

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 18TH JANUARY, 2018**

**AT 6.30 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

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3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
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## Decisions of the Hendon Area Planning Committee

30 November 2017

Members Present:-

AGENDA ITEM 1

Councillor Maureen Braun (Chairman)

Councillor Claire Farrier  
Councillor Sury Khatri  
Councillor Zakia Zubairi (as a  
substitute)

Councillor Hugh Rayner  
Councillor Agnes Slocombe

Apologies for Absence

Councillor Brian Gordon

Councillor Gill Sargeant

### 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 1 November 2017 be approved as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies for absence were received from Councillor Gordon and from Councillor Sargeant who was substituted by Councillor Zubairi.

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

Councillor Rayner declared a non-pecuniary interest on the agenda item relating to 44 The Reddings, London, NW7 4JR as the objector is a fellow Councillor and known to him as a colleague.

Councillor Zubairi declared a non-pecuniary interest on the agenda item relating to 44 The Reddings, London, NW7 4JR as she lives on The Reddings and the objector is a fellow Councillor and known to her.

Councillor Khatri declared a non-pecuniary interest on the agenda item relating to 44 The Reddings, London, NW7 4JR as the objector is a fellow Councillor and known to him as a colleague.

Councillor Rayner declared a non-pecuniary interest on the agenda item relating to The Pillar Chapel, 19 Brent Street, London, NW4 2EU as the applicant is the landlord of the building in which the Hendon Conservative Association Office was previously located.

Councillor Khatri declared a non-pecuniary interest on the agenda item relating to The Pillar Chapel, 19 Brent Street, London, NW4 2EU as the applicant is the landlord of the building in which the Hendon Conservative Association Office was previously located.

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

None.

**5. ADDENDUM (IF APPLICABLE)**

The Committee noted the addendum.

**6. 44 THE REDDINGS LONDON NW7 4JR - 17/5556/HSE**

The application was called in by Councillor Khatri for the following reasons:

The plans in the application at the time are different to those presented to the Committee, and the original application was called in because it would be a gross overdevelopment, substantial increase in scale, size, volume and negative visual impact, not in keeping with and compromising the appearance of the Street scene

The Planning Officer introduced the application and addendum, which related to 44 The Reddings.

Oral representation in objection to the application was heard from Councillor Joan Scannell.

An oral representation was made by the applicant, Vikas Deshpande.

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	4
Against	1
Abstain	1

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

**7. 141-143 DOLLIS ROAD LONDON NW7 1JX - 17/3796/FUL**

The Chairman informed the Committee that the item had been withdrawn.

**8. ST VINCENTS FARM COTTAGE THE RIDGEWAY LONDON NW7 1EL - 17/4788/CON**

The Planning Officer introduced the application and addendum, which related to St Vincent's Farm Cottage, The Ridgeway.

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	6
Against	0
Abstain	0

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

**9. THE PILLAR CHAPEL 19 BRENT STREET LONDON NW4 2EU - 17/4427/FUL**

The Planning Officer introduced the application, which related to The Pillar Chapel, 19 Brent Street London.

Oral representations in objection to the application were heard from Mark Skelton, James Gibson and from the local ward Councillor, Councillor Langleben.

An oral representation was made by the applicant Benjamin Perl.

Following discussion of the item, Councillor Farrier moved that the decision to refuse should include the noise nuisance impact on the properties immediately off the site. This was unanimously agreed by the committee.

The Chairman then moved to the recommendation in the Annex report, which was to refuse the application for the reasons set out in the annex report as amended by the committee.

The votes were recorded as follows:

For	6
Against	0
Abstain	0

**The Committee therefore RESOLVED that application be REFUSED as per the reasons set out in the annex report as amended by the committee.**

**10. 37 CHURCH ROAD LONDON NW4 4EB - 17/4534/FUL**

The Planning Officer introduced the application and addendum, which related to 37 Church Road.

Oral representations in objection to the application were heard from Julian Dixon and Sanja Baletic.

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

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	5
Against	0

Abstain	1
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The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum.

**11. SPECTRUM HOUSE HILLVIEW GARDENS LONDON NW4 2JR - 17/6496/FUL**

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.

The Chairman proposed an additional condition that was unanimously agreed by the committee to ensure that the rear elevation wall was white painted render and that any windows on the rear elevation are obscure glazed and fixed shut permanently.

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	5
Against	1
Abstain	0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and the additional condition agreed by the committee.

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

None.

The meeting finished at 9.55 pm



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**Location** Flat 3 43 Sunny Gardens Road London NW4 1SL

**Reference:** 17/5349/FUL

Received: 16th August 2017

Accepted: 22nd August 2017

**Ward:** Hendon

Expiry 17th October 2017

**Applicant:** Sunny Trio Limited

**Proposal:** Loft conversion including insertion of 1no. roof light

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  
43SGR 11-001  
43SGR 10-001  
43SGR 11-002  
43SGR 11-003  
43SGR 11-004

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 conversion of the loft space hereby permitted shall be used as a tv room/ study for purposes ancillary to and occupied in conjunction with flat 3, 43 Sunny Gardens

Road and shall not at any time be occupied for purposes involving sleeping, eating and living functions or as a separate self contained residential unit.

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

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two story semi-detached property, which forms 4no self-contained flats located on the south west side of Sunny Gardens Road within the ward of Hendon. The property has been previously extended by way of a part single/part two storey side and rear extension to facilitate the conversion of the property into 4no.self-contained flats. The property is not locally/ statutorily listed, it does not lie within a conservation area, and there are no specific restrictions on site.

### **2. Site History**

Reference: H/00105/13

Address: 43 Sunny Gardens Road, London, NW4 1SL

Decision: Refused

Reason: The proposals use, by reason of the number of units proposed is likely to result in a harmful level of noise and disturbance as a result of its associated general activity, being detrimental to the residential amenities of no.41 Sunny Gardens Road. This would be contrary to policy DM 04 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document: Residential Design Guidance.

Decision Date: 19th June 2013

Allowed on Appeal 3rd August 2014

Description: Conversion of existing semi-detached residential building into 4no. self-contained flats, including two storey side/ rear extension and hard and soft landscaping, following demolition of existing side extension.

### **3. Proposal**

The application seeks planning consent for the conversion of the loft into a TV room and insertion of 1no. rooflight in the south flank roofslope to serve flat no.3.

Access to this space within the loft area would be obtainable only through flat 3. The room would not be accessible from communal areas within the development. Partitions have been constructed within the roof space to separate the demises of flats 3 and 4 at roof level and to install fire safety and protection and is not for the purpose of the creation of any additional units.

### **4. Public Consultation**

Consultation letters were sent to 27 neighbouring properties.

7 responses have been received in objection to the development for the following reasons:

- Inaccurate plans insofar as the roof height and form to the detriment of the character and appearance of the property, local area and amenity of neighbours in terms of loss of light and outlook;
- Intended increase in occupancy level at roof level and subsequent impact on traffic and parking and congestion

### **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.

### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

The application site relates to first floor flat 3 of 43 Sunny Gardens Road and forms 1 of 4 units. The conversion of the property was facilitated by a single/two storey side/rear extension to accommodate 4 self-contained flats and allowed at appeal on the 3rd August 2014 following planning refusal H/00105/13 on the 19th June 2013. The flat serves a 1 bed 2 person self-contained unit. at first floor level and seeks the addition of 1no. rooflight in the south flank roofslope to facilitate the conversion of the loft to serve a TV room at loft level.

The conversion of the loft would not result in any new extensions to the existing property and would solely function as a secondary, non-habitable room for the enjoyment of future occupiers. The conversion of the loft space in itself would not compromise the character and appearance of the property or local area.

The intended rooflight would not be visible from a public vantage point given its siting on the south west roofslope adjacent to the projecting party wall with adjoining no 41 Sunny Gardens Road and would be further obscured from view upon approach from the north and south of Sunny Gardens Road by way of the projecting two storey front gables at both the application site and adjoining no 41 Sunny Gardens Road. Given the above circumstances, the development would not compromise the visual amenities of the wider streetscene or the character and appearance of the property and local area.

The two storey side extension was constructed non in accordance with the approved plans following the appeal decision and as such, the hipped roof is higher than that shown on the approved plans under H/00105/13 however it is considered that this discrepancy would not give rise to harm to the streetscene. Given site circumstances, the development would not compromise the residential amenity of adjoining properties on the grounds of loss of light, outlook and privacy.

A condition has been attached to ensure that the function of the TV room is used for ancillary purposes and no other purposes involving sleep, eating or living functions. This would ensure that the occupancy level is consistent with approved plans ref H/00105/13. This would therefore ensure the safeguard of neighbouring amenity in terms of noise and disturbance of comings and goings and additional off-street parking/congestion. Completion of works in accordance with approved plans would be equally verified by the Planning Enforcement officer for the resolve of enforcement case ref ENF/01146/17.

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

Material planning concerns raised have been adequately addressed in the main body of the report.

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

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

#### **7. Conclusion**

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



SITE LOCATION PLAN  
AREA 2 HA  
SCALE: 1:1250 on A4  
CENTRE COORDINATES: 523068 , 189687



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## Appeal Decision

Site visit made on 10 April 2014

**by Paul Smith BA(Hons) BSc(Hons) MRTPI**

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

**Decision date: 3 June 2014**

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**Appeal Ref: APP/N5090/A/13/2208810**

**43 Sunny Gardens Road, Hendon, London, NW4 1SL**

- 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 Mr Derren Hamilton against the decision of the Council of the London Borough of Barnet.
  - The application Ref H/00105/13, dated 7 January 2013, was refused by notice dated 19 June 2013.
  - The development proposed is two storey extension to the flank and rear of existing semi-detached two storey residential building to form 4 no. self-contained flats with associated landscape and car parking, demolition of existing single storey parts of two storey residential building.
- 

### Decision

1. The appeal is allowed and planning permission is granted for two storey extension to the flank and rear of existing semi-detached two storey residential building to form 4 no. self-contained flats with associated landscape and car parking, demolition of existing single storey parts of two storey residential building, at 43 Sunny Gardens Road, Hendon, London, NW4 1SL in accordance with the terms of the application, reference H/00105/13, dated 7 January 2013, subject to the following conditions set out in the Schedule attached to this decision.

### Application for Costs

2. An application for costs was made by Mr Derren Hamilton against the Council the London Borough of Barnet. This application is the subject of a separate Decision.

### Procedural matter

3. As part of this appeal the appellant has submitted an amended plan (drawing no 1033/02 Revision E) indicating the sound proofing of the party wall between the appeal property and No 41 Sunny Gardens Road. The Council and local residents have had the opportunity to comment on this plan and I am satisfied that these parties would not be disadvantaged by my consideration of the plan in the appeal before me.

## **Main issue**

4. The main issue in this appeal is the effect of the proposal upon the living conditions of occupants of No 41 Sunny Gardens Road in respect of noise generation and disturbance.

## **Reasons**

5. The appeal property is a two storey semi-detached dwelling which has been subdivided into three flats although only two of these flats enjoy a lawful planning use. The front door and approach path to No 43 is alongside those of No 41 separated by a dense hedge. The neighbouring property No 41 is occupied by a single family. Elsewhere on this street, flats converted from dwellings are prevalent including No 45 which comprises two flats.
6. The appeal proposal entails the demolition of part of the existing building, the erection of mainly two storey side and rear extensions and the subdivision of the resultant building into four flats. All these flats would be accessed via the existing front door and a communal hall with the two first floor flats sharing the existing stairwell and hall at its head. The main living room of each flat including their kitchens would directly align with those of the flat above or below although the kitchen of one first floor flat would extend over the main entrance and hallway and adjoin No 41. The hallways and stairs of Nos. 41 and 43 adjoin each other with two proposed bedrooms adjoining No 41 at the rear of the building on both floors.
7. In the absence of substantial evidence to the contrary, I am satisfied that the sound proofing of the party wall in accordance with Building Regulations would ensure that the level of noise transmitted from No 43 would be unlikely to cause significant disturbance to the residents of the neighbouring properties.
8. The proposed communal rear garden, if appropriately demarcated and arranged, would be of sufficient size to meet the functional needs of the occupants of the proposed flats. The erection of a tall boundary fence, as proposed, would adequately screen residents of No 41 from the activities conducted within the communal garden. I am also satisfied that the retention of the front hedge between the main entrances of Nos. 41 and 43 would be sufficient to reduce the effect of the arrival and departure associated with the appeal proposal upon No 41.
9. Other converted properties in the street of a size similar to No 43 have tended to be sub-divided into fewer numbers of flats than is proposed with the appeal proposal. Whilst it is possible that the intensity of occupation of the proposal would be greater than in comparable properties in the area this fact alone is not of sufficient weight to justify alone the rejection of the appeal proposal.
10. My attention has been drawn to an appeal decision relating to the subdivision of No 73 Sunny Gardens Road to three flats. I have been provided with a copy of this appeal decision but not of the details of the scheme to which it relates or the circumstances of its approval. This decision is insufficient for me to determine the relevance of this earlier appeal decision to the current proposal. I note however that in contrast with the appeal before me, No 73 is a mid-terrace property attached to both of its neighbours and that it proposed a tripling of the number of dwellings. In any event, I must consider the appeal before me on its own merits.

11. I conclude that the appeal proposal would not result in a harmful degree of noise and disturbance detrimental to the living conditions of occupiers of No 41 Sunny Gardens Road. Consequently, it would accord with Policy DM04 of the Adopted Barnet Development Management Policies 2012 and the Council's draft Supplementary Planning Document: Residential Design Guidelines which amongst other things combine to resist development that generates unacceptable noise levels being located close to noise sensitive uses.

*Other matters*

12. Objections have been raised by some local residents to the scale, detailing and practicality of the proposed extensions, their effect upon light to the adjoining footpath and homes, views from neighbouring properties and their monetary value. The proposal would entail a substantial enlargement of the existing building although not to the front nor would it dominate the original building. The proposed rear extension would protrude modestly beyond the rear of No 41 and overall, the proposal would not have an adverse effect upon the character and appearance of the site, the surroundings or that of neighbouring properties. The effect of development upon property values is not a planning consideration to which I can apply weight.
13. Objections have been raised to the degree of overlooking of flats in No 45 and their gardens. However, I consider that the windows and mass of the proposal would be sufficiently distant from this neighbouring property as to avoid harm being caused to the living conditions of occupiers of No 45.
14. The proposal would not provide more car parking than currently exists but it would incorporate a covered area for bicycle storage to facilitate the use of sustainable modes of transport. Further, the appeal site lies within a Controlled Parking Zone (CPZ) which applies some control upon on-street parking in the locality. Whilst, local residents state that the CPZ is ineffective and that the proposal would exacerbate current parking difficulties in the street no substantial evidence has been provided to me to support this assertion. Under these circumstances, I do not consider that the proposal would add such an additional strain upon on-street car parking provision as to justify the dismissal of this appeal. I note that the Council has not objected to the provision for car parking and bicycle storage proposed with this scheme.
15. I do not consider that the planting of trees as indicated on the submitted layout plan would exacerbate safety public or residents given the existing vegetation and lighting in and adjoining the site. The proposed tall close boarded fencing along the appeal site boundary would ensure security to occupants of the proposed development.
16. Third parties point out that the rear ground floor flat proposed would have its privacy compromised by the communal garden. At present, part of the communal garden closest to the building is reserved for the use of the ground floor flat by a wooden fence subdividing the rear garden. The appellant states that the communal use of the rear garden would not be changed from the current situation but the proposal does not show the retention of the dividing fence which ensures a private area for the ground floor flat. I agree with the Council that this point could be resolved by the imposition of a condition requiring details of the subdivision of the rear garden.

17. Although access to this garden for occupants of three of the four flats would be via the side public footpath this arrangement would be little more inconvenient to its users than were access provided within the site alongside the building.
18. From my observations and in the absence of substantial evidence to the contrary I consider that these issues raised by local residents are of insufficient magnitude as to constitute reasons for this appeal not to succeed.

### **Conclusion**

19. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed.

### **Conditions**

20. It is necessary to impose the standard implementation condition and for the avoidance of doubt and in the interests of proper planning I shall impose a condition defining the plans with which the scheme should accord.
21. However, I do not consider a condition requiring details of the proposed sound proofing of the appeal property is necessary as this issue would be addressed subsequently under Building Regulations.
22. It necessary to control the details of the proposed constructional materials of the extensions and the provision and retention of the proposed car parking, bicycle and bin storage facilities for the exclusive use of occupiers of proposal to ensure that the proposal is designed to a high standard. To protect the effect upon neighbours' living conditions, it is necessary to restrict the potential intensity of residential occupation of the appeal property by limiting the occupation of each flat to single people or by people to be regarded as forming a single household.

*Paul Smith*

INSPECTOR

## **CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing Nos. 1033/01 and 1033/02 Revision E dated November 2012.
- 3) No development shall take place until details of the materials to be used in the construction of the roofs and external walls of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The areas allocated for vehicular parking and the storage of bicycles on the approved plan drawing no. 1033/02 Revision E shall be provided, marked out, retained and kept available at all times for the purposes of parking vehicles and storage of bicycles respectively solely in connection with the residential occupancy of No 43 Sunny Gardens Road.
- 5) No development shall take place until 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. Development shall be carried out in accordance with the approved details and maintained thereafter in perpetuity.
- 6) Before the development hereby permitted is occupied details of the subdivision of the communal rear garden area shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained thereafter.
- 7) The development hereby permitted shall be occupied as self-contained residential units under Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose (including any other purposes under Class C3 or C4 of the same Order or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order, with or without modification).

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**Location**                    **62 Brent Street London NW4 2ES**

**Reference:**                **17/6080/FUL**

Received: 25th September 2017

Accepted: 17th October 2017

Ward:                        Hendon

Expiry 12th December 2017

Applicant:                Mr D Kohali

Proposal:                Retention of wooden enclosure to the front of the property  
(Retrospective Application)

AGENDA ITEM 7

**Recommendation:** Refuse

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 enclosure to the front of the property by reason of its size, siting, design and materials used in construction results in a visually obtrusive and incongruous addition to the property detrimental to the character and appearance of the property and the surrounding area, contrary to policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 and Supplementary Planning Document: Residential Design Guidance 2016.

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In

accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

2 The plans accompanying this application are:

4709/P001

Design and Access Statement

## **Officer's Assessment**

### **1. Site Description**

The application site relates to a detached property currently in use as a Synagogue and community centre, as approved under H/04830/11 on Brent Street. This is situated in the ward of Hendon. This part of Brent Street to the south of the junction with Queens Road is predominantly residential compared to the north of Brent Street characterised by commercial premises.

The property is not listed or situated within a conservation area.

### **2. Site History**

Reference: H/05950/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 11 December 2014

Description: Variation of condition 1 (Approved Plans) pursuant to planning permission H/00939/14 dated 30/04/2014 for "Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance". Alterations to include increase height and width of the roof and increase width of the rear dormers.

Reference: H/00939/14

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 30 April 2014

Description: Alterations to roof including replacement and increase of ridge height, 1 no. front roof-light, 1no. dormer to both sides and 2no. rear dormers to facilitate a loft conversion to the existing synagogue. Omission of existing front entrance and installation of new window to match existing. Single storey front/side extension following demolition of existing garage and creation of new front entrance.

Reference: H/04830/11

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 5 June 2013

Description: The demolition of buildings at 62-64 Brent Street and construction of a new synagogue and community centre at ground and first floors with residential unit on second floor.

Reference: W10557C/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 27 June 2000

Description: Increase in height of roof of building to give the appearance of an additional floor. Alterations to the front elevation.

Reference: H/00912/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 3 June 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557E/03

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 4 June 2003

Description: Demolition of existing building and erection of new two storey building plus basement with associated changes to parking.

Reference: H/03856/09

Address: 62 Brent Street, London, NW4 2ES

Decision: Refused

Decision Date: 15 December 2009

Description: Demolition of existing synagogue and erection of new two storey synagogue plus rooms in the basement and 2No. flats in the roof space. Associated parking.

Reference: W10557D/00

Address: 62 Brent Street, London, NW4 2ES

Decision: Approved subject to conditions

Decision Date: 23 April 2001

Description: Increase in height of roof of building to give the appearance of an additional floor, single-storey side extension and alterations to front elevation.

### **3. Proposal**

The proposals under this application include:

-The retention of a wooden enclosure to the front of the property. This wooden enclosure would measure a height of 3 metres from the natural highest ground level. However, due to the natural sloping ground level of Brent Street, at the lowest ground level that the application site benefits from, the wooden enclosure to the front of the property would measure a maximum height of 3.75 metres.

### **4. Public Consultation**

Consultation letters were sent to 35 neighbouring properties.

9 responses were received during consultation amounting to 9 letters of objections which can be summarised as follows:

- The excessive height of the wooden enclosure over 2 metres and therefore, oversized.
- The fence being uncharacteristic of the area
- The proposal being a roofed structure, with joists, or an extension rather than an enclosure.
- The wooden enclosure not being compliant with regulations and guidelines
- The negative visual impact of the wooden enclosure
- The property has a rear extension which fails to benefit from planning permission.
- The planning history of the applicant and the application site
- The structure presenting a fire hazard
- The enclosure being used to hide activity on the site

The application was called to committee by Councillor Mark Shooter on the 8th December 2017 in the event that it was recommended for refusal to have the planning merits of the application fully assessed.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2015

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

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

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for

adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted April 2013)

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

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

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

##### Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

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

## **5.2 Main issues for consideration**

The main issues in this case are considered to be covered under two main areas:

### **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).

Policy DM01 of the Barnet Development Management Policies (2012) states 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.

Similar guidance that seeks good design for walls, fences and gates is set out in the Council's Design Guidance Note 9: Walls, Fences & Gates 1994 and Barnet's Residential Design Guidance SPD (2013).

Paragraph 6.16 of the Residential Design Guidance SPD (2013) states that 'In most cases, the fronts of houses should generally remain open to view in order to increase natural surveillance to the street, therefore walls, fences and hedges defining the fronts of properties should be kept low. Boundary treatments such as high railings and gates can be obtrusive and have a negative impact on the streetscene by conveying a sense of severance and overbearing...front boundaries should reinforce the prevailing character of the streetscape, especially where a continuous uniform treatment forms a distinctive character,' whilst paragraph 6.17 of the aforementioned document states that 'The permitted height of a means of enclosure is generally 1 metre adjacent to a highway and 2 metres elsewhere'

Due to the height of the boundary treatment in situ, the boundary treatment is found to contravene the above due to its' height of 3 metres from the highest natural ground level which increases to a maximum height of 3.75 metres where the natural ground level of Brent Street falls to the south. The height of the wooden enclosure to the front of the property would be a maximum of 2.75 metres above the guidelines outlined for fences adjoining the highway. It is found that a fence of this height, viewable from a prominent highway within the local area, detracts from the appearance of the existing property and hides most of the front of the property from the streetscene through its incongruous development.

With regards to the character of the area, the general character of the area is reflective of front boundary treatments typically 1 metre or below. This is visible at the neighbouring property of No. 64 Brent Street which has a significantly lower boundary treatment than the wooden enclosure to the front of the host site which is continued to the north of Brent Street until the residential properties meet the commercial premises of Brent Street. No. 1 The Approach which sits at the junction where The Approach meets Brent Street also benefits from a low sited wall with metal railings which allow the property to be visible from the street scene and does not appear overbearing or obtrusive, like the height of the wooden enclosure to the front of the host property would appear. These railings follow as the street scene falls in its natural ground level to the south at No. 1 - 28 Ambassador Court; 44 Brent Street and the following properties.

Whilst it is noted that boundary treatment higher than 1 metre exists at the neighbouring property of No. 3 The Approach, from a site visit, it is noted that this sits significantly lower than the proposed wooden enclosure. The fence at this property also falls with the sloping ground level and therefore, follows the natural characteristics of the surrounding area. In comparison, the wooden enclosure at the host property remains a uniform height and fails to respect the natural falling ground level and as such would appear visually obtrusive even next to the higher than generally permissible fence at the neighbouring property.

No. 62 Brent Street looks on towards Brent Green with properties adjoining this streetscene. No. 1 and 2 Goodyears Gardens benefit from side elevations which face

Brent Green and are viewable from the host site. These have higher fences located to the side of their site boundaries however, as these are set rearward of the principal elevation of the property and are used for enclosure of the rear amenity space. To the front of these properties, along the boundary to the side elevation, the fences drop in height and lower in respect to the natural sloping ground level to a sympathetic height which do not appear visually obtrusive or unduly harm the character and appearance of the area or these host properties. Similarly to the host property, a place of worship is located facing towards Brent Green which benefits from a boundary treatment below 1 metre.

As such the wooden enclosure would be seen as an obtrusive and overbearing form of development facing the highway of Brent Street. Its height fails to respect the sloping ground level of the area and results in unduly harm on the character of Brent Street and the surrounding area.

Furthermore, the proposed wooden enclosure includes a canopy which stretches from the principal elevation of the property and meets the fence that abuts the front of the site boundary. This canopy heightens the sense of enclosure that the high boundary treatment has created and results in a loss of light to windows to the front of the Synagogue. As such it is found that the wooden enclosure unduly harms the amenities of the host property. An enclosure of this sort would also fail to be characteristic of the surrounding area. Although, the neighbouring property of No. 3 The Approach has a canopy that fronts Brent Street to the side of their property, this would not appear characteristic of the surrounding area and is situated at a lower height than the application site which is more respectful of the falling ground level.

Whilst the council is sympathetic to the concerns over increased security threats to the Jewish Community and have noted the concerns submitted with the Design and Access Statement submitted with the application, including the prominence of the site facing a highway and in open view of the roundabout, the council must also take a balanced view when deciding planning applications. However, the proposed fence exceeds this height and the height for boundary treatment outlined in the Residential Design Guidance significantly. It is found that the height which the applicant is proposing the wooden enclosure to be retained at would be considered to adversely harm the character of the area.

#### **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. Any subsequent application should include plans demonstrating how this has been achieved.

It is noted that the neighbouring site at No. 64 benefits from significantly lower boundary treatment. However, this site sits at a higher level than the host property with the hardstanding at the front also built at a higher level than the street scene. As such, it is not found that the significant height of the boundary treatment to the front of the property would have a detrimental impact on the users of this property, particularly as this is not a residential property and appears to be in use as a D1 class use from planning history.

The host property also adjoins the neighbouring property of No. 3 The Approach. Whilst this property benefits from a higher fence than usually considered acceptable, as aforementioned this sits approximately over a metre lower than the fence at its maximum



height of 3.75 metres from the lowest natural ground level of this site. The host property sits at a naturally higher level than this neighbouring property, as such it is considered that the wooden enclosure has a overbearing impact on the neighbouring property resulting in a sense of enclosure and loss of light to the neighbouring occupiers at No.3 The Approach.

## **5.4 Response to Public Consultation**

### **The excessive height of the wooden enclosure over 2 metres**

A concern was raised through numerous objections about the overbearing and obtrusive height of the wooden enclosure which exceeds 2 metres in height. The height of the wooden enclosure has been considered in the body of the report and it would be found to be visually obtrusive and an incongruous addition to the front of the property.

### **The enclosure being uncharacteristic of the area**

Another issue raised as a result of the consultation period was that the enclosure is uncharacteristic of the surrounding area. An assessment was made in the section of the main areas for consideration part of the report that the wooden enclosure to the front of the property would be out of character with the surrounding area due to no other property benefiting from boundary treatment of this height whilst enclosures are also uncharacteristic.

### **The proposal being a roofed structure, with joists, or an extension rather than an enclosure**

Throughout the consultation period, an issue was raised that the proposal constitutes a front extension to the property due to its roof which forms an enclosure to the front. The canopy that extends from the principal elevation to meet the boundary treatment to the front of the property has been assessed within the body of the report and is considered to result in a loss of light on the property but also appearing overdeveloped and not considerate of the established character of the surrounding area.

### **The wooden enclosure not being compliant with regulations and guidelines**

In terms of boundary treatment, within the Residential Design Guidance SPD, it states that the permitted height of enclosure is generally 1 metre adjacent to a highway. The proposed boundary treatment to the front of the property therefore, contravenes this guidance by being a maximum of 2.75 metres above this permitted height to the front of the property. Furthermore, the SPD also states that 'front boundaries should reinforce the prevailing character of the streetscape' which in this case the proposed enclosure would appear an overdevelopment of the front amenity space of the property and would not reinforce the prevailing character of the street.

### **The negative visual impact of the wooden enclosure**

As discussed in paragraph 5.3, the wooden enclosure is seen to have a detrimental visual impact on the appearance of the property and the character of the surrounding area due to its excessive height. This is due to it appearing visually obtrusive and incongruous in its scale and siting to the front of the property.

### **The rest of the property having little regard for planning permission**

From conducting a search on the site history for the property, it appears that the property has gone through extensive changes which have gained approval from planning permission.

### **The property has a rear extension which fails to benefit from planning permission**

The rear extension is not part of this proposal and therefore, whether planning permission currently exists for this would not be a material consideration in assessing this application.

### **The planning history of the applicant and the application site**

Whilst the site history of the application site is often explored and researched when assessing a new application, the history of the applicant and the applications submitted by them is also not a material consideration in assessing the application in question.

### **The character of other synagogues**

Objections were also raised highlighting that other synagogues do not need other fences so high and instead use other materials for security measures. The use of materials as boundary treatment to other synagogues in general would not be a material consideration, unless these synagogues were situated in the general locality of this property.

### **The structure presenting a fire hazard**

The structure presenting itself as a fire hazard would need assessment from Building Regulations and would not be a material consideration towards this planning application.

### **The enclosure being used to hide activity on the site**

The activity that is happening on site, as long as it is all part of the current use of the building, would not be a material consideration in assessing this application.

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

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

## **7. Conclusion**

Having taken all material considerations into account, it is found that the proposal would not be in keeping with the character and appearance of the surrounding area and Brent Street and would fail to comply with the Residential Design Guidance SPD. As such, this application is therefore recommended for REFUSAL.

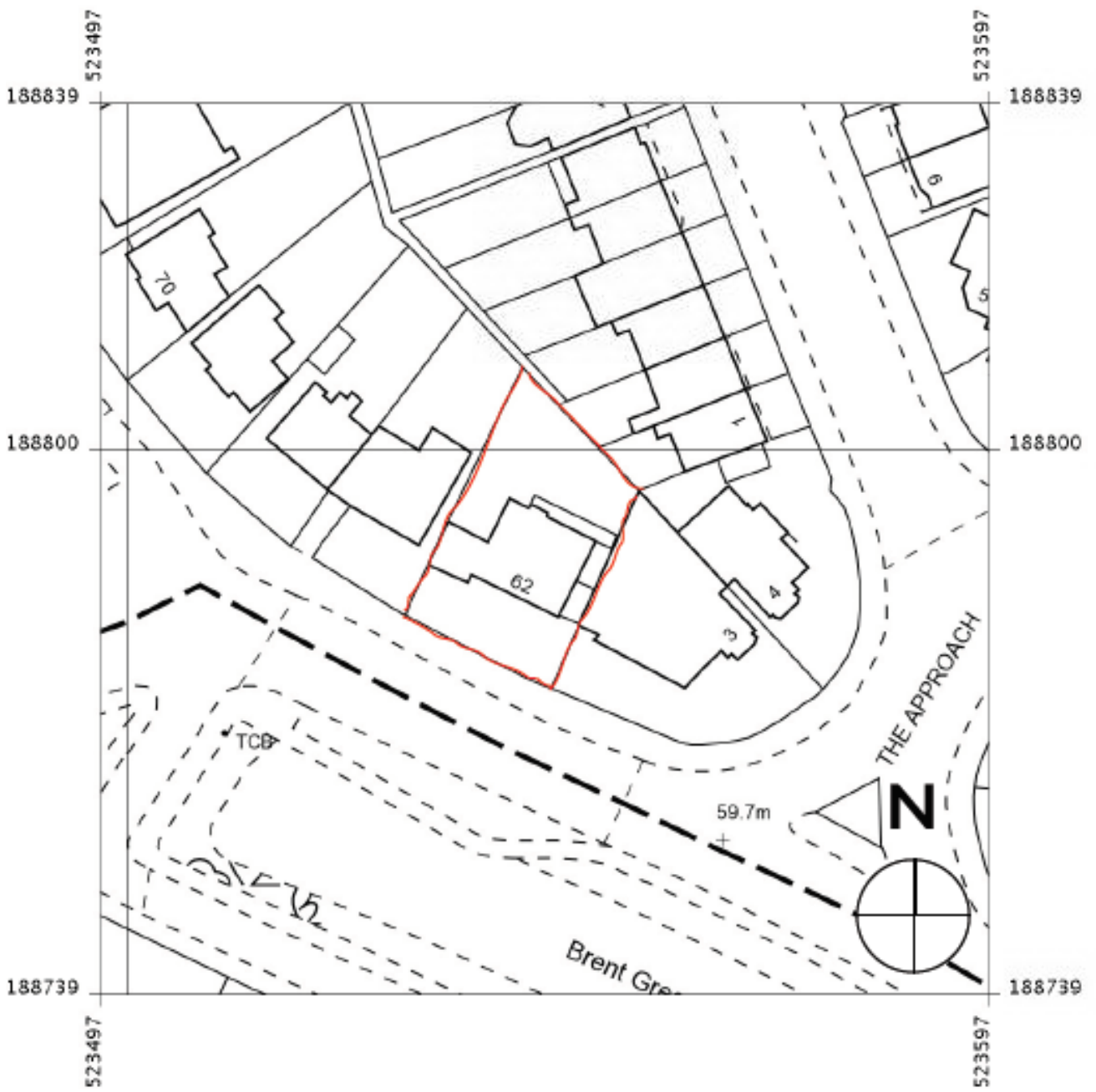
## **8. Conditions should the application gain approval**

1) The development hereby permitted shall exist in accordance with the following approved plans:

4709/P001

## Design and Access Statement

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).



**Location**                    **2 Sherwood Road London NW4 1AD**

**Reference:**                **17/6748/FUL**

Received: 24th October 2017

Accepted: 25th October 2017

Ward:                        Hendon

Expiry 20th December 2017

Applicant:                 Mr & Mrs Green

Proposal:                    Demolition of an existing dwelling and erection of a two storey dwelling with basement level. Associated cycle store, refuse and recycling, parking

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

Site Survey, Dwg No. S1

Proposed Basement Floor Plan, Dwg No. 612.G.100, Rev D

Proposed Ground Floor Plan, Dwg No. 612.G.101, Rev E

Proposed First Floor Plan, Dwg No. 612.G.102, Rev C

Proposed Second Floor Plan, Dwg No. 612.G.103, Rev A

Proposed Front Elevation, Dwg No. 612.G.110, Rev B

Proposed Rear Elevation, Dwg No. 612.G.111, Rev B

Proposed Side Elevations, Dwg No. 612.G.112, Rev B

Planning Statement

Bat Survey Report by Hankinson Duckett Associates, dated October 2017, Doc No. 703.21

Arboricultural Development Report by tree:fabrik, dated 18 October 2017, Doc No. TF/DR/1043

Sustainability Checklist

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 2016.

- 4 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 October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

- 6 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).

- 7 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).

- 8 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features

to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

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

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

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



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

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

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

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

15 a) No demolition, site works or works in connection with the development hereby approved shall be commenced other than in accordance with the recommendations and details of the protective measures to be implemented for the wildlife species protected by law and details of any mitigation measures including the timing of development works and special techniques set out in the 'Sherwood Road Bat Survey Report' by HDA, 703.21, dated October 2017.

b) The development and any mitigation measures shall be implemented and thereafter maintained in accordance with the approved details.

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

16 Except for the approved first and second floor terrace areas, the roof of the dwelling hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

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

1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The application site accommodates a large detached 2 storey dwellinghouse at 2 Sherwood Road, Hendon within a large irregular shaped plot. The property is located on a slight bend in the road and as a result the width of the plot increases down the property.

The surrounding area is residential; characterised by mainly large detached two / 2.5 storey houses within large plots.

The site backs onto a large flatted development, Downhurst Court and its car park. It should be noted that the neighbouring property at 4 Sherwood Road has been significantly extended including a deep ground floor rear extension.

The property is not listed, nor does it lie in a conservation area.

The site features a number of mature TPO trees along the rear and side boundaries.

Sherwood Road slopes upwards to the intersection with Downage to the south.

#### 2. Site History

Reference: TPM/0437/17

Address: 2 Sherwood Road, NW4 1AD

Application type: Treeworks: Mixed works to TPO trees

Decision: Approved subject to Conditions

Decision Date: 14.08.17

Description: 1 x Hornbeam (T13 in Arboricultural Survey by tree:fabrik) - Reduce crown spread over Downhurst Court site by 3 metres, (Remove large dead branch). Standing in group G3 of Tree Preservation Order.

Reference: TPF/0675/16

Address: 2 Sherwood Road, NW4 1AD

Application type: Treeworks: Fell TPO trees

Decision: Refused

Decision Date: 16.12.16

Description: 2 x Sycamore, 3 x Beech, 1 x Hornbeam, 1 x Scots Pine (applicant's ref. T1, T2, T3, T4, T5, T7, T8) - Fell. Standing in group G3 of Tree Preservation Order.

#### 3. Proposal

The application proposes demolition of the existing dwelling and erection of a 2.5 storey dwelling with basement, associated cycle store, refuse and recycling and parking.

At the basement level, the proposed development would have a footprint of approximately 25m. At the front elevation, the proposed basement footprint would have a width of 15m and a width of approximately 22 m at the rear elevation. The rear projection at the basement level would be exposed and visible from the rear garden in the context of the main dwelling house. It would have a height of approximately 4.0m above ground level but 7.7m above basement finished floor level.

The ground floor extension would project by 2.8m beyond the rear of 4 Sherwood Road while the main part of the dwelling house would only project by 2.4m from the principal rear elevation of the same property. The proposed dwelling is 6.2m deeper at ground floor than 2a Sherwood Road but approximately 2.8m from the rear elevation at the first floor level.

#### 4. Public Consultation

The application was called in to the Hendon Area Planning Committee by Councillor Braun, the Chair of the Committee.

Councillor Braun's planning reason for calling the application in is that she is of the opinion that the proposed property is very much larger than its neighbours in all directions and as such considers that it is for the committee to determine the potential impact.

Consultation letters were sent to 68 neighbouring properties. 2 objections were received. The nature of the objection can be summarised as follows:

- No objection in principle to a new dwelling on site, just to the sheer scale of the dwelling proposed
- The proposed dwelling extends significantly further to the rear across all levels than adjoining dwellings resulting in an overbearing impact and adverse visual impact when viewed from neighbouring dwellings
- Proposed balconies at upper floor levels would result in actual/perceived overlooking to neighbouring properties
- The sheer extent of the basement level proposed gives cause for concern with respect to drainage issues and the structural stability of neighbouring properties
- Existing Plans and Elevations do not appear to be to scale
- No Daylight / Sunlight Assessment has been submitted
- It appears that a number of air conditioning / mechanical plant are proposed on the north elevation facing No. 4 Sherwood Road where there are habitable room windows presenting potential for adverse noise impact to the occupants of No. 4.
- The planning application should be accompanied by a drainage statement given the extent of the basement proposed
- The Tree survey neglects to discuss uses relating to the plasticity value of soil on the site. Given the extent of basement work proposed the removal of natural earth may result in damage to trees / subsidence damage to neighbouring properties.
- The scale of the proposed dwelling is unprecedented on Sherwood Road with the two front gable pitched roof projections each containing a window at essentially third floor level mean the dwelling is perceived as being 3 storeys.
- The site is at the high end of Sherwood Road, thus a dwelling higher than surrounding properties would be particularly prominent
- The bulk, massing and scale of the proposed dwelling is out of keeping with the established streetscene
- At ground floor level the proposed dwelling would extend beyond the rear building line of No. 4 by in excess of 3m with a wall height of 4m. The ground level of No. 2 is almost 1m higher than No. 4 and this would exacerbate the overbearing impact.
- The proposed basement extends a significant degree beyond the footprint of upper floors and the volume at approx. 494 sq m is almost equal to the volume of the proposed upper floors combined and larger than most of the houses on the street. Furthermore no details have been provided with regards soil and drainage associated with the construction of the basement.

- Two substantial balconies are proposed. These have potential for overlooking and adverse noise impacts to No. 4 Sherwood Road.
- According to the submitted landscape plan it is proposed to form the boundary fronting Sherwood Road by way of a 1.7m high metal slide gate, 1.7m high pedestrian gate and 2m high hedge behind a wall and piers. This would screen off the dwelling from the Road in a way that is unprecedented in the area.
- Rear building line extends far into the rear garden which has potential to be very imposing and impact on outlook and result in loss of light
- Proposed balconies will result in overlooking / loss of privacy
- Concerned about potential collateral damage arising from the proposed basement, such as drainage and subsidence issues
- Other than those concerns we are happy with the design of the property

## 5.1 Policy Context

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

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

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

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

### The Mayor's London Plan 2016

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

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

### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

### 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 street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwelling.
- Trees, Landscaping and Ecology

### 5.3 Assessment of proposals

Pre-app 17/8461/ENQ

Pre-application advice was issued in August 2017. The response issued was positive subject to minor suggested changes and requests for additional information to be submitted at planning application stage.

#### Application proposal

The application proposes to demolish the existing house and erect a new house that features:

Basement - swimming pool, games room, pool room, gym, utility room  
Ground floor - kitchen/dining, lounge/dining, utility room, study, TV room  
First Floor - bedroom x 3, bathroom x 3, study, laundry room  
Second Floor - bedroom x 4, bathroom x 4  
2 x off-street car parking spaces accessed from Sherwood Road  
5 x cycle storage spaces  
Garden terrace  
Over 1,200m<sup>2</sup> of outdoor amenity in the rear garden  
Refuse storage (4 bins).

Given that the surrounding area is characterised by large detached properties of 2 / 2.5 storeys, a replacement 2.5 storey (plus basement) dwelling is considered to be acceptable in principle.

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



The proposed 2.5 storey house features two projecting gable-ended bays that are commensurate with the massing and style of surrounding buildings.

The large Georgian bar windows and portico also assist in reducing the appearance of scale through the use of detailing, which is reflective of the prevailing architectural vernacular.

The submitted Existing and Proposed Street View drawing show that the maximum / ridge height of the proposed dwelling would be below that of the existing house and at the same height as the maximum height of the neighbouring property No. 4 Sherwood Road.

The front building line of the proposed dwelling aligns with the neighbouring properties and is consistent with the existing building line.

There are currently gaps between the existing house and neighbouring properties No. 4 and No. 2a and this is characteristic of the surrounding area. The proposed dwelling is set back over a metre off the neighbouring boundaries at the front, meaning that a 2m gap would be maintained to No. 4 and a significant gap would be maintained to 2a, due to 2a's attached single storey garage.

Whilst the proposed basement would extend beyond the footprint of the house, Para 12.2 of the Residential Design Guidance SPD states that "For new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden".

The proposed basement extends approximately 8m beyond the proposed rear wall, however as the proposal is for a large house within an extensive plot this is considered to be acceptable in this case, subject to suitable screening of the sunken terrace and lightwell. A condition requiring submission and approval of a drainage strategy is proposed.

The proposed development projects significantly beyond the established ground floor rear building line, however, this building line has been punctuated by significant extensions at ground floor and first floor elsewhere in the street which extend to a similar scale and size.

Due to their centralised positions, it is considered that the proposed 1st and 2nd floor roof terrace / balcony are acceptable subject to suitable privacy screening to prevent overlooking of neighbouring rear gardens. A suitable planning condition is proposed accordingly.

At the pre-application stage, officers requested that the extent of the proposed hard surfaced rear terrace be reduced to reduce the visual impact of the built form, to maintain the landscape quality of the site as a whole and to sustain the existing verdant character of the street.

The extent of the proposed hard surfaced has now been reduced and moved away from the boundary with No. 2a and is now considered to be acceptable. A very large garden will remain. Landscaping is proposed to screen the sunken terrace and lightwell.

Overall it is considered that the proposed development would not have an unacceptable impact on the streetscene or the wider locality.

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

New development should have due regard to the amenity of existing occupiers in neighbouring buildings.

Any development should ensure that the amenities of neighbouring occupiers are respected. The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the length of the garden, it is not considered that the building would result in overlooking / loss of privacy to the flats at the rear, nor to the houses on the opposite side of Sherwood Road.

The proposed dwelling has set back by between 1.3m and 4.2m from the side boundaries (given the irregular shape of the block).

The proposed dwelling extends approximately 6.0m past the rear elevation of No. 2a at ground floor (set back approximately 2.0m from the side boundary). Due to the separation resulting from the existing garage at 2a it is not considered that the proposal would have an unacceptable impact on the residential or visual amenity of the occupiers of this neighbouring property. At first and second floor the proposed dwelling is set further away from the side boundary with 2a and it is not considered that unacceptable impact would arise.

The proposed development extends 3.0m past the single storey rear extension to No. 4 Sherwood Road at ground floor level, set back 2.0m from the shared side boundary. At first and second floor the proposed dwelling is set further away from the side boundary. As such it is not considered that the scheme would unacceptably impact the residential or visual amenity of the occupiers of 4 no. Sherwood Road.

Ground and first floor windows serving the staircase are proposed in the side elevation facing 2a Sherwood Road which has obscure glazed windows in its facing side elevation at first floor level.

Ground floor windows are proposed in the side elevation of the proposed lounge area facing No. 2a, these would be screened by the existing boundary fence and proposed cycle store.

As such it is not considered that there would be any unacceptable loss of privacy to the occupiers of 2a.

Ground and first floor windows serving a utility and laundry room are proposed in the side elevation facing 4 Sherwood Road which has ground floor windows in its facing side elevation but none at first floor level.

A ground floor window is also proposed to the side elevation of the kitchen dining room serving the internal staircase down to the basement. Due to the non-habitable nature of the rooms that these windows serve it is not considered that any unacceptable loss of privacy would arise through actual or perceived overlooking. The window would also be screened by the existing close boarded boundary fence.

The neighbouring properties Nos 4 and 2a Sherwood Road have been extended in various ways and it is not considered that the proposed dwelling would have a detrimental impact on the amenity of the neighbouring occupiers.

It is not considered that the proposed development would result in unacceptable loss of sunlight or daylight to any neighbouring properties.

Due to their central positions, it is considered that the first and second floor terrace / balcony are acceptable with suitable privacy screening.

Overall, it is considered that the amenity of the neighbouring occupiers is maintained.

Whether the proposals would provide suitable living conditions for future occupiers of the proposed dwellings.

The proposed scheme offers ample amenity for future occupiers. The rear garden is considerable, and for the most part being retained for practical amenity as well as to preserve the existing mature vegetation. Improvements to the garden include a terraced area of approximately 75m<sup>2</sup> and a sunken terrace which provides direct access to the basement level. Internally the scheme offers opportunities for recreation by way of multiple living areas, including a pool, gym, pool room, and TV room. Most of these areas - and all of the habitable rooms - benefit from an un-obscured outlook and natural light. Every bedroom has been designed to allow for good access to outlook and natural light (and meet the minimum standards for GIA and operational width as set out in the accompanying Sustainability Checklist).

Overall, it is considered that the proposed dwelling would provide suitable living conditions for future occupiers.

#### Amenity Space

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that dwellinghouses with more than seven habitable rooms require 85 m<sup>2</sup> of private amenity space. The large garden that forms part of the proposal far exceeds this minimum requirement and is therefore acceptable in this respect.

#### Trees, Landscaping and Ecology

There are a number of TPO trees within the application site. None of these are proposed to be removed.

An Arboricultural Development Report, Landscape Proposals drawing and Bat Survey Report were submitted with the application.

The Council's Arboricultural Consultant reviewed the submitted information and commented as follows:

#### Trees

"Pre application notes were provided on this development proposal in August 2017 following a site visit.

The key findings in the report were that trees on the boundaries are an important element to ensuring the new larger building is softened into the landscape and that these trees were not in a good condition.

The applicant has provided an extensive landscape plan with new tree planting around the boundary of the site in the rear garden. The trees are in character with the local area and this approach is supported.

Large trees are present but are all located outside the development zone. One small apple tree will be removed resulting in a negligible loss of visual tree amenity.

The submitted arboricultural method statement provides sufficient measures to ensure retained trees will not be harmed throughout the development phases.

Recommendation: The submitted arboricultural method statement and tree protection plan is fully implemented throughout all phases of the development."

A suitable condition will be attached to any planning permission issued.

### Landscaping

"At the front of the property Bay (*Laurus nobilis*) hedgerow is proposed. This is a quick growing species that produces a prolific amount of suckers that can damage footways and spread into neighbouring properties. Due to this, it would be better to use *Taxus baccata*, or *Viburnum tinus* as a hedgerow species.

In the rear garden *Ailanthus altissima* is proposed (T7) this tree readily selfseeds and as it is located close to the boundary planting *Juglans nigra* or *regia* (walnut) which is similar in nature would be a better tree choice.

All other species, size and density proposed are acceptable and will help provide long term visual tree amenity that has become lessened over the years. The new planting will also provide quality screening between neighbouring properties.

Tree planting in the rear garden outside the development zone should be initiated as soon as possible between October and March before development commences. This is to enable trees to establish ahead of the completion of new building.

Recommendation: The submitted landscape plan is updated to take account of the above comments. This can be done as a condition of any planning permission granted".

A suitable condition will be attached to any planning permission issued.

### Ecology

"A historic bat roost was found within the building and the trees had moderate value for bat roosting.

Just prior to demolition the building must be checked for roosting bats by an ecologist as recommended within the report. The provision of ecological enhancements should be taken by providing bat boxes on the new building.

No trees with bat roosting potential will be removed for this development.

Recommendation: All the recommendations made within the ecological report by HDA are fully implemented. Including mitigation measures to prevent harm to bats."

A suitable condition will be attached to any planning permission issued.

### Highways

As a house with 4 or more bedrooms the proposed development is required to provide 2 no. off-street car parking spaces in accordance with policy DM17.

There is sufficient space on the front drive to accommodate 2 no. cars and the proposal is therefore acceptable in this respect.

The parking layout shown on the proposed drawings would require the relocation of the existing crossover. A separate crossover application would therefore need to be made to the Highways department.

A condition will be attached to any planning permission issues requiring the submission and approval of the car parking layout.

### Cycle parking

5 cycle parking spaces are proposed in a store to the side of the proposed dwelling. This level of provision exceeds the minimum London Plan requirement and is therefore acceptable. A condition will be attached to any planning permission issued in order to ensure provision of secure cycle storage.

### Refuse Storage

Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building. In this instance the applicant has shown refuse storage facilities provided to the side of the proposed dwelling within its curtilage and a condition will be attached for the submission and approval details of refuse and recycling storage facilities to ensure bins are stored in the designated approved storage area, other than on collection days.

### Boundary Treatments

The proposed drawings indicatively show a sliding vehicular gate, front boundary wall and pedestrian gate. A condition will be attached to any planning permission issued requiring specific details (including wall and gate heights) of boundary treatments to be submitted and approved.

### 5.4 Response to Public Consultation

Addressed elsewhere in this report and by way of proposed planning conditions.

### 6. Equality and Diversity Issues

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

## 7. Conclusion

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



<b>Location</b>	<b>Site Of The Former 'White Bear' Public House, 56 The Burroughs London NW4 4AN</b>		<b>AGENDA ITEM 9</b>
<b>Reference:</b>	<b>17/7208/FUL</b>	Received: 13th November 2017 Accepted: 13th November 2017	
Ward:	Hendon	Expiry 8th January 2018	
Applicant:	Platinum Riverside Limited		
Proposal:	Demolition of the former White Bear Public House (retrospective). Erection of a three-storey building comprising 7no. self-contained flats with associated amenity space and landscaping, refuse storage and basement car and cycle parking		

**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: 708/P/02 RevB; 708/P/04 RevA; 708/P/03 RevA; 708/P/06; 708/P/07 RevA; 708/P/08 RevA; 708/P/01; Henry planning - planning statement, heritage statement; design and access statement.

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), hard surfaced areas and new windows 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 2011.

4 a) No development other than demolition works shall take place until details at scale 1:10 of the proposed replacement chimneys 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 2011.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

6 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 2016.

- 7 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).

- 8 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

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

- 9 Before development hereby permitted is occupied, parking spaces, cycle parking and turning spaces shown on plan number 2 (12)-01 B shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 10 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 October 2016) and 7.21 of the London Plan 2016.

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

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

- 12 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

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

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

- 14 Prior to the commencement of development, details of the traffic lighting system to control access to and from the basement parking area shall be submitted to and approved in writing by the local planning authority. The approved system shall be installed prior to the first occupation of the units hereby approved, and shall remain in service thereafter.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 15 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).

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

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

- 17 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.

- 18 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.

- 19 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.

- 20 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

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

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

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

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012),

the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2016.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £42525.00 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 £164025.00 payment under Barnet CIL.

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to

commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

#### Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

3 The London Fire Brigade strongly recommends that sprinklers are considered for new developments and major alterations to existing premises.

4 With regard to surface water drainage it is the responsibility of a developer to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. The contact number is 0800 009 3921. Reason

- to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.
  
- 6 Legal changes under The Water Industry (Scheme for the Adoption of private sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes we recommend you email us a scaled ground floor plan of your property showing the proposed work and the complete sewer layout to [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) to determine if a building over / near to agreement is required. No piling shall take place until a piling method statement (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement. Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to impact on local underground sewerage utility infrastructure. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the details of the piling method statement. 'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by email [riskmanagement@thameswater.co.uk](mailto:riskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The application site was formerly featured a two storey, detached building which features extensions on its rear. It should be noted that demolition works have been carried out and the pre-existing building no longer occupies the site. The site is currently boarded up whilst works have been halted.

The application site is prominently located on the junction between Brampton Grove and The Burroughs. The site is located in The Burroughs Conservation Area and features a TPO tree on the northern section of the site.

The property sits between a 6-storey apartment block (Raffles House) on Brampton Grove and a terrace of 2-storey buildings (with roof pitch rooms) on The Burroughs (Nos. 44-54). Directly opposite the site and on the northern side of Brampton Grove is a 4-storey apartment block (Brampton Court) with a 2-storey terrace of commercial buildings fronting The Burroughs to the east. Brampton Grove is an entirely residential street consisting principally of two storey detached houses with large front gardens and driveways beyond Raffles House.

#### 2. Site History

Planning Number: H/00703/14

Validated: 27/02/2014

Type: APF

Status: WDN

Date: 24/04/2014

Summary: WIT

Description: Partial demolition to the side and rear. Part single, part two storey side/rear extension to facilitate 7no. self-contained residential units. Extension of existing basemen level, including new ramp access to provide 10no parking spaces, storage and cycle store. Alterations to existing roof including 1no. side roof-light to extend existing loft. Associated hard and soft landscaping, refuse facilities.

Planning Number: H/00980/11

Validated: 24/03/2011

Type: APF

Status: APD

Date: 30/11/2011

Summary: DIS

Description: Change of use from car park associated with restaurant to car sales including erection of a portakabin.

Planning Number: H/02331/12

Validated: 25/06/2012

Type: APF

Status: APD

Date: 05/12/2013



Description: Demolition of the existing building and construction of a new development at 2 storeys plus rooms in pitched roof providing 8 residential apartments and basement car parking.

Planning Number: H/02332/12

Validated: 25/06/2012

Type: CAC

Status: APD

Date: 05/12/2013

Description: Demolition of the existing building and construction of a new development at 2 storeys plus rooms in pitched roof providing 8 residential apartments and basement car parking.

Planning Number: H/02981/10

Validated: 17/08/2010

Type: APF

Status: DEC

Date: 05/11/2010

Summary: REF

Description: Demolition of existing building and erection of a part 3, part 4 and part 5 storey mixed-use building (plus two basement levels) comprising; a retail unit, 14 self-contained dwellings, landscaping and car parking.

Planning Number: H/02982/10

Validated: 17/08/2010

Type: CAC

Status: DEC

Date: 12/10/2010

Summary: REF

Case Officer: Graham Robinson

Description: Demolition of existing former public house building.

Planning permission was granted 11th September 2014 (ref: H/03826/14) for: "Partial demolition to the side and rear. Part single, part two storey side/rear extension to facilitate 7no. self-contained residential units. Extension of existing basement level, including new ramp access to provide 8no parking spaces, storage and cycle store. Alterations to existing roof including 1no. side roof-light to extend existing loft. Associated hard and soft landscaping, refuse facilities. "

Planning permission was granted 18th March 2015 or: "Variation of condition 2 (Plan Numbers) of planning permission H/03826/14 dated 11/09/14 for 'Partial demolition to the side and rear. Part single, part two storey side/rear extension to facilitate 7no. self-contained residential units. Extension of existing basement level, including new ramp access to provide 8no parking spaces, storage and cycle store. Alterations to existing roof including 1no. side roof-light to extend existing loft. Associated hard and soft landscaping, refuse facilities.' Variation to include extension of the south east gable and internal alterations to layout at first and second floors".

### 3. Proposal

The application relates to the demolition of the former White Bear Public House (retrospective). Erection of a three-storey building comprising 7no. self-contained flats with

associated amenity space and landscaping, refuse storage and basement car and cycle parking

#### 4. Public Consultation

Consultation letters were sent to 162 neighbouring properties.

2 responses have been received, comprising 2 letters of objection.

The objections received can be summarised as follows:

- Archaeological condition to be imposed.
- Concerned that any approval will not be complied with.
- The previous works including demolition of the whole building did not follow the planning permission and this may reoccur with any further consents in terms of the details of the site.
- The council did not act when whole building was demolished who will be responsible if this one deviates from the plans.
- The proposal should have timber insets to given the mock Tudor appearance and should not be painted on. This will look more genuine and more similar to the pre-existing building.

Comments were received from the Heritage Officer and amendments were made to reflect these comments and suggestions.

#### 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.

###### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

#### 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, DM06, 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

##### Differences between current application and previous consents

The differences between the current application and previous consents can be summarised as:

- Retrospective permission for the demolition of the whole building as opposed to partial demolition.

- Site Layout -additional car park vent.

- Basement - storage cupboards adjusted. Basement enlarged slightly on one corner. 8 parking spaces increased to 11 by providing tandem parking for three of the proposed flats.

- Ground Floor - side entrance and corridor removed allowing flat 1 to be increased in size. Internal layouts revised. First Floor Internal layouts revised.

- Second Floor - internal layouts revised.

Roof - Layout Revised to suit adjusted elevations.

- North West Elevation - roof scape / eaves adjusted as conflicted with other elevations - refer to structural engineer letter dated 27th October 2017

- South East Elevation Materials revised as conflicted with north east elevation. Chimney moved and increased in size to mask lift overrun. Dormer and chimney locations changed to suit lift overrun.

- South West Elevation Roof scape revised as conflicted with other elevations - refer to structural engineer letter dated 27th October 2017.

#### Impact on the character of the area

The main consideration in this case is whether the total demolition of the building is acceptable within The Burroughs Conservation Area and whether harm has been caused to the character of the area by the total demolition of the building. In considering the demolition of the building, it should be noted that the partial demolition has previously been consented.

In assessing the implications of the full demolition of the building, it should be appreciated that over the various consents at the site cumulatively the whole building has been granted for demolition. Applications 15/00356/S73, 15/03923/FUL and H/03826/14 have consented for different parts of both the external and internal building to be demolished, if these are looked at collectively then the demolition of the whole building has been accepted and it is therefore not considered that any particular elements/walls or features of the existing building warranted any specific protection against demolition.

The Burroughs Character Appraisal states that whilst there are no buildings currently on the English Heritage Building at Risk register, there are however buildings which have been allowed to fall into a state that detracts from the character and appearance of the Conservation Area, such as the White Bear Public House. This in part supports demolition of the building as the building was of such a condition that would not enhance the Conservation Area.

The demolition of the building is accepted and it is considered that the proposed building is a suitable replacement for the pre-existing building. The acceptance of the total demolition of the building is considered to comply with policy DM06 which seeks to preserve or enhance the borough's conservation areas.

The largest change to the building is to the roof. The design of the various elements of the roof form are considered to be acceptable. It is accepted that the design of the roof is in parts different to that previously consented but when assessing the overall design and character of the building and how the building fits in with the character of the Conservation Area it is not considered that the building would be harmful. The other changes beyond the previously consented schemes are considered to be minor and would be acceptable in the context of the building and the wider area. The overall bulk of the building still fits comfortably within the site and does not result in a cramped form of development.

The proposed development largely replicates the previous consents including in respect of elevation design such as the use of and distribution of materials and other design features. Nevertheless, conditions are in place to address the materials, fenestration and hard surfacing and it is considered that the scheme can be supported in this regard.

The impact on the amenity of future and neighbouring residents

In terms of the impact of the proposal on the amenity of future residents, it is considered that the proposed units would meet the minimum floor space standards as set out in the London Plan.

The proposed development would consist of 3 x 2 bed units and 4 x 3 bed units with a total of 25 habitable rooms. The ground floor units have private amenity space although the development also has nearly 600sq.m of communal amenity space.

It is also considered that the units would provide sufficient outlook and access to light for habitable rooms, would provide outdoor amenity space and have been arranged to ensure that there is no conflict within the stacking between units.

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The property sits between a 6-storey apartment block (Raffles House) on Brampton Grove and a terrace of 2-storey buildings (with roof pitch rooms) on The Burroughs (Nos. 44-54). Directly opposite the site and on the northern side of Brampton Grove is a 4-storey apartment block (Brampton Court) with a 2-storey terrace of commercial buildings fronting The Burroughs to the east.

The proposed extensions and alterations to the property would result in new fenestration being inserted into the property. In terms of the impact on privacy, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

An assessment needs to be made as to whether the overall footprint, scale, height, siting or massing of the new build would result in a loss of light or have an overbearing impact on neighbouring properties. The applicant has submitted an updated daylight and sunlight survey to demonstrate that the proposal would not impact adversely on the amenity of neighbouring properties. Furthermore, given the distance of the proposed building away from adjoining neighbouring properties, it is considered that the proposal would not have an overbearing impact on the amenity of adjoining residents.

The impact on highway safety and whether there would be a sufficient parking allocation

The proposal would result in extensions to the basement of the property to provide basement parking for 11 cars and 18 bicycles. It is noted that the current application increases the number of parking spaces from 8 as previously granted to 11. The 3 new car parking spaces will be set at tandem with 3 other parking spaces and as such are not independently accessible with spaces 7, 9 and 11 only accessible when no vehicles are parked in front or can be moved. As such these 3 parking spaces will be provided as pairs to three flats and will be managed by the owner/occupier of the flats. The 3 additional flats is not considered to change the acceptability of the proposal on highways grounds.

A traffic light system would be placed on the front of the building to ensure that vehicular movements into and out of the basement entrance are able to avoid collisions. The council's highways team have been consulted and have stated that there are no objections to the proposed development subject to conditions requiring demolition and construction

management plans being submitted prior to the commencement of development and parking being provided prior to the first occupation of units. Based on these considerations, the proposal would not impact adversely on highway safety and is considered to provide a sufficient parking allocation.

#### Accessibility and Sustainability

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

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

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

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

#### 5.4 Response to Public Consultation

As per report.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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 At The Rear Of Page Court Page Street London NW7 2DY**

**Reference:**                      **17/5683/FUL**

Received: 4th September 2017

Accepted: 19th September 2017

Ward:                              Mill Hill

Expiry 14th November 2017

Applicant:                      Ms N. Raphael

Proposal:                      Erection of a single storey dwelling house with provision for 1no parking space, amenity space and refuse and recycling storage. Associated hard and soft landscaping including the erection of timber fencing

AGENDA ITEM 10

**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 map

Proposed site plans LSPR-PP1-01 Rev A

Proposed ground floor plan and roof plan LSPR-PP1-02 Rev A

Proposed elevations and sections LSPR-PP1-03 Rev A

Proposed site plan - Construction management plan LSPR-PP1-04 Rev A

Sustainability Statement by Tal Arc Ltd

Planning, design and access statement by Tal Arc Ltd

Aboriginal method statement by rbmp landscape design and planning dated 19th September 2017

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

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

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

- 3 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 2016.

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the north (front) and south west (flank) elevation facing the rear of no. 9- 26 Page Court.

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).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the north (front) and south west (flank) elevation facing the rear of no. 9- 26 Page Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 6 a) Before the development hereby permitted is first occupied a min. of (2) cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 7 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 October 2016) and Policy 5.21 of the London Plan (2016).

- 8 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 2016.

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

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

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

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

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

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

- 12 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 7 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.



## **Officer's Assessment**

### **1. Site Description**

Page Court is located at the junction of Pursley Road and Page Street within the ward of Mill Hill. Page Court comprises two blocks which face on to both Page Street and Pursley Road. There is a roadway with a narrow entrance giving access to the garage area to the rear from Pursley Road and provides access to a vacant plot of land wedged between existing freestanding garages, utilised by the occupiers of Page Court and Chase Lodge Playing Fields and bounded by the access road.

There are a number of trees on land immediately to the rear of Page Court and also on the boundary with the playing fields. These are not subject to a tree preservation order (TPO). To the south of the site is a former hospital building and a small number of residential dwellings. There is no formal or direct access from the site onto the playing fields.

The site is not located in a conservation area nor is it adjacent to a locally/statutorily listed building. It does however adjoin Metropolitan Open Land.

### **2. Site History**

A planning application (17/3317/FUL) has been received for the development of a two storey detached house on land to the rear of Page Court on the opposite side of the access road from the garage block. This application is pending decision.

### **3. Proposal**

Erection of a detached 2 bed 3 person single storey residential unit at the rear of nos 9-26 Page Court, Page Street with on-site parking provision, rear amenity and associated refuse

### **4. Public Consultation**

Consultation letters were sent to 21 neighbouring properties.

23 responses have been received on the following grounds:

- Odds with the character of the local area and therefore sets a precedence in the area for similar development
- Loss of light and outlook and privacy creating an unacceptable sense of enclosure
- Loss of the communal garden amenity
- Backland development (Inappropriate development in an inappropriate location to the detriment of existing residents)
- Disturbance to the local wildlife and species
- Traffic and parking issues- Plans make no mention of how residents will access their land at the back of their garages ( the land behind the garages is owned by each individual garage owner)

Internal Consultees have issued the following comments:

Highways : No comments

Arboricultural Officer : No objection (see main body of the report)

Green Spaces Officer: No comments

### **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.

### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

### 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, CS7, CS8, CS11, CS12, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM04, DM15, DM08, DM16, 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;
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on the openness of the Green Belt
- Impact on Highways;
- Sustainability

## **5.3 Assessment of proposals**

### Impact on the character of the area

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The application site forms land at the rear of no. 9-13 Page Court and is accessible via a service road on Pursley Road. The local area is predominantly residential and characterised by two storey purpose built residential blocks of flats and maisonettes of similar architectural merit. The introduction of a detached single storey residential unit would remove from the established character of its immediate context however given a setback approx. 30m from Pursley Road, the extent of the development would not be entirely visible or prominent from the public realm. The site is bound by a designated Green Belt and adjoins onto a row of existing garages at the rear.

Pre-app ref 17/8352/ENQ determined the height and form of the connecting garages to contribute to the character of the immediate area and requested the continuation in terms of height and roof form compared to the mansard roof two storey build previously put forward. The freestanding garages are not readily visible from Pursley Road and do not form a visually beneficial asset to the immediate area however the continuity of a reduced height and flat roof across the site would indeed provide a less bulky and visually prominent development on site, particularly in regards to adjacent occupiers at Page Court.. The opportunity to create a high quality low level new build within an irregular site would not be objectionable in principle providing that it reflects high quality architecture and design within its context.

Following a meeting, a revised scheme has been put forward and consulted on. The new build would provide a 2bed 3person single storey self-contained residential unit with an internal GIA of approx. 65m<sup>2</sup> with parking provision for 1no. car parking space by way of an attached garage with roller shutter doors within the application site and adjacent to the

existing row of garages at the rear and a reduced rear garden amenity of approx. 30m<sup>2</sup>. The garage would reflect a continuation of the development in terms of max. height and red brick clad treatment. The new build would measure a max. height of approx. 3m above natural ground level, 2.5m internal head room, be set in approx. 2m from the front boundary thus provide defensible space and at the front between the primary elevation and service road by way of soft landscaping and include provision for 3no x 240ltr refuse bins and food container enclosed by way of a timber pergola at the front approx. 2.65m width x 1.4m height x 0.85 depth. The front elevation fronting Page Court would be clad in red brick treatment, which would consist of projecting headers and recessed joints with high level fixed shut and obscurely glazed window openings and canopy at the front over the entrance, which would therefore provide some form of visual articulation and interest particularly of the front elevation compared to the earlier revision.

Given the above, it is considered that the design and scale would be sympathetic in context and its contribution to the character and appearance of neighbouring buildings and local area would be accordance with DM1 of the DMP 2012.

#### Impact on the amenities of neighbours

Any development should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

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

The site is located between a narrow access road to garages, open playing field and garage block. The development would be set away approx. 15m away from the rear elevation of nos 9 -12 Page Court and approx.34m from the rear elevation of nos 23-26 Page Court. No habitable openings are proposed in the front and side walls. Given the above site circumstances, the development would not give rise to any undue impact upon the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy.

In addition to this the development would support a level of accommodation suitable for a maximum of 3persons. Given the established residential use of the immediate area and the marginal increase in occupancy level over the whole site, it is not considered to justify that the additional household would cause demonstrable harm to the acoustic privacy of neighbours to warrant refusal on this ground.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (2016). The minimum standard for a 2no. bed 1no. storey residential dwelling for up to 3 occupiers is 61sqm. The proposed development would provide an accommodation of approx..65sqm, which would marginally accord with the above standard.

Plans reflect purpose-built storage of 2.3sqm and would therefore fulfil the minimum provision of at least 2.0sqm and provide a minimum internal head room of at least 2.5m thus comply with the minimum floorspace for new residential units as per the London Plan (2016).

The Sustainable Design and Construction SPD advocate that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that for houses, amenity space should be provided in the form of individual rear gardens; for houses with up to four habitable rooms, 40sqm should be provided. The development would only serve 2 habitable rooms for a max. capacity of 3 persons and provide a private rear garden space of 30m<sup>2</sup>, however given the siting of open playing fields adjacent to the application site, it is considered that the shortfall would be mitigated in this regard.

The development would provide suitable outlook and daylight for all habitable rooms. Rooflights would serve to increase access to natural light and ventilation. It is considered that suitable amenity would be provided for future occupiers.

#### Impact on trees of special amenity value

The development site is located between a narrow access road to garages, open playing field and garage block. The position of the development is more appropriate in terms of impacts on trees compared to planning ref 17/3317/FUL. No trees would have to be removed to facilitate the development and therefore the impacts could be managed with engineering solutions/ protective measures.

However T1 and moderate value (Cat B) sycamore tree is within 7m of the proposal. The crown of this tree is shown to overhang the proposed building which will require continual tree management. This work can be permitted under common law rights to provide a suitable level of clearance. There is also a real risk of post development pressure to remove the tree for light, fear of tree failure and insects, birds and general tree debris messing up the property.

While these issues would not necessarily warrant refusal in this instance, the applicant would be required to provide a tree management plan to outline how these issues would be managed by the owner/occupiers.

The construction method statement plan shows construction offices and storage areas within the construction exclusion zone of T3, T4 & T5 on the southern boundary. Both the tree protection plan and the construction method statement should provide a coherent method for the protection of trees around the development site. A detailed landscaping plan should be submitted to ensure the development satisfactorily integrates into the landscape from the sports field, the flats and users of the garage. These issues would be secured by way of a condition.

#### Impact on the openness of the Green Belt

The application site is set back approx. 30m from Pursley Road and the extent of the site is not entirely visible or prominent from the public realm. The site is bound by a designated Green Belt on the eastern boundary and an existing row of garages at the rear. Submitted drawings indicate a vehicular turning area between the rows of garages. DM15 of the DMP 2012 stipulates that development adjacent to Green Belt/MOL should not have a detrimental impact on the visual amenity and respect the character of its buildings. The policy (in conjunction with the London Plan and the NPPF) states that protection should be given to MOL land to the same degree as green belt.

Pre-app ref 17/8352/ENQ recommended the continuation of the freestanding garages insofar as height and flat roof form to provide less of an ominous impact upon the Green Belt. However, its low level scale and height in the wider context would be considered sympathetic although would not be characteristic of the local area. Nonetheless, the proposed development does not give rise to loss of openness or prevent the loss of views through the site into the green belt. Furthermore, the proposed development does not result in a loss of the permanence of this land and as a result, it is considered that the proposed development would not be contrary to policy DM15.

#### Traffic and highways

The PTAL for the site is 1b and therefore sited in an area characterised by low level accessibility and connectivity.

The site is within a Controlled Parking Zone (CPZ).

For areas with low PTAL (generally PTALS's 0-1) higher levels of parking provision should be considered to address overspill parking pressures. The maximum residential parking standards as per the London Plan (2016) recommends up to 2 parking spaces for residential units with 4 or more bedrooms and less than 1 parking space for 1 -2 bedrooms.

1no. off-street parking space has been provided within the application site by way of an attached garage 2.5m width x 5m depth with roller shutter doors in the front wall. This would therefore address the demand for parking generated by the development without the compromise of existing kerbside parking or congestion on the service road in accordance with the London Plan 2016.

#### Cycle parking

No secure cycle provision has been provided for the occupiers of the new development. To comply with the London Plan (2016) a min. of 2 cycle spaces must be provided. A condition has therefore been attached in this regard.

#### Refuse Collection Arrangements

Submitted plans indicate the provision of 3no x 240ltr refuse and recycling container and 1no x food caddy for the occupiers of the new development in accordance with Barnet's Waste and Recycling Strategy (2017). Given its current location over 30m from the public highway, an informative has been attached to ensure that the bins are relocated to the public highway only on collection days for collection purposes only.

#### Accessibility and Sustainability

A condition has been attached to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy 5.15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

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

- Odds with the character of the local area and therefore sets a precedence in the area for similar development
- Loss of light and outlook and privacy creating an unacceptable sense of enclosure
- Loss of the communal garden amenity
- Backland development (Inappropriate development in an inappropriate location to the detriment of existing residents)
- Disturbance to the local wildlife and species

- Traffic and parking issues

The above issues are material planning considerations and have been addressed in the main body of the report.

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

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

## **7. Conclusion**

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



# H. M. LAND REGISTRY GENERAL MAP

GREATER LONDON  
MIDDLESEX

SHEET

XI. 2.

SECTION

BL (Extract from)

Scale 1/625

Enlarged from 1/2500

BOROUGH OF BARNET

~~HENDON PARISH~~

SUNN'S  
LANE

PAGE  
STREET

PURSLEY ROAD



Crown Copyright Reserved

PLAN OF TITLE No. MX317658



**Location** 7 Hollies End London NW7 2RY

**Reference:** 17/5741/FUL

Received: 7th September 2017

Accepted: 19th September 2017

**Ward:** Mill Hill

Expiry 14th November 2017

**Applicant:** Mr L Lipman

**Proposal:** Demolition of existing detached single family dwelling house and construction of 2no. two storey (with rooms in roofspace and basement) detached houses. Associated amenity space and off-street car parking

AGENDA ITEM 11

**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: 1540.P.01, 1540.P.02, 1540.P.05.H, Arboricultural and planning integration report dated 8/09/2017, design and access statement dated September 2017, Drawing En-titled Arboricultural Impact Assessment dated September 2017, Drawing En-titled Trees Constraint Plan dated September 2017, Tree Protection Plan dated September 2017.

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

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

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

- 3 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) 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).

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

Reason

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

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations of no 32 Sturgess Avenue hereby approved.

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).

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

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

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

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

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

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

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

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

- 12 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 35 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 13 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).

- 14 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for

any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 15 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason

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

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

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

Reason

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

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

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

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

- 1 The submitted plans and documentation are: 1540.P.01, 1540.P.02, 1540.P.05.H, Arboricultural and planning integration report dated 8/09/2017, design and access statement dated September 2017, Drawing En-titled Arboricultural Impact Assessment dated September 2017, Drawing En-titled Trees Constraint Plan dated September 2017, Tree Protection Plan dated September 2017.
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 3 CIL approval  
The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £12,145 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 £46,845 payment under Barnet CIL.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.



## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

The application contains a detached bungalow located on the western side of Hollies End, a cul-de-sac off Milespit Hill within the Mill Hill Ward. The site comprises a triangular shape with results in a shorter garden length at the site's western end.

The applicant property is not listed but is located within the Mill Hill Conservation Area and also appears to be within an Article (4) area removing permitted development rights. To the rear of the site is a woodland area which is designated greenbelt land. The site itself is however not designated as being within the green belt.

The application site is adjacent to a Tree Protection Order area, with a number of individually listed protected trees within close proximity of the development at the rear and on no.6 Hollies End. Nevertheless, many of the trees benefit from protection given their location within the green belt including a Hornbeam tree T3 in the north east corner of the site. The rear boundary previously heavily vegetated by laurel (not subject to protections) has been cleared to some extent.

There exists significant level changes across the site, with the rear garden sloping away considerably from the level of Hollies End.

The application property shares adjoining boundaries with no.6 Hollies End and the rear gardens several properties on Milespit Hill.

The area is predominantly residential in character. The Hollies is a cul-de-sac of modern dwellings, constructed in the 1970's, which reflects the architectural vernacular of this period.

Numbers 1 to 5 are two storey dwellings, of a highly uniform but no identical design, with some benefitting from non-original extensions. The Mill Hill Conservation Area Character Appraisal Statement makes no specific mention of these dwellings however it is considered that their group value is consequential.

The host property, by contrast, is a wide bungalow with a detached outbuilding located on the boundary with properties on Milespit Hill.

#### 2. Site History

Reference: 17/8109/ENQ

Address: 7 Hollies End, London, NW7 2RY

Description of Development: Demolition of detached single family dwelling house to be replaced with 2no. detached single family dwelling houses

Date: 6th April 2017

Reference: W00592AA

Address: 7 Hollies End, London, NW7 2RY

Description of Development: Retention of bungalow without complying with condition of planning permission W.592V/HQ.246K in respect of fencing on the western and southern boundaries.

Decision: Approved subject to conditions

Date: 31.10.1979.

### 3. Background

The original proposal was not considered acceptable and during the planning application process the case officer had advised the agent on amendments to the scheme.

The amendments sought were to reduce the height of the building at the rear adjacent to the existing dwelling house at no 6 in Hollies End. This would be achieved by moving house A away from the rear boundary and lowering the eaves level of house A, which is a small step up from no 6 Hollies End. House B had been reduced in width from the rear elevation. In addition, house B had been brought forward and the planting on the boundary reduced to facilitate light, outlook and space thus, maintaining openness around the site.

Moreover, the amendments sought result in a sympathetic addition which maintains open space around the site and contributes to the openness and character of the Mill Hill Conservation Area.

#### 3.a Proposal

Planning permission is sought for the demolition of existing detached single family dwelling house and construction of 2no detached single family dwelling houses with rooms in roof space and basement. Associated amenity space and off street car parking.

The proposed dimensions are (approximate) as follows:

Front elevation of House A

5.4m to eaves, 9.3m to ridge, 9.13m to widest point

Rear elevation of House A

6.9m to eaves, 12.3m to ridge 9.13m to widest point

Front elevation of House B

5.4m to eaves, 9.2m to ridge, 9.13m to widest point

Rear elevation of House B

8.5m to eaves, 12.3m to ridge, 9.13m to widest point

House A is sited approximately 2.7m from the flank elevation of no 6 Hollies End. House A and B maintain a 3m separation gap between the flank elevations.

The rear elevation of both houses A and B, both consist of one rear dormer measuring approximately 5m wide x 1.5m high incorporating two rearward facing windows.

The front elevation of both houses A and B, will consists of a front dormer and one window measuring approximately 2.7m wide x 1.5m high.

House A will provide for 250sqm of outdoor amenity space and house B 176sqm of outdoor amenity space. There is car parking available within the front curtilage of the property. In addition, there is an existing garage adjacent to House B.

#### 4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.

0 comments, 0 representations, 0 letters of support received.

7 objections received and summarised;

- The application site is located within the Mill Hill Conservation Area and the infilling of development with two large dwellings on the plot is an example of such mediocre infill development and thus at odds with the Conservation Area Policy.

- The sense of openness and semi-rural vista which characterizes the area would be lost. In comparison to the existing bungalow the proposed two new dwellings will not preserve or enhance the character or appearance of the conservation area and as such are deemed to be inappropriate development.

- Loss of trees which are afforded protection in a Conservation Area. The Arboricultural Assessment submitted fails to justify removal of a number of trees to make

way for the development. The loss of these trees is contrary to the policy to Preserve and Enhance the character of the Conservation Area.

- Has reached capacity in terms of mass and that the only potential now would be in the existing roof spaces where roof line allows as any increase in mass would compromise the light to neighbouring properties currently enjoy.

- The sheer size and nature of such large properties will dramatically affect the open characteristics that article IV sets out to protect and that was refused as stated above for what was, a far smaller scheme and only a single dwelling.

- The estate road, which is the small extension to Hollies End has insufficient capacity to accommodate an additional property and inevitably will cause nuisance to neighbours resulting in the reduction of enjoyment as protection is afforded. 3 properties have right of way right of way to garages both built out and not built out, including Highwinds, Berry Cottage and Hillside Cottages. This is a garage area for access for 6 vehicles.

- Granting this application will cause loss of light, reduced enjoyment, loss of privacy from the side and rear to both properties and gardens due to windows in the proposed new dwellings.

- In the event of granting that a full construction management plan is required to include methodology , an agreed Construction Traffic route to ensure that any vehicles access Hollies End from the South and exit down Milesplit hill. This is to protect listed buildings and the sheer fact that the local roads are ill equipped to cope with 40 tonne "muck away" trucks, to safeguard children in an area of numerous schools both primary and nursery ages. That a full, detailed assessment of potential vibration damage/impact to nearby listed buildings to include the demolition, spoil removal and possible piling. That a record kept and made available of all vehicles, companies and independents including vehicle registration numbers as a very special condition prior to commencement of demolition as a condition of granting.

- The planning application appears to show it is not to be wholly on land owned by the developer and no notification to the owner of land has been made. The red outline on the land outline does not appear to coincide with Land Registry plans. It is requested that a 2 week extension is granted so that this anomaly may be investigated further.

- The Planning Committee of this Society Mill Hill Preservation Society has inspected the plans for the proposed development and wish to object to them for the following reasons:

- We believe that the proposed buildings are clearly four storey dwellings and not two storey as listed in the application and we would argue that two very large four storey family dwelling houses should be built in an appropriate location and not squeezed into an unsuitable location.

- The proposed application is within the Mill Hill Conservation Area and the Mill Hill Village Character Area. We are opposed to inappropriate designs and overdevelopment in these locations.

- We would argue that the scale of the design would detract from and not contribute to the openness and visual amenity of the surrounding Conservation Area.

- We are concerned about the negative visual impact on the street scene. We believe that this proposal looks very overpowering and out of keeping with the neighbouring properties and is a gross over-development of the site.

- For the above reasons, we strongly urge you to refuse this proposal.
- Inappropriate over-development to the detriment of the Conservation area and contrary to the aims of the conservation area and the specific adverse aspects identified in the Conservation area documentation. Over development adjacent to multiple listed properties and their curtilages, having an adverse effect on their setting and detrimental to their listing. Previous planning application imposed strict height limits for very good reason and which the current bungalow observed, these are now being flouted.

Planning officer: Planning matters are discussed in the body of the report.  
A site notice was erected on the 28th September 2017.

Internal consultations:

Arboricultural officer comments:

My previous comments can be summed up by the following:

House A

Loss of T1 (applicant's plan) a cypress tree that has become overgrown for location regardless of any development. No other significant arboricultural issues.

House B

The previous scheme impacted on trees on the northern and eastern side G4 & G11 (applicant's plan) were to be removed and were proximity issues with T3, T5 T6 & T7.

My comments on the adjusted House B are as follows:

The new location should give more useable space in the garden a reduction in proximity issues with T5 T6 & T7. However there will be an increasing impact on T3 a hornbeam.

To fully assess the implications of the revised proposal the arboricultural impacts assessment and tree plans need to be updated to reflect the design changes. This report should be submitted for review prior to any planning approval.

In addition garden has trees and shrubs that are taking up a lot of additional space, the laurel. Alongside the application a landscape plan should be submitted that will improve the overall garden, provide quality garden space and replacement trees and shrubs.

Highways comments:

Demolition of existing detached single family dwelling house and construction of 2no. two storey (with rooms in roof space and basement) detached houses. Associated amenity space and off-street car parking.

The proposal is for the demolition of the existing single family dwelling and the erection of a 2x 4+bed family dwellings with the provision for a minimum of 4 car parking spaces to the forecourt of each property.

The proposed car parking provision is in accordance with Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

No changes to the existing vehicular access are being proposed, however should any be required the applicant is informed that an application must be made to Highways Crossovers department, to be assessed and arrangements agreed in writing. An informative to this effect is included in my comments below.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

## Recommendation

The application is recommended for approval on highways grounds, subject the following conditions and informatives

## 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.

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM06, DM08, DM15, 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

Residential Design Guidance (2016)

Sustainable Design and Construction (2016)

Mill Hill Conservation Area Character Appraisal Statement (Adopted April 2008). The appraisal identifies the character and appearance of the area which should be preserved or enhanced, and to set out the means by which that objective is to be pursued.

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether there would be impacts on 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 harm would be caused to the living conditions of future occupiers;
- Impact on Highways;
- Accessibility and Sustainability

## 5.3 Assessment of proposals

Principle of development, Impact on the character of the area, Greenbelt

Planning permission is sought for the demolition of existing detached single family dwelling house and construction of 2no detached single family dwelling houses with rooms in roof space and basement. Associated amenity space and off street car parking.

The existing bungalow is not considered to be of any architectural merit and the general area is not identified as a positive feature in the Conservation Area Character Appraisal. Therefore, the principle of demolition is considered to be acceptable in this regard.

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. 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 NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The pre-application notes advised that if the scheme is to work, the scale, bulk and massing of the buildings should be more in keeping with other properties on the road. The existing properties along Hollies End are detached two storey dwellings which are similar in terms of scale and form. There is a somewhat defined building line along this stretch of

Hollies End with properties set back from the public highway. As discussed, some properties benefit from non-original extensions and this contributes to the character of the area.

During the planning application the agent had been advised to reduce the width, height and retain adequate separation gaps between properties. The scale and siting for the proposed houses in terms of depth, width, eaves, ridge height and separation distances are considered acceptable. The amendments in terms of height, width and siting will address the bulk and massing concerns which had been considered in the previous pre-application advice notes. To the rear the bulk at roof level has been reduced, in the form of omitting the crown roofs and reducing the height of house A at the rear adjacent to the existing dwelling house at no 6 in Hollies End. This has been achieved by moving house A away from the rear boundary and lowering the eaves level of house A, which is a small step up from no 6 Hollies End. House B had been reduced in width from the rear elevation. In addition, house B had been brought forward and the planting on the boundary reduced to facilitate light, outlook and space thus, maintaining openness around the site. In addition, the reduction of the depth of the overall building and the alterations made to the three storeys at the rear has created subordination to the overall building mass.

With regard had to the proposed front and rear dormers, it is considered that the scale and design appears modest and subservient to the houses and respects the pattern of development in the locality.

Materials and finishes will be powder coated aluminium and this will contribute to a quality development and thus, is deemed appropriate.

With regard had to the above, the proposed development will create two houses which appear subservient to surrounding properties and as such, respect the character of the area. The forward setting of house B and the clearance of boundary planting will increase the spacing around the buildings and offset perceptions of excessive bulk, size and scale within the site.

Notwithstanding the above, in terms of impact on the Green Belt, the Council note the applicant's comments in the pre-application advice letter, regarding the siting of the building at the end of the cul-de-sac and therefore generally being obscured from public view, and the increase in spacing between the proposed buildings. It is considered that this is acceptable and the proposed arrangement would not appear incongruous with other properties on the streetscene.

#### Impact on the amenities of neighbouring occupiers

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

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

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting

the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

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

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres. There are no neighbouring properties sited to the rear of the proposed houses. However, the nearest property is no 6 Hollies End to the south of the application site. House A is sited approximately 2.7m from the flank elevation of no 6 Hollies End. House A and B maintain a 3m separation gap between the flank elevations. Windows in the flank elevation will be obscure glazed and secured by way of condition. Thus, the proposed houses will not result in any loss of privacy or potential overlooking to the detriment of the amenity of occupiers at no 6 Hollies End.

In terms of scale and design amendments had been made to house A, in particular the height had been reduced to house A at the rear adjacent to the existing dwelling house at no 6 Hollies End. This has been achieved by moving house A away from the rear boundary and lowering the eaves level of house A, which is a small step up from no 6 Hollies End. House B had been reduced in width from the rear elevation. In addition, house B had been brought forward and the planting on the boundary reduced to facilitate light, outlook and space thus, maintaining openness around the site.

With regard had to the above, the proposed development will not appear overbearing or result in a loss of light, outlook and or privacy to the detriment of the amenities of occupiers at no 6 Hollies End. The proposed development is considered acceptable in terms of residential amenity.

#### Impact on the amenities of future occupiers

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The same SPD defines a habitable room as "a room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13m<sup>2</sup> (including fittings), or the dining space if it is divided from the working area by a moveable partition"; it must be noted that rooms exceeding 20sqm will be counted as two. The proposed houses comply with the minimum space standards as set out in the London Plan 2015.

The sectional drawing illustrates that the bedrooms in the loft would comply with the minimum space standards required.

All new residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. Both units would generally benefit from suitable outlook, however there had been a concern with regard to the proximity of bedroom 3 to House A. However, this aspect has been mitigated and house B has been moved forward approximately 1m and the planting on the boundary reduced to facilitate light, outlook and space thus, maintaining openness around the site. It



is considered that both houses will provide adequate outlook and light to all habitable rooms.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For houses, the size of the garden would depend on the number of habitable rooms.

The Residential Design Guidance SPD stipulates that "private amenity space for the exclusive use of building occupants is a highly valued asset" (para.8.2). The same SPD stipulates that "the fundamental design considerations for amenity space should be its quality and usability"(para.8.7) and "awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided and will not be considered to count towards usable outdoor amenity space" (para.8.8).

The proposed dwellings would meet the standard and the applicant has demonstrated the usability of the outdoor amenity space for both houses.

### Trees

Given the site's location in a conservation area, trees within the site benefit from protections in addition to the small number of stand alone TPO designations. The rear boundary features a number of mature shrubs which do not benefit from these protections.

Unit B has been moved forward off the front building line to offset the distance between the boundary planting and the dwelling and to improve spaciousness around the development. The implication is that the proposal has an effect on a protected Hornbeam tree at the front of the site. The scheme does not result in its loss but may impair the root protection zone for this tree.

This has been assessed by the arboricultural officer who has considered that as the hornbeam has already been subject of reduction works, its value has been reduced. It is still deserving of protection through construction and development and as a result a condition should be imposed on the permission which requires an arboricultural method statement.

### Highways

The proposal is for the demolition of the existing single family dwelling and the erection of a 2x 4+bed family dwellings with the provision for a minimum of 4 car parking spaces to the forecourt of each property.

The proposed car parking provision is in accordance with Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

No changes to the existing vehicular access are being proposed, however should any be required the applicant is informed that an application must be made to Highways Crossovers department, to be assessed and arrangements agreed in writing. An informative to this effect is included in my comments below.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

#### Accessibility and Sustainability

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

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

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

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

#### CIL

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

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related). The proposal has been calculated to be liable for 2a £10,748.70 and for 2b £10,744.65 Barnet CIL and 2a £2,869.50 and 2b £2,868.42 of Mayor's CIL.

#### 5.4 Response to Public Consultation

The comments raised by objectors have been addressed in the body of the report.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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



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**Location**                    **104 Millway London NW7 3JJ**

**Reference:**                **17/6437/S73**

Received: 11th October 2017

Accepted: 12th October 2017

Ward:                        Mill Hill

Expiry 7th December 2017

Applicant:                Mr Ian Fletcher

Proposal:                    Variation of condition 1 (Plans) pursuant to planning permission 16/8021/FUL dated 10/02/2017 for "Demolition of existing building and the erection of a two storey building with rooms in roof space to provide 6no self contained flats. Relocation of vehicular access and associated car parking and landscaping" Amendmends include changes to windows and door to all elevation and levels

AGENDA ITEM 12

**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:

Location Plan

- 455716 - 1 (Existing Plans and Elevations)
- 455716 - 2 (Proposed Plans and Elevations)
- 455716 - 3 (Proposed Streetscenes)
- 455716 - 4 (Proposed Site Plan)
- 455716 - 5 (Existing Site Plan)

Environmental Statement (received 16.12.16)

Planning Statement (received 16.12.16)

Tree Survey (16.12.16)

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

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

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

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

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

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

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

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

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

- 5 a) No development or site works shall take place on site until a 'Demolition 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).

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

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

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

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 8 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.102 Millway 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).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 455716-4 (Proposed Site Plan) 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.

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

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

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



September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 12 Before the development hereby permitted is occupied 20% active and 20% passive parking spaces shall be installed with electric vehicle charging points. Such spaces shall be permanently retained and maintained thereafter.

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

- 13 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).

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

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

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

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

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

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

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

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

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

- 18 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.

- 19 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.

- 20 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.

- 21 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming

compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

**Informative(s):**

- 1 The plans accompanying this application are:
- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

## Officer's Assessment

### 1. Site Description

The application site consists of a detached two storey dwelling within a large triangular shaped plot of land, located at the northern end of Millway, within the ward of Mill Hill.

### 2. Site History

Reference: W13618/04

Address: 104 Millway, London, NW7 3JJ

Decision: Refused

Decision Date: 14 April 2004

Description: Demolition of existing house and erection of two storey building (with rooms in roof) comprising 9no. self-contained flats with associated changes to landscaping and provision of off street parking accessed from Millway.

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 04 April 2005

### 3. Proposal

Permission is sought to vary Condition 1 (approved plans) of planning permission 16/8021/FUL (granted on 10 February 2017). Planning permission was granted in respect of a scheme to redevelop the site, involving the demolition of the existing building and the erection of a two storey building with rooms in the roofspace, comprising of 6no. self-contained units. The proposal also involves the relocation of vehicular access and the provision of associated off-street parking and landscaping.

This application proposes a small number of alterations to the building in respect of the fenestration and also the internal arrangement to increase the floorspace associated with a number of units. The application does not propose any addition to the consented number of flats within the building.

The principal changes are an additional 2.8m deep, full height projection at an inset distance of 3.612m from the flank of the building on the building's southern side and a similar projection depth on the northern side adjacent to the A41. On the front elevation a front projecting gable end at roof level is proposed instead of a dormer. On the rear elevation one less dormer is proposed and a pair of windows are replaced with a French door/Juliet balcony arrangement on the ground and first floor level.

In floorspace terms the existing building increases from 556sq.m to 611sq.m which constitutes an increase of 55sq.m (approximately 10%). Units 1, 3 and 5 stay the same, while unit 2 increases by 14sq.m and unit 6 increases by 16sq.m.

There is no change to car parking and no change to the overall height of the building nor the relationship with adjoining properties.

### 4. Public Consultation

Consultation letters were sent to 28 neighbouring properties.

19 responses have been received, comprising 14 letters of objection and 5 letters of support.

The objections received can be summarised as follows:

- Overbearing and out of character with houses on Millway;
- Large increase in footprint compared to existing building;
- Proposed development will result in overlooking;
- Loss of trees and green space;
- Insufficient parking spaces provided within the development; and
- Increased risk on highways safety through increase in vehicles

## 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.

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, 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

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of redevelopment of the site for flats;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The provision of adequate living conditions for future occupiers;
- Highways safety and parking provision;
- Any other material considerations.

### 5.3 Assessment of proposals

#### Principle of development

In determining whether flats are appropriate, Policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and that the loss of houses in roads characterised by houses will not normally be appropriate.

Assessing the context of the street and wider area, it is considered that Mill Way has a suburban setting of predominately large detached dwellings, with the exception of one flatted development (No.137 Mill Way) on the corner on the opposite side of the road. The pattern of development is of large houses in spacious and mature settings with both sides of the street having wide frontages. Running adjacent to the site is Watford Way, which leads to a large roundabout junction to the north-west. The houses along Watford Way are of a more substantial size and are set well back with wide grass verges to the front of the plot. At Apex Corner, approximately 200 metres from the pre-application site, there is a higher density and greater scale of built form, comprising of three-storey parades, flatted developments and a petrol station and fast food premises. Moving south away from Apex

Corner, there is a transition towards a distinct suburban character where properties are all of a similar style, form and size.

Taking into account that the site holds a corner plot, further investigation of development along the A1 highway, reveals that a number of other corner sites have been redeveloped for flats. While the street is predominately single family dwellings and policy DM01 is resistant to new flatted development in such cases, when assessing development proposals, the Planning Authority will take into account any relevant material considerations such as other similar patterns of approved development for flats along the A1 highway. On its own merits, the proposal would conflict with Policy DM01, however, when the Planning Authority considers the other relevant material considerations, it is considered that there is potential for a new flatted development on this site which takes into account the local pattern of development along Millway. The Planning Authority considers that an appropriate scheme which is of an acceptable design, scale and layout and reflective of the pattern of development, may not undermine the local character of the surrounding area.

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. This matrix sets out appropriate density ranges for suburban, urban and central locations which reflect the setting of site in terms of its location, existing building form and massing and public transport accessibility level (PTAL). The Planning Authority considers that the site can be classed as having a suburban setting and has a PTAL level of 2. The proposal would provide 6 units with a total of approximately 22 habitable rooms. The site measures 0.15ha and the London plan would indicate an appropriate density of between 150-250 habitable rooms per hectare and 50-95 units per hectare. In this instance, the proposal would result in a density of approximately 146 hr/ha and 40 units per ha, which would be within the density ranges for a PTAL 2-3 (Suburban) location. As such this density is considered to be below the standard set out in the London Plan, but this would not harm the character of the area given the previously approved development, no change in unit numbers and the quality of development and amenity.

In floorspace terms the existing building increases from 556sq.m to 611sq.m which constitutes an increase of 55sq.m (approximately 10%). Units 1, 3 and 5 stay the same, while unit 2 increases by 14sq.m and unit 6 increases by 16sq.m. The increases in floorspace to three of the units would be acceptable and would provide more generous internal accommodation for the future occupiers. Although the increase in floorspace would be equivalent to an additional one bed unit, there would be no change in the number of bedspaces and development population and as such, the Council holds no objection to the principle of the development.

The proposed development would provide a mix of dwelling types, comprising, 3 x 2 bedroom units and 3 x 3 bedroom units. Policy DM08 states that homes with 3 bedrooms are a medium priority and therefore the proposal would help contribute towards this provision and the Borough's overall housing supply.

#### Character and appearance

In addition, Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When analysing the street pattern, there is a rhythm of two-storey houses with a consistency of hipped roof design, spacing between properties, building heights and building lines. Each of the properties tends to have a large paved area to the front to accommodate off-street parking. There is some variety in design with Tudor style front gables, large bay windows and a mixture of white render and brick finishes.

The application seeks to demolish the existing detached dwelling and redevelop the site with a two-storey development with rooms in the roofspace. The proposed building would represent an increase in the footprint, width, depth and bulk compared to the existing, but would maintain the existing height and building line of the street. Overall, officers consider that the design and scale of the proposed building is representative of the local context and the characteristics of the properties along Millway. The additional width of the proposed new building is relatively minor and is to be added to the side elevation facing Watford Way. The proposed footprint of the new building will be moved further away from the neighbouring No102 which maintains an appropriate setting between the properties and maintains this common street characteristic.

On the front elevation, the application proposes an amendment to the existing left hand side front elevation projection by adding a gable end above eaves level to replace the existing dormer. This would appear to balance out the front elevation and enhance the quality of the proposed development.

At the sides of the proposed building, there would be an additional projection of 2.8m in depth to the full height of the building. It is considered that this would not harm the character and appearance of the building and would not give rise to unacceptable bulk, scale or massing that would be perceptible from the street or from neighbouring properties. The reduction of one dormer reduces clutter on the rear elevation and the alterations to the fenestration are considered to be minor.

Overall, the Planning Authority considers that the proposed scheme is reflective of the neighbouring properties, relates well to No.102 and the streetscene in terms of character and provides a suitable transition between the corner site and the houses on Millway.

#### Impact on amenity

Proposals for the site will need to respect and protect the amenities of the occupiers of neighbouring properties and meet the requirements of development plan policy in this respect (for example Barnet Local Plan policies CS5 and DM01). Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained.

Despite the changes officers consider that the potential for any impacts on residential amenity is limited to the adjacent property No.102. As previously mentioned, there is a pattern of spacing between the properties along the street which serves to protect the amenity of each of the properties. While the proposed scheme would result in the existing garage being demolished, the overall footprint of the property will be moved away from No.102 and a single storey element would be retained on this side of the building. The proposed two storey element would not project any closer to No.102 than the existing building. As the proposal would maintain and increase the separation distance, officers are satisfied that the residential amenity of No.102 will not be adversely affected in terms of overbearing or loss of light by the footprint and bulk of the proposed building. The submitted plans note that the proposed windows on the side elevation facing No.102 would be fitted with obscure glazing and so officers are satisfied that the proposed will not



result in any impacts of overlooking. A condition will be applied to any planning permission to ensure that this implemented.

In terms of amenity for future occupiers, the individual flats proposed would each meet the minimum dimensions required by the nationally described space standard, as adopted by minor alterations to the London Plan in March 2016. Each of the flats would have dual aspects outlooks and so officers are satisfied that an adequate level of amenity would be provided for future occupiers of the site.

#### Highways safety and parking provision

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

For 2 and 3 bedroom units            1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

3 x 2b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required

3 x 3b = a range of (1.0 - 1.5) = 3.0 - 4.5 parking spaces required

This equates to a range of parking provision of between 6 to 9 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

9 parking spaces including 1 disabled space are being provided. Therefore the proposal provides the necessary parking provision expected and would comply with the requirements of Policy DM17. The relocation of the existing of the access into the site is not considered to adversely affect the highways safety of the Millway.

#### Any other considerations

#### Ecology and Trees

The applicant has submitted an Ecology Report and a Tree Survey to assess any potential impacts of the proposed development. There Ecology report found there was no evidence of bats or nesting birds within the existing building and concluded that there was a negligible impact on protected species should the existing building and garage be demolished. On this basis, officers are satisfied with the conclusions of this report. The tree survey has indicated that a number of trees to the front and rear of the site would have to be removed in order to accommodate the proposed development. The trees identified for removal all appear to be Category C rated (trees of low quality), while the moderate to high quality trees would be retained. Officers are satisfied that the character of this corner site will be maintained through the retention of the trees in this corner and along the northern boundary.

There are no changes to these considerations following this application.

#### 5.4 Response to Public Consultation

Issues raised in relation in the principle of development, design, layout and impact on residential amenity are addressed within the assessment section above.

While there will be the loss of trees, these have been identified as low quality and the number of trees to be unaltered will still preserve the character of this corner and could be suitably mitigated through an acceptable landscaping scheme which will be requested via condition.

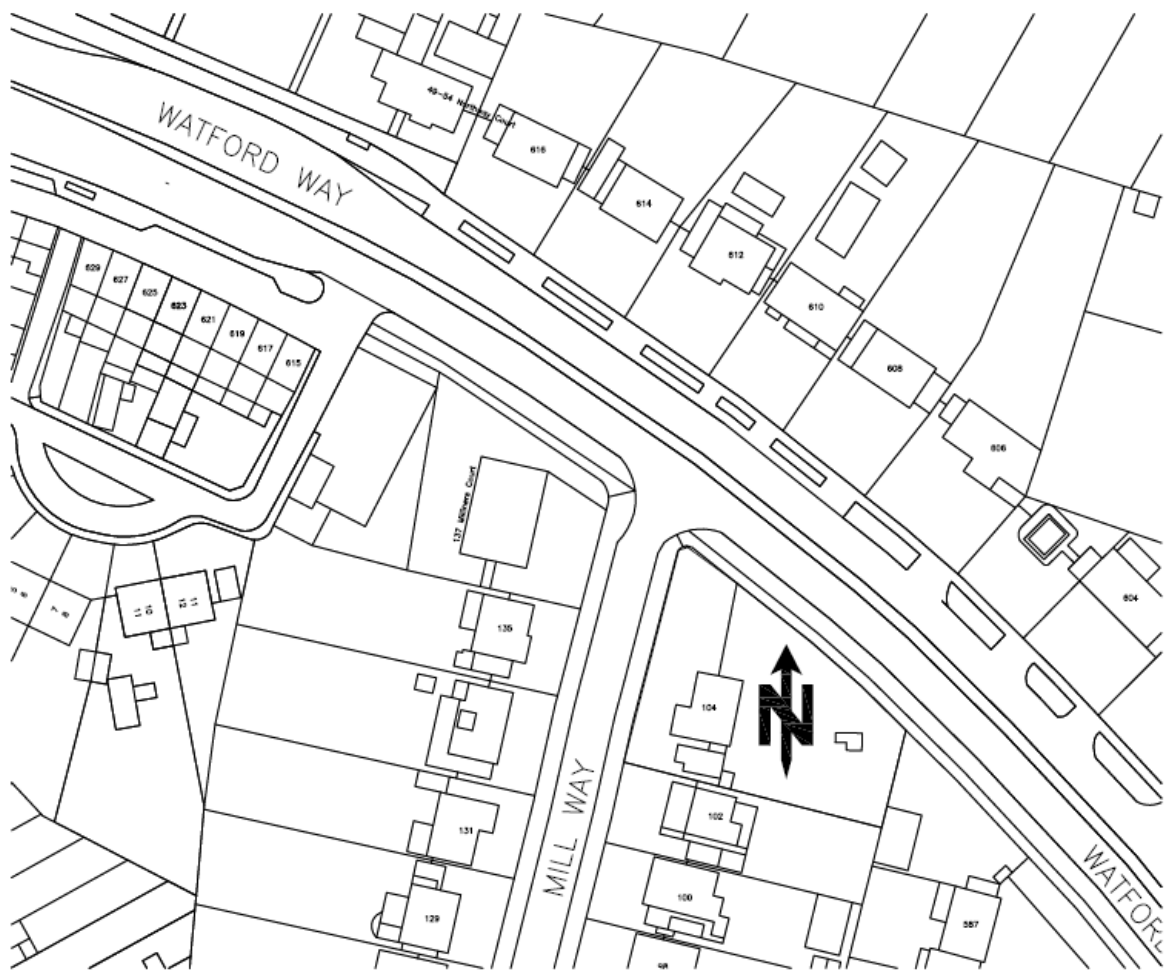
It has been assessed that the proposal will be provide the required parking spaces to serve the development. The proposal is for a relatively minor residential development and there is not expected to result in significant highways issues.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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



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**Location**                    **9 Edgwarebury Lane Edgware HA8 8LH**

**Reference:**                **17/5781/RCU**

Received: 11th September 2017

Accepted: 3rd October 2017

Ward:                        Edgware

Expiry 28th November 2017

Applicant:                 Mr Doron Sharafian

Proposal:                    Change of use from Class A1 (Retail) to Class A3 (Restaurants and Cafes) RETROSPECTIVE APPLICATION

AGENDA ITEM 13

**Recommendation:** Refuse

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 applicant has failed to provide sufficient evidence to demonstrate that the former A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Core Strategy (2012) and policy DM12 of the Development Management Policies DPD (2012).
- 2 The change of use would further reduce the percentage of A1 uses within the Edgware Town Centre to the detriment of the vitality and viability of this area and is therefore contrary to Policy DM11 of the Development Management Policies DPD (2012).

**Informative(s):**

- 1 The plans accompanying this application are: 16023 01.01 RevA; 16023 01.02 RevA; supporting statement from Emma of cafe armoma dated 21st November 2017.

- 2 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

## Officer's Assessment

### 1. Site Description

The application site is located at 9 Edgwarebury Lane, Edgware, HA8 8LH. This site is currently being used as a café under the name Café Arome. The unit is a mid terrace property located within the secondary retail frontage of Edgware.

### 2. Site History

Reference: 15/03877/192

Address: 9 Edgwarebury Lane, Edgware, HA8 8LH

Decision: Unlawful

Decision Date: 18 August 2015

Description: Change of use from A1(Shops) to A3(Cafe)

Reference: 15/05999/FUL

Address: 9 Edgwarebury Lane, Edgware, HA8 8LH

Decision: Refused

Decision Date: 18 November 2015

Description: Change of use from class A1 retail to A3 restaurant/cafe use together with retention of a new shop front, extraction fans and external seating arrangement (Retrospective application)

Reasons for refusal:

*The applicant has failed to provide sufficient evidence to demonstrate that the former A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Core Strategy (2012) and policy DM12 of the Development Management Policies DPD (2012).*

*The change of use would further reduce the percentage of A1 uses within the Edgware Town Centre to the detriment of the vitality and viability of this area and is therefore contrary to Policy DM11 of the Development Management Policies DPD (2012).*

Appeal dismissed - 16/06/2016

In considering the development within the appeal decision, the Inspector stated that the proportion of A1 (retail) units within the secondary frontage was less than 62%. He acknowledged that the previous travel agent was unviable, but this did not mean that any other occupier in A1 use would not be unviable following effective marketing. On this basis there was a conflict with policy DM11. Furthermore, the Inspector determined that as there was no marketing it was not possible to determine that there was no demand for this use in the town centre. Hence there was also a conflict with policy DM12.

In paragraph 10 of the appeal decision, the Inspector also acknowledges that the restaurant would meet the demands of a sizeable Jewish community in that it serves kosher food contributing to the viability and vibrancy of the area and the local economy. In doing so, it would be possible that the proposed development contributes to the local economy. However, the appeal statement from the appellant also made reference to the special circumstances of a premises that would be a 'milky café' which is of scarcity

locally. However, this was accounted for by the Inspector who found that these special circumstances would not be sufficient to overcome the conflict with the relevant policies.

7 and 9 Edgwarebury Lane HA8 8LH

16/7837/FUL - Change of use to no 7 from A5 to A1 and the change of use of no 9 to A3/A5 - refused 08/11/2017

Reason for refusal:

The proposed development does not include a formal undertaking to secure the change of use of both units. In the absence of such an agreement the use is not considered to retain a suitable level of retail floorspace to maintain the vitality and viability of the existing retail provision in the locality. The proposal would therefore be contrary to Policies CS6 of the Local Plan Core Strategy (adopted September 2012), Policies DM12 of the Development Management Policies DPD (adopted September 2012) contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013).

### **3. Proposal**

The application relates to the change of use from Class A1 (Retail) to Class A3 (Restaurants and Cafes) RETROSPECTIVE APPLICATION

### **4. Public Consultation**

Consultation letters were sent to 101 neighbouring properties.  
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- No adequate provision has been made for refuse generated from the unit.
- Conditions have been imposed on applications for refuse but the problem has not been resolved.
- Reduction of car parking space and reduced provision for rubbish storage and collection.
- Flytipping on the public footway/service road.
- Existing problems are likely to worsen.

### **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.

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

#### 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, DM11, DM12.

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 change of use to a restaurant for the following reasons.

*The applicant has failed to provide sufficient evidence to demonstrate that the former A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use, contrary to policy 4.8 of The London Plan (2015), policy CS6 of the Barnet Core Strategy (2012) and policy DM12 of the Development Management Policies DPD (2012).*

*The change of use would further reduce the percentage of A1 uses within the Edgware Town Centre to the detriment of the vitality and viability of this area and is therefore contrary to Policy DM11 of the Development Management Policies DPD (2012).*

Since the previous refusal and subsequent dismissal at appeal the applicant has submitted a further application with supporting statement to justify the use of the unit as a restaurant/cafe. The particular cafe which is currently in operation is a dairy only Kosher restaurant to serve the local Jewish community. The applicant's statement says:

*According to Jewish law milk-based food has to be kept strictly separate from meat-based food. Therefore there are two distinct types of meal which all religious Jews have to observe and keep separate. That also applies to the designation of two different types of restaurant - "milky" ones and "meaty" ones.*

*Café Arome is unique as it is the only milky restaurant which holds a kosher certificate under the supervision of Rabbi E Schneebalg. This is of utmost importance as Rabbi Schneebalg is not only one of the leading Rabbis of the Edgware community, but provides a kosher certificate which is accepted by all Jewish communities including the strictly orthodox members of Edgware and beyond. Such members of the community simply did not eat outside of their homes for years but now do eat in our milky establishment due to the kosher certificate it holds. Café Arome obviously fills this void in the community.*

The context of the restaurant is that it will serve a sizeable Jewish community. Whilst this is taken into account it is not considered that this benefit to the local community would not outweigh the development plan conflict that has been identified.

In determining the previous appeal the inspector noted.

*Policy CS6 of the Barnet's Local Plan Core Strategy 2012 promotes the successful and vibrant centres to serve the needs of residents, workers and visitors and ensure that new development is of an appropriate scale and character for the centre in which it is located. The policy also requires food, drink and entertainment to be part of a healthy evening economy. Policy 4.8 of the London Plan 2011 (Alterations 2013, 2015 & 2016) supports a successful, competitive and diverse retail sector which promotes sustainable access to goods and services.*

*In this regard, the restaurant provides a new restaurant use, particularly meeting the demands of a sizeable Jewish community in that it serves kosher food contributing to the viability and vibrancy of the area, including its local economy. For these reasons, it is*

*argued that these development plan policies support the scheme. However, there is a conflict with Policies DM11 and DM12 of the DMP which consider the impact of loss of retail uses on the viability and vibrancy of the shopping area. By virtue of this and these policies specific relevance, I attach substantial weight to the proposal's conflict with these policies. For this reason, looking at the scheme in the round, the change of use is contrary to the development plan.*

The proposal does not comply with policies DM11 and DM12 of the development management plan policies in terms of the loss of an A1 unit in a secondary retail frontage, in these specific circumstances it is considered that there are other material considerations that should be taken into account when assessing the application and would it is acknowledged bring a benefit to the local and wider Jewish community. Whilst further information has been provided since the original application which sets out the business nature of the restaurant this does not include any form of marketing information to demonstrate that there is no demand for the unit as A1 retail use.

The previous application was refused on the basis that the combined proportion of Class A1 retail units within the secondary retail frontage would fall below 65%. Since this application was submitted an update retail survey has been carried out to review any change in ownership use that would alter the percentages of retail and non-retail uses within the secondary frontage.

In considering whether the change of use would harm the viability or vitality of the town centre, development management policy DM11 need to be considered. Policy DM11 b(ii) states that development proposal which reduce the combined proportion of class A1 retail use at ground floor level (including vacant) in the secondary frontage below 65% will not be permitted. Policy DM11 also states that proposals should not create an over-concentration of similar uses which detract from the retail function of the town centre. Further, Policy DM11 b(iii) states that changes from a retail use (Class A1) will be strongly resisted unless it can be demonstrated that there is no viable demand for continued Class A1 use. When it can be demonstrated that the site has been marketed effectively for Class A1 use acceptable alternatives to Class A1 use will be Class A2, A3, A4, A5 or community uses.

An assessment has been undertaken of the proportion of use classes along the secondary shopping frontage in the Edgware town centre.

Class A1(including vacant) - 61.7% (76)

Class A2 - 10.6% (13)

Class A3 - 16.3% (20)

Class A4 - 0.8% (1)

Class A5 - 5% (6)

Class B1 - 3.3% (4)

Class B2 - 0.8% (1)

Class ASG- 1.6% (2)

These calculations indicate that currently 61.7% of the units within the secondary retail frontage are in retail use (including vacant units) and 38.3% of units are in non-retail use. As such, the existing number of Class A1 units in this area does not meet the minimum level required under Policy DM11. The subject unit changing use from Class A1 to Class A3 would worsen the status quo in this instance, and as such is not considered an acceptable change of use when taking into account the vitality or viability of the Edgware town centre.

An updated retail survey has been carried out as of 2017/2018 to account for any change in use that has occurred in the time between the previous application and the current application. The latest retail survey of the secondary frontage reveals that the total number of retail and vacant units remains at 76 of the total secondary retail frontage. Therefore, no changes of use of pre-existing non-retail units to retail use have occurred since the previous application and therefore the retail offering remains the same and below the required threshold of 65%. It is therefore considered, that any loss of retail would be harmful to the viability and vitality of the retail frontage and would result in a further percentage reduction from the necessary standard.

#### Impact on the amenities of neighbours

There are residential uses above the premises, however, the application site is located within a busy town centre location and the use itself would be typical of that within a town centre.

In regards to noise and disturbance it is considered that appropriate conditions for details of the kitchen equipment including extraction flue. Although, the equipment is already operational it is considered that mitigation measures can be implemented retrospectively if required following the results of the reports in relation to the noise and odour generated by the equipment. Sound insulation is also recommended to protect the residential properties above.

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

A condition has been imposed on the application for details of the refuse storage. The issues in regards to rubbish being left on the service road is a wider issue and is not directly as a result of the restaurant use.

#### **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 fail to accord with the requirements of the Development Plan and is therefore recommended for refusal.



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## Appeal Decision

Site visit made on 10 June 2016

**by Jonathon Parsons MSc BSc (HONS) DipTP Cert (Urb) MRTPI**

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

**Decision date: 16 June 2016**

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**Appeal Ref: APP/N5090/W/16/3144211**

### **9 Edgwarebury Lane, Edgware, Barnet HA8 8LH**

- 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 Mr Doron Sharafian against the decision of the Council of the London Borough of Barnet.
  - The application Ref 15/05999/FUL, dated 25 September 2015, was refused by notice dated 18 November 2015.
  - The development is the change of use of the existing unit to an A3 restaurant.
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### **Decision**

1. The appeal is dismissed.

### **Procedural Matter**

2. The change of use of the property has already taken place and consequently the scheme has been considered as retrospective on this basis.

### **Main Issue**

3. The effect of the scheme on the vitality and viability of Edgware Town Centre.

### **Reasons**

4. The cafe unit is situated within a parade with various commercial uses at the ground floor. Under the Barnet Unitary Development Plan Proposals Map, it is within designated Secondary Retail Frontage of Edgware Town Centre.
5. Policy DM11 of the Barnet's Local Plan Development Management Policies (DMP) 2012 states that a development proposal that reduces the combined proportion of Class A1 retail uses at ground floor (including retail) in the secondary frontage below 65% will not be permitted and the proposal should not create an over-concentration of similar uses detracting from the retail function of the town centre. The policy also states that a change of use from a retail use (Class A1) will be resisted unless it can be demonstrated that there is no viable demand for the continued Class A1 use, and that when it has been demonstrated that the site has been marketed effectively, acceptable alternatives will include Class A3 uses.
6. The Council has indicated that the combined proportion of Class A1 uses (including vacant) at ground floor within the secondary frontage area of this

Town Centre is approximately 61.7% which would indicate that the existing number of Class A1 units does not meet the minimum level required under DMP Policy DM11. The loss of the retail unit as result of the change of use would have worsened the percentage of retail units within the secondary frontage.

7. It has been stated that the percentage of non-retail uses should be judged in relation to the parade to which the appeal unit is situated within. However, Policy DM11 makes no such distinction and the policy wording refers to percentage as part of the secondary frontage. In terms of viability, the previous travel agent use was unviable due to increased competition from on-line services. Nevertheless, although custom was dwindling for the former travel agent use, this does not mean marketing for other types of Class A1 use would not be fruitful through a property agent. Therefore, as no marketing has taken place, there is a conflict with Policy DM11 for these reasons.
8. Policy DM12 of the DMP protects all retail uses in the existing local centres, parades and isolated shops unless four criteria can be met. Under these criteria, it has been argued that there will be no significant reduction of shopping facilities, alternative shopping facilities similarly accessible by walking, cycling or public are available and that the use is within Class A3. However, all criteria must be met and under the fourth criterion, it has not been proven that there is no demand for Class A1 use and no marketing has taken place for all reasons previously indicated. Therefore, the scheme conflicts with Policy DM12.
9. Policy CS6 of the Barnet's Local Plan Core Strategy 2012 promotes the successful and vibrant centres to serve the needs of residents, workers and visitors and ensure that new development is of an appropriate scale and character for the centre in which it is located. The policy also requires food, drink and entertainment to be part of a healthy evening economy. Policy 4.8 of the London Plan 2011 (Alterations 2013, 2015 & 2016) supports a successful, competitive and diverse retail sector which promotes sustainable access to goods and services.
10. In this regard, the restaurant provides a new restaurant use, particularly meeting the demands of a sizeable Jewish community in that it serves kosher food contributing to the viability and vibrancy of the area, including its local economy. For these reasons, it is argued that these development plan policies support the scheme. However, there is a conflict with Policies DM11 and DM12 of the DMP which consider the impact of loss of retail uses on the viability and vibrancy of the shopping area. By virtue of this and these policies specific relevance, I attach substantial weight to the proposal's conflict with these policies. For this reason, looking at the scheme in the round, the change of use is contrary to the development plan.
11. The proposal has resulted in an active and attractive frontage to the premises and I have no reason to doubt that the use contributes to the longevity of the area in attracting customers and revitalising the parade. However, I am not persuaded that this could not occur with a new Class A1 retail use in the absence of any evidence to the contrary. For these reasons, there are no other material considerations to outweigh the development plan conflict identified.



**Conclusion**

12. For the reasons given and having regard to all other matters raised, I conclude that the appeal should be dismissed.

*Jonathon Parsons*

INSPECTOR

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**Location**                    **35 Hillside Gardens Edgware HA8 8HA**

**Reference:**                **17/7551/HSE**

Received: 28th November 2017

Accepted: 30th November 2017

Ward:                        Edgware

Expiry 25th January 2018

Applicant:                 Mr Shimon Fhima

Proposal:                    Roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

AGENDA ITEM 14

**Recommendation:** Refuse

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 proposed roof extension in terms of the rear dormer window and gable extensions, by reason of size, siting and design would be inappropriate and result in an overly prominent and dominant development which is out of context with the prevailing character of the area and would introduce features detrimental to the character and appearance of the host property, streetscene, and wider locality contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

2 The plans accompanying this application are:

Location Plan  
EX-SE01-pd  
EX-PL01-pd  
EX-EL01-pd  
PR-PL01-pd Rev A  
PR-EL01-pd Rev A  
PR-SE01-pd Rev A

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a semi-detached property on the western side of Hillside Gardens. The host dwelling directly adjoins No. 37 Hillside Gardens. The surrounding area is characterised by residential dwellings.

The site is not located within a Conservation Area and the host property is not a Listed Building.

### **2. Site History**

Reference: H/00622/08

Address: 35 Hillside Gardens, Edgware, Middx, HA8 8HA

Decision: Approved with conditions

Decision Date: 29 May 2008

Description: Demolition of existing garage to side and erection of replacement single storey garage to side and front.

### **3. Proposal**

This application seeks planning permission for a roof extension involving a hip to gable extension, rear dormer window and 4no. rooflights to the front elevation to facilitate a loft conversion.

The hip to gable would measure a width of 3.8 metres x a depth of 7.7 metres and a height of 2.7 metres. The rear dormer window would measure a width of 8.9 metres x a depth of 4 metres and a height of 2.7 metres.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties.  
0 responses have been received.

This application has been called to planning committee by Councillor Hart.

## **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 (MALP)

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.

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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

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

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

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted 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**

### Impact on Existing Building, Street scene and Character of the Area

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 proposal seeks to erect a hip to gable extension, rear dormer window and 4no. rooflights to the front elevation to facilitate a loft conversion.

The Residential Design Guidance SPD states that 'additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. However, in some cases, dormer windows may be out of keeping with the character of the area'.

The proposed loft conversion would require a hip to gable extension that would alter the roof form. After undertaking a site visit, officers noted that this section of Hillside Gardens is generally consistent with the surrounding roof slopes which all feature hipped roof forms. The existing roofscape is equally consistent in terms of roof form.

Other properties along Hillside Gardens, however, benefit from hip to gable extensions, granted under Lawful Development Certificates. This includes the closely located properties of No. 38 and No. 25, which was granted a partial hip to gable. Whilst the cumulative development of the hip to gable and rear dormer would be over the maximum 50 cubic metres, a hip to gable solely would be considered acceptable under permitted development and due to other hip to gable roof styles in the surrounding area, on balance, it is not considered that this would have an adverse impact on the character of Hillside Gardens.

The proposed dormer, which would be located to the rear elevation, would be the full width of the roofslope, including the proposed hip to gable extension, and extend very close to the ridge line and eaves level of the existing roofslope.

The dormer as proposed is contrary to the Residential Design Guide as a dormer extension should not occupy more than half the width or half the depth of the roof slope. Furthermore, to retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible. Therefore, it is considered that due to the sheer bulk and scale of the dormer window as proposed under this application, this part of the proposal would have a significantly detrimental impact on the character of the existing property, street scene and wider locality.

It is noted that there are some examples of roof alterations including dormer windows in Hillside Gardens, however, the majority of these have been granted lawful under permitted development and are smaller in scale. Dormers of this size appear uncharacteristic of the area. At No. 48 and No. 50 Hillside Gardens, it is noted that larger dormer windows are present but there are no planning records for these developments. No. 98 Hillside Gardens also benefits from a wide dormer however, this was originally granted acceptable under a Lawful Development Certificate and then the subsequent planning application assessed the dormer as similar to that granted Lawful.

Furthermore, it is accepted that the property benefits from permitted development rights and may be able to construct roof alterations under Schedule2, Part1, Class B of the General Permitted Development Order. However, in this instance, the proposed hip to gable extension and rear dormer does not meet the cubic volume criteria of permitted development and therefore the applicant does not have a fall-back position. The rear dormer would measure a volume of 48.95 cubic metres whilst the hip to gable would measure a volume of 13 cubic metres. This would total an increase in roof space of 59.15 cubic metres when the volume of the partially sloped roof of the dormer is subtracted from the total volume of the roof space. This increase in roof space would be substantially above the criteria allowed under permitted development.

The proposed 4no. rooflights to the front elevation benefit from permitted development rights as set out in Schedule2, Part1, Class C of the General Permitted Development Order and as such are considered to be an acceptable addition to the dwellinghouse.

The proposed roof extension involving a hip to gable extension, rear dormer window and front elevation rooflights to facilitate a loft conversion, would detract from the dwelling and the local streetscene and as such result in harm to the character and appearance of the area. Therefore the proposal is contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD.

#### Impact on Neighbouring Amenity

The host property at No.35 Hillside Gardens seeks planning permission for a hip to gable extension, rear dormer window and 4no. rooflights to the front elevation to facilitate a loft conversion.

The host property shares a party wall with the neighbouring property at No. 37 Hillside Gardens and is detached from the neighbouring property to the other side, No. 33 Hillside Gardens.



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.

In regards to the amenity of neighbouring occupiers, located to the rear of the property, it is not considered that the proposed development would result in unacceptable levels of harm in terms of overshadowing, over dominance or overlooking in accordance with Policy DM01 of the Development Management Policies DPD. This is due to the significant distance from the host property to the rear neighbour, No.124 Green Lane, due to the private amenity space at the application site.

The rooflights would also not be found to have an adverse impact on neighbouring occupiers.

Whilst the proposed hip to gable would not be considered to have a detrimental impact on the neighbouring property of No. 33 and would not be visible from the adjoining occupier of No. 37, the proposed rear dormer would be found to result in undue harm. As the proposed dormer would meet the shared common boundary with No. 37, and not set back by at least 1 metre as set out in the Residential Design Guidance SPD, the dormer by way of its scale and size would appear overbearing and over dominant on this property.

As such, the rear dormer window would have a detrimental impact on the amenities of neighbouring occupiers to a harmful level.

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

N/A.

#### **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 the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the general locality. Therefore this application is recommended for REFUSAL.

#### **8. List of Conditions in Case of an Appeal - Without Prejudice**

In the event of an appeal, it is recommended that the following conditions are attached to the decision:

##### **1. Approved Plans**

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

Location Plan  
EX-SE01-pd

EX-PL01-pd  
EX-EL01-pd  
PR-PL01-pd Rev A  
PR-EL01-pd Rev A  
PR-SE01-pd Rev A

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

## 2. Standard Time Limit

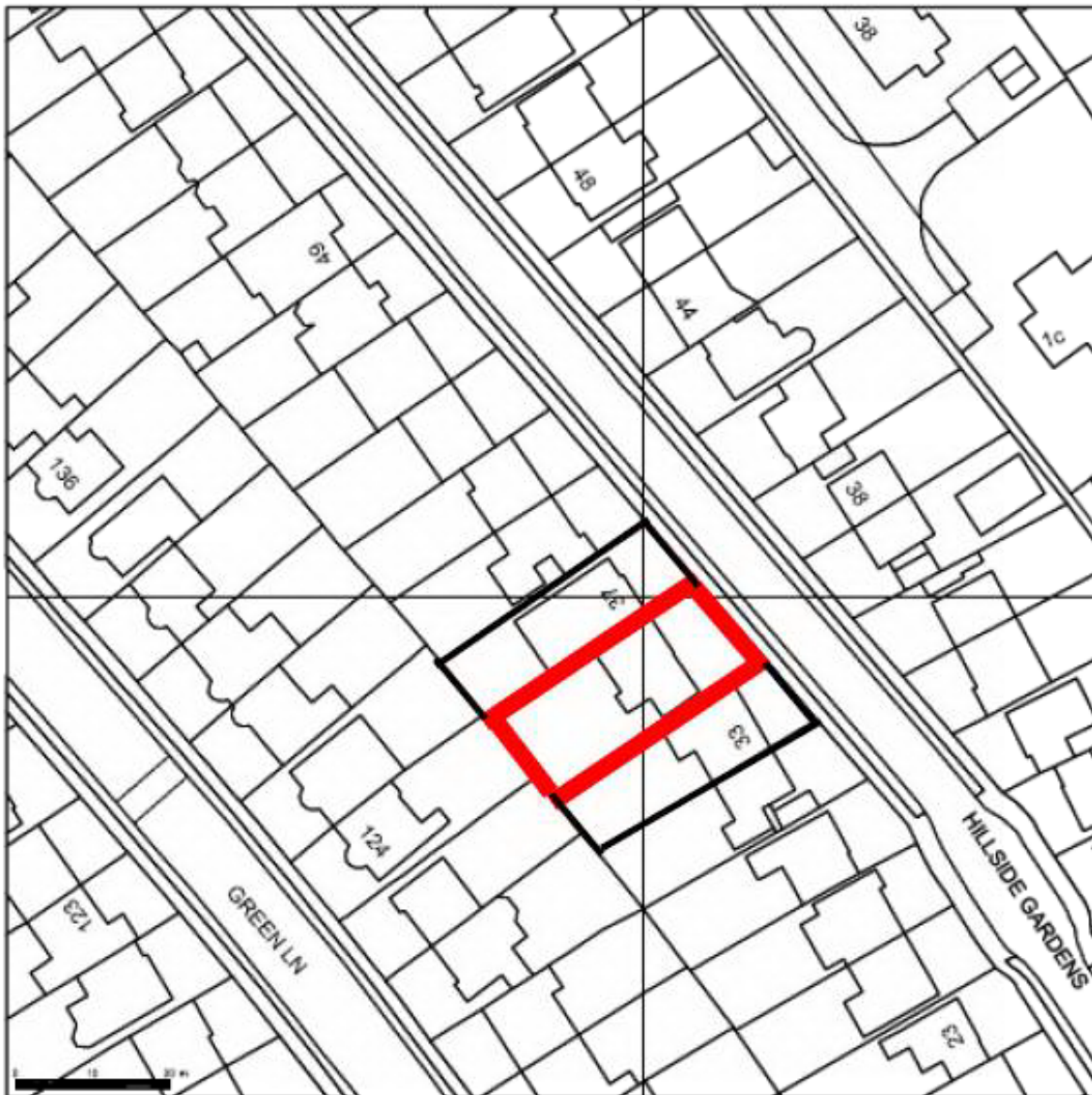
This development must be begun within three years from the date of this permission.

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

## 3. Materials to match

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).



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**Location**                    **77 Station Road London NW4 4PH**

**Reference:**                **17/6893/HSE**

Received: 31st October 2017

Accepted: 22nd November 2017

Ward:                        West Hendon

Expiry 17th January 2018

Applicant:                 Mr Isaac Raymond

Proposal:                    Single storey rear extension following demolition of the existing shed.  
New rasiad patio, access ramp and steps to garden level.

AGENDA ITEM 15

**Recommendation:** Refuse

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 proposed single storey rear extension by reason of its size, siting and rearward projection is considered to have a severe adverse impact on the character and appearance of the area, and the visual and residential amenities of the neighbouring occupiers at No.79 Station Road. The proposed extension would appear visually obtrusive and overbearing and cause harmful loss of outlook and sense of enclosure. The proposed extension would be contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

**Informative(s):**

- 1     In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises a semi-detached dwellinghouse located in a predominately residential location. This row of dwellinghouses comprise of two storeys with front hardstanding. There is a level change along the street with the neighbouring property No.75 Station Road being set at a lower level. There is also a level change front to back of the site with the garden being set appreciably lower than the internal floor level of the property.

The site is not located within a Conservation Area and the host property is not a Listed Building.

### **2. Site History**

Reference: 16/3995/192

Address: 77 Station Road, London, NW4 4PH

Decision: Lawful

Decision Date: 11 July 2016

Description: Roof extension involving hip to gable end, 1 no rear dormer window and 3 no roof lights to the front elevation to facilitate a loft conversion

Reference: 16/5160/PNH

Address: 77 Station Road, London, NW4 4PH

Decision: Prior Approval Required and Refused

Decision Date: 7 September 2016

Description: Single storey rear extension with a proposed maximum depth of 6 metres measured from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/5907/PNH

Address: 77 Station Road, London, NW4 4PH

Decision: Prior Approval Required and Refused

Decision Date: 14 September 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/6185/PNH

Address: 77 Station Road, London, NW4 4PH

Decision: Prior Approval Required and Refused

Decision Date: 26 October 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/7887/PNH

Address: 77 Station Road, London, NW4 4PH

Decision: Prior Approval Required and Refused

Decision Date: 13 January 2017

Description: Single storey rear extension with a maximum proposed maximum depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3.9 metres

Reference: 17/3455/HSE

Address: 77 Station Road, London, NW4 4PH

Decision: Approve with conditions

Decision Date: 25 July 2017

Description: Single storey rear extension measuring 3.5 metres in depth, raised terrace and access ramp.

### **3. Proposal**

This application seeks planning permission for a single storey rear extension following the demolition of an existing shed, with new access steps to the garden level.

The proposed extension would measure 6 metres in depth from the rear wall of the original dwellinghouse, be the full width of the dwellinghouse in situ and have an overall height of 3.065 metres with a flat roof.

The access ramp and steps would exist at a height of 1 metre from a raised terrace to connect the ground floor of the rear extension to the rear garden level.

The plans have been amended since the previous submission, 17/3455/HSE, to increase the size of the proposed extension, through increasing the depth to 6 metres at full width of the property.

### **4. Public Consultation**

Consultation letters were sent to 3 neighbouring properties.  
0 responses have been received.

This application has been called to planning committee by Councillor Slocombe.

### **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 (MALP)

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.

#### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

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

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

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

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted 2016)

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

##### Sustainable Design and Construction SPD (adopted 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**

This application follows a previous application for planning permission which was approved under application ref: 17/3455/HSE, with the depth of the proposed extension at 3.5 metres at the common boundary with No. 79, which then extended to 5.4 metres after a depth of 2 metres. It also follows previous prior approval notifications which were required and refused under references 16/5160/PNH, 16/5907/PNH, 16/6185/PNH, 16/7887/PNH.

### Impact on Street scene, Existing Building and Character of the Area

The proposed extension will be to the rear of the property and will not be visible from the street scene. A number of properties benefit from rear extensions of approximate depths of up to 3.5 metres along Station Road.

On this basis, it is considered that the appearance of the proposed rear extension will conflict with the general character of nearby development and the character and appearance and the wider locality in Station Road. Extensions of 6 metres are not a common feature of this road and as such the proposal would appear at odds with the established character. As such, it would appear that an extension of such depth at full width of the existing dwelling would have a detrimental impact on the existing character of the surrounding area.

A raised terrace currently exists to the rear of the property, as such, due to the terrace that exists in situ being a material consideration, it is not found that a raised patio with an access ramp and steps to the garden level would have a negative impact on the existing character of the surrounding area. From satellite imagery, it is noted that patios exist to the rear of surrounding properties.

### Impact on Neighbouring Amenity

The host property at No.77 Station Road seeks planning permission for a single storey rear extension measuring 6 metres in depth from the original rear wall of the dwellinghouse, and 3.065 metres in maximum height with a flat roof. The host property is semi-detached dwelling.

It is noted that the Council's Residential Design Guidance states that an acceptable depth for single storey rear extensions on semi-detached properties is 3.5 metres. In this instance, it is considered that the proposal does not comply with the Council's Guidance. It is also noted that the property has previously been refused prior approvals for a proposed depth of 6 metres.

The host property shares a party wall with the neighbouring property at No.79 Station Road which has not extended the rear of the property. The proposal would extend 6 metres past the rear wall of the neighbouring property. It is considered that the proposed extension will create an overbearing and obtrusive impact on the neighbouring property at No.79 Station Road. The reason for this is due to the close proximity to the adjoining property. Furthermore, it is considered that due to the depth of 6 metres, the proposed extension and location of windows would still create a sense of enclosure. The extension proposed at 3.065 metres high with flat roof and exposed walls will dominate the outlook of No.79 Station Road. The situation is exacerbated by the level change on this street, with the rearmost part of the extension extending significantly higher than the common boundary fence.

The host property is detached from the neighbouring property to the other side, No.75 Station Road. Given the position of this dwelling on the site in relation to the application property and due to an existing projection which runs adjacent to the common boundary, there will be less of an impact as a result of the 6 metre projection. It is not considered that the proposal would harmfully impact on the living conditions of neighbouring occupiers as these properties benefit from a gap measuring approximately 0.75 metres between the flank walls at ground floor. The ground levels at the site further exacerbate the situation as any addition beyond the existing raised terrace area in situ would have a significant height due to the drop in levels and to accommodate a level floor level internally to allow appropriate level access. The proposal will also in part replace an existing timber shed on the common boundary, although the extension will be a greater height than this element it shows that built form exists along this boundary.

With the benefit of a site visit, it is considered that the neighbouring properties would be harmed by the proposed rear extension as a protrusion of 6 metres is considered to be excessive.

The extension would result in harmful sense of enclosure and unduly dominate the outlook of neighbouring properties.

It is not found however that the proposed new access steps and raised terrace area would have a detrimental impact on neighbouring amenities, as a result of the raised patio that currently exists at the property.

It is noted that the application is accompanied by medical information to confirm the particular needs of the elderly resident requiring round the clock care and specialist equipment within the downstairs of the property. Internal changes were proposed to the property to accommodate a care room for the resident; an accessible bathroom; medical store room; carer's bedroom and a dayroom and hallway with ample space for wheelchair use. The council are sympathetic to the care needs of the elderly resident however, a balanced approach needs to be taken to ensure the applicant's needs are met whilst not prejudicing neighbouring amenities and the homeowners enjoyment of this adjoining property.

It should be noted that the previous planning application (17/3455/HSE) proposed a mitigation to the impact to 79 Station Road by way of a 2m setback from the shared boundary of the deeper 5.5m long projection. As a result, the built form along the boundary was just 3.5m which therefore protected residential amenity for the future occupiers

In the aim to strike a balance, amendments were sought to internally rearrange rooms to incorporate all the rooms needed for care in the hope to reduce the rear extension to

match the plans submitted under 17/3455/HSE. However, the applicant felt that this was not possible. In addition, it was felt that an inset from the boundary with 79 Station Road would also not be supported. On this basis, it is considered that on balance, the impacts on the neighbouring occupiers are considered to be significant, given that there is a planning and design solution in place to meet the needs of all affected parties.

After considering the reasons above and taking into account previous site history, which this application has not modified, this application is recommended for refusal.

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

N/A.

#### **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 the proposed development would have a harmful impact on the character and appearance of the application site, the street scene and the locality. In addition, the development is considered to have an adverse impact on the amenities of neighbouring occupiers. Therefore this application is recommended for REFUSAL.

#### **8. List of Conditions in Case of an Appeal - Without Prejudice**

In the event of an appeal, it is recommended that the following conditions are attached to the decision:

##### **1. Approved Plans**

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

136 D-101  
136 D-201  
136 D-050 Rev 01  
136 D-111 Rev 01  
136 D-211 Rev 01  
136 C-041

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. Standard Time Limit**

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. Materials to match

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. Roof not to be used as balcony.

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

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

### 5. PD : No windows or doors in extension.

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 No.75 Station Road and No.79 Station Road.

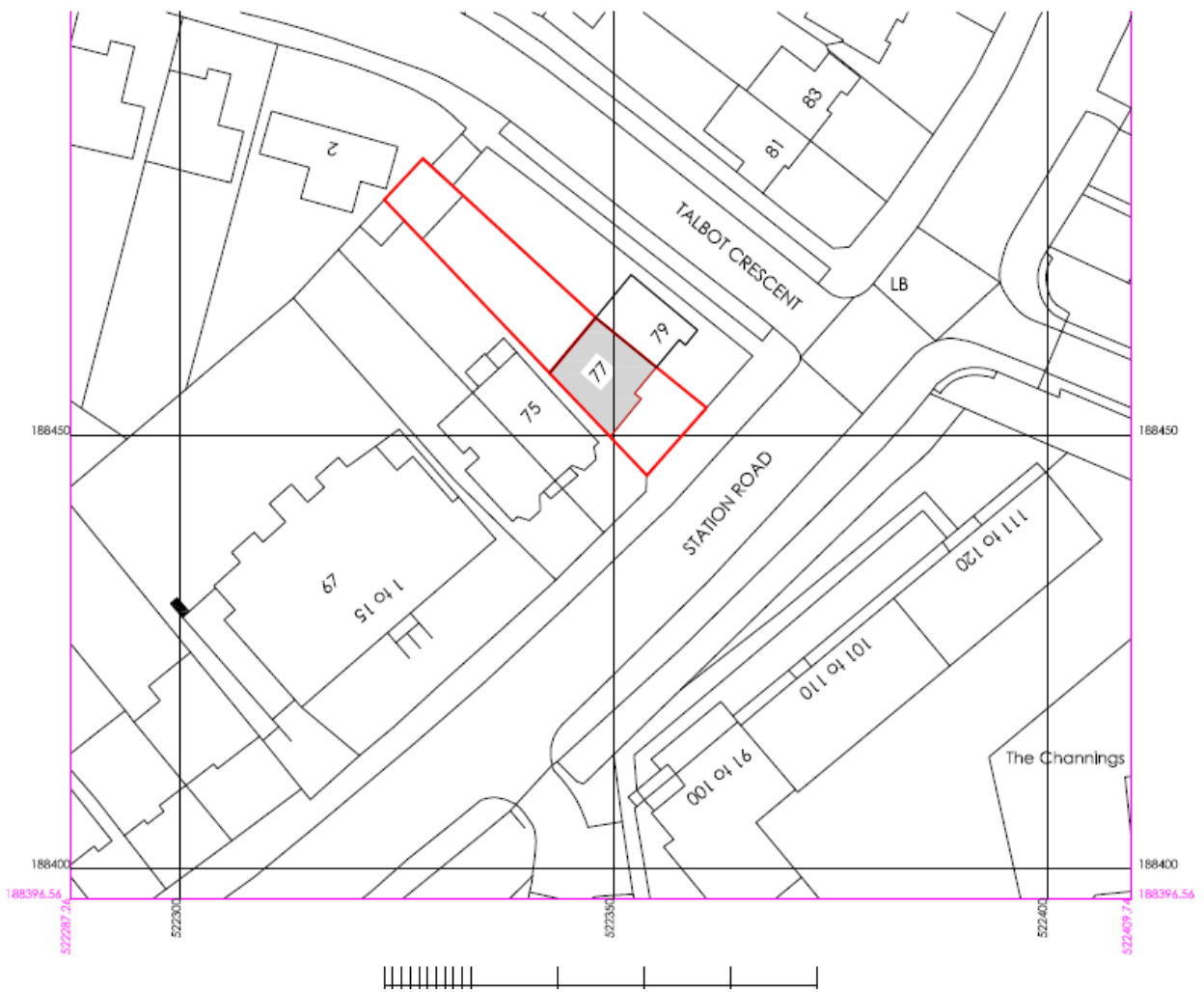
Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

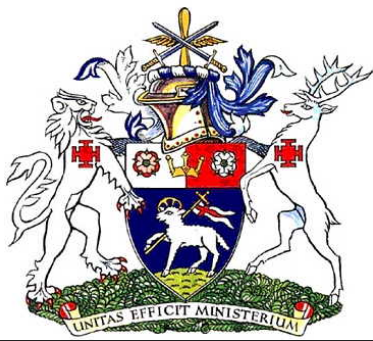
### 6. Details of Privacy Screens

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

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

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





## Hendon Planning Committee

18<sup>th</sup> January 2018

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

Chipp

### Summary

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

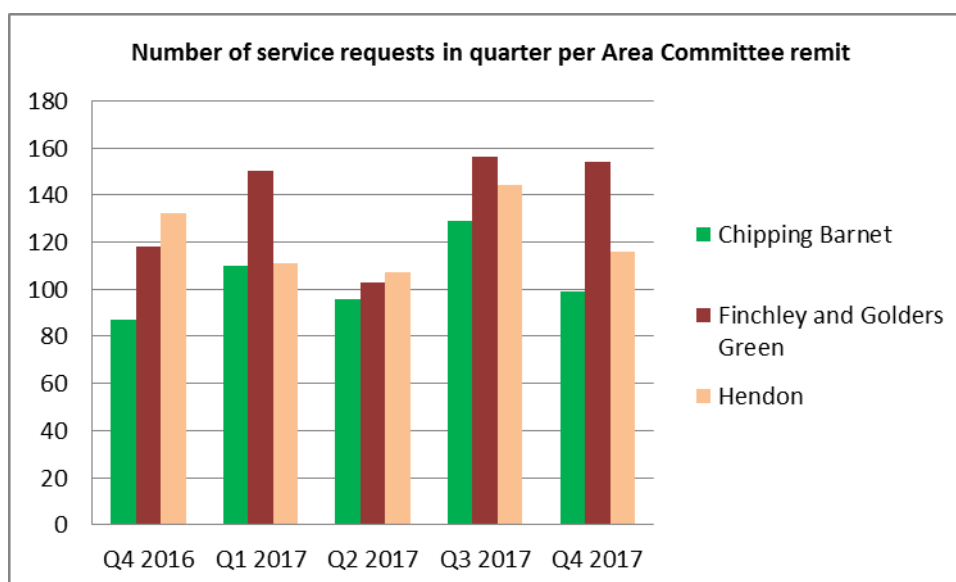
### Recommendation

1. That the Committee note the Planning Enforcement Quarterly Update for the period of October 2017 to December 2017.

## 1. WHY THIS REPORT IS NEEDED

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

In the period between July and September 2017, the Council received 429 requests to investigate an alleged breach of planning control which is the highest number of requests in the past year. As with previous quarters, the number of requests varied significantly between different wards and Parliamentary constituencies as shown below:



Chipping Barnet					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Brunswick Park	7	21	14	8	17
Coppetts	8	19	9	20	12
East Barnet	13	15	16	20	8
High Barnet	19	28	13	24	14
Oakleigh	15	16	13	11	15
Totteridge	26	20	18	17	13
Underhill	11	25	13	10	8



Finchley and Golders Green					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Childs Hill	41	56	30	47	36
East Finchley	6	16	10	7	9
Finchley Church End	23	12	12	20	10
Golders Green	31	28	17	19	20
Garden Suburb	20	21	8	18	11
West Finchley	19	12	12	12	13
Woodhouse	14	11	14	27	19

Hendon					
Ward	Q4 2017	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	14	21	13	12	12
Colindale	10	11	6	4	8
Edgware	9	22	13	17	18
Hale	16	19	16	18	15
Hendon	26	26	12	26	27
Mill Hill	15	13	22	21	25
West Hendon	26	17	16	13	27

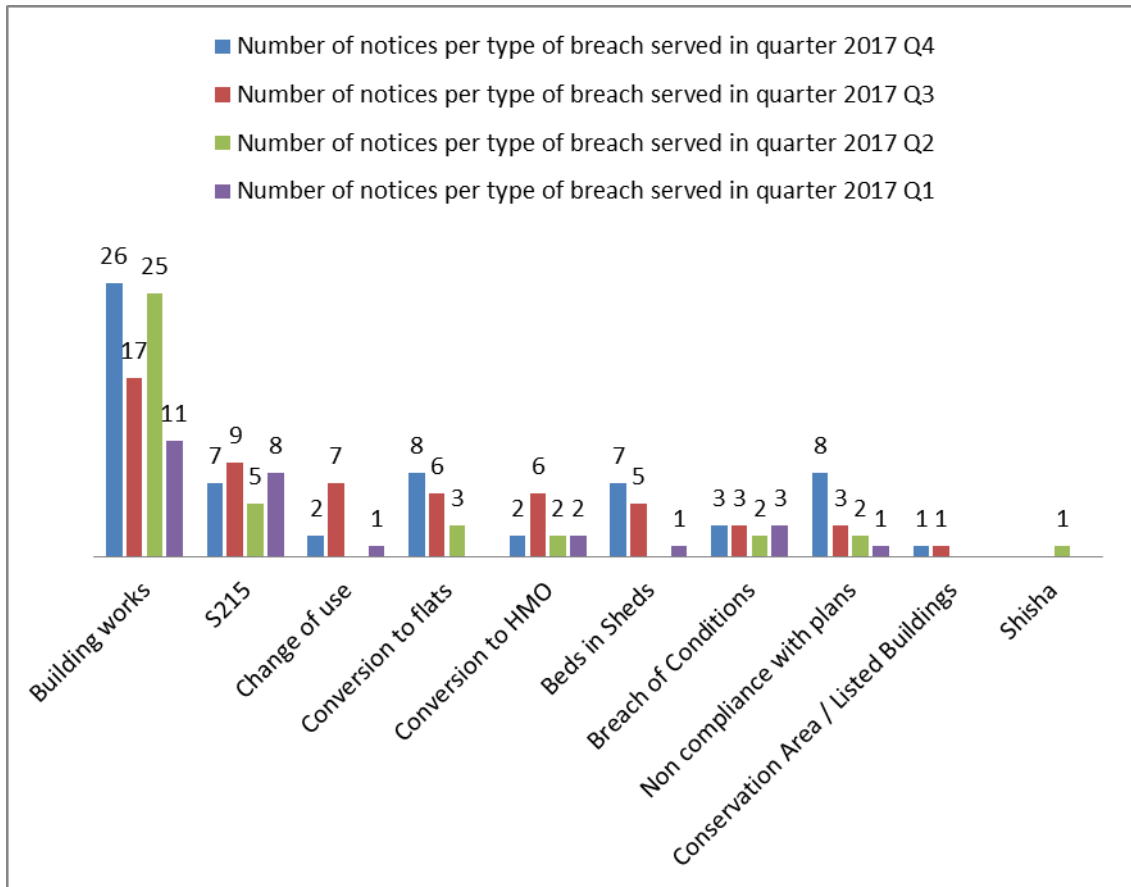
Future quarterly updates will show the evolution of number of requests quarter on quarter.

#### 1.4 Formal Enforcement Action

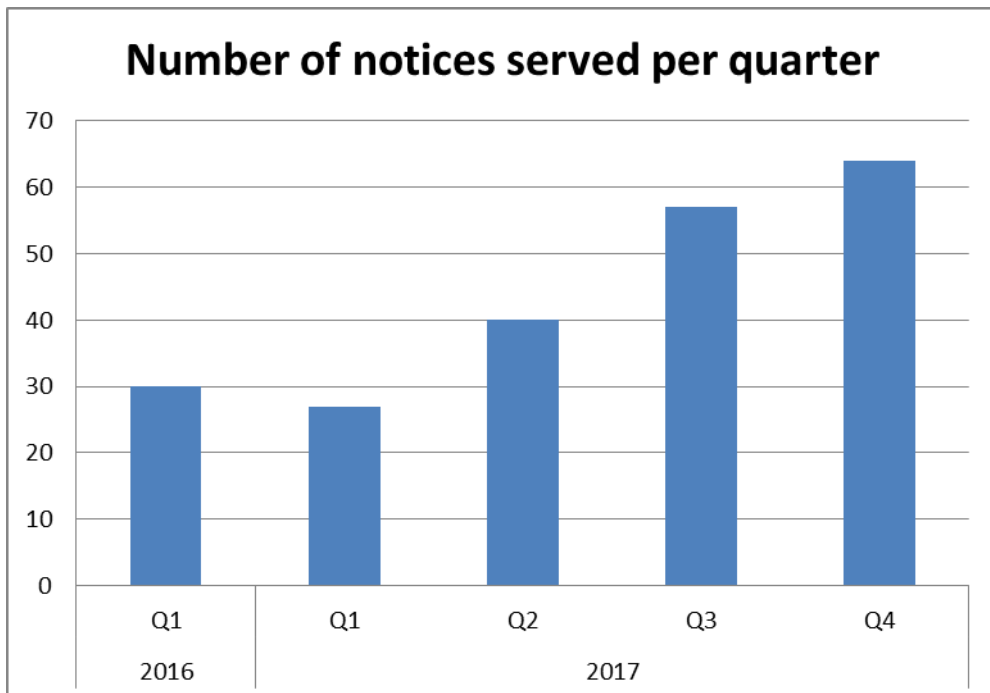
Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations. A notice, if it is considered appropriate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

In the last quarter, 64 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 57 in Q3, 40 in Q2 and 30 notices served in Q1 and is an all time high for the Council. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a continued increase in the number of more complex notices served against unlawful residential uses: 8 notices were served against unlawful flat

conversions, 2 against unlawful Houses in Multiple Occupancy and 7 against Beds in Sheds.



The increase in the number of notices served has been sustained throughout 2017.



### Benchmarking:

The Department for Communities and Local Government recently released planning applications and enforcement statistics for the period ending September 2017.

According to those statistics, Barnet now has the fourth busiest enforcement team in the country. According to the official figures, the team served 111 enforcement notices out of a total of 143 of all types in the year ending in September 2017. This is up from eighth for the year ending September 2016 and Barnet's highest ever position in the standings. The mean annual return of enforcement notices from all 339 planning authorities was 13.7.

### 1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between October and December 2017

	<b>Q4 2017</b>	Q3 2017	Q2 2017	Q1 2017
<b>Full compliance</b> following serving of enforcement notice	<b>35</b>	42	18	11
<b>Informal compliance</b> Works carried out and/or use ceased with breach resolved informally	<b>73</b>	117	82	42
<b>Lawful development</b> No breach of planning control was identified following investigation	<b>232</b>	282	254	167
<b>Breach detected</b> but harm insufficient to justify enforcement action	<b>52</b>	101	61	22
<b>Total</b>	<b>392</b>	542	415	242

The decrease in the number of completed investigations compared to the last quarter is reflective of the fact that officers have reviewed a significant number of older less urgent cases and have focused on the serving of enforcement notices as highlighted in section 1.4.

### 1.6 Notable cases updates

#### Finchley and Golders Green

In early December the Council successfully prosecuted the owners of 279 Golders Green Road, NW11 for converting the house into flats. The case was re-opened in summer on the basis of representations made by the owner who had previously been found guilty in his absence of the same offence. The case has been adjourned for sentencing and confiscation.

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 97 Hendon Way are continuing through the Court systems The

Council is pursuing Proceeds of Crime in relation to each. Convictions have been obtained in respect of the first two cases and the third is following a different procedure due to the defendant being out of the country.

The Council was successful in its Prayle Grove court appeal hearing which began in April 2017 and was awarded its full costs in defending the notice. The works required by the upheld notice were completed and it is understood that the house will be brought back into occupation very soon.

A notice directed against the unauthorised use of 45 Etchingam Park Road, N3 has been upheld after a public inquiry. The owners now have until 11 May to restore the property to a single dwelling. The Council was awarded its full costs in defending its notice due to failures on the part of the appellant. The Council was also successful at a hearing into unauthorised extensions at 14 Golders Manor Drive, NW11. The majority of appeals are dealt with by way of written representations rather than at hearings or inquiries and officers are always happy with successful verdicts after being subjected to cross examination.

The High Court injunction case concerning Pentland Close continues. The defendant, who has previously been imprisoned for continuing to store waste and materials at his house, was convicted for a second time in August and handed a 3 month custodial sentence suspended for three years. The Council will approach the Courts with a request that the sentence be activated due to an apparent failure to undertake the works required by the High Court judge.

The Council took the rare and serious step of serving a stop notice in respect of a domestic basement in Golder Manor Drive. Colleagues in Building control and the health and safety executive had voiced grave concerns about the site and asked if planning enforcement could assist. Work on the basement has now come to a halt whilst a planning application is considered. Stop notices are generally reserved for instances where damage can be irreparable or the consequences of the activity of the most serious nature and compensation may be paid where sufficient justification for such a notice does not exist.

### Hendon

A trial in respect of a beds in sheds case in Kings Close, NW4 is due to begin in early 2018. Officers had previously obtained a warrant to force entry into the outbuilding they suspected to be in dwelling use. On previous, announced, visits officers formed the impression that it was likely that cooking facilities had been temporarily stripped out to disguise the everyday use of the building as a dwelling.

### Chipping Barnet

The “shanty town” development at Hendon Wood Lane that was the subject of television and press headlines has been removed and its residents relocated. A small number of residents remain in buildings that had become immune

from enforcement action prior to the Council receiving reports of a possible breach of planning control.

### Borough-wide

'Junk and Disorderly' a waste removal company was successfully prosecuted for the permanent display of adverts on cars parked at prominent points on the public highway. The offending vehicles have been removed and officers are now speaking to other companies that are putting up similar unneighbourly and obtrusive signs.

Phase two of the joint planning enforcement / greenspaces direct action project was completed in December. This phase saw further untidy sites being cleared; The destruction of an unauthorised hardstanding on a grass verge and; The planting of trees to replace some unlawfully felled. The owners are being chased for the costs of undertaking the works. Preparations for a phase three in early 2018 are already well-advanced.

A further seven recommendations for prosecutions were made to HB public law in during the period covering a range of development types

## **2. REASONS FOR RECOMMENDATIONS**

2.1 Not Applicable

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

3.1 Not Applicable

## **4. POST DECISION IMPLEMENTATION**

4.1 Not Applicable

## **5. IMPLICATIONS OF DECISION**

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

5.1.1 Not applicable

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

5.2.1 Not applicable

### **5.3 Social Value**

5.3.1 Not applicable

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

5.4.1 Not applicable

### **5.5 Risk Management**

5.5.1 Not applicable

**5.6 Equalities and Diversity**

5.6.1 Not applicable

**5.7 Consultation and Engagement**

5.7.1 Not applicable

**5.8 Insight**

5.8.1 Not applicable

**6. BACKGROUND PAPERS**

6.1 None