

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 1ST NOVEMBER, 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 - 10
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	Garages At 1-4 Porch Way London N20 0DS (Oakleigh Ward)	11 - 26
7.	16 Sussex Ring London N12 7HX (Totteridge Ward)	27 - 32
8.	31 East View Barnet EN5 5TW (High Barnet Ward)	33 - 40
9.	67 Ridgeview Close Barnet EN5 2QD (Underhill Ward)	41 - 46
10.	Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ (East Barnet Ward)	47 - 54
11.	Harvester Stirling Corner Barnet EN5 3JG (Underhill Ward)	55 - 62
12.	Any item(s) the Chairman decides are urgent	

### FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Jan Natynczyk 020 8359 5129 [Jan.Natynczyk@Barnet.gov.uk](mailto:Jan.Natynczyk@Barnet.gov.uk). People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

### FIRE/EMERGENCY EVACUATION PROCEDURE

If the fire alarm sounds continuously, or if you are instructed to do so, you must leave the building by the nearest available exit. You will be directed to the nearest exit by uniformed

custodians. It is vital you follow their instructions.

You should proceed calmly; do not run and do not use the lifts.

Do not stop to collect personal belongings

Once you are outside, please do not wait immediately next to the building, but move some distance away and await further instructions.

Do not re-enter the building until told to do so.

This page is intentionally left blank

# Decisions of the Chipping Barnet Area Planning Committee

17 October 2017

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)  
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Tim Roberts  
Councillor Laurie Williams  
Councillor Alison Cornelius

Councillor Reema Patel  
Councillor Kathy Levine

## 1. MINUTES OF LAST MEETING

The minutes of the meeting held on 7 September 2017, were agreed as a correct record.

## CHAIRMAN'S INTRODUCTION

The Chairman welcomed everyone to the meeting and explained the change in running order.

## 2. ABSENCE OF MEMBERS (IF ANY)

None.

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

Councillor Sowerby	Declared a non-pecuniary interest in agenda item 9 relating to 47 Oakleigh Park South as he had called for enforcement action on this matter and this could be perceived as pre-determination. Therefore he would not partake or vote on this item and would leave the room.
All Members	Declared a non-pecuniary interest in agenda item 10, 7 Horseshoe Lane as they knew one of the speakers (Dr Richard Stock)
Councillor Wendy Prentice	Declared a non-pecuniary interest as she knew Mr Mike Bishop

## 4. ADDENDUM (IF APPLICABLE)

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

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

None.

**6. LAND ADJACENT TO 18 - 20 THE THOMAS WATSON COTTAGE HOMES AND COLGATE COURT, LEECROFT ROAD, BARNET, HERTS EN5 2TJ (UNDERHILL)**

The Committee received the report.

It was moved by Councillor Roberts and seconded by Councillor Williams that the application be **REFUSED** for the following reasons (as detailed in the report):

**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.**

A vote was taken on the motion:

<b>For (refusal)</b>	<b>7</b>
<b>Against (refusal)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that the application be REFUSED, for the reason detailed above.**

**7. 47 OAKLEIGH PARK SOUTH LONDON N20 9JR (OAKLEIGH WARD)**

The Committee received the report.

Representations were heard from Mrs Carolyn Aparcar, Mr Martin Hart, Councillor Rajput and the Applicant.

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

1. The use, for which there is no identified local need, by reason of the introduction of a commercial business of the nature proposed into a residential area, would be detrimental to the character of the property and the wider locality, contrary to policy 7.4 of the London Plan (2016), policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).
2. The use, by reason of comings and goings and associated general activity, would cause noise and disturbance that would be detrimental to the residential amenities currently enjoyed by occupiers of neighbouring residential properties, contrary to policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Replace informative 1: The plans accompanying this application are: 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.

A vote was taken as follows:

<b>For (refusal)</b>	<b>5</b>
<b>Against (refusal)</b>	<b>0</b>

<b>Abstained</b>	<b>1</b>
------------------	----------

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

**8. 46 ALAN DRIVE BARNET EN5 2PW (UNDERHILL WARD)**

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

Representations were heard from Mr Peter Ridgewell, Sally Averill and the Applicant.

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

1. The proposed development, by reason of its size, scale, mass, and bulk of the extensions, would not be subordinate to the main dwelling making the building appear incongruous and out of keeping within the street scene, contrary to Policies 7.4 and 7.6 of the London Plan (2016), Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012), policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

2. The proposed first floor extension would be intrusive, overbearing and cause a sense of enclosure which would be detrimental to the amenities of the occupiers of the neighbouring properties, particularly 44 Alan Drive, contrary to Policy 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).

Replace informative 1: The plans accompanying this application are: 46AD/P200 Rev C.

<b>For (refusal)</b>	<b>7</b>
<b>Against (refusal)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

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

**9. WESSEX COURT 51 WEST END LANE BARNET EN5 2RA (UNDERHILL WARD)**

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

A written representation was received from Dr Nicky Greaves, as she was unable to attend in person.

Oral representations were received from Lydia Bowyer and the Applicant's Agent.

The Committee voted on the Officer's recommendation to **REFUSE** the application, subject to the changes in the addendum, as follows:

<b>For (refusal)</b>	<b>6</b>
<b>Against (refusal)</b>	<b>0</b>

<b>Abstained</b>	<b>1</b>
------------------	----------

**RESOLVED that**

1. The application be **REFUSED** for the reasons detailed in the report and subject to the addendum;
2. **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).

**10. 7 HORSESHOE LANE LONDON N20 8NJ (TOTTERIDGE)**

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

Representations were heard from Dr Richard Stock and the Applicant.

A vote was taken as follows on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>1</b>
<b>Against (approval)</b>	<b>6</b>
<b>Abstained</b>	<b>0</b>

It was moved by Councillor Sowerby and seconded by Councillor Roberts that the application be **REFUSED** for the reasons detailed below:

1. The television aerial, by reason of its height and design, detracts from the open and rural character of this site and its surroundings and would fail to preserve or enhance the character and appearance of this part of the Totteridge Conservation Area, contrary to Policies 7.4 and 7.8 of the London Plan (2016), Policy CS5 of the Adopted Barnet Core Strategy (2012), policies DM01 and DM06 of the Adopted Barnet Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016) and the Totteridge Conservation Area Character Appraisal (2008).

Replace informative 1:

The plans accompanying this application are: Cover letter dated 23.8.2017, Site location plan, Block plan and letter dated 8.8.2017.

<b>For (refusal)</b>	<b>6</b>
<b>Against (refusal)</b>	<b>1</b>
<b>Abstained</b>	<b>0</b>

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

**11. 3 AND 5 HOLLY PARK ROAD LONDON N11 3HA (COPPETTS WARD)**



The Committee received the report.

A representation was heard from the Applicant's agent.

A vote was taken on the Officer's recommendation to approve the application as follows:

<b>For (approval)</b>	<b>7</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that**

- 1. the application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**12. 28 WOODSIDE GROVE LONDON N12 8QU (TOTTERIDGE)**

The Committee received the report.

A representation was heard from the Applicant.

A vote was taken as follows on the Officer's recommendation to approve the application, subject to the conditions detailed in the report:

<b>For (approval)</b>	<b>7</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that**

- 1. The application be approved, subject to the conditions detailed in the report;**
- 2. 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).**

**13. CHARLOTTE COURT 153 - 155 EAST BARNET ROAD BARNET EN4 8QZ (EAST BARNET WARD)**

The Committee received the report.

A representation was heard from the Applicant.

A vote was taken on the Officer's recommendation to approve the application:

<b>For (approval)</b>	<b>7</b>
<b>Against (approval)</b>	<b>0</b>
<b>Abstained</b>	<b>0</b>

**RESOLVED that**

- 1. the application be approved, subject to the conditions detailed in the report and the additional informative:**

**6. The applicant is reminded to ensure that if the telecommunication equipment currently located on the roof is re-sited it should be enclosed/ shrouded within the external cladding system or otherwise screened to minimise its impact on the appearance of the building;**

- 2. 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).**

**14. PLANNING ENFORCEMENT QUARTERLY UPDATE**

The Committee received the report.

**RESOLVED that the Planning Enforcement Quarterly Update, for the period of July 2017 to September 2017, be noted.**

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

None.

The meeting finished at 9.17pm

**Location** Garages At 1-4 Porch Way London N20 0DS

**Reference:** 17/4671/FUL

Received: 19th July 2017

Accepted: 2nd August 2017

**Ward:** Oakleigh

Expiry 27th September 2017

**Applicant:** Mr Andreas Antoniadis

**Proposal:** Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle parking and 1no. off-street parking space

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:

124-001-EX-LOC Rev 00 - Location Plan  
124-002-EX-SIT Rev 01 - Existing Site Plan  
124-003-EX-PLN Rev 01 - Existing Ground Floor Plan  
124-005-EX-ELE Rev 01 - Existing North and South Elevations  
124-006-GA-SIT Rev 06 - Proposed Site Plan  
124-007-GA-PLN Rev 07 - Proposed Ground Floor Plan  
124-012-GA-PLN Rev 05 - Proposed Roof Plan  
124-013-GA-ELE Rev 06 - Proposed North and South Elevations  
124-014-GA-ELE Rev 06 - Proposed East and West Elevations  
124-022-GA-ELE Rev 03 - Proposed Street Elevation  
Design Statement, September 2017  
Transport Statement, 24 November 2015  
Sustainability Statement

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 124-006-GA-SIT Rev 06; 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.

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

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

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

- 7
- a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

- 8
- a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
  - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 9
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
  - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
  - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 10 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 - F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, having regard to the existing rearward projection of the approved dwellings and their relationship with the neighbouring buildings, in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

- 13 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.

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

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

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

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

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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



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

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

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

## Officer's Assessment

### 1. Site Description

The application site comprises a funnel shaped site covering an area of 184 sq m located to the south of Porch Way in between nos. 6-8 and 10-12 Porch Way.

The site consists of a 3.0m wide front driveway which opens out into the main part of the site which is approximately 5.0m wide at the front, 12.0m wide at its widest point with an overall depth of approximately 22.5m (comprising the 8.5m long driveway/front planting area and 14.0m deep main part of the site).

The site is currently vacant and was previously occupied by four domestic car garages and front forecourt which have since been demolished.

The site is positioned on a bend in the road between two short terraces of dwellings which lie at right angles to each other and appear to have been constructed in the 1930s.

Porch Way is residential in character comprising of a mix of two storey terrace dwellings and maisonettes with a uniform front building line.

The site is not within a Conservation Area.

### 2. Site History

16/7548/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 22.02.2017.

*1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site, providing an unfunctional private amenity space, and consequently, a constrained standard of outlook for bedrooms 1 and 2. As such, the proposal would be detrimental to the character and appearance of the area and the streetscene, and harmful to the amenities of the future occupiers, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012) and the Adopted Residential Design Guidance SPD (October 2016).*

Appeal Dismissed: 09.06.2017.

16/2477/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 10.06.2016

*1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September*

2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2 and 3 would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

Appeal Dismissed: 05.10.2016.

15/04901/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space - Refused: 28.09.2015

1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2, 3 and 4 would result in a poor and Substandard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

3. Insufficient information has been submitted with the application to demonstrate that the loss of the existing garages will not result in detrimental harm to the free flow of traffic and parking to the surrounding area to assess the highways implications of the proposal. The proposal would therefore be contrary to Policy DM17 of the Development Management Policies DPD (adopted September 2012).

Appeal Dismissed: 06.04.2016.

### **3. Proposal**

This proposal is a further variation on the three previous single storey schemes submitted under applications references: 16/7548/FUL, 16/2477/FUL & 15/04901/FUL, which were refused for the reasons noted above in the Section 2 (Site History) of this report. All three applications were subsequently considered at appeal and all were dismissed.

The proposed dwelling is a single storey, flat-roof dwellinghouse with a footprint comprising two overlapping rectangles, creating a staggered appearance (Small front rectangle W= 6.4m, D= 2.0m, H= 3.1m / Larger rear rectangle W=8.9m, D= 6.4m, H= 3.1m

/ Cumulative maximum D= 8.5m, W= 8.9m, having overall footprint area of 70sqm). The built form of the front projection will be 1.3m from Nos.10-12 Porch Way and 1.3m from Nos. 6-8 Porch Way. The flank of the main bulk of the development will be no less than 0.9m from the neighbouring garden boundaries.

The proposed dwellinghouse will have a private rear garden with an area of approximately 42.4sqm (D= 4.00m x W= 10.6m) and one off street parking space is provided to the front at the opening of the site. Refuse storage and recycling storage and cycle parking is to be sited to the west of the property.

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

Consultation letters were sent to 81 neighbouring properties.

Amended drawings were received on 26th September 2017 and neighbours were re-consulted for 14 days.

A total of 22 objections were received including a petition of objection signed by 19 people.

The following concerns have been raised:

- Insufficient parking within the area and for the new property.
- Insufficient parking provisions
- Deliveries to the property will create highway safety issue.
- Out of character / not in keeping with the pattern of development.
- Overbearing effect.
- Loