- 6 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. RE/18MC/1C; 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.

- 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 and D of Part 1 of Schedule 2 of that Order shall be carried out within the area of the hereby approved.

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

- 8 a) 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.

- 9 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 elevations of any 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).

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

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

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

- 11 Before the development hereby permitted is first occupied, the amenity areas shown on Drawing RE/18MC/1C shall be implemented in full accordance with the aforementioned drawing and retained as such thereafter.

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

- 12 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.

- 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.

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

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

- 16 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.

- 17 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.

- 18 Before the building hereby permitted is first occupied the proposed window(s) in the north and west elevations facing 18 Maxwelton Close and the proposed terrace of three new properties shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking /

insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 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.

Relief or Exemption from CIL:

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

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

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

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

Officer's Assessment

1. Site Description

The development site includes a two storey semi-detached dwellinghouse built in the interwar period. The site is an irregular wedge shaped piece of land located on the northern end of Maxwellton Close; a residential cul-de-sac which lies within the Hale ward of the Hendon Area. The site is directly adjacent to a train line and beyond that, the M1 Motorway, which forms the north-eastern boundary.

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

Maxwelton Close is largely characterised by pairs of two-storey semi-detached dwellings. The surrounding Sunbury Gardens, Sunbury Avenue, Highwood Grove, and Manor Grove feature a mixture of residential development, including back-land flats off Sunbury Avenue in Meridian Close (adjoins the site).

2. Site History

Reference: 17/8229/ENQ

Address: Land to the rear of 18 Maxwellton Close, London, NW7 3NA

Decision: Positive Pre-app advice

Advice issued: 03 July 2017

Description: Creation of 1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom) to the rear of 18 Maxwellton Close, each with associated private outdoor amenity space, car parking, refuse storage, and cycle parking.

Reference: 16/0650/FUL

Address: Land to The Rear Of 18 Maxwellton Close, London, NW7 3NA

Decision: Approved Subject to Conditions

Decision Date: 08 April 2016

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage

Reference: H/05419/14

Address: 18 Maxwellton Close, London, NW7 3NA

Decision: Application refused (Appeal dismissed under reference APP/N5090/W/15/3029375)

Decision Date: 03 Dec 2014 (Appeal decision date 16 September 2015)

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage. (Full application)

3. Proposal

The proposal seeks planning permission for the erection 4 no. dwellinghouses comprising 1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom) to the rear of the existing semi-detached dwelling house 18 Maxwellton Close.

In addition, the development includes associated amenity space, hard and soft landscaping, off street parking, refuse and cycle storage.

The 4 no. proposed dwellinghouses are all 2 storeys and have the following Gross Internal Area (GIA):

18A	3 bedrooms, 5 persons	100 sq m
18B	2 bedrooms, 4 persons	96 sq m
18 C	3 bedrooms, 5 persons	100 sq m
18 D	2 bedrooms, 4 person	87 sq m

Parking for 4 no cars is proposed (1 no for each house) and refuse facilities are included adjacent to the dwellings. 8 no cycle parking spaces are proposed (2 no for each house).

A previous application for 2 no. two storey dwellinghouses (16/0650/FUL) was approved on 8th April 2016. Prior to this, planning permission made under reference H/05419/14 was refused and the appeal subsequently lodged under reference APP/N5090/W/15/3029375 was dismissed.

4. Public Consultation

Consultation letters were sent to 46 neighbouring properties. 8 objections were received (1 of which was on behalf of 9 properties in Maxwellton Close) and these can be summarised as follows:

- On-street car parking pressure will result
- Disturbance of the peaceful area during building works
- Increase in volume of traffic in the area
- Unbearable increase in noise
- An application for the same proposed development, but from a different address, has previously been made and withdrawn.
- Conflict with Planning Policy
- Contrary to inspector's views in previous appeal decision
- Incompatible with existing planning permission
- Over development
- Lack of amenity space
- Excessive bulk and scale
- Incompatible design
- Loss of trees and vegetation
- Insufficient parking
- Loss of wildlife habitat
- Risk of flooding
- Overlooking adjoining properties
- Blocking natural daylight
- Generating noise, disturbance, smells, pollution (by the increased number of future occupants in the development)
- Unsociable hours of operation
- Better sites available.
- Loss of green garden space
- Concerned about access for emergency vehicles
- Lack of refuse storage areas
- Site is likely to be contaminated
- Would expect to see Lifetime Homes standards applied
- Concern regarding proximity to Railway line and motorway, including associated noise.

5. Pre-application Engagement

Prior to the submission of this application the applicant held formal pre-application discussions with the LPA in relation to the proposed development (17/8229/ENQ).

