

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 17TH OCTOBER, 2017

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius
Tim Roberts

Laurie Williams
Reema Patel

Kathy Levine

Substitute Members

Caroline Stock
Philip Cohen
Sachin Rajput

David Longstaff
Paul Edwards

Andreas Ioannidis
Pauline Coakley Webb

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: Jan Natynczyk 020 8359 5129 Jan.Natynczyk@Barnet.gov.uk

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Addendum (if applicable)	
5.	Report of the Monitoring Officer (if any)	
6.	46 Alan Drive Barnet EN5 2PW (Underhill Ward)	9 - 16
7.	Wessex Court 51 West End Lane Barnet EN5 2RA (Underhill Ward)	17 - 28
8.	Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ (East Barnet Ward)	29 - 40
9.	47 Oakleigh Park South London N20 9JR (Oakleigh Ward)	41 - 50
10.	7 Horseshoe Lane London N20 8NJ (Totteridge)	51 - 56
11.	Land adjacent to 18 - 20 The Thomas Watson Cottage Homes and Colgate Court, Leecroft Road, Barnet, Herts EN5 2TJ (Underhill)	57 - 70
12.	3 And 5 Holly Park Road London N11 3HA (Coppetts Ward)	71 - 82
13.	28 Woodside Grove London N12 8QU (Totteridge)	83 - 92
14.	Planning Enforcement Quarterly Update	93 - 102
15.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

7 September 2017

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts
Councillor Laurie Williams

Councillor Reema Patel
Councillor Kathy Levine
Councillor David Longstaff (Sub for
Councillor Wendy Prentice)

Apologies for Absence

Councillor Wendy Prentice

CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting and changed the running order, as reflected in these minutes.

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 19 July 2017, be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Councillor Prentice had sent her apology, with Councillor Longstaff substituting for her.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum were dealt with under individual agenda items.

6. 154A COLNEY HATCH LANE LONDON N10 1ER

The Committee received the report and the addendum to the report.

A representation was heard from the Applicant.

A vote was taken as follows:

For (Approval)	6
Against	0
Abstained	1

RESOLVED that the application be approved, subject to the conditions detailed in the report and subject to the addendum.

7. COTTAGE FARM MAYS LANE BARNET EN5 2AQ

The Committee received the report and addendum to the report. It was noted that the number of residents consulted was 56 and not 299, as stated in the report. It was also pointed out that there had been no objections and that two letters in support had been received.

The Committee received a representation from the Applicant.

The Committee voted on the recommendation in the report to approve the Planning application, subject to the conditions in the report and subject to the addendum:

For (approval)	1
Against (approval)	6
Abstained	0

It was moved by Councillor Sowerby and seconded by Councillor Cornelius that the application be **REFUSED** for the following reasons:

The proposed development of two residential dwellings in comparison to the existing buildings to be demolished on site would constitute an inappropriate form of development which would harm the openness of and intrude into the rural character of the Green Belt. No case for very special circumstances has been demonstrated to outweigh the harm caused to the Green Belt by reason of inappropriateness. The proposed development would have an unacceptable impact on the aims and purpose of the Green Belt, contrary to Policies CS NPPF, CS1 and CS7 of the Local Plan Core Strategy (September 2012), Policy DM15 of the Local Plan Development Management Policies DPD (September 2012), Policy 7.16 of The London Plan 2016 and paragraphs 87 and 90 of the National Planning Policy Framework Published 2012.

For (refusal)	6
Against (refusal)	1
Abstained	0

RESOLVED that the application be **REFUSED** for the reasons detailed above.

8. 69 SYDNEY ROAD LONDON N10 2LY

The Committee received the report.

A representation was heard from the Applicant.

The Committee voted on the recommendation in the report to refuse the application:

For (refusal)	3
Against (refusal)	4
Abstained	0

It was moved by Councillor Patel and seconded by Councillor Roberts that the application be **approved**, subject to conditions to be delegated to the Area Planning Manager to determine.

For (approval)	4
Against (approval)	3
Abstained	0

RESOLVED that the planning application be approved, subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans: - DWG No 2016-03-5487(A)/1, DWG No 2016-03-5487(A)/2 and Site Location Plan

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

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

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

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

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

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

The meeting finished at 8.10pm

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Location **46 Alan Drive Barnet EN5 2PW**

Reference: **17/5266/HSE**

Received: 11th August 2017

Accepted: 14th August 2017

Ward: Underhill

Expiry 9th October 2017

Applicant: Mr R Kamdar

Proposal: Part single, part two storey front, side and rear extension including new front porch

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: 46AD/P200 Rev B

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

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) at first floor level in the flank elevation facing 10 Dollis Brook Walk 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 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor flank elevations of the extension 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).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is an end of terrace dwelling house. The property is not within a conservation area, and is not listed. It should be noted that the applicant has had two duplicate prior approval applications approved for 4.5 metre deep and 3 metre high single storey rear extensions, under applications 17/1918/PNH, and 17/2302/PNH respectively.

2. Site History

Reference: 17/1918/PNH

Address: 46 Alan Drive, Barnet, EN5 2PW

Decision: Prior Approval Required and Approved

Decision Date: 28 April 2017

Description: Single storey rear extension with a proposed depth of 4.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/2302/PNH

Address: 46 Alan Drive, Barnet, EN5 2PW

Decision: Prior Approval Required and Approved

Decision Date: 15 May 2017

Description: Single storey rear extension with a proposed depth of 4.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

3. Proposal

This application seeks planning permission for a part single part two storey front side and rear extension.

A part two storey, part single storey front, side and rear extension. The front extension would comprise a single storey front porch, and have a width of approximately 4 metres and a depth of 1m, reflecting the depth of the existing front bay window. It would have a lean-to roof with an eaves height of 2.4 metres and maximum height of 3.6 metres.

The side element would have a width of 1.8 metres from the existing side wall and would have a depth of approximately 12.9 metres at ground floor level and 7 metres at first floor level. It would have an eaves height matching that of the main dwelling and a maximum height set below the ridge to the main dwelling. The extension would be L-shaped and wrap around the rear of the existing dwelling with a maximum depth of 4.5 metres from the original rear wall at ground floor level and 2.7 metres at first floor level. The ground floor element would extend across the entire width of the building, whilst the first floor rear projection would have a width of 4.1 metres and be set approximately 3 metres from the boundary with the attached neighbouring property.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties. 14.no objections were received. An additional objection was received from 63 Alan Drive, however this has not been considered as it does not appear to be sent from an existing address. The 14.no neighbouring objections can be summarised as:

- Overbearing

- Visually intrusive
- Overshadowing
- Loss of sunlight
- Overlooking
- Loss of privacy
- Out of character
- Incongruous addition to street scene
- Overdevelopment
- Increase sense of enclosure
- Adverse impacts to parking arrangements and access
- Restriction of access to neighbouring properties
- Infringement on right of way
- Restriction to access for emergency services
- Drainage and sewage issues
- Damage to neighbouring property
- Encroachment
- Disruption from construction
- Damage to pavement
- Loss of value

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.

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

The height of the single storey rear element of the proposed development would be approximately 0.2 metres less than that of the extensions approved under applications 17/1918/PNH and 17/2302/PNH. Taking this on board, it is considered the single storey rear element of the proposed development would be an acceptable addition on both grounds of character, and impact on neighbouring amenity.

Impact on Street scene, Existing Building and Character of the Area

The single storey front/side porch element of the extension is not considered to detract from the character and appearance of the application property, street scene and wider area. By reason of its limited massing, it is considered that this element of the scheme would be a congruous addition to the site. The single storey front/side porch element of the extension would respect the proportions of the existing house and would not protrude beyond the property's existing front bay window. Furthermore the roof form of the single storey front/side porch element of the extension is considered to correspond with the roof form on the main house. It should be noted that there are other examples of similar front porches along the street scene. Notable examples include No. 2, 12, 16 and 36 Alan Drive.

The two storey side extension element is not considered to be an incongruous and disproportionate addition to the application property, street scene, and wider area. In line with Paragraph 14.16 of Barnet's Residential Design Guidance SPD, the roof associated with the two storey side element is in keeping with the gabled roof form on the main house, and is well set down from the ridge of the main roof. In accordance with paragraph 14.15 of Barnet's Residential Design Guidance SPD, the width of the two storey side extension element would not exceed half the width of the original house. The first floor element is set back approximately 300mm from the main front wall and this ensures a subservient appearance which is further helped by the set back from the property's front bay windows. This is considered sufficient to make the two storey side extension element appear as a subservient addition to the main house. Given that it would sit adjacent to 10 Dollis Brook Walk's rear outbuilding and garden, the proposed two storey side extension element is not anticipated to result in a terracing effect on the street scene.

The proposed first floor rear element has a narrow width and a maximum height below that of the ridge to the main dwelling. It has been set 0.5m in from the main flank wall to introduce a visual break to the wall. It would appear as a subservient addition to the host property and the wider area, and is not considered to be detrimental to the character or appearance of the locality.

Whilst the council recognise that the proposed development, in conjunction with existing works would result in a significant alteration to the property from its original form, it is considered that the proposed part single part two storey front side and rear extension, by virtue of its appropriate massing, its subservience and its design would be an acceptable addition to the property.

Impact on Neighbouring Amenity

The massing of the front/side porch element of the extension is not considered excessive enough to be overbearing and visually intrusive when viewed from any neighbouring properties. Furthermore, by virtue of its minimal size, it is not anticipated to result in an increased strain to parking and access arrangements in and around the site.

Whilst the two storey side element of the proposed extension would sit very close to the boundary of 10 Dollis Brook Walk, it would be adjacent to their rear outbuilding and garden, and would be approximately 20 metres from their rear wall. It is considered that the two storey side element of the proposed extension would not be visually intrusive and overbearing when viewed from the rear windows and rear garden of 10 Dollis Brook Walk because of the separation distance. It would not appear too dissimilar to views of the existing house, and accordingly would not result in a significantly increased sense of

enclosure. With regards to potential loss of sunlight and overshadowing, it considered that the two storey side element of the proposed extension would not result in significantly worse impacts than those afforded by the body of the existing house. It noted that the two storey side element of the proposed extension would feature new flank windows at first and ground floor level, however the new first floor window would have the same effect as the existing first floor flank window to the main house, and the new ground floor window would only introduce views of 10 Dollis Brook Walk's outbuilding. Taking this into account, the two storey side element of the proposed extension is not anticipated to result in severe overlooking and a loss of privacy to occupants at 10 Dollis Brook Walk.

The two storey side element of the proposed extension would be obscured from view of 44 Alan Drive by the body of the main house, accordingly it is not anticipated to result in any adverse impacts on their amenity.

The first floor rear element of the extension would feature a minimal depth, and a significant separation distance from the rear wall of 10 Dollis Brook Wall, and the flank wall of 44 Alan Drive. Taking this on board, it is considered that the first floor rear element of the extension would not result in a significant sense of enclosure, and loss of sunlight, nor would it appear as an overbearing and visually intrusive addition when viewed from the aforementioned neighbouring properties.

5.4 Response to Public Consultation

- Overbearing
- Visually intrusive
- Overshadowing
- Loss of sunlight
- Overlooking
- Loss of privacy
- Out of character
- Incongruous addition to street scene
- Overdevelopment
- Increase sense of enclosure
- Adverse impacts to parking arrangements and access

These were assessed in the appraisal section.

- Restriction of access to neighbouring properties
- Infringement on right of way
- Restriction to access for emergency services
- Drainage and sewage issues
- Damage to neighbouring property
- Encroachment
- Disruption from construction
- Damage to pavement
- Loss of value

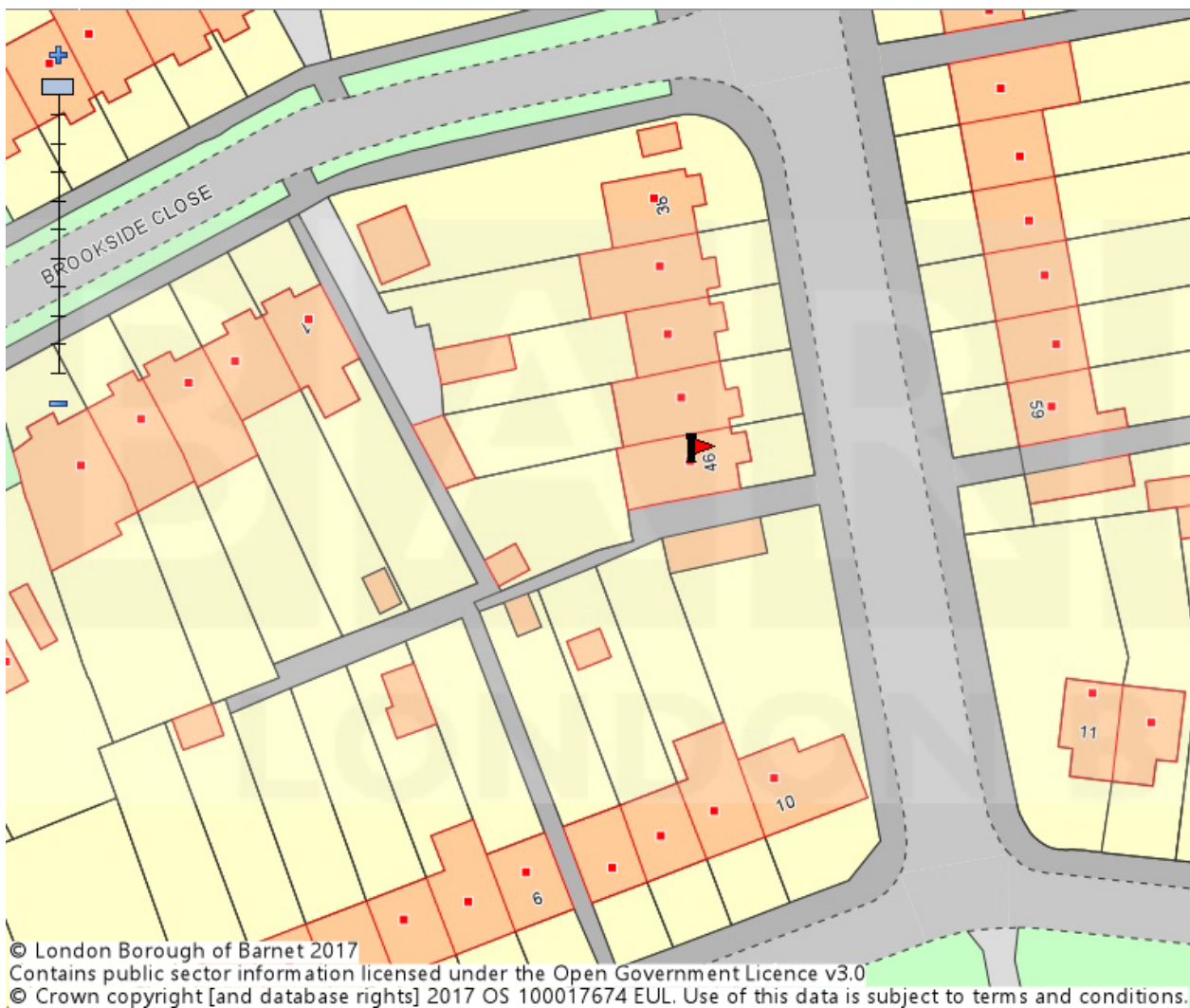
These are not material planning considerations.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **Wessex Court 51 West End Lane Barnet EN5 2RA**

Reference: **17/4338/FUL**

Received: 6th July 2017

AGENDA ITEM 7

Accepted: 10th July 2017

Ward: Underhill

Expiry 4th September 2017

Applicant: Mr M BISHOP

Proposal:

Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

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 due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
- 2 Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

- 3 Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Informative(s):

- 1 The plans accompanying this application are:
423714-1(Existing Site Plan), 423714-2(Existing Elevations Section and Roof Plan), 423714-5(Proposed Second Floor), 423714-6(Proposed Elevations & Section), 423714-10(Existing Floor Plans), 423714-12(Proposed Site Plan), Sustainability Statement prepared by Alan Cox and Associates, Planning Statement prepared by Henry Planning.
- 2 In accordance with paragraphs 186 and 187 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.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a £ 21,723 payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a £83,789 payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

Officer's Assessment

Officer's Assessment

1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development plus mansard fronting Bells Hill.

2. Site History

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse

Decision Date: 23 January 2017

Description: Erection of 4 three-room flats

Reference: N02251K

Address: Factory Site West End Lane; Bells Hill Barnet

Decision: Approved

Decision Date: 24.05.1984

Description: Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces.

Reference: C04719A

Address: Wessex Court Wessex Way London NW11

Decision: Refuse

Decision Date: 28 March 1985

Description: Single storey rear extension to form self-contained flat.

Reference: 16/3985/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Withdrawn

Decision Date: 22 August 2016.

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reasons

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's

Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: In Progress

3. Proposal

The proposal is for the demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage.

4. Public Consultation

244 consultation letters were sent to neighbouring properties.

68 responses have been received, comprising 38 letters of objections, 29 letters of support and 1 letter of representation.

The objections received were mainly from residents of Wessex Court and West End Lane.

The objections can be summarised as follows:

- West End Lane is a very narrow quiet road and proposal would not be in keeping with the character of the area with its historical characteristics.
- Overdevelopment and would be incongruous
- Proposed development more in keeping with Bells Hill
- Overlooking and loss of privacy 48, 64,
- Loss of light and views
- Loss of country ambience following proposed increase in footfall, traffic and urbanization of a dead end lane,
- The existing infrastructure such as sewers, ground water drainage, road layout cannot support more residents
- Impact on quality of day to day living and no quiet enjoyment which is part of the covenant on the lease
- Inconsistencies in number of car parking spaces to be provided.
- Parking pressure will get worse
- Some garages have been sold off and not available for parking
- Impact on emergency vehicles
- Impact of construction traffic.

- Lack of explanations on how emergency services delivery etc will access the gate.
- Increase risk of accidents
- Not clear how the car parking would be allocated.
- Noise and nuisance due to construction traffic
- Flats not affordable and it will not solve housing shortage
- Some of the cottages only have front gardens and it all properties it is the main garden as its south facing.
- Lord Nelson Pub is opened 7 days a week
- Green areas which currently enable Wessex Court to integrate into the streetscene will be lost to enable the refuse store and car spaces 1-5 to be put in.
- The loss of greenery will cause significant reduction in the level of physical and mental well-being and health of its residents.
- Not enough green space for children play
- Without trees value of properties in the area would be significantly reduced.
- Timing of application submission coincides with the summer holiday denying many people the opportunity to give their comments before the deadline
- Although roof a different design,, there are no other loft conversions in West End Lane
- Transport statement should be provided to demonstrate that the proposal will not have an adversely impact.
- The proposed location of the barrier will impact on vehicles ability to turn around due to constraints of the road.
- New roof will not match others on the road
- Majority of the supporters of the scheme do not live on the street
- A respite of a few years should be given following refusal of a scheme.
- Foundation is based on two and not three storey.
- Building in danger of soil recession

The comments supporting the proposal can be summarised as follows

- Will not impact upon the street scene
- Will be in keepings with Bell Hill Flats
- Wessex Court was built after the original housing and will not impact upon the area
- New cycle storage will encourage cycling and cut down on both local traffic and pollution.
- provision of recycling and cycle storage would enhance the property
- Adequate provision of parking and cycle storage
- Proposed roofline lower than existing
- Proposed dormer windows will be in keeping with the other buildings in the area
- Existing roof will need to be replaced in the future.
- Chronic housing shortage in London
- Sufficient ament space
- There will be disruption work when works are carried out to the roof
- Parking problems due to patrons of Lord Nelson Pub parking on pavements
- Build on existing footprint rather than Green Belt
- The developer has met with local residents and assured them the construction traffic will be managed properly
- Plans have been modified to address concerns of planning and local residents.
- Would provide another level of affordable housing
- Additional accommodation will be beneficial for the area and will improve standard of living
- Include electric charging point

Representation from Barnet Residents Association

- As built this block had a negative impact on the character of the area but the fact of its existence is not a good reason to argue that this justifies it being further extended, thus exacerbating the negative impact.
- The housing in the street is already very dense and any addition to the residential provision would constitute overdevelopment.
- Housing needs being met by other development that would not exacerbate difficulties being experienced by residents.
- Parking pressure
 - o If CPZ is introduced, parking permit should not be issued to future residents of the block.
 - o Other residents should not be allowed to use the parking provision in Wessex Court

Representation from Cllr Wendy Prentice

- o Call in to committee if application is to be refused.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, 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 2016)

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

The main issues are considered to be:

Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

The existing block is two storeys high and the overall height is very similar to the height of the adjacent Victorian houses. The flats are seen within the context of the Victorian houses in West End Lane as the property facing Bells Hill has a different setting and context. Considering the block and the Victorian houses differ markedly in terms of their elevational treatment, the consistency in their height together with their roof form and alignment helps to assimilate the block of flats into the area. The creation of a pitched roof with 12 dormer windows would affect the way the flats are currently integrated into the area and the increase in bulk would change the scale of the building. This would appear incongruous when viewing the site from both directions on West End Lane, as it would no longer relate to the Victorian housing. Furthermore the pitch roof and high volume of dormers would be extremely prominent in the streetscape, there being no other similar development on the street.

It is considered that the proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development

Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings.

Concern has been raised that the proposed pitch roof would have an impact on the front windows of the properties on West End Lane. These are located to the north-west of the building and due to the distance between the application site and the terraced properties; it is considered that no harm would arise in terms of loss of light and outlook.

Concern was also raised in relation to impact of the proposed development on the front gardens. The proposed development is to the south of the properties, the proposed building would be higher than the existing but given the distances between the properties, it is not deemed that it would lead to loss of light. There are existing windows fronting onto the cottages, the addition of the proposed dormers would add to the sense of overlooking however overlooking of the front gardens is not considered to be unduly harmful to residential amenity.

Living conditions of future occupiers

It is considered that the application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space. However it does not meet the requirement for storage space as none is shown on the plans. The proposed units include 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). The applicant would have been required to achieve the required sound insulation levels and an appropriate condition would have been attached to the decision if the recommendation was for grant of approval.

While the amenity space indicated on the plan shows that 852sqm of amenity space exists, part of the space shown is also used by residents of the flats fronting Bells Hill. The amenity need of the occupiers of the Bells Hill flats have not been taken into account in the calculation of amenity space requirement. In view of the lack of information it is deemed that no additional amenity space is provided to serve the 8 new units. This will put pressure on the use of the existing space to the detriment of the existing and future occupiers. The proposal would not provide an adequate amenity space for existing and future occupiers contrary to policy DM02 of the Development Management Policies DPD and the SPD Sustainable Design and Construction (October 2016).

Refuse and recycling storage facilities are now proposed at the access to the parking area. The width of the access road will be reduced to accommodate the storage area. The Council's requirement for refuse and recycling bin storage is likely to impact on the number of parking spaces proposed and able to be provided. Without adequate information provided as to whether proposed refuse/ recycling facilities of sufficient size can be

provided without impacting on the car parking provision, officers are unable to establish whether the provision of these facilities would result in reduction to existing amenity and parking spaces.

A garage will be demolished to provide cycle storage. Although the application form stated that 29 cycle storage space would be provided, it is not clear from the plans submitted if the space allocated would be able to accommodate that number. Further details of cycle storage provision would be required in the event the application is approved.

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

The proposals involve the addition of 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats. The site is located outside of a controlled parking area. The application form suggests that there are currently 22 spaces and 18 new spaces would be created. However it is not clear if the parking spaces referred to are for the sole use of the occupiers of Wessex Court. Secondly there is no indication on the plans to show the location of the existing 22 spaces and the proposed 18 additional parking spaces. It was observed during the site visit, that vehicles are already parked in the areas shown as proposed, which possibly led to many of the objection comments on where the additional spaces would be created.

Comments from the Highways officer states that "The proposed provision of 40 car parking spaces would be an over provision of parking according to parking standards as set out on the 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. According to adopted parking standards, parking provision for this site should be between 12-30 car parking spaces. Given that the site lies with a PTAL of 2, which is low, parking provision on the higher end would be acceptable on highways grounds. The applicant will need to provide plans demonstrating that parking provision will be in accordance with the standards". "In addition Electric Vehicle Charging Points must be provided in accordance with the London Plan."

Were the application to be otherwise acceptable, further information on the layout of the additional parking proposed would be required. However, the level of parking overall would appear to exceed the minimum standards and would not justify a reason for refusal.

5.4 Response to Public Consultation

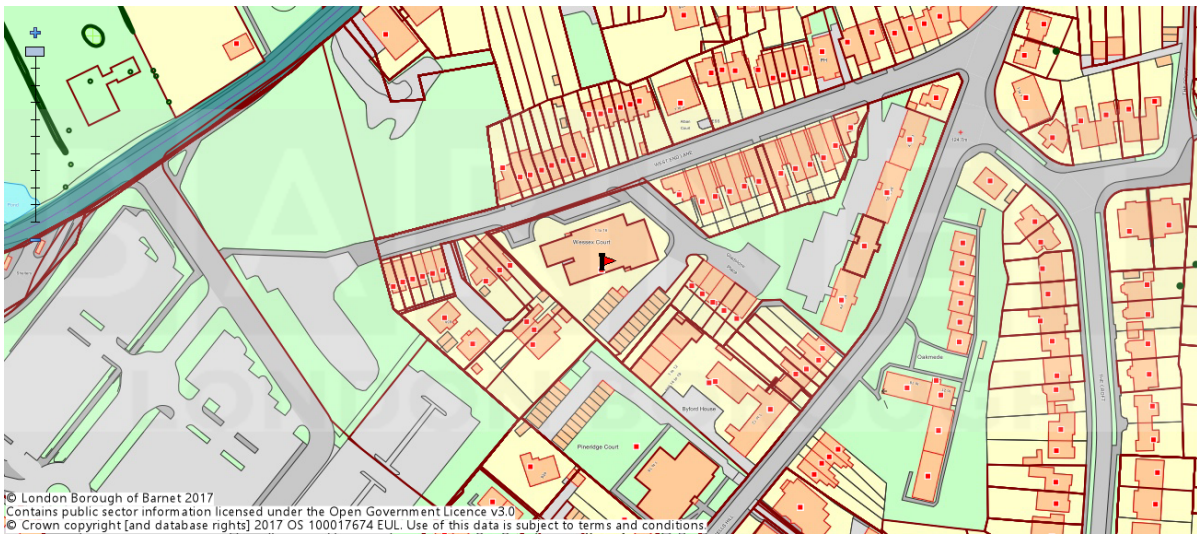
The letters of support and objection are noted and taken into account in the sections above. In relation to the letters of support, it should be noted that there is no reason why the proposals are necessary to enable improvements to the existing roof structure. This is not a reason to justify granting planning permission.

6. Equality and Diversity Issues

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

7. Conclusion

For the reasons above it is considered that planning permission should be refused.



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Location **Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ**

Reference: **17/1111/FUL**

Received: 23rd February 2017

Accepted: 1st March 2017

Ward: East Barnet

Expiry 26th April 2017

Applicant: Mr Costas Christou

Proposal: Construction of additional storey to provide 4no self-contained flats.
Associated parking and cycle storage

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:

928/91 Rev C (Site Locations Plans), 928/92 Rev C (Plant level and Roof Plan as Existing and Sixth Floor and Roof Plans as Proposed), 928/93 (Front and Right Flank Elevations as proposed), 928/94 (Rear and Left Flank Elevations as Existing), 928/95 Rev C (Front and Right Flank Elevations as proposed), 928/96 Rev C (Rear and Left Flank Elevations as Proposed), 928/97 Rev C (Right Flank Sections as Existing and Proposed), 928/98 (Part Ground Floor Plan as Existing and Proposed), 928/99 Rev A (CGI), Design and Access Statement prepared by CG Architects dated Feb 2017.

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

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

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

- 3 The 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 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a banksman;
- xii. 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.

- 5 Before the development hereby permitted is first occupied or the use first commences the parking spaces and cycle storage spaces shown on Drawing No. 928/98; 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.

- 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 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.

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

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

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02

of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £11,585 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 £44,685 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

1. Site Description

The application site comprises an 'L' shaped 6 storey building. The building is located to the east of East Barnet Road and there are no special restrictions on site. The building has been subject to a prior notification for the conversion of the previous office space over the upper 5 storeys into residential accommodation comprising 30 self-contained flats, in addition planning permission has been granted for a gym in the basement area. The building works have been completed.

The site is bordered in the north by a health centre, to the south by residential dwellings, to the east by garages owned by the residents of nearby dwellings and to the west by East Barnet Road.

The property is not listed nor located within a Conservation Area

2. Site History

Reference: 17/4434/FUL

Address: Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ

Decision: Pending Consideration

Decision Date:

Description: Installation of 2no. 5m high LED lighting columns with 2no. CCTV cameras on each column (Retrospective Application) [Amended Description and Plans]

Reference: 17/1601/LIC

Address: Installation of BT Openreach fibre optic green equipment cabinet

Decision: Exempt

Decision Date: 28.03.2017

Description: Installation of BT Openreach fibre optic green equipment cabinet

Reference: 16/2425/FUL

Address: Checknet And Durkan House 153-155 East Barnet Road Barnet EN4 8QZ

Decision: Approved subject to conditions

Decision Date: 26.01.2017

Description: Ground floor rear extension at left flank elevation with parking provisions at roof level, creation of basement level at right flank elevation to create the formation of a 475sqm commercial unit (Class D2 use) at ground floor level with associated shop front installation, reconfiguration of parking, refuse and bicycle stores.

Reference: 15/02019/FUL

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved subject to conditions

Decision Date: 21 August 2015

Description: Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2no. new entrance doors and canopies following removal of 2no. existing glass entrance foyers

Reference: 15/05447/NMA

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Approved

Decision Date: 17 September 2015

Description: Non material amendment pursuant to planning permission 15/02019/FUL dated 27.07.2015 for 'Front and rear extensions to upper floor levels including new balconies, re-cladding and associated alterations to fenestration. Installation of 2 no. new entrance doors and canopies following removal of 2 no. existing glass entrance foyers'. Amendments include 'Reconfiguration of balconies and kitchens to flats'.

Reference: B/03924/11

Address: Durkan House, 155 East Barnet Road, Barnet, EN4 8QZ

Decision: Withdrawn

Decision Date: 20 September 2013

Description: Retention of change of use from sole B1 offices to mixed B1 and D1 use at first floor level.

3. Proposal

This application seeks consent for the construction of an additional storey to provide 4no self-contained flats. Associated parking and cycle storage.

The plans have been amended following submission. The main changes include setting back from the buildings lines, reducing the overhang on the roof and changes to the proposed layout.

4. Public Consultation

295 consultation letters were sent to neighbouring properties.

10 responses have been received; comprising of 10 letters of objection.

The views of objectors can be summarised as follows;

- Not all the parking provided will be available for the flats
- there will be pressure on parking on neighbouring streets as a result of under provision
- Parking by gym users would result in an parking overspill
- The effects of radiation from the telephone masts on the building roof should be taken into account.
- Potential health risks to future occupiers resulting from the close proximity to radio masts
- Noise and disturbance from building works.
- Construction traffic causing obstruction and safety hazard to other vehicles and pedestrians.
- Loss of privacy resulting from existing CCTV and overlooking from the new flats
- Light pollution arising from LED lights from flats and two lamp posts
- Additional light will cause nuisance
- Over development
- Increase levels of CO2 emissions resulting from traffic pollution

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material

considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM16, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)
Sustainable Design and Construction SPD (adopted 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 existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- The living conditions for future residents
- Impact on Highways

5.3 Assessment of proposals

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The existing building is highly unique to the local area, the surroundings roads primarily being characterised by two storey dwelling houses. The application property is situated on a prominent plot which backs on to Crescent Rise.

The proposed roof extension would utilise the spaces between the existing stairwells and plant rooms, which are distinctive features of the building. The additional storey to the existing building has been substantially set in by approx. 2m from the front elevation, approx. 2.5m from the side elevation and approx. 1.5m from the rear, in addition the proposed floor would be approx. 1m lower than the existing lift overrun. The setback would ensure that the additional floor would not be overly dominant in the street scene. The design of the scheme would provide additional residential units whilst being sympathetic to the character of the local area and would improve the form of the existing structure. The proposed roof extension would be set back from East Barnet Road and would be in keeping with the character and appearance of the area.

Although the property is visually prominent, it is not considered that the extensions would result in the building being more visually prominent than the existing, given the rooftop structures, to such an extent as to warrant refusal. As such, the extensions are not considered to unduly detract from the character and appearance of the existing building and given its siting, are not considered to adversely impact upon the visual amenities of the locality or neighbouring residential occupiers.

Potential impacts upon the amenities of neighbouring residents.

It is considered that the proposed roof extension would not affect the amenities of neighbouring residents. It is not considered that the creation of the additional floor would result in overlooking, loss of privacy to any neighbouring occupier nor result in noise and disturbance or excessive light pollution over and above what currently exists on site. In addition, the Council's Residential Design Guidance states that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Given that the proposal would not result in habitable room windows directly facing neighbouring habitable room window, that neighbouring residential properties to the east along Crescent Rise and to the north along St Wilfrids Road would be over 21 metres away from the extensions and that the rear gardens of the these properties would be over 10.5 metres away, it is not considered that the proposal would result in overlooking or loss of privacy over and above what currently exists on the site.

Living conditions for future residents

The proposed development would involve the addition of no.4 additional units to the existing

Summary of additional residential units:

Flat 31 - 2 bedroom / 4 person unit - 71sqm

Flat 32 - 2 bedroom / 4 person unit - 70sqm

Flat 33 - 2 bedroom / 4 person unit - 69sqm

Flat 34 - 2 bedroom / 4 person unit -81sqm

In general, the proposed additional units would be in accordance with the minimum standards for new residential development as set out by the London Plan (2016) and the Council's Sustainable Design and Construction SPD.

In regard to amenity provision each flat would have private balconies. The four new flats will have a total of approx. 68 sqm. balcony space, approx. 20 sqm. for flat 31, 13.6sqm for flat 32, 12.6sqm for flat 33 and 22 sqm. for flat 34. It is therefore considered that the proposed amenity provision is acceptable.

Highways

Officers have consulted with the Council's Highways officers, who have considered the previous planning permissions. Highways noted the following:-

- Vehicular access will be gained from 2 crossovers that were approved under planning application 16/2425/FUL.
- The PTAL for the site is 3 which is considered as moderate accessibility.
- To comply with policy DM17 5 spaces must be provided. Taking into account this application is for an additional storey, on balance the proposal with a shortfall in parking provision is acceptable on highway grounds. The proposal is for an additional 4 car parking spaces.
- To comply with the London Plan 8 cycle spaces must be provided. The applicant is proposing 8 cycle spaces which is acceptable on highway grounds.
- Refuse storage has been identified on drawing 928/98. This is more than 10m from the public highway and therefore further details will be required.

Highways officers considered the scheme acceptable subject to conditions requiring the vehicle and cycle parking areas to be provided as indicated on the plans; a Demolition and Construction Management and Logistics Plan and details of refuse collection arrangements to be submitted to and approved in writing by the Local Planning Authority prior to commencement.

5.4 Response to Public Consultation

Most comments have been addressed in the assessment above.

However concern was raised about the impact of existing LED lights and CCTV on adjoining occupiers. The impact of these would be assessed as part of the retrospective application which was recently submitted (17/4434/FUL). The proposals do not form part of this application.

6. Equality and Diversity Issues

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

7. Conclusion

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

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Location 47 Oakleigh Park South London N20 9JR

Reference: 17/3968/FUL

Received: 21st June 2017

Accepted: 22nd June 2017

Ward: Oakleigh

Expiry 17th August 2017

Applicant: Mrs Glazer

Proposal: Use of existing outbuilding as skin clinic (sui generis) (RETROSPECTIVE APPLICATION).

AGENDA ITEM 9

Recommendation: Approve subject to conditions

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

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

P1 - Site Location Plan (1:1250, received 11th August 2017), P2 - Existing and Proposed Elevations Oakleigh Avenue, P3 Site Plan, P4 Building Layout, P5 Building Visualisation, P6 - Existing and Proposed Elevations, Planning 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 The outbuilding as shown on the approved drawings shall be used for incidental uses connected to the main house at 47 Oakleigh Park South and / or a Skin clinic (sui generis) only and for no other use.

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).

- 3 The use of the outbuilding as a Skin Clinic shall be carried out by the resident of 47 Oakleigh Park South, Mrs Donna Glazer, only and by no other independent person or operation.

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

- 4 The use of the outbuilding as a Skin Clinic shall be undertaken between the following times only and at no other times: 8.30am to 5.30pm Monday to Saturday; at no times on Sundays or Bank Holidays.

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

- 5 Only one member of staff, Mrs Donna Glazer, may work in the Skin clinic.

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).

- 6 A maximum of 9 no. (nine) appointments may be conducted in any one day (8.30am - 5.30pm).

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).

- 7 No appointments associated with the Skin clinic shall be carried out within the main house 47 Oakleigh Park South.

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).

- 8 Training classes may be attended by a maximum of two clients at any one time, with training being conducted by only one trainer; that being Mrs Donna Glazer.

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).

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of

Classes A and B of Part 1 of Schedule 2 of that Order shall be carried out to the outbuilding.

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

47 Oakleigh Park South is a large detached property situated on a generous corner plot south of the junction of Oakleigh Park South and Oakleigh Avenue.

The surrounding area is characterised by large detached residential dwellings.

An outbuilding was constructed within the garden of the property in 2016.

The outbuilding is sectioned off from the main garden area of the dwelling and is accessed separately by a gate on Oakleigh Avenue.

The outbuilding is currently used for skin and beauty treatments undertaken by the owner of the property and a number of staff who are employed and based at the site throughout the day. The business typically operates 6 days a week (Monday to Saturday) from 9:30am to 6:00pm.

The unauthorised use of the outbuilding is subject to enforcement investigation. An appeal has been lodged against the Enforcement Notice.

2. Site History

None.

3. Proposal

Use of existing outbuilding as skin clinic (Sui Generis) (RETROSPECTIVE APPLICATION)

4. Public Consultation

The application was called in to the Chipping Barnet Area Planning Committee by Councillor Sowerby who is concerned that the proposed skin clinic use is an inappropriate commercial activity in a quiet residential area.

An objection to the proposal was received from Teresa Villiers MP on the basis that the use of the outbuilding is not ancillary to the main house and concerns relating to noise and nuisance arising from the use.

Consultation letters were sent to 22 neighbouring properties.

An amended Site Location Plan showing the red line defining the application site extended to cover the whole of the 47 Oakleigh Park South site (Drawing P1) was received on 11th August 2017. The same 22 neighbouring properties were then re-consulted for 21 days from 21st August to 11th September.

The reason for extending the red line was to ensure that, in the event that planning permission is granted, planning conditions can be attached requiring the use of the outbuilding to remain linked to the main dwellinghouse.

79 objections were received. Comments can be summarised as follows:

- The proposed use is more akin to an A1 use / beauty salon
- Entrance to the clinic is via a gate from Oakleigh Avenue marked '56 Oakleigh Avenue' not the main entrance to 47 Oakleigh Park South
- The address 54 Oakleigh Avenue was being used by the applicant's website as the SatNav address
- The outbuilding is separated from the main house and the entrance is from Oakleigh Avenue
- The outbuilding contains three treatment rooms and three staff are employed in addition to the owner.
- The proposal would add to on street parking pressures
- Allowing the business to operate in this residential area would set a precedent
- The associated comings and goings associated with the use would be unacceptable for a residential area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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 the principle of the proposed use is acceptable
- 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;
- Highways and parking provision.
- Environmental Health considerations

5.3 Assessment of proposals

Background

An outbuilding was constructed within the garden of the property in 2016. Whilst no Certificate of Lawfulness exists (or has been applied for), the outbuilding was assessed by Officers and found to be within the physical limitations of permitted development and therefore lawful if used in a way that is considered to be incidental to the use of the main dwellinghouse.

It subsequently became apparent that the use of the outbuilding meant that it could not be considered incidental to the use of the main dwellinghouse.

The outbuilding is sectioned off from the main garden area of the dwelling and is accessed separately by a gate on Oakleigh Avenue. The outbuilding is used for skin and beauty treatments undertaken by the owner of the property and a number of staff who are employed and based at the site throughout the day. The business typically operates 6 days a week (Monday to Saturday) from 9:30am to 6:00pm.

Amended drawings

An amended Site Location Plan showing the red line defining the application site extended to cover the whole of the 47 Oakleigh Park South site (Drawing P1) was received on 11th August 2017 and the same 22 properties were re-consulted for 21 days from 21st August to 11th September.

The reason for extending the red line was to ensure that, in the event that planning permission is granted, planning conditions can be attached requiring the use of the outbuilding to remain linked to the main dwellinghouse.

The proposed use

The submitted Planning Statement states that the applicant is a skin therapist and educator, providing specialist training classes and treatments for dermatological conditions.

The training courses are for other therapists who may be beauty therapists, diagnostic technicians or aesthetic nurses.

The applicant's agent considers that the clinic either falls within Use Class D1 or, if this is not accepted, is sui generis.

The applicant's business premises were previously located in Highgate. The business was sold in October 2016 and clinics and training classes began operating from the outbuilding at 47 Oakleigh Park South.

The outbuilding is L-shaped and includes three rooms large enough to be used as treatment rooms along with a toilet room, a small storage room and a large central reception area.

The Planning Statement states that, whilst the use has been described as being a 'beauty salon', it is in fact a skin clinic, specialising in treating a number of conditions and providing training courses and that it differs from the applicants previous business operation for the following reasons:

- The annex includes no external advertising, directional signs or business name plates;
- The clinic is advertised via a website and specialist listings;
- The majority of clients are existing clients or are introduced through word of mouth;
- No drop-in appointments are provided. All appointments are on a strict pre-booked arrangement, agreed subject to the availability of Mrs Glazer and her clients;
- To ensure convenient times can be arranged, bookings may be agreed Monday through to Saturdays, with start times from 9.30am to 5.30pm;
- Appointments for treatments and classes are 1 hour or longer.
- On the three days that the applicant works alone, this theoretically means a maximum of 9 appointments each day. This is never the case however given the client list and will never be the case given lunch times and hand-over times are built into bookings.
- On the three days that the applicant is helped by a colleague, two clients may be seen at the same time. This means a theoretical maximum of x18 clients can be seen during each of these days. Again this is never the case and again could not be given break times.
- Client bookings do vary day by day but given the limits set by the working arrangements, the number of clients visiting on a single day may vary from zero up to 6 on the days that the applicant is working alone and typically 9 to 12 clients on the days that she is being assisted.
- There are also times that the applicant and / or her colleague are unable to work or are on holiday (for instance during summer holidays and over the Christmas holidays). Client visits will reduce or stop completely during these times.

Due to the mixed nature of the skin and beauty services provided, Officers consider the use to be sui generis.

There is no in principle planning objection to residents working from home. However, when assessing whether a particular proposal is acceptable the nature and scale of the use will be considered, in terms of impacts on the character of an area, the amenities of neighbouring residents and any highway impacts.

Impact on the character and appearance of the site, streetscene and wider locality

Barnet 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.

It has previously been determined by the Local Planning Authority that the patterns of activity associated with the use of the outbuilding for skin and beauty treatments introduces an incongruous use into a primarily residential area resulting in a development that is out of keeping with the established character of the area, contrary to policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012.

Therefore, in order for the proposed use to be considered acceptable in character and appearance terms it will be necessary to impose suitable planning conditions to control the intensity of the operation.

It is considered that, subject to the proposed use operating in accordance with the proposed planning conditions, the scale of the use would not be so great as to cause harm to the character of the area and would therefore be acceptable.

The use of the gate onto Oakleigh Avenue is considered to be acceptable, subject to the proposed use being operated in accordance with the proposed conditions.

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

It has previously been determined by the Local Planning Authority that, in the absence of suitable methods of control of the times and types of activity, it is a realistic possibility that the use of the outbuilding will lead to significant noise and disturbance to neighbours of the property, contrary to policy DM04 of Barnet's Local Plan Development Management Policies DPD 2012.

Therefore, in order for the proposed use to be considered acceptable in character and appearance terms it will be necessary to impose suitable planning conditions to control the intensity of the operation.

It is considered that, subject to the proposed use operating in accordance with the proposed planning conditions, it would not cause significant noise and disturbance to neighbouring residents and would therefore be acceptable.

Highways and parking provision

No off street car parking is proposed.