The LPA's written report issued on 03 July 2017 was generally supportive of the proposed scheme, subject to some minor amendments and clarifications relating to neighbour and future occupier amenity.

6. Planning Considerations

6.1 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.

Relevant policies are 3.4, 3.5, 3.8, 3.14, 5.2, 5.3, 6.13, 7.4.

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, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

6.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential development including the density of the development is appropriate for the area;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal will provide suitable accommodation for future occupiers;

6.3 Assessment of proposals

Principle of Development

The principle of residential development on the site was formally established by extant planning permission 16/0650/FUL dated 08 April 2016 for 'Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage'.

Prior to this, the Inspector's Report for dismissed appeal reference APP/N5090/W/15/3029375 (decision date 16 September 2015) found that the proposal for back land development would not be out of character with the established streetscene as it would be "a 'one off', being positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 and the railway, and the existing houses in Maxwellton Close".

Potential impact on character and appearance of the existing building, the street scene and the wider locality

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

The fact that the proposal includes 3 no. terraced properties and 1 no. detached property in an area characterised by semi-detached properties is considered to have an acceptable impact on the streetscene as the properties would only be glimpsed through the gaps between Nos. 19 and 20 Maxwellton Close and Nos. 16 and 18 Maxwellton Close. Furthermore, the difference is considered to be a reasonable design response to the particular characteristics and constraints of the site. The proposed detached dwellinghouse has approximately the same width as the semi-detached properties on Maxwellton Close. While the proposed detached dwellinghouse would appear cramped if it were positioned on Maxwellton Close, as it is positioned on backhand site and it has a similar proportions to the 3 no. proposed terrace properties, on balance its bulk is considered acceptable.

Due to their size, height, roof shape and fenestration, the 4 no. proposed dwellinghouses are considered to represent a high standard of architectural design. The materials used for the proposed dwellinghouses should be similar to the materials used on the existing properties within the streetscene and this can be secured by way of appropriate condition.

Within the Inspectors report for the appeal, the Inspector outlines that the site is a 'one off' with it being 'positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 motorway and railway, and the existing houses in Maxwellton Close'. The Inspector finds that the 'fact that the development would be different to the street scene' would be 'of no consequence, as at most there would only be

glimpses of the new houses through the gap between Nos. 20 and 22'. Taking this view into account, it is officer opinion that the siting of the proposed 4no dwellings back from the Close would not have a significant impact on the character and appearance of the street scene.

The impact on the amenity of neighbouring occupiers

For H/05419/14, one of the LPAs reasons for refusal was that the proposed dwellinghouse positioned closest to No. 18 Maxwellton Close would cause the occupiers of this property to suffer a material loss of privacy as a result of overlooking and it would also have an overbearing impact on this property. The southern side elevation of this property was positioned 0.25 metres from the northern boundary of No. 18 Maxwellton Close. Its front elevation windows were set at a minimum distance of approximately 15 metres from the rear elevation windows of No. 18 Maxwellton Close. In the inspector's appeal decision for APP/N5090/W/15/3029375, it was stated that although the front elevation windows on the proposed property were set back less than the required 21 metres from the windows of habitable room of an existing property:

"the deficiency of 6m or thereabouts between the proposed and existing pairs of dwellings is more than compensated for by the relationship not being 'direct'. There is a considerable offset in their respective positions, with Nos. 18 and 20 being to the south west of the new dwellings. This would effectively limit direct views and reduce the amount to which privacy would be affected. For the same reason I consider that the proposed dwellings would not be overbearing and oppressive in the outlook from the rooms and gardens of Nos. 18 and 20".

For the current proposal, the proposed terraced dwellinghouse that is positioned closest to No. 18 Maxwellton Close (18A) has a southern side elevation that is set back 2 metres from the northern boundary of the garden of this property. Its front elevation windows are set back a minimum distance of approximately 14 metres from the rear elevation windows of the property at No. 18 Maxwellton Close, in light of the comments made by the inspector for APP/N5090/W/15/3029375, it is considered that the overlooking of No. 18 Maxwellton Close is no worse in the current proposal and the proposal would not have an overbearing impact on No. 18 Maxwellton Close and No. 20 Maxwellton Close.

The 3 no. terrace properties are staggered. The rear elevation windows of these properties are set back at a minimum of 7 metres from the boundary with Prime Court (and 14m to the rear elevation of the Prime Court building). The 2 no. properties that were approved through 16/0650/FUL have rear elevation windows that are set back 7 metres from the boundary with Prime Court. According to the plans submitted for 16/0650/FUL there are existing 15 metre tall Conifer trees at Prime Court, adjacent to the boundary with the application site and this was confirmed to be the case during the site visit for this application. Although Barnet's Sustainable Design and Construction SPD (2016) states that for new residential development there should be a minimum distance of 10.5 metres between the windows of a habitable room and the neighbouring garden, it is considered that as the rear elevation windows of the properties in the current proposal are set back further from the boundary with Prime Court than the 2 no. properties that were approved through 16/0650/FUL, on balance the distance between the windows and the neighbouring garden is acceptable in terms of its impact on neighbouring amenity, particularly given the screening provided at ground floor by the existing close boarded fence and significant tree cover that exists and is within the boundary of Prime Court and therefore within the control of that neighbouring development.

The western side elevation wall of the proposed detached property is set back approximately 9 metres from the boundary with No. 18 Maxwellton Close. To prevent the occupiers of Nos. 18 and 20 Maxwellton Close from suffering a material loss of privacy as a result of overlooking of their rear windows and their rear amenity space, the first floor windows in the western side elevation of the proposed detached dwellinghouse should be obscure glazed. Due to its size, height and position, it is considered that any loss of outlook or loss of daylight/sunlight to Nos. 18 and 20 Maxwellton Close would be no worse than the impact of the of 2 no. properties that were approved through 16/0650/FUL. The proposed detached dwellinghouse would not have an overbearing impact on these properties provided that an appropriate landscaping scheme was provided between it and No. 18 Maxwellton Close.

The windows on the southern side elevation of the proposed detached property are set back 11 metres from the boundary with No. 16 Maxwellton Close, which is considered to be an acceptable distance. No. 16 Maxwellton Close has north facing side elevation windows. The northern side elevation windows of the proposed detached property face the side elevation windows of No. 16 Maxwellton Close at an angle and at a distance of approximately 25 metres. Due to their height and position it is considered likely that the southern facing window on the proposed detached property will not cause the occupiers of No. 16 Maxwellton Close to suffer a material loss of privacy from their north facing side elevation windows.

The front elevation windows of the southernmost terrace property is set back approximately 7 metres from the northern elevation wall of the proposed detached property and the front elevation windows of the proposed mid-terrace property are set back approximately 7.8 metres from this northern elevation wall. The windows on the proposed detached property serve habitable rooms and in order to protect the privacy of the occupiers of the terrace properties, they must be obscure glazed.

The proposal will provide accommodation for up to 18 no. people. The plot is quite large and it is located within close proximity to the M1 Motorway which is considered to be noisy. For these reasons it is considered that the occupiers of neighbouring and adjoining properties would not suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the application site.

The impact on the amenity of future occupiers

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.

Gross Internal Area

The 4 no. proposed dwellinghouses have the following gross internal area (gia):

- 18A 3 bedrooms 5 people 100 m²
- 18B 2 bedrooms 4 people 96 m²
- 18C 3 bedrooms 5 people 100 m²
- 18D 2 bedrooms 4 people 87 m²

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required gia for units is as follows:

- 2 bedroom unit for 4 people on two floors requires 79 m²
- 3 bedroom unit for 5 people on two floors requires 93 m²

All of the proposed units meet these requirements.

Bedroom Size

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All of the proposed bedrooms meet these standards.

Floor to Ceiling height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Both of the storeys of each property must meet this requirement. A section drawing has been submitted showing a minimum floor to ceiling height through the proposed development, complying with this requirement.

Amenity Space

The amount of amenity space required for a proposed dwellinghouse is determined by the number of habitable rooms that it has. Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) contains the requirements for amenity space.

- 18A and 18C both have 5 no. habitable rooms so therefore they require 55 m² of amenity space.
- 18B and 18D both have 4 no. habitable rooms so therefore they require 40 m² of amenity space.

It is considered that all of the proposed units have adequate on site amenity space. Due to its location, at pre-application stage there was concern that the amenity space at 18D would not provide adequate privacy to the occupiers of this property from people coming and going from 18A, 18B and 18C. To address this issue, details of screening in the form of a 2m high boundary fence and associated landscaping have been added to the application drawings. It is considered that the proposed screening measures provide the occupiers with adequate privacy while not creating a sense of enclosure.

Glazing

Table 2.4 of Barnet's Sustainable Design SPD (Oct 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and the habitable rooms should have an acceptable level of outlook. All of the habitable rooms in the proposed dwellinghouse must meet this requirement.

The setback of the rear elevation walls of the 3 no. terrace properties from the northern boundary is relatively shallow and the trees adjoining boundary are tall. But as the ground floor rear elevations windows are large it is considered that the ground floors of these properties would receive adequate daylight/sunlight.

The western and northern elevations of the proposed detached dwellinghouse (18D) are to be obscure glazed. Its southern elevation is setback 11 metres from the boundary with No. 16 Maxwellton Close and its eastern elevation windows overlook a train line and beyond that, the M1 Motorway. On balance the outlook is considered to be adequate.

The front elevation windows of 18B and 18C face 18D. As 18D is relatively narrow the front elevation windows of 18B and 18C will have views of the spaces to the sides of it. The outlook of the first floor rear elevation windows of these properties is considered to be of a high standard. For these reasons the outlook from the front elevation windows of these properties is considered to be acceptable.

Environmental Health

Due to the application site's close proximity to the railway line and M1 Motorway it is necessary to consider the potential impact of noise and air quality on the amenity of the occupiers of the proposed units.

A Noise Impact Assessment undertaken by KP Acoustics in September 2014 was submitted in support of application 16/0650/FUL. This report concludes that - subject to the recommended glazing specification and an acoustic fence to the boundary facing the M1 - the proposed development would be acceptable from a noise perspective. An updated report along with suitable mitigation details will be required by planning condition.

An Air Quality Assessment undertaken by Air Quality Consultants in June 2014 (also submitted in support of application 16/0650/FUL) found that "Existing conditions within the study area show acceptable air quality, with concentrations all below the air quality objectives. Air quality conditions for new residents are therefore judged to be acceptable". An updated report along with suitable mitigation details will be required by planning condition.

Highways

DM17 requires that terrace houses are provided with 1.5 to 1 spaces per unit and detached houses are provided with 2 to 1.5 spaces per unit.

The 2 no. detached properties that were approved through 16/0650/FUL had 1 no. onsite parking space each. The current proposal provides 1 no. parking space for each property. Although the proposal appears to provide slightly under the required parking provision stated in DM17, in planning officers opinion, on balance it is considered that the parking provision is acceptable as it is equivalent to the provision approved through 16/0650/FUL.

Each of the proposed dwellinghouses are provided with 2 no. cycle parking spaces which is in accordance with the required standard.

Refuse and Recycling

Each of the proposed dwellinghouses requires the following on site waste and recycling provision:

- 1 no. Grey 240 Litre household refuse bin
- 1 no. Blue 240 Litre dry recycling bin
- 1 no. Green 240 Litre garden waste bin

Details of enclosures and screened facilities for the storage are shown on the submitted drawings. These show that the proposed storage areas would not have a negative visual impact on the character of the streetscene. Further details of refuse storage areas will be required by condition.

Sustainability

Appropriate conditions requiring sustainable energy use, water usage and accessibility are proposed.

CIL

The proposal is to create new residential floorspace and is therefore CIL liable.

6.4 Response to Public Consultation

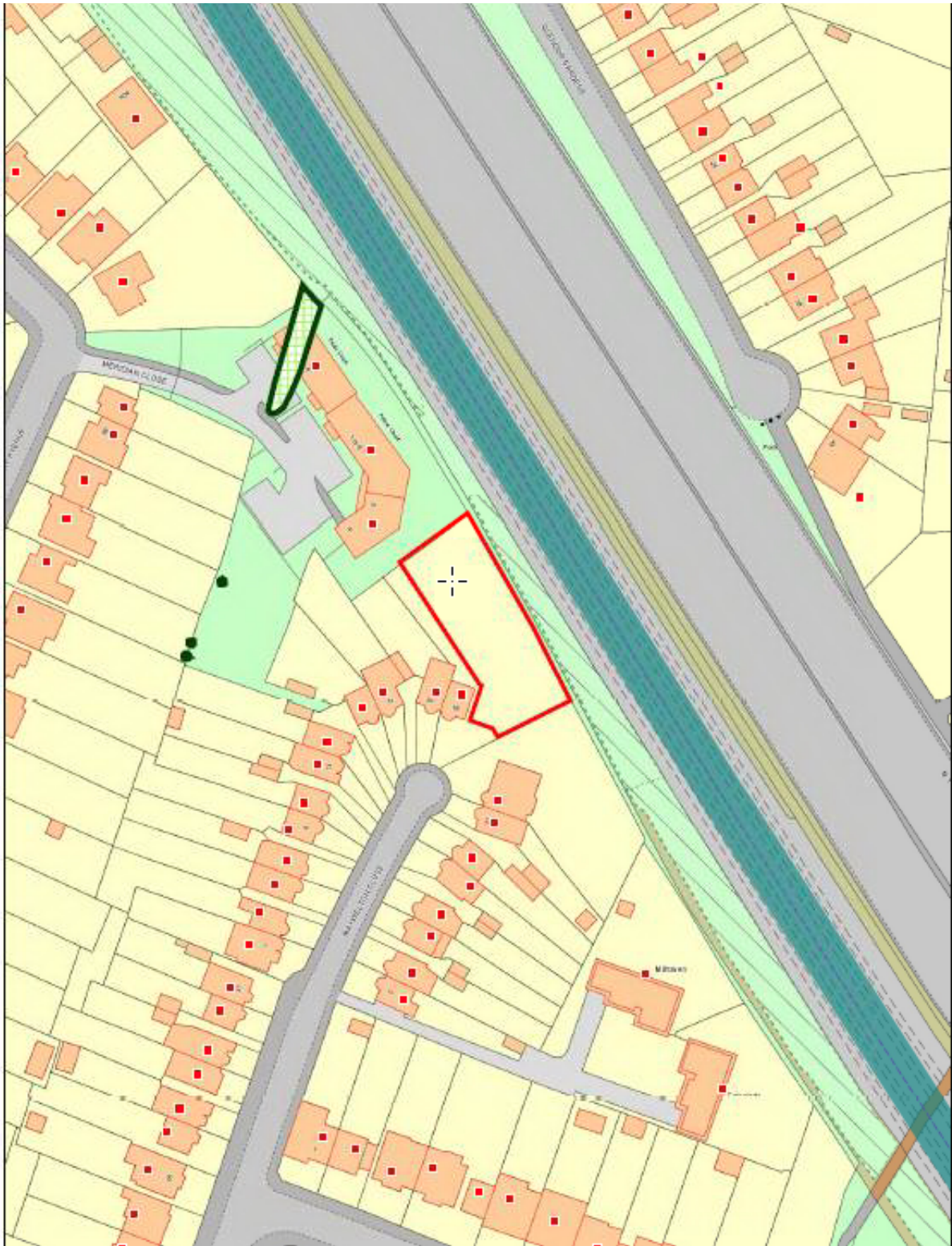
Addressed elsewhere in this report.

7. 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.

8. Conclusion

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



Appeal Decision

Site visit made on 24 August 2015

by Martin Andrews MA(Planning) BSc(Econ) DipTP & DipTP(Dist) MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 16/09/2015

Appeal Ref: APP/N5090/W/15/3029375

Land to the back of 18 Maxwelton Close, London NW7 3NA

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Dr Neil Hathi against the decision of the Council of the London Borough of Barnet.
 - The application, Ref. H/05419/14, dated 22 September 2014, was refused by notice dated 3 December 2014.
 - The development proposed is two new detached houses on a brownfield site.
-

Decision

1. The appeal is dismissed.

Main Issues

2. The main issues are: (i) the effect of the proposal on the character and appearance of the area and (ii) the effect on the living conditions for residents: firstly as regards privacy and outlook for occupiers of Nos. 18 & 20 Maxwelton Close and secondly in terms of outlook, light, privacy and air pollution for the future occupiers of the proposed dwellings.

Reasons

Character and Appearance

3. The Council is concerned that the proposal would run counter to the local established character of an absence of secondary rear garden and backland developments. However in my view the site is a 'one off', being positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 and the railway, and the existing houses in Maxwelton Close.
4. As such, the fact that the development would be different to the street scene of the Close is of no consequence, as at the most there would only be glimpses of the new houses through the gap between Nos. 20 and 22, with the nearest corner of the south western house about 30m from the road. Moreover, the difference is a reasonable response to the particular characteristics and constraints of the site. Taking the overall size of the site to be used for development into account, there would be no perception of the proposed

buildings being 'shoehorned' into an area too small to properly accommodate them.

5. That said, I have reservations on this issue relating to the design and appearance of the buildings. Even though the dwellings will not be prominent in views from the public realm, the Council's policies and the National Planning Policy Framework 2012 ('the Framework') require development to be of good design. I do not consider this objective has been achieved given the somewhat bland appearance of the front elevations, including the use of only brickwork on this face of each building.
6. The design concept is one of a pair of buildings of the same design but handed. However this does not work successfully without some element of contrast in the facing materials and detailing to properly convey the handed arrangement. I also consider that the front door is somewhat odd, both in its appearance and double opening form. There also appears to be a weather protection facility above these doors but the form of this cannot be properly identified, as it is not shown in profile on the side elevations.
7. The front and rear gables also both appear to be slightly asymmetric, with one roof slope longer than the other. Whilst the difference is only marginal it is noticeable on the plan and would be noticeable and appear odd if built. If this is a drafting error it would preclude the imposition of the standard 'compliance with plans' condition. The submitted drawing also does not include a first floor plan whilst the plan of the 'Typical Ground Floor Layout' is different from the handed ground floor layouts of each building.
8. The Council has raised a further point in relation to the alterations as regards the size and shape of the rear garden of No. 18. This part of the scheme has already been carried out so I have been unable to compare the area provided with that that previously existed. However even though the garden is narrow and somewhat unorthodox in shape it is over 30m long, which I consider to be adequate for a semi-detached house. It would not be visible from the public realm and I do not agree with the Council's view that it fundamentally undermines the character of Maxwellton Close and its surroundings.
9. In principle on this issue I see no objection to the principle of two detached dwellings on the site as they can be accommodated without harm to the character and appearance of the area. However to comply with the Council's Core Strategy Policy CS5, the Development Management Policies DPD Policy DM01 and Section 7: 'Requiring good design' of the Framework, revisions are required to the buildings' design, especially the front elevations. Amendments to the drawing are also required on the lines that I have indicated.

Living Conditions

10. Turning firstly to the relationship between the proposed dwellings and Nos. 18 and 20, the Council considers that the proximity would be such as to result in harmful mutual overlooking. The minimum distance in the Council's Residential Design Guidance SPD for this type of relationship is 21m and in this case it would be 15m. However at ground floor level the close-boarded fence along the mutual boundary is adequate to safeguard privacy and the main relationship to be addressed is between the first floor windows.

11. In my judgement the deficiency of 6m or thereabouts between the proposed and existing pairs of dwellings is more than compensated for by the relationship not being 'direct'. There is a considerable offset in their respective positions, with Nos. 18 and 20 being to the south west of the new dwellings. This would effectively limit direct views and reduce the amount to which privacy would be affected. For the same reason I consider that the proposed dwellings would not be overbearing and oppressive in the outlook from the rooms and gardens of Nos. 18 and 20.
12. Turning to light and outlook for the proposed dwellings, I accept the Council's judgement that the combination of the northerly aspect, the limited depth of rear gardens and the presence of the tall conifer trees would be such as to significantly constrain these aspects of residential amenity. One solution would be to open up the ground floor layout of the dwellings to allow more light and outlook to the whole living area through the south facing front windows.
13. However I also note that the appellant prepared an alternative siting plan, which according to the grounds of appeal was summarily rejected at pre-application stage. On the face of it, this alternative scheme would be more acceptable as it would allow more daylight and sunlight to the gardens and in turn to the rear rooms of the house. There may be some negative implications but the revision at least appears to be worth consideration as part of a revised submission.
14. In the event that the existing layout is retained, I consider that bearing in mind future occupiers would be able to decide whether the light and outlook would be adequate for their own needs, the advantage of the addition of two family dwellings to the Borough's housing stock outweighs the drawbacks of the lower than normal levels of light and outlook.
15. The final objection to the scheme on the issue of living conditions is that of air pollution from the nearby railway and in particular the M1 motorway. However the appellant has commissioned a report from an authoritative source and in its appeal statement the Council now appears to accept the report's findings that the air quality conditions for new residents would be acceptable.
16. In summary on the issue of living conditions, I conclude that although the harmful effects would be substantially less than alleged by the Council, more consideration is needed on certain aspects of the appeal scheme to mitigate potential problems and inadequacies. In the absence of this there would be conflict with Policies DM01 & DM02, the Council's residential Design Guidance SPD and the core planning principles in paragraph 17 of the Framework.

Other Matters

17. Several local residents have objected, citing issues including adverse effects in respect of parking and congestion, access, sewage and flooding. I have taken these matters into account but do not consider that they would be sufficient on their own to warrant a rejection of the development of the site for two houses. The issue of a breach of covenant has also been mentioned, but such matters are not within my remit and I am unable to include them in my consideration of the appeal scheme.

Conclusion

18. Overall, whilst I consider that the principle of two new dwellings of the type and size proposed on the site is acceptable, further modifications are required before permission is granted. The appeal is therefore dismissed.

Martin Andrews

INSPECTOR

Location	Land Side Of 22 Rankin Close London NW9 6SR	
Reference:	17/4034/FUL	Received: 23rd June 2017
		Accepted: 27th June 2017
Ward:	Colindale	Expiry 22nd August 2017
Applicant:	alex omirou	
Proposal:	Erection of a two storey end of terrace dwelling. Associated parking, refuse and recycling, cycle store	

AGENDA ITEM 9

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site location plan; drawing 1; drawing 2; drawing 3; drawing 4; drawing 5; drawing 6; drawing 7; drawing 8; drawing 9; existing and proposed garage block.

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of land adjacent to 22 Rankin 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 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.

- 9 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.

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

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

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

- 12 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.

- 13 The detached garage, shall be permanently retained as parking for the residential unit hereby granted permission, unless otherwise agreed in writing by the Local Authority.

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

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2695.00 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 £10395.00 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

- 4 The application does not confer planning permission for the introduction of a gate into the public park. The applicant is advised to engage with the Council's greenspaces team for further discussion on this point.

Officer's Assessment

1. Site Description

The application site is a corner plot of open land comprising a garden to the side of 22 Rankin Close situated at the north-eastern corner of Rankin Close a cul-de-sac predominantly residential in character. Rankin Close comprises of a number of terraced dwellings arranged over varied levels and set back from one another. Car parking is arranged by way of garage blocks and on street parking

The site itself borders Colindale Park to the north and has a number of large trees including two Birch trees and one Maple within the curtilage of the site. The site is not located within a conservation area and the properties are not listed.

2. Site History

Planning permission was granted for the redevelopment of this former industrial site in February 1978.

Reference: 17/1714/FUL

Address: 22 Rankin Close, London, NW9 6SR

Decision: Refused

Decision Date: 16 May 2017

Description: Erection of a two storey dwelling. Associated parking, refuse and recycling, cycle store

3. Proposal

The application relates to the erection of a two storey end of terrace dwelling. Associated parking, refuse and recycling, cycle store

4. Public Consultation

Consultation letters were sent to 39 neighbouring properties.

7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- Significant adverse impact on local amenity
- Previous report did not account for changes to the layout of the first floor level which is important as an additional bedroom could be provided. Layout is awkward
- The way the house has been designed including a front and side entrance door it could be converted into a 2 bed house or 2 self contained flats.
- The size of the bathroom is the same size as the bedroom.
- The land at the front was left for the enjoyment of the residents of Rankin Close, fencing this area will block this out.
- Plans are incomplete as nothing has been shown in regards to the landscaping to the front.
- The garages on site are too small for cars of modern day size and shape. The use of the garage allocated to 22 Rankin Close is unrealistic and more parking should be provided.
- Proposal will mean more people and more cars.
- Conversion of properties on Rankin Close into flats has exacerbated the parking problem.
- Loss of amenity - privacy, noise, overlooking.

- Adding a gate directly into park will cause security issues in an area which has already suffered from crime.
- Risk of contaminated land given the previous use as a paint factory.
- Harm to the character and appearance of Rankin Close - landscaping buffer is an important feature of the original permission for the estate, the development is not based on an understanding of local characteristics.
- Trees of special value will be removed as part of the development

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Planning permission has previously been refused at the site for the erection of a two storey dwelling. Associated parking, refuse and recycling, cycle store. This application was refused on 16.05.2017. The application was refused for the following reason: proposed two storey dwelling, by reason of its design and siting would be out of keeping with the established character of Rankin Close and the existing terraced nature of development within the cul-de-sac. This would have an adverse effect on the character and appearance of the streetscene and wider locality, contrary to the London Plan (2016) Policy 3.5, the Barnet Local Plan (Adopted 2012) Core Strategy Policy CS5 and Development Management Policies DM01, the Council's Residential Design Guidance (Adopted October 2016). This was decided under application 17/1714/FUL

Since this refusal the proposal has been amended to comprise of a new dwelling attached to the existing property to provide a terrace property.

The main consideration in this case is whether or not the previous reason for refusal has been overcome by the latest proposal and ensure that the new scheme does not give rise to any new harm that would not have resulted with the previous scheme.

Impact on the character of the area

In regards to the appearance of the development, the proposal has been amended to attach to the neighbouring property, the existing no.22 Rankin Close, this would give the appearance of the continuation of the terrace of which it will form a part. The proposed building has been designed so the front entrance will adjoin the front entrance porch of the neighbouring property.

The previous application saw the proposal as a detached dwellinghouse which was considered to be inconsistent with the terraced nature of the street of which it forms a part. The current scheme is considered to address the previous reason for refusal.

Impact on the amenities of neighbours

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

London Plan Policy 7.6 states that buildings and structure should: (d) not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings, in relation to privacy, overshadowing, wind and microclimate.

Paragraph 14.4 of the RDG SPD (2016) states that extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful:

- loss of privacy by overlooking adjoining properties
- loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms
- loss of outlook from adjoining properties
- sense of enclosure or overbearing impact on adjoining properties
- loss of garden, landscaping or open space, which contributes to local amenity

The proposal will not project beyond the rear building line of the neighbouring property no. 22 Rankin Close and as such it is not considered that the proposal will have any detrimental impact on the rear windows of this neighbouring property. However, it is acknowledged that this neighbour benefits from two flank wall windows facing on to the application site, one on the first floor and one on the ground floor. It is understood that the first floor window serves a hallway and the downstairs a staircase: as a result, it is considered a loss of light to these windows would not cause demonstrable harm to the amenities of this neighbour given that they do not serve habitable rooms.

Notice has been served on the neighbouring owner as the new building will be attached to the existing property to form a terrace; it is not considered that the proposal will be detrimental to the amenity of the existing occupiers of the existing property, which also benefits from front and rear facing windows.

With regards to the impact on the properties opposite the application site at nos. 23 to 29 Rankin Close, there would be a minimum distance of 21 metres from the principal elevation of the application property to the principal elevations of these neighbouring properties. Compliant with principles set out in the council's Residential Design Guidance (2016), under Paragraph 7.3, this distance would afford the neighbours an adequate level of privacy and is not likely to create an unacceptable level of overlooking. It is noted that the porch area sits closer than 21m from the properties opposite, however, it should be noted that there is only a side facing window and the entrance door will serve a porch area and not a habitable room, as such the proposal is not considered to result in any overlooking or loss of privacy.

Impact on amenity for future occupiers

Policy DM01 states in point (e) that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

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

The Planning Statement submitted state that the proposed unit has a GIA of 80 sqm, however according to Officer calculations the unit would have a GIA of approximately 70 sqm. Nevertheless, the proposal is still considered to comply with the necessary standards for a two storey two person dwelling as set out in the London Plan which requires a

minimum floor area of 58sqm. Concerns have been raised in relation to the size and layout of the upper floor and the potential that the first floor level could accommodate an additional bedroom space. It should be noted that a 2 bedroom 3 person two storey dwelling would require a floor area of 70sqm which the proposal achieves. It is therefore considered that even if the layout were to be amended the proposal would still comply with the relevant London Plan space standards.

Given the number of windows proposed to the rear and principal elevations on ground and first floor, future occupiers would benefit from an acceptable degree of light. As discussed, the distances afforded between neighbouring properties, future occupiers would also benefit from an acceptable level of privacy.

The proposal is considered to provide an adequate level of amenity for future residential occupier by way of sufficient outlook and privacy.

Table 2.3 of Barnet's Sustainable and Construction SPD (2016) states that for houses up to four habitable rooms 40 sqm of outdoor amenity space should be provided. The applicant has identified on the plans submitted where private amenity space would be allocated, comprising of the garden to the rear of the property and to the front, and Officers have calculated this space as 43 sqm which therefore considered acceptable.

Traffic and development

Policy DM17 of Barnet Development Management Policies document (2012) states 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: 1 to less than 1 space per unit for development consisting mainly of 1 bedroom.

As stated within their Planning Statement, one off-street space would be provided in the form of an existing garage in ownership by 22 Rankin Close, located approximately 50 metres from the application site. It is stated that this garage is currently in use as storage and a workshop, and the applicant advises that the garage will be assigned to the new dwelling and an electric door will be installed to make the space accessible to disabled users.

Comments from the council's internal Highways Department advise that at least one space would be required taking into account the PTAL rating of 1a. It is considered that the assignment of the existing garage from no. 22 could be achieved by way of condition attached to an approval, and in this respect Highways have raised no objection.

Pedestrian access to the development will be gained from a footpath that currently serves the dwellings opposite the proposed site. Vehicle access to the garage will continue with the current arrangements.

A refuse collection point has been identified within the location plan. This collection point is within 10m of the public highway and therefore is acceptable on highway grounds.

No cycle parking has been identified in any of the documents. A condition will be placed for the provision of cycle parking.

Due to the location of the site with no road leading directly to the site, there will be the need for a robust construction management plan to mitigate any negative impact on the public highway.

Overall, Highways have raised no objection to the proposed development and have suggested a number of conditions to be attached in the event of an approval.

Trees and landscaping

The LPA's tree officer has reviewed the proposal and raises the following comments, no tree survey has been provided to support this application. There are a number of trees on the site including 2 cut leaf birch trees which are rare in Barnet. Unfortunately their condition and position mean that they do not merit special protection by way of a Tree Preservation Order. At least one of these trees located at the front of 22 Rankin Close will need to be removed in order to facilitate construction if approved. The trees are not afforded any protection and as such it is suggested that a landscaping scheme could require replacement tree planting which would enhance the appearance of the site and would compensate for the loss of the tree to the frontage of the site. Further details of which shall be secured by condition

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.

5.4 Response to Public Consultation

The traffic and development team have reviewed the proposals and are satisfied with the proposed development in regards to highways matters. The development has been considered in the event that the garage space remains in association with the existing property at 22 Rankin Close and is not allocated to the new build property it is still considered that given the existing controls and the size of the development in regards to occupation the proposal would not be harmful to parking or the freeflow of traffic.

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.