The submitted Planning Statement states:

"Some clients do walk to the clinic or travel by train or the underground. The majority do travel by car and park on Oakleigh Avenue. This may mean no cars; one car or two cars are parked nearby at any one time connected with the clinic; with clients arriving at a rate of zero to 1 or 2 per hour maximum, but typically with breaks in between. No clients visit on Sundays or Bank Holidays.

- Given the level of traffic on the adjoining streets and the extent of on-street parking in the wider area including on Oakleigh Avenue, the number of cars arriving, parking and departing connected with the clinic is very limited and cannot be distinguished from other car movements. The impact of the clinic in traffic and parking terms is thereby negligible."

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.

Highways were consulted on the proposed development and responded to say that there is no objection to the proposal on Highways Grounds.

Environmental Health considerations

The submitted Planning Statement states:

"The clinic does use small scale specialist equipment but this does not result in any noise, light, vibration or odour emissions.

Waste disposal is no different to that expected from a private residence and requires no specialist storage or handling. The bin storage and collection arrangements are exactly the same as for the main house. Some cardboard packing may be taken to the local recycling centre, but this is no different to any residential situation."

Environmental Health were consulted and responded to say:

"There are no comments to be made on the above, however if they have any plant in or outside the outbuilding then this would need to be assessed."

The outbuilding is served by air conditioning units which are of domestic scale and are well screened. Given the location of the air conditioning units, which are at ground level, well screened and do not adjoin any neighbouring properties, it is considered that these will not have any unacceptable noise impact on any neighbouring properties. A planning condition is proposed in respect of noise output .

5.4 Response to Public Consultation

Addressed throughout this report and by the proposed conditions.

6. Equality and Diversity Issues

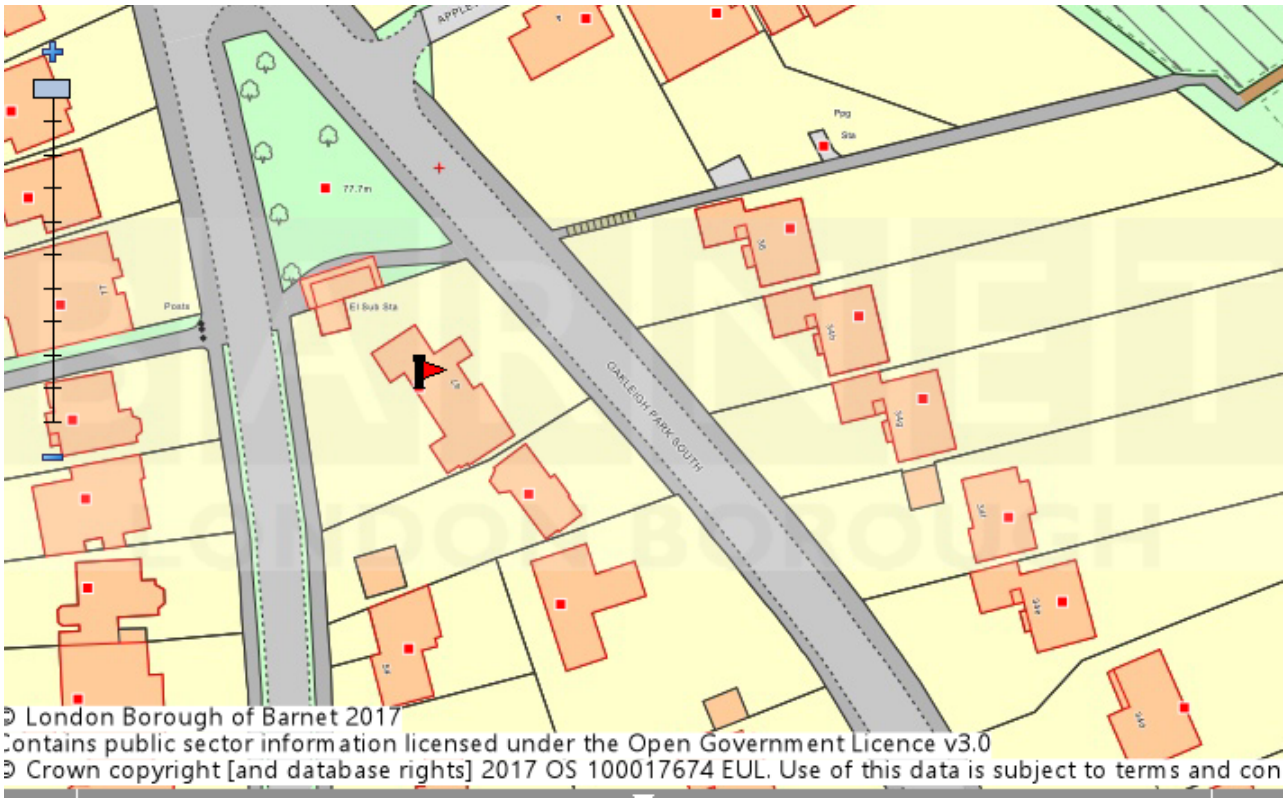
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Although the use as currently in operation is considered to be unacceptable, the principle of use of the outbuilding for such a use of an appropriate scale is considered acceptable.

Officers consider the imposition of conditions to ensure that only the applicant operates the clinic and to restrict the number of appointments per day and the hours of use would ensure that the use could be operated without unduly harming the amenities of neighbouring residents through undue noise and disturbance.

It is further considered that the small scale of the use proposed as controlled by the imposed conditions would not adversely affect the character of the area.



Location **7 Horseshoe Lane London N20 8NJ**

Reference: **17/5324/RCU**

Received: 15th August 2017

Accepted: 29th August 2017

Ward: Totteridge

Expiry 24th October 2017

Applicant: Mrs Melvin Robinson

Proposal: Erection of a television aerial (Retrospective application)

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 maintained in accordance with the following approved plans: Cover letter dated 23.8.2017, Site location plan, Block plan and letter dated 8.8.2017.

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).

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the last plot along Horseshoe Lane, which continues north as a footpath beyond the application site. The site contains a recently constructed bungalow with rooms in the roofspace.

Horseshoe Lane contains only of a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

2. Site History

Reference: 16/2448/S73

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Refused

Decision Date: 26 July 2016

Description: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping.

Reference: B/05539/14

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Approved subject to conditions

Decision Date: 8 December 2014

Description: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping

Reference: B/02926/14

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Approved subject to conditions

Decision Date: 8 September 2014

Description: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping

Reference: B/05763/13

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Refused

Decision Date: 21 March 2014

Description: Demolition of existing dwelling and erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping and refuse.

Reference: B/02498/12

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Approved subject to conditions

Decision Date: 16 November 2012

Description: Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage.

Reference: B/02497/12

Address: 7 Horseshoe Lane, London, N20 8NJ

Decision: Approved subject to conditions

Decision Date: 16 November 2012

Description: Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage.

3. Proposal

This application seeks retrospective planning permission for the erection of a television aerial. The existing television aerial has a height of approximately 274 centimetres. The television aerial is installed on the flat roof of the application property.

4. Public Consultation

7 consultation letters were sent to neighbouring properties. 6 objections have been received.

The objections received can be summarised as follows:

- The aerial is too excessive in size and height.
- It is conspicuous as it is located on the flat roof of the house.
- Out of character.
- It does not comply with Residential Design Guidance.
- It causes adverse visual impact to the surrounding area.

Totteridge Conservation Area Advisory Committee: Comments to be reported in the addendum to this committee report.

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 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06

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. Policy DM06 stipulates that all development must have regard to the local historic context and Development proposals must preserve or enhance the character and appearance of Barnet's Conservation Areas.

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.

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.

Totteridge Conservation Area Character Appraisal Statement Adopted (May 2008)

5.2 Main issues for consideration

The main issues for consideration are whether the installation of television aerial preserves or enhances the character and appearance of this part of the conservation area, and whether it would adversely impact the amenities of occupiers of adjoining residential properties

5.3 Assessment of proposals

Class H of the General Permitted Development Order 2015 (as amended) sets out that subject to meeting specific restrictions, antennas on dwellinghouses benefit from permitted development rights and therefore do not require express planning permission. However in

this instance the proposal would not be lawful under Class H as it would exceed 100 centimetres in length, and exceed the highest part of the roof. Therefore, an application for express planning permission has been submitted and the development falls to be assessed against the policies in the Development Plan.

The covering letter from the applicant explains that the height of the aerial is similar to that which existed on the original house, and this suggestion has been ratified with photographs of the previous aerial. Furthermore, the height is the minimum necessary to receive a satisfactory television signal. It is acknowledged by officers that the aerial is visible from the surrounding area. However, aerials are found on neighbouring buildings and are not an uncommon feature in the area.

The Totteridge Conservation Area Character appraisal identifies 'views to descending open countryside of the Dollis Brook from Horseshoe Lane' as being amongst the most notable views and vistas. It is noted that the diameter of the aerial is minimal, and therefore is considered by officers to maintain these views and vistas. The television aerial is not considered to detract from the semi-rural character and appearance of this part of Horseshoe Lane.

It is considered that the height and design of the development would not detract the open and rural character of this narrow site, and would preserve the character and appearance of this part of the Totteridge Conservation Area. Therefore, the development does not conflict with Policy DM06.

Whilst the aerial is visible from No.5 Horseshoe Lane, the diameter of the aerial is minimal and it is set a significant distance from this neighbouring property. The television aerial is not considered to prejudice the amenities of the occupiers of adjoining residential properties.

Taking this into consideration, the development is not considered to result in unacceptable levels of harm to the visual or residential amenity of either neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

5.4 Response to Public Consultation

Addressed in the appraisal above.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to preserve the character and appearance of this part of the Totteridge Conservation Area and is therefore recommended for approval.



COMMITTEE REPORT

LOCATION: Land adjacent to 18 – 20 The Thomas Watson Cottage Homes and Colgate Court, Leecroft Road, Barnet, Herts EN5 2TJ

REFERENCE: TPF/0347/17 **Received:** 16 May 2017
WARD: Underhill **Expiry:** 27 September 2017

CONSERVATION AREA -

APPLICANT: Subsidence Management Services
AGENT: Innovation Group Environmental Services

PROPOSAL: 1 x Oak (standing in applicant's ref. TG1) – Remove.
Standing in group G1 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (standing in applicant's ref TG1), Standing in group G1 of Tree Preservation Order, either:

APPROVE SUBJECT TO CONDITIONS

1. The species, size and siting of the replacement tree shall be agreed in writing with the Local Planning Authority and this tree shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the tree(s) is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Or: REFUSE CONSENT for the following reason:

The loss of the tree of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 17th August 2017

Consultees:

Neighbours consulted: 33

Replies: 1 1 support 0 objections

The consultation response in support commented:

- The Trustees of the Thomas Watson Cottage Homes fully support this application.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History (reverse chronological order):

Treeworks at 64 The Croft:

TPP/0227/16 –

1 x Oak - Pollard down to the crown break to create a monolith for a wildlife habitat. T1 of Tree Preservation Order

1 x Oak - Reduce by a max of 1.5 metres. T2 of Tree Preservation Order

- conditional approval 23rd May 2016

TPF/0273/15 –

1 x Oak (applicant's ref. T1) - Fell. T3 of Tree Preservation Order

- conditional approval 13th July 2015

TPO/00472/12/B –

3 x Oak (T1, T2 and T3 Applicant's plan) – Reduce by 30%. T1, T2 and T3 of Tree Preservation Order

- refused 29th October 2012

TPO/00710/09/B –

3 x Oak – Reduce size of crown by 30%. T1, T2 and T3 of Tree Preservation Order

- conditional approval 18th January 2010

N03502Q/07/TRE –

3 x Oak – Reduce size of crown by 30%. T1, T2 and T3 of Tree Preservation Order

- conditional approval 2nd November 2007

N03502M/01/TRE –

3 x Oak – Reduce size of crown by 30%. T1, T2 and T3 of Tree Preservation Order

- conditional approval 17th December 2001

TREN03502L –

3 x Oak – Reduce size of crown by 30%. T1, T2 and T3 of Tree Preservation Order
- conditional approval 28th January 1998

Treeworks at the Thomas Watson Cottage Homes (relating to northern part of site only):

N00416AG/08/TRE –

6 x Plane - thin by 30% as specified, Remove dead and diseased wood, lift to crown break. Reduce to clear phone lines by 1m - Group G2 of Tree Preservation Order. 5 x Plane - thin by 30% as specified, remove dead and diseased wood, lift to crown break. Reduce to clear phone lines by 1m. Sever ivy. Shorten crown on building side by 20% - Group G3 of Tree Preservation Order. 2 x Oak - thin by 30% as specified, remove dead and diseased wood and epicormic growth. T6 and T7 of Tree Preservation Order. 1 x Oak - remove lowest branch roadside. Standing in Group G1 of Tree Preservation Order
- conditional approval 5th March 2008

TREN00416E –

Oak – Remove deadwood, T6 and T7; Oak, Holly and Plane – Remove deadwood, G1 and G5, Plane and Holly – Remove deadwood, G2, G3 and G4 of Tree Preservation Order
- Exemption Notice 26th February 1999

Planning permission N00416AC/03 was granted in 2005 for “Erection of 8no. additional dwellings on land adjoining Thomas Watson Cottage Homes/Colgate Court. Erection of new residential development on part allotment land adjoining Boardman Close at a density no greater than 175 habitable rooms per hectare with associated changes to landscaping and access. (OUTLINE)” with a number of reserved matters and conditions being approved in August 2009 (B/01883/09); November 2009 (B/03330/09) which included some tree-related provisions. Building Control records include a Certificate of Completion for the 8 new single storey dwellings dated 22nd June 2011.

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of an Oak tree at the Thomas Watson Cottage Homes site in connection with alleged property damage at 1 Thomas Watson Cottage Homes was submitted via the Planning Portal in May 2017. There were discrepancies and shortcomings in the information – clarification and additional information was thus requested.

On 2nd August 2017 an e-mail providing further documentary evidence was received from the agent. An e-mail was sent to the agent “Thank you for the additional information of which our Structural Engineer notes: Ground heave calculations now provided, however the soil Moisture content values used on the calculation do not appear to agree with latest SI results, and the soil suction values from the borehole were not included.” - to which the agent sent a further e-mail “Please see attached soils report which does include suction

values. We will request our engineer confirms the ground heave calculations with the latest SI. The points noted do not warrant non validation of the TPO application so can we have a copy of the acknowledgement to confirm the application is no[w] registered.” - the application was registered. However, as discussed below, further clarification was requested following the site visit undertaken by the Case Officer and Structural Engineer. The application is being referred to the first available Chipping Barnet Area Planning Committee Meeting following receipt of further information.

As set out in the report, this application follows a previous application by the same agent to remove an Oak tree at 64 The Croft also in connection with alleged property damage at 1 Thomas Watson Cottage Homes in 2015 (TPF/00273/15).

2. Appraisal

Tree and Amenity Value

The original Thomas Watson Cottage Homes, comprising eight individual and semi-detached bungalows together with a central hall symmetrically arranged on three sides of an open landscaped square and surrounded by trees and gardens, were built in 1914 on the western side of the end of Leecroft Road. Colgate Court was subsequently built in 1996 on the eastern side of Leecroft Road, aligned with the open side of the square; followed by eight additional cottages (numbers 13 – 17 and 18 – 20, Jubilee Cottages) as part of the 2003 outline planning permission.

The affected property, 1 Thomas Watson Cottage Homes, is the Warden’s detached bungalow at the northern ‘flange’ of the square, on banked land facing onto Leecroft Road. To the south of the dwelling is the semi-detached bungalow forming numbers 2 and 3 of The Thomas Watson Cottage Homes; to the north of the Warden’s detached garage is the rear boundary of 64 The Croft (which is accessed via a long drive running parallel with Leecroft Road). The part of the Leecroft Road carriageway and associated footway beside 1 Thomas Watson Cottage Homes is lower than the land on either side of it – with the strip of land on which the Oak stands being perhaps 0.5 metres above the roadway, and the front of the dwelling and secondary footpath immediately serving the Cottages perhaps some 1 metre above the roadway. A 6” rainwater sewer runs beneath the footpath at the top of the bank immediately in front of 1 Thomas Watson Cottage Homes. This 6” rainwater sewer links in due course to a 12” rainwater sewer running along the centre of Leecroft Road. A wall with an arched gateway links 1 Thomas Watson Cottage Homes with the neighbouring semi-detached bungalows - the gateway provides access to the pathway running to the central Hall along the rear of the Cottages. Beneath this path is a 6” soil sewer which links to 12” soil sewer also running along the centre of Leecroft Road.

1 Thomas Watson Cottage Homes stands on the opposite side of Leecroft Road from the subject Oak. As well as being set back on either side of the road, they are separated both by 9 metres carriageway and footpath, through which at least two 12” sewers run (and any other services), and further by the level changes across this part of the site.

There are a significant number of mature trees at the Thomas Watson Cottage Homes estate - including a number of field boundary trees pre-dating the original cottages and

others which, judging by their size and position, were almost certainly planted as part of the 1914 landscaping. Four field boundary Oaks were retained and incorporated into eastern side of the landscaped square (on the west of Leecroft Road), with a dense screen of trees along the eastern side of Leecroft Road (most of which were retained and protected as part of subsequent developments).

The subject Oak is an early mature tree, some 15 metres in height, standing on the eastern side of Leecroft Road, relatively close to the main gateway. It is the most significant tree in the group on the strip of land between the car park area in front of 18 – 20 Thomas Watson Cottage Homes (built to the north of Colgate Court as part of the 2003 outline planning permission) and the main Leecroft Road spine running between the original Cottage Homes and later development. The Oak has been previously lifted and thinned, but not significantly reduced. It appears to be in good condition with no major faults apparent.

The Oak is very clearly visible from Leecroft Road and The Croft. In terms of size, shape, and condition; it is the best tree in the group standing on the strip of land described above. As well as being an integral part of the screening between the original Homes and the new Jubilee Cottages, the Oak contributes significantly to the character and appearance of the Thomas Watson Cottage Homes estate. In describing the Cottage Homes, the Barnet Society notes “The Watsons and their architects are also likely to have been aware of George Cadbury’s garden village at Bourneville (1879–1970s) and Lord Lever’s garden city at Port Sunlight (1888–c. 1914). In Barnet, their vision is echoed on a miniature scale.”

The application

The application submitted by Innovation Group Environmental Services as agent for Subsidence Management Services was registered on 2nd August 2017. The reason(s) for the proposed removal of the Oak (described as the closest Oak to the front left corner of the property in the Mixed Species group applicant’s reference TG1) cited on the application form is:

The tree works are proposed to stop the influence of the tree(s) on the soil below building foundation level and provide long term stability.

Estimated costs of repair to the building are £25,000.00 if the influence of the tree(s) remain and £7,160.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e).

Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £32,160.00

It is the expert opinion of both the case engineer and arboriculturalist that on the balance of probabilities the supporting information demonstrates the influence of the tree(s).

Note: Further monitoring results may be submitted if these become available during the course of this application.

Please note that further to a previous application DNA evidence was requested by Barnet Council which was obtained and the removal of the Oak to the front right hand confirm was done in April 2016 (location refers to ST1 in the included Arb report). Further damage has occurred (continuing to move) hence this application.

The supporting documentation comprised:

- Innovation group Engineer's Report dated 28 December 2011
- Innovation group Addendum Engineer's Report dated 20 March 2015
- Innovation property Visit Report dated 9 November 2016
- Innovation group 2nd Addendum Engineer's Report dated 9th May 2017
- Environmental Services / Innovation property Arboricultural Report dated 1 March 2017
- SubsNetUK Soil Analysis dated 23 February 2017
- SubsNetUK Geotechnical dated 10 February 2017
- SubsNetUK Root Identification dated 31 January 2017
- Geological strata map
- Level monitoring 25/11/14; 23/1/15; 18/3/15; 12/5/15; 8/7/15; 2/9/15; 25/6/16; 18/8/16; 22/9/16; 30/12/16; 24/2/17; 25/4/17; 29/6/17; (30/8/17 on graph)
- Crack monitoring 18/10/13; 12/12/13; 4/2/14; 27/3/14; 23/5/14; 14/7/14; 4/9/14; 25/11/14; 23/1/15; 18/3/15; 12/5/15; 8/7/15; 2/9/15; 25/6/16; 18/8/16; 30/12/16; 24/2/17; 25/4/17; 29/6/17
- Heave Prediction Calculations using Suction Profiles and Water Content Profiles

Following the site visit by the Case Officer and Structural Engineer, an e-mail was sent to the agent which included:

The suggestion in the Addendum Engineer's Report that "There are no drains close to the front left corner of the property where the worst area of movement is taking place" is contradicted by our observations of drainage runs on site, as borne out by the attached plan.

Please clarify, particularly in the context of the statement in the 2011 Engineer's Report stating "Besco were using a sit on roller to compress the soils under the path and it was during the operation of the roller passing the building that the front wall was seen to crack by the operative."

To which the agent responded:

"Our Engineers comments are as follows: The front left corner where the worst damage is located is away from both runs shown on the attached plan, if these were involved then most movement would be seen at each gully location and not at pin 5, the roller is just a side issue the underlying predominant cause of the continuous significantly enhanced seasonal movement is the adverse effects of adjacent vegetation as seen by the level monitoring."

Eliciting from our Structural Engineer:

"The plan shows a foul and surface water drain under the garden wall where significant subsidence has occurred. Therefore it is very possible the drains are

leaking and affecting the sub-soil in this area. Although the drains are not next to the house they are not that far away.

I suggest a drain survey and test is carried out.”

To which the agent responded on 2nd October 2017:

“If this was solely a drainage issue we would not see recovery in the monitoring there would be progressive downward movement.

... the level monitoring shows two periods of recovery indicating drains are not the cause.

With regards to reduction of the tree we feel removal is the only long term solution or alternative repairs (underpin).”

The Council's Structural Engineer having visited the site and assessed all the submitted information, notes:

Further to your request to review the site investigation results at the above, with regard to the tree preservation order for the one of the two Oak trees in the group of trees TG1 which is closest to The Thomas Watson Cottage, I would comment as follows;

Trees

The arboricultural report of 1/3/17 shows the locations trees of around the property. The report shows the group of trees TG1 at a distance of 17.2m from the building and 16.5m high. It is not clear if these dimensions refer to the Oak closest to the building or is an average of all the trees in the group.

The other trees in group TG1 include another Oak tree, a Holly and a Beech.

Other trees indicated in the report include two Oak trees in the grounds of 64 The Croft and Cypress hedge opposite the LHS flank wall.

In April 2016 an Oak tree at the adjacent site, 64 The Croft, was removed (shown as ST1) and a hedge was removed 26/9/12.

Damage

The damage to The Thomas Watson Cottage was first discovered in 2011.

The damage consists of tapered cracking to the front bay and the front LHS of the house.

Following the tree removal works in April 2016 further on-going damage was identified to the building on 9/11/16.

The damage is classified as category 3 in accordance with BRE Digest 251.

Subsoil investigations

SubNetuk carried out a subsoil investigation on 23/1/12 and 26/1/17. We only have details of the later SI. This consisted of a trial pit and borehole to the front LHS of the property. A control borehole was located in the rear garden to compare and contrast results.

Results of the investigation were as follows;

1. The foundations are 850mm deep.
2. Stiff Clay was encountered to the full depth of the borehole 4m deep.
3. Roots extend to 2.5m depth.
4. Oak tree roots identified below foundations.

Soil Testing

The soil analysis results indicate desiccation at 2.0m depth.

Two ground heave calculations have been undertaken indicating heave potentials of 42mm and 64mm.

However, the calculations have not used the soil test results from the control bore. The engineer for the Insurer advised this is because the soil in the control bore was also affected by roots and assumed soil parameters were used in the calculation to give a 'worst heave value' and 'the actual heave in reality is likely to be far less'.

Monitoring

Level monitoring has been carried out from 23/1/15 to 30/8/17 with a gap in the readings between 2/9/15 and 25/6/16.

The rear LHS of the building is used as a datum which is unlikely to be fully stable.

Most of the recorded movement is occurring at the front LHS of the property, with a maximum overall movement of 19mm. The pattern of the monitoring results indicates a seasonal trend of movement which has increased in magnitude since the tree removal in April 2016.

Crack monitoring has been carried out from 12/12/13 to 29/6/17 with a gap in the readings between 2/9/15 and 25/6/16.

The crack monitoring results show relatively small amount of movement which is surprising given the large seasonal movement indicated in the level monitoring results.

Drainage

There are no drains close to the front LHS corner of the house, and the soil testing and level monitoring result do not indicate a leaking drain problem.

Conclusion based on SI results

The site investigation results indicate the Oak tree closest to the building in the group TG1 would be implicated in damage to the front LHS of the building. The second Oak in the group TG1 could also be implicated as a contributory factor.

The removal of the Oak tree in April 2016 did not succeed in stabilising the building.

I understand the two remaining Oak trees are close together in the TG1 group and the removal of one Oak only may not be sufficient to prevent ongoing subsidence damage occurring to the building.

The ground heave calculations are based on assumed values for the control borehole to give the 'worst heave value'.

The Oak trees are noted as being younger than the property therefore the effects ground heave following tree removal is unlikely to cause significant additional damage to the building.

The level monitoring results indicate enhanced seasonal movement and an increasing subsidence of the foundations following the removal of the Oak tree in April 2016. This is the opposite of what would be expected but may be explained by the relatively dry autumn of 2016 and winter period 2016/17.

Also according to the delegated report of the 12/6/15 the Oak tree which was removed was in a poor condition and therefore probably not abstracting significant moisture from the ground.

The crack monitoring results show relatively small amount of movement which is surprising given the large seasonal movement indicated in the level monitoring results and does not agree with the Engineer's report of 9/11/16 which identified further damage had occurred.

The severity of the damage is classified as moderate.

It may be more effective to carry out reduction works to both Oak trees which may be sufficient to require only superstructure repairs to the building.

Both Oak trees would need to be regularly reduced to maintain at the reduced size.

Further comments following site inspection of the 19/9/17

The Oak tree in group TG1 closest to the building is significantly larger than the other Oak tree in the group.

There is evidence of previous tree reduction work but the Oak trees appear not to have been maintained for a number of years allowing them to grow to their present size.

The damage to the property appears to be progressing with cracks to the internal walls, door frames out of square affecting door opening and closing, subsidence of ground floor slab with gaps occurring between floor and skirting board.

The focal point of the damage is the LHS of the building opposite the Oak tree closest to the building.

The Oak tree removed in April 2016 opposite the RHS of the building was a much smaller tree and appears to have been regularly reduced /pollarded according to photos in the planning record folder. There was no damage evident to the RHS of the building however the resident believes this part of the cottage may have been underpinned.

There is a main drain run opposite the LHS of the building, it runs under the garden wall next to the archway where a large horizontal crack has occurred.

Conclusion

The Oak tree closest to building is considered to be the most significant cause of the damage to the building and would be implicated in any claim for damages.

The occurrence of the damage to the cottage in 2011 most likely coincides with a lack of maintenance of the oak trees.

The removal of the closest Oak tree may not be sufficient to completely stabilise the building without reduction works and maintenance of the second Oak tree in the TG1 group, particularly as its growth it will no longer be inhibited by the larger Oak tree closest to the building.

It may be possible to stabilise the building by significantly reducing both oak trees and regularly maintaining at the reduced size. The monitoring of the building should continue following the tree works to confirm full recovery and allow superstructure repairs to be carried out.

The drain run opposite the LHS of the building should be surveyed to check its condition and repair if necessary.

The main area of damage, as described in the Engineer's Reports is mainly to the front bay and front left side of the bungalow, it was first noticed in 2011.

The 2011 Engineer's Report assesses the crack damage as BRE Category 3 (Moderate) and notes *"The cracks to the front bay which were evident before the front path was relayed are tapered in nature and they increase in width with height which is indicative of subsidence as a result of the shrinkage of the clay subsoil due to the moisture extracting influence of the vegetation to the front of the property. We would add however that the cracking to the front left corner happened at the same time as the paths being relayed so this damage may relate purely to this operation or to a combination of both vibration and clay shrinkage."*

The 2015 Engineer's Report, prepared with benefit of investigations undertaken following the initial Report, also assesses the crack damage as BRE Category 3 (Moderate) and notes *"The DNA report has implicated the neighbours oak tree T1. With regards to the parts of the property closest to the oak tree not being affected we can only assume that these are on deeper foundations beyond the influence of the tree roots."*

The Oak referred to as "the neighbours oak tree T1" was growing at the adjacent site, 64 The Croft. An application to fell the tree was submitted by Environmental Services Innovation group (the same agent as for this current application) and was granted conditional approval on 13th July 2015 under reference TPF/0273/15 – "1 x Oak (applicant's ref. T1) - Fell. T3 of Tree Preservation Order." The Oak was apparently felled in April 2016. It is depicted as ST1 on the plan submitted with the current application.

Despite the felling of the Oak implicated by the DNA report, the Engineer's Visit Report dated 9th November 2016 notes *"The policyholder reported worsening and additional damage" which is described and recommends "Further site investigations are required in conjunction with additional monitoring as it appears that the remaining vegetation to the front of the building is causing on going subsidence to the property and therefore additional tree mitigation works are likely to be required before repairs can be considered."*

The 2017 Engineer's Report, prepared with benefit of these further investigations notes *"After initial mitigation works were carried out in the summer of 2016 in respect of the third party oak ref: T1 it is clear that there has been ongoing subsidence movement to the front left corner of the property and this has been more widespread passing back further into the property" concluding that this is the result of the remaining vegetation close to the front left corner of the bungalow within the group of trees TG1 and recommends that "the vegetation works are completed in accord with the tree report [i.e. the removal of the closest Oak to the front left corner of the property in the Mixed Species group applicant's*

reference TG1] *and the property monitored to stability and once proven repairs to the subsidence damage can be completed.*”

During the site visit by the Case Officer and Structural Engineer, the resident of 1 Thomas Watson Cottage Homes confirmed that the damage had been getting worse since the removal of the Oak at 64 The Croft (which had previously stood on the other side of the detached garage to the north i.e. to the front right hand corner of the Cottage).

The agent has not provided any evidence of drain survey or testing – indeed, the Engineer’s Reports erroneously seek to suggest that there are no drains close to the front left corner of the property. However, in response to observations by the Case Officer and Structural Engineer on site, the information about sewer runs was supplied by the Clerk to the Trustees of the Thomas Watson Cottage Homes who facilitated access for the visit. Our Structural Engineer has also remarked on the apparent discrepancy between the relatively small amount of movement shown by the crack monitoring compared with the level monitoring and Engineer’s report of 9/11/16; he has also noted the apparent lack of recent maintenance pruning of the trees at the site.

Given the importance of mature trees to the character and appearance of the Thomas Watson Cottage Homes estate, there is concern about ‘attrition’ in the light of this current application to remove another Oak as damage is apparently worsening since the removal of the Oak formerly at 64 The Croft implicated by the DNA report.

However, our Structural Engineer observes “*The Oak tree closest to building is considered to be the most significant cause of the damage to the building and would be implicated in any claim for damages.*” But he also notes “*The removal of the closest Oak tree may not be sufficient to completely stabilise the building without reduction works and maintenance of the second Oak tree in the TG1 group, particularly as its growth it will no longer be inhibited by the larger Oak tree closest to the building. It may be possible to stabilise the building by significantly reducing both oak trees and regularly maintaining at the reduced size. The monitoring of the building should continue following the tree works to confirm full recovery and allow superstructure repairs to be carried out. The drain run opposite the LHS of the building should be surveyed to check its condition and repair if necessary.*” Given the public amenity value of the Oak and the possibility that lesser works may be a solution, it may be questioned whether the proposed removal of the TPO Oak at this juncture is excessive / premature – particularly in the absence of drain surveying.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also

consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In this case the application submissions indicate that *"Estimated costs of repair to the building are £25,000.00 if the influence of the tree(s) remain and £7,160.00 if the proposed tree works are allowed to proceed. Granting permission will limit these costs. In the event of a refusal we, or our clients, will seek to secure compensation for the additional costs incurred through Section 202(e). Should the tree/s remain the total cost of repairs will be the Superstructural repairs + Alternative method of repairs = £32,160.00"*

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage'. The standard is 'on the balance of probabilities' rather than the criminal test of 'beyond all reasonable doubt'.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has noted that *"The Oak tree closest to building is considered to be the most significant cause of the damage to the building and would be implicated in any claim for damages"*.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment. In this case, damage of BRE Category 3 was noted in 2011 and has been reportedly worsening since; in addition there is suggestion of other causative factors.

If it is concluded that addressing other factors together with pruning would resolve the alleged problem, regardless of the proposed tree removal, it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £17,840 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Not applicable.

EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the application would have a significant impact on any of the groups as noted in the Act.

CONCLUSION

The agent, Innovation Group Environmental Services, proposes to fell the significant Oak standing as part of a group on the eastern side of Leecroft Road at the Thomas Watson Cottage Homes site because of its alleged implication in subsidence damage to 1 Thomas Watson Cottage Homes.

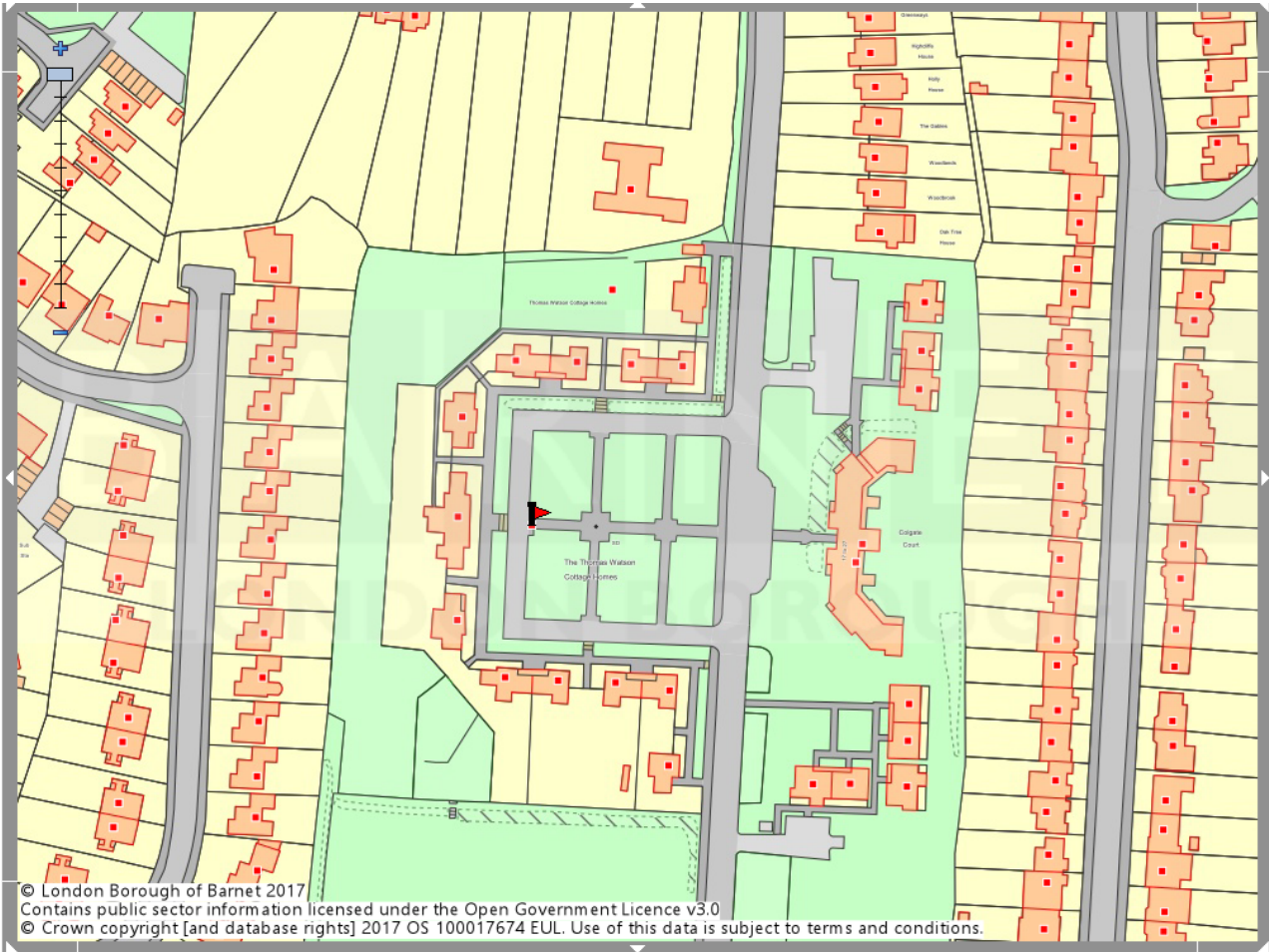
The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is likely to be implicated in damage to the front left corner of the building. There are possibly other causative factors which do not appear to have been investigated – our Structural Engineer has noted the lack of recent maintenance pruning of trees at the site.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided and the potential that lesser works may stabilise the building.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates repair works would be an extra £17,840 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that on the basis of available information that removal of the Oak is excessive and has not been

demonstrated to be necessary; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.



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Location 3 And 5 Holly Park Road London N11 3HA

Reference: 17/4575/FUL

Received: 17th July 2017

Accepted: 20th July 2017

Ward: Coppetts

Expiry 14th September 2017

Applicant: Mr Gabriella and Richard Novicelli

Proposal: Conversion of 3 Holly Park Road into 3no self-contained units following part single, part two-storey rear extension to lower ground and ground floor levels. Extension to roof including raising of main roof ridge height insertion of 2no windows to front gable and 1no windows to rear gable. Extension to roof to 5 Holly Park Road including raising of main roof ridge height insertion of 2no windows to front gable and 1no windows to rear gable to create habitable rooms in roofspace.

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 Plan Rev 1, Existing Plans Rev 1, Existing Elevations Rev 1, Existing Sections Rev 1, Proposed Plans Rev 3, Proposed Elevations Rev 3, Proposed Sections Rev 3.

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

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

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

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

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

- 4 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).

- 5 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.

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

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

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

- 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 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.

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

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

- 10 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 5 Holly Park Road or 69 Beaconsfield 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).

- 11 The development hereby permitted shall be implemented in its entirety and completed in full in accordance with the plans hereby approved within 9 months of the commencement of the development hereby approved. If the development hereby permitted is not implemented in its entirety and completed in full in accordance with the plans hereby approved within 9 months of the commencement of the development any buildings or structures erected at the site in connection with this permission shall be demolished and removed from the site in their entirety within 3 months of the failure to complete the development within 9 months of the development being commenced.

Reason: To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers at either adjoining property and is compliant with policy DM01 of the Barnet Development Management Policies Document (2012).

Informative(s):

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

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

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

Government at
https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

Officer's Assessment

1. Site Description

This proposal relates to 2 no. three storey late-Victorian terrace townhouses Nos 3 and 5 Holly Park Road; both of which are currently single family dwellinghouses.

No.3 and No.5 are both set at a lower level to the neighbouring No.7 Holly Park Road. No.3 Holly Park Road adjoins the garage of No.1 Holly Park Road.

The properties are located in within a street of identical terrace properties. The general feature of the street includes ground floor projecting bays, contrasting plaster decorative lintels and signature arched twin casement windows within the front gables.

At basement level, No.5 has an existing full width conservatory measuring 4.5m in depth.

The dwellings are not listed and are not located in a conservation area.

2. Site History

Reference: 17/4700/FUL

Address: 3 Holly Park Road, N11 3HA

Decision: Approved subject to conditions

Decision Date: 18.09.2017

Description: Conversion of dwelling house into 2no self-contained flats following part single, part two-storey rear extension (lower ground and ground floor levels)

Reference: 17/1955/FUL

Address: 3 and 5 Holly Park Road, N11 3HA

Decision: Refused

Decision Date: 30.05.2017

Description: Part single, part two-storey rear extension to lower ground and ground floor levels. Raising of main roof ridge height and insertion of 2no gable windows to front and 2no gable windows to rear to create 3no self-contained flats for no. 3 Holly Park Road. Raising roof ridge height and insertion of 2no gable windows to front and 2no gable windows rear to create a habitable extension to roof for no. 5 Holly Park Road

Reference: B/01330/12

Address: 5 Holly Park Road, N11 3HA

Decision: Approved subject to conditions

Decision Date: 15.05.2012

Description: Single storey rear conservatory. New rear patio with steps.

3. Proposal

At No 3 Holly Park Road - the proposal involves Part single, part two-storey rear extension to lower ground and ground floor levels. Raising of main roof ridge height and insertion of 2no windows to front gable and 1no window to rear gable and conversion of house into 3no self-contained flats.

At No.5 Holly Park Road - the proposal involves Raising of main roof ridge height and insertion of 2no gable windows to front and 2no gable windows at rear to create habitable rooms within the roof space of the single family dwellinghouse.

4. Public Consultation

Consultation letters were sent to 89 neighbouring properties. 5 objections were received. The nature of the objections can be summarised as follows:

- Proposed development will add to on-street parking pressures
- Concerns about bin storage areas
- Lack of outdoor amenity space

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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 existing building, 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 dwellings.

5.3 Assessment of proposals

Both No. 3 and No. 5 Holly Park Road are currently in single family dwellinghouses.

Principle of Conversion to Flats

Previous application ref: 17/4700/FUL dated 18.09.2017 granted planning permission for the conversion of No. 3 Holly Park Road to 2 no self contained flats and therefore the principle of the conversion of this property to flats has been established.

However, it should be noted that a number of properties along Holly Park Road have been converted into flats or have been granted planning permission for flat conversions. As a result, the character of the street has evolved into what can now be described as mixed in nature. On this basis, the principle of the conversion of no 3 Holly Park Road to flats is considered acceptable.

Joint Roof Extensions

Both No.3 and No.5 are set at a lower level to the rest of the adjoining terrace properties. The proposal will raise the ridge height of No.5 by 1.6m and No.3 by 1.7m to match the ridge height of No.7 Holly Park Road. Given that these properties are located on the end of terrace and No.3 adjoins only a single storey garage, it is considered that this increase in height to both properties would not have an adverse impact on the character of both buildings or the character of the surrounding area.

In addition, given that the proposal will match the ridge height of No.7 and the separation distance with the other neighbouring properties, it is considered that this element would not cause demonstrable harm to amenity of the neighbouring residents to an extent that would warrant a reason for refusal if the ridge height was jointly raised.

Previously refused application on the site raised no objections to the principle of the conversion to flats and also found the joint roof extension to be acceptable. The proposed joint roof extension is the same as proposed by application 17/1955/FUL and is therefore again considered to be acceptable. The success of the current application therefore hinges on whether the previous reasons for refusal relating to the proposed extensions and quality of the proposed accommodation have been addressed. These were as follows:

1. The proposed rear extension by reason of its siting, excessive depth, bulk, massing and design fails to be subordinate to the existing dwelling and would constitute a disproportionate, discordant and incongruous addition to the existing dwellinghouse which would subsume its character and appearance and fail to reflect the design of the original dwelling, to the detriment of the character and appearance of the existing dwellinghouse, the street scene and the locality.
2. The proposed part single, part two storey extension by reason of its design, siting, size and relationship with the neighbouring property, would have an overbearing impact

and result in a loss of outlook and loss of light to adjoining neighbouring property at No.5 Holly Park Road and a prominent and overbearing impact to Nos. 67 and 69 Beaconsfield Road, to the detriment of the visual and residential amenities to the occupiers of these neighbouring properties.

3. The proposed flat conversion fails to provide adequate private amenity space for future residents and a high quality of internal accommodation in terms of its layout. The proposal would therefore provide a poor quality of accommodation for future residents.

Part single, part two storey rear extension to No.3

Refused application 17/1955/FUL proposed a rear extension to No.3 measuring 6.9m in depth at basement and ground floor levels, extending the full width of 4.64m at ground floor and a width of 3.6m at first floor with a 1.04m gap to the shared boundary with No.5, the two storey extension standing at 6m with a flat roof proposed.

The Officer's report for that application noted that the depth of the extension was more than double what guidance sets out as being normally acceptable for a terraced property (3m), that the ground floor extension was more than half the width of the existing dwelling, the scale and design of the rear windows do not respect the form and scale of the original building and that the proposed flat roof was considered to be unacceptable.

As submitted, the current application proposes rear extension of reduced depth measuring 4.0m at basement level and 2.63m at ground floor level extending the full width of the property.

Given the depth is now 4.0 and would not extend beyond the depth of the existing conservatory at No. 5, this element is now considered to be acceptable.

The reduction of the depth of the ground floor element from 6.9m to 2.63m as per the submitted drawings is welcomed, however the submitted drawings also proposed that the ground floor element be across the full width of the rear of the property, whereas in the refused application there was a 1.0m gap to No. 5. A flat roof was still proposed in the submitted drawings.

Amendments were requested by the LPA and as amended the proposal affords:

- Reduction to the width of the ground floor element (from 4.6m to 2.4m) and inclusion of a more suitable hipped roof form to ensure that the extension is subordinate to and respectful of the character and appearance of the host building.
- Amendment to scale and design of the rear windows to respect the form and scale of the original building
- Stacking issue addressed
- Private amenity space provided for two of the proposed flats

Based on these amendments, the proposed rear extension is now considered to be acceptable both in terms of impact on character and appearance and impact on neighbouring properties.

It is also a material consideration that identical rear extensions were approved under planning application 17/4700/FUL

Quality of Accommodation

Space Standards

All of the proposed flats meet the minimum London Plan / National residential space standards as follows:

Flat 1 - Lower Ground Floor 1 bed 2 person, 50.72 sq m.

Flat 2 - Ground Floor Studio, 37.82 sq m

Flat 3 - First and Second Floors 2 bed 3 person, 73.01 sq m

The proposal is therefore considered to be acceptable in this respect.

Amenity Space

Refused application 17/1955/FUL proposed 50 sq m of amenity space with only basement Flat 1 having access to this space. The Officer's report concluded that the lack of amenity space for the occupiers above basement level was unacceptable and this formed a reason for refusal.

The current application originally proposed 60 sq m of amenity space, again for the sole use of the basement flat, with the other 2 no. flats having no access to amenity space.

An amendment was requested by the LPA and plans for amended to show that 2 of the flats proposed now have access to private amenity space (Lower ground 1 bed, 24.6 sq m) and Ground floor studio, 25.2 sq m.

Whilst it is not ideal that the largest flat (first and second floor, 2 bed 3 person) will not have access to private amenity space, on balance it is considered that the improved arrangement which provides private amenity space for 2 of the 3 flats is considered acceptable and sufficient to overcome the previous reason for refusal.

Stacking

As originally submitted, the drawings showed the living area of the ground floor studio above the bedroom of the basement (Flat 1) bedroom meaning that the stacking issue highlighted within the previous refused application had not been addressed.

An amendment was requested by the LPA and provided by the applicant that satisfactorily addressed the identified stacking issue through a re-organisation of the internal accommodation and the proposal is now considered to be acceptable in this respect.

Highways

No off-street parking is proposed. Holly Park Road has no parking restrictions. The existing dwelling does not benefit from any off street car parking.

The maximum parking standards set out in policy DM17 expect development to provide parking as follows:

1 bed flats - 1 to less than 1 space.

2 bed flats - 1.5 to 1 space.

On this basis the proposed flat conversion should provide parking at a range of between 1 and 3.5 spaces.

The existing terraced house generates an on street parking demand of between 1 and 1.5 spaces and it is considered that, as the proposed 3 no. flats would generate a similar demand to the existing single family dwellinghouse, the proposal is considered to be acceptable on car parking / highway grounds.

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 provided refuse storage facilities and siting for the units to the front of the property within its curtilage and a condition will be attached for the submission and approval of a waste bin storage facility and to ensure bins are stored in the designated approved storage area, other than on collection days.

5.4 Response to Public Consultation

Addressed within the body of the report.

6. Equality and Diversity Issues

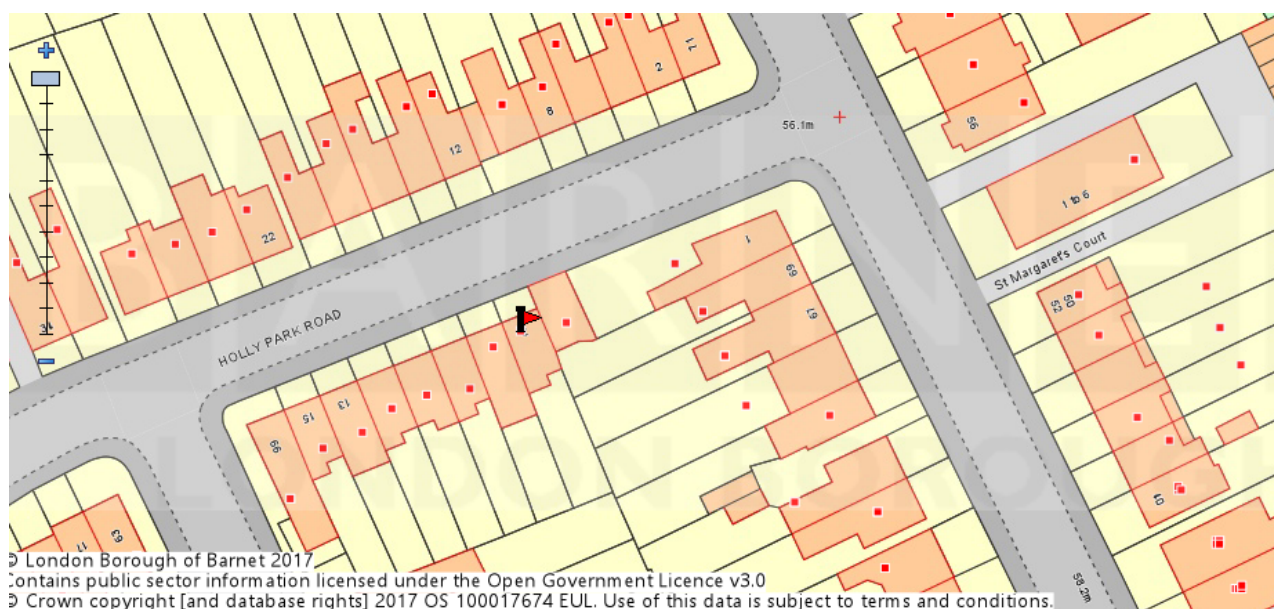
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

It is a material consideration that the principle of conversion to 2 no. flats and the proposed rear extensions have been approved under application 17/4700/FUL (approved 18.09.2017).

Similarly, refused application 17/1955/FUL found the joint roof extension to be acceptable.

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. The previous reasons for refusal have been satisfactorily addressed. This application is therefore recommended for approval.



Location 28 Woodside Grove London N12 8QU

Reference: 17/3729/HSE Received: 12th June 2017
Accepted: 14th June 2017

Ward: Totteridge Expiry 9th August 2017

Applicant: Mrs Orit Lev

Proposal: First floor side and rear extension plus rooms in a new layout of roof space to include 3no. rear roof lights, change to fenestration, associated parking, refuse and recycling and landscaping

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:

28 Woodside Grove, N12 8QU, Barnet, London (Site Location Plan), 28 Woodside Grove, N12 8QU, Barnet, London(Existing Plans, Sections and Elevation), 28 Woodside Grove, N12 8QU, Barnet, London(Proposed Plan, Sections and Elevations Rev. 02), Arbtech TCP 01 (Tree Constraints Plan), Tree Survey prepared by ARBTECH dated 16 January 2017.

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

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

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

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

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

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

- 5 The proposed window to the kitchen/ diner in the rear elevation shall be permanently fixed shut as shown on the approved drawing or be inward opening only. The window shall be installed as such before the building hereby permitted is first occupied and retained as such thereafter.

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 2016).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under

a rechargeable works agreement, by the Council's term contractor for Highway Works.

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

- 4 The grant of planning consent confers no rights for any work to be undertaken to the trees and you are advised to consult the Council's Principal Arboricultural Officer - Greenspaces and Streets prior to taking any further action.

Officer's Assessment

1. Site Description

The application site currently accommodates a detached single family dwelling located on the northern side of Woodside Grove within the Totteridge Ward. The building is not listed nor does it lie within a Conservation Area.

The site abuts on to the rear gardens of nos. 60-62 and 64 Woodside Avenue to the northwest. These properties are two storeys in height of a suburban typology. There is a small garage to the west of the site and an access path to the east which runs between Woodside Grove and Woodside Lane.

The existing building projects beyond the existing building line of the properties on Woodside Grove to the east. There is a tall wall at the boundary with the path. The single storey front wings project closer to the pavement than the first floor.

To the south east of the site lies a purpose built block of no.12 flats at the corner with Woodside Avenue, and includes hardstanding which provides off street parking. Directly to the south is a pair of semi-detached dwellings.

The road lies within a controlled parking zone.

2. Site History

Reference: C01138

Address: 28 Woodside Grove London N12

Decision: Refused

Decision Date: 27.10.1966

Description: Erection of block of eight flats and garages.

Reference: N14481/04

Address: 28 Woodside Grove London N12

Decision: Lawful

Decision Date: 07.01.2005

Description: Alterations to roof including hip to gable end and rear dormer window to facilitate a loft conversion.

Reference: 17/0468/FUL

Address: 28 Woodside Grove London N12

Decision: Withdrawn

Decision Date: 27.03.2017

Description: Demolition of existing building and erection of a two storey plus rooms in roofspace detached building to provide 4no self-contained flats. Associated parking, cycle store, refuse and recycling and landscaping

3. Proposal

The application seeks planning permission for a first floor side and rear extension plus rooms in a new layout of roof space to include 3no. rear roof lights, change to fenestration, associated parking, refuse and recycling and landscaping.

4. Public Consultation

Consultation letters were sent to 24 neighbouring properties.

8 responses have been received, comprising 6 letters of objection, 1 letters of support , 1 letter of comment

The objections received can be summarised as follows:

- Impact of construction traffic and noise
- Site too small for the construction work
- Traffic assessment should be updated to reflect the change in proposal
- Overdevelopment and out of keeping with the area
- A two to three bedroom house with a reasonable garden space would be more appropriate for this size plot
- Overlooking and loss of privacy due to the increasing number and size of windows in the property.
- Loss of on-street parking space
- Loss of garden space
- French doors opening unto shared drive will cause harm

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The applicant seeks approval for first floor side and rear extension plus rooms in a new layout of roof space to include 3no. rear roof lights, change to fenestration, associated parking, refuse and recycling and landscaping.

It is acknowledged that a number of amendments have been put forward for the proposed extensions to address the concerns of officers and some of the issues raised by neighbouring occupiers.

The existing ground floor garage would be utilised as a kitchen / diner. The garage door will be replaced with a window (fixed non opening), this would ensure that there would be no obstruction to the free movement of the adjoining neighbour when driving into their property.

The first floor rear extension would sit above the existing single storey side extension and measure approx. 6 metres in depth. The proposed first floor extension would wrap around above the existing ground floor rear extension. The Council's guidance suggests that first floor side extensions should not exceed half the width of the original property, be set-down by a minimum of 0.5 metres from the ridge height. Furthermore, first floor side extensions should maintain a 2 metre gap between neighbouring flank walls in order to reduce visual impact. In this instance, the width of the existing house is approx. 9.5m and the proposed first floor extension would measure approx. 4.2 metres in width. In addition the first floor extension would be set back by approx. 1m from the front elevation of the host building and set down from the ridge height of the host building by approx. 0.5m. The proposed first floor side extension would maintain more than 2m gap with the neighbouring property at No 26 Woodside Grove due to the public footpath separating both properties. Two windows have been proposed to the front elevation, these will serve a hall way and a bathroom.

At the rear, the proposed first floor extension would have a bedroom window and 3 rooflights. The first floor extension would be aligned with the existing rear building line. The creation of windows at the front and the rear is not considered to have a detrimental impact upon the character of the existing building and streetscene.

The three rooflights are of moderate size and would not have an adverse impact on the character of the area.

The proposal includes creating a parking area of approx. 34.2sqm to accommodate two cars. The proposed change to the garden area is not considered to be harmful to the character of the area, due to the scale and prevalence of parking in front gardens in the area. Furthermore the amenity space that would be retained is adequate for a single family dwelling. Planning permission would be required from the Council's highways department prior to works being carried out for the crossover and existing street trees and an informative to this effect would be attached if permission is granted.

It is considered therefore that the proposal would not have an adverse impact on the character of the existing building and the area and it would comply with policies 7.4, 7.6 London Plan (2016), policies CS NPPF, CS5 of the Core Strategy (2012) and Policy DM01 of the Development Management Policies DPD (2012) and Residential Design Guidance (2016).

Impact on neighbouring residents

The proposed first floor side and rear extension is a sufficient distance from the neighbouring properties so as to not appear overbearing or visually intrusive when viewed from these neighbouring properties. The potential impact of replacing the garage doors with French doors on the neighbours at No 64 Woodside Avenue has been mitigated by submitting revised plans showing the French doors substituted with fixed windows non opening below 1.7m.

In addition, it would not lead to overlooking and loss of privacy due to the set back and position of the proposed window at the rear in relation to neighbouring properties. It is considered therefore that the proposal would not have an adverse impact on neighbouring residential amenities and living conditions and it would comply with policies 7.4, 7.6 London Plan (2016), policies CS NPPF, CS5 of the Core Strategy (2012) and Policy DM01 of the Development Management Policies DPD (2012) and Residential Design Guidance (2016).

5.4 Response to Public Consultation

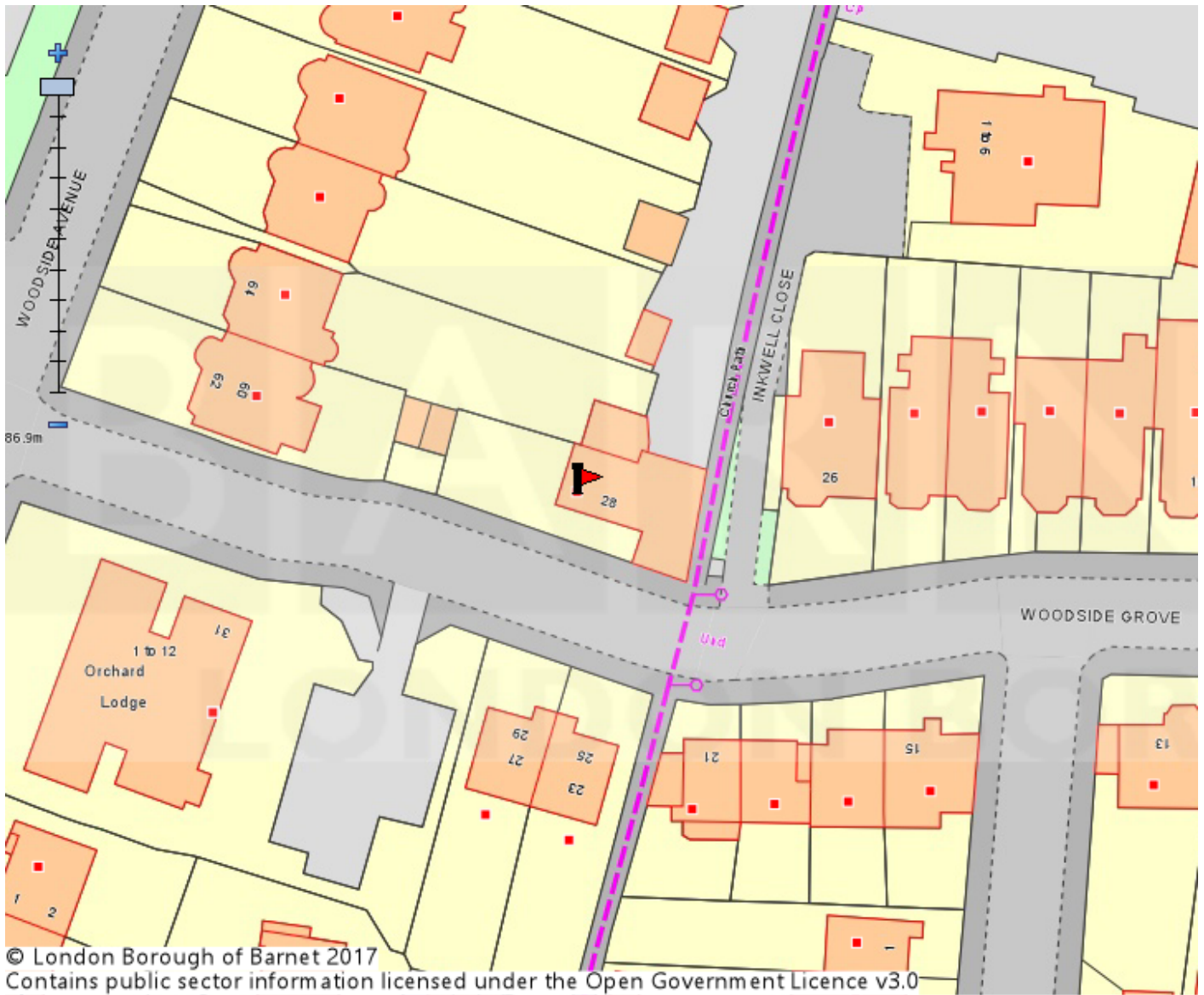
- Impact of construction traffic and noise. An informative relating to construction hours would be attached if granted planning permission.
- Site too small for the construction work. This is not a planning matter and therefore cannot be taken into account in assessing the application
- Traffic assessment should be updated to reflect the change in proposal. There is no policy requirement for traffic assessment to be submitted for householder applications. The Traffic Assessment was not taken into consideration in the assessment of this application as it was not deemed relevant.
- Overdevelopment and out of keeping with the area. The application is for a householder extension and complies with Council's policies and standards.
- A two to three bedroom house with a reasonable garden space would be more appropriate for this size plot. The proposal is for a householder extension and there is no policy limiting the numbers of rooms that can be achieved through a householder extension provided it complies with Council's policies.
- Overlooking and loss of privacy due to the increasing number and size of windows in the property. This has been addressed in the body of the report
- Loss of on-street parking space. This is not a material consideration in the determination of the application.
- Loss of garden space - This has been addressed in the body of the report.
- French doors opening unto shared drive will cause harm. This has 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

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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	<p align="center">Chipping Barnet Planning Committee 17th October 2017</p>
<p align="center">Title</p>	<p align="center">Planning Enforcement Quarterly Update July 2017 to September 2017</p>
<p align="center">Report of</p>	<p>Head of Development Management</p>
<p align="center">Wards</p>	<p>All</p>
<p align="center">Status</p>	<p>Public</p>
<p align="center">Urgent</p>	<p>No</p>
<p align="center">Key</p>	<p>No</p>
<p align="center">Enclosures</p>	<p>None</p>
<p align="center">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

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

Recommendation

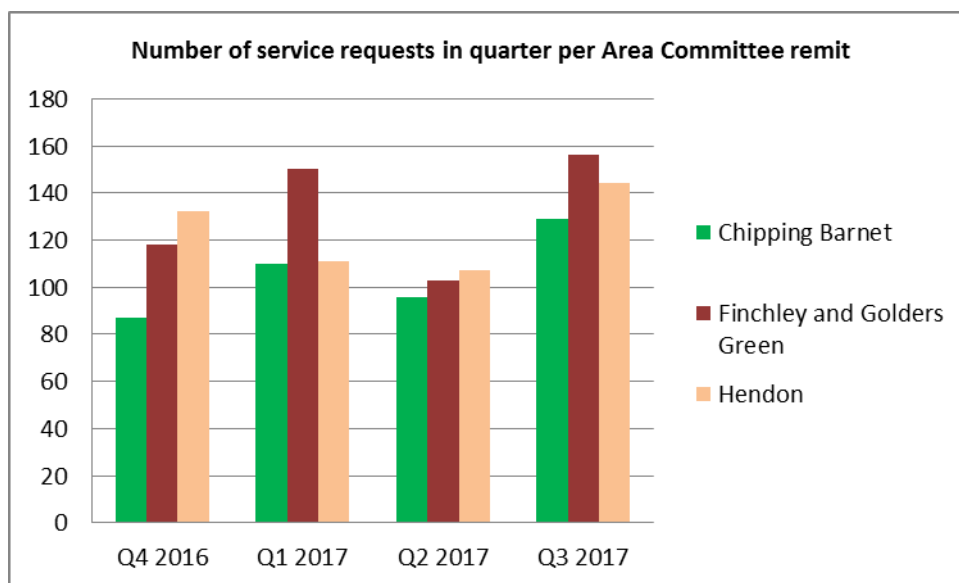
1. That the Committee note the Planning Enforcement Quarterly Update for the period of July 2017 to September 2017.

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 April to June 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	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Brunswick Park	21	14	8	17
Coppetts	19	9	20	12
East Barnet	15	16	20	8
High Barnet	28	13	24	14
Oakleigh	16	13	11	15
Totteridge	20	18	17	13
Underhill	25	13	10	8

Finchley and Golders Green				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Childs Hill	56	30	47	36
East Finchley	16	10	7	9
Finchley Church End	12	12	20	10
Golders Green	28	17	19	20
Garden Suburb	21	8	18	11
West Finchley	12	12	12	13
Woodhouse	11	14	27	19

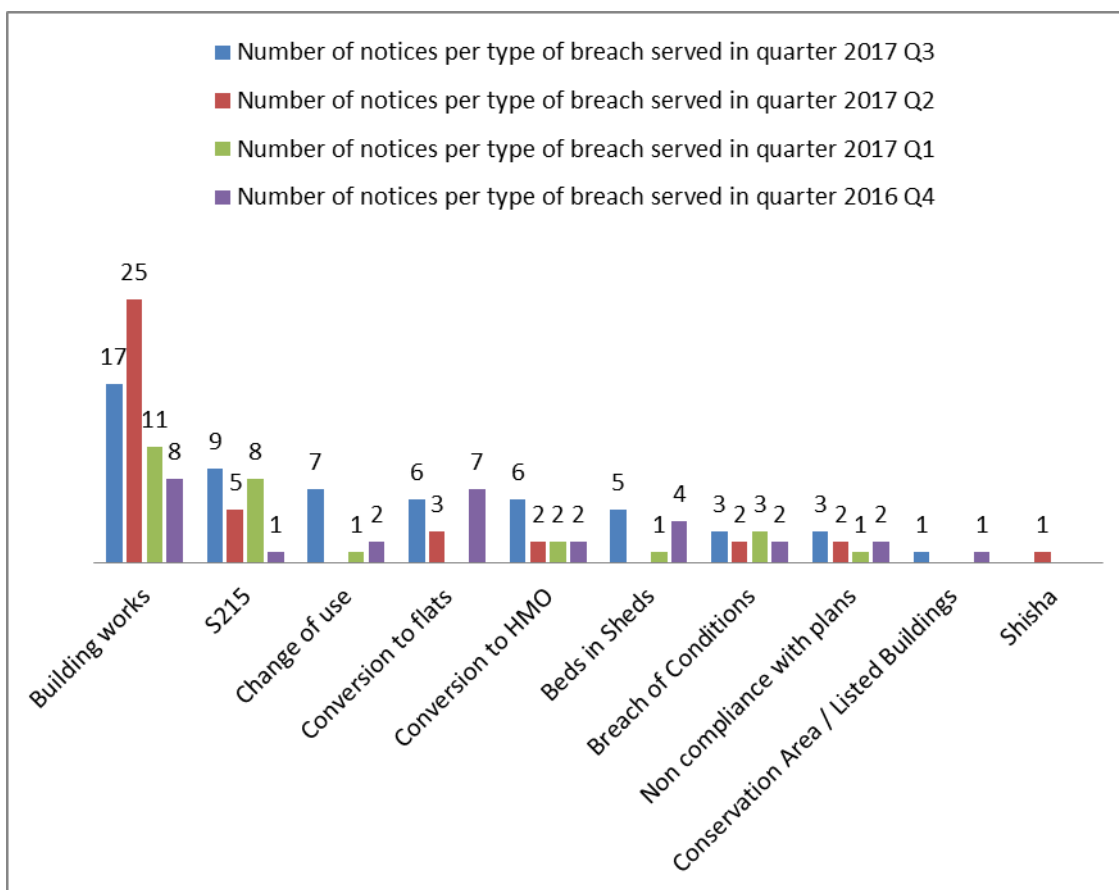
Hendon				
Ward	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Burnt Oak	21	13	12	12
Colindale	11	6	4	8
Edgware	22	13	17	18
Hale	19	16	18	15
Hendon	26	12	26	27
Mill Hill	13	22	21	25
West Hendon	17	16	13	27

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, 57 Enforcement Notices (of all types but excluding Planning Contravention Notices) were served which is an increase from the 40 in Q2 and 30 notices served in Q1. Whilst notices relating to building works continue to constitute the most common type of notices served across the Borough, the last quarter showed a marked increase in the number of more complex notices served against unlawful residential uses: 6 notices were served against unlawful flat conversions, 6 against unlawful Houses in Multiple Occupancy and 5 against Beds in Sheds.



1.5 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action between July and September 2017

	Q3 2017	Q2 2017	Q1 2017	Q4 2016
Full compliance following serving of enforcement notice	42	18	11	19
Informal compliance Works carried out and/or use ceased with breach resolved informally	117	82	42	76
Lawful development No breach of planning control was identified following investigation	282	254	167	130
Breach detected but harm insufficient to justify enforcement action	101	61	22	51
Total	542	415	242	276

The number of completed investigations has significantly increased quarter on quarter and this is reflective of the additional capacity in the Planning Enforcement Team as officers are able to review older, less urgent cases and continue to close more cases than are received.

1.6 Direct Action

Between 24 June and 1 July the Council undertook three direct actions. In each occasion land was cleared of waste and overgrowth by Greenspaces contractors appointed by planning officers. It is hoped that these actions will mark the start of an enduring and successful relationship between the two services.

The three initial sites were 6 Gaydon Lane, NW9; 44 Alverstone Avenue, EN4; and land adjacent 2 Birley Road, N20. Although the actions did not go entirely without incident officers are happy with the results of the work.

A second phase of direct actions begins on 6 October. This time seven sites have been earmarked for action. The scope of works will also increase over the summer actions with contractors having been appointed to plant trees at a site in New Barnet to replace several protected trees unlawfully removed by the land owners. The owner was convicted of the offence of felling the trees.

Where direct action is taken the costs in so-doing can be claimed against the owner of the land. How the debt if enforced is discretionary and can be recouped in a number of ways, the choice of method depending on relevant circumstances.

1.7 Notable cases updates

Finchley and Golders Green

A District judge has determined that the owner of 42 Clifton Gardens, NW11 deceived the council in relation to the use of this property. This is the first type of this case that the Council has pursued and one of the first in the country. The LPA is now able to serve a notice outside of the normal immunity period for a breach of planning control on the grounds of the deception.

The Council has agreed that the landlord of 11 Quantock Gardens, NW2 should be able to sell a property that had previously been the subject of a restraint order in order to fund the £555,954 owed under the Proceeds of Crime Act (POCA). The landlord had previously paid the first instalment of £212,000. The total bill to the landlord once POCA, costs and fine and calculated was approximately £¾ million

The unlawful sub-division/change of use cases of 24 Llanvanor Road, 90 The Drive and 279 Golders Green Road are continuing through the Court systems. The Council is pursuing Proceeds of Crime in relation to each. Convictions

have been obtained in respect of the first two cases with a trial for the third scheduled for 19 December.

The Council is pursuing POCA in relation to a property on Hendon Way where the owner failed to attend Court to answer charges put to him. The Act allows public authorities to pursue defendants who are believed to have absconded from justice.

The Prayle Grove court appeal hearing began 18 April. The council has been challenged over its decision to serve a notice under s.215 of the Town and Country Planning Act demanding that the empty property be made more presentable. The Council was successful at the appeal and the notice was upheld. The appellant was ordered to pay the Council's costs.

The High Court injunction case concerning Pentland Close continues. In a civil trial at the High Court held in August, the owner of the site was committed to prison for two months for failing to comply with an injunction issued many years previously. The prison term was suspended for two years on condition that the owner clears the land within 10 days and ensures that it is kept clear. The owners was ordered to pay the Council's costs in bringing the action. Officers are considering whether or not the steps the owner took in response to the Order were adequate.

Hendon

Officers obtained a warrant to force entry into an outbuilding in NW4 that 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. A locksmith secured access to the building without the need to damage the doors. A prosecution case against the owners of the outbuilding is now making its way through the Court system.

A planning enforcement notice was served against a structure in Burnt Oak noted as 'being of concern' by the Metropolitan Police Service. The owners of the land are seeking to appeal against the Council's notice

Chipping Barnet

The abandoned factory / warehouse at Allum Way, N20 has been demolished. This derelict building had first come to the attention of the LPA following concerns raised by the Metropolitan Police and London Fire Brigade who feared for the safety of site visitors and trespassers and of emergency services personnel who were often called to attend emergencies at the property.

An enforcement notice served in respect of the use of a shop in Lytton Road, EN5 as a gym has been upheld on appeal. The notice had alleged that the

noise of the activity and the long hours of operation caused undue noise and disturbance to nearby residents.

Unfortunately appeals were lost by the Council in respect of 'Boyden's Café', Potters Road, EN5 and 'Fairlawn', 11 Capel Road, EN4. In both cases the Council was defending committee decisions that had resulted in enforcement notices being served.

Planning enforcement in Barnet became national headline news with the front page of 'The Sun' of 30 September leading on a case of 'Beds-in Sheds' in Hendon Wood Lane. The story was later picked up by the 'The Times' and the 'Daily Mail' as well as BBC London News. A planning enforcement notice requiring the demolition of several cabins and buildings used as dwellings was upheld after a public inquiry earlier this year. Work on demolition has commenced.

2. REASONS FOR RECOMMENDATIONS

2.1 Not Applicable

3. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

3.1 Not Applicable

4. POST DECISION IMPLEMENTATION

4.1 Not Applicable

5. IMPLICATIONS OF DECISION

5.1 Corporate Priorities and Performance

5.1.1 Not applicable

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

5.2.1 Not applicable

5.3 Social Value

5.3.1 Not applicable

5.4 Legal and Constitutional References

5.4.1 Not applicable

5.5 Risk Management

5.5.1 Not applicable

5.6 Equalities and Diversity

5.6.1 Not applicable

5.7 Consultation and Engagement

5.7.1 Not applicable

5.8 **Insight**

5.8.1 Not applicable

6. BACKGROUND PAPERS

6.1 None

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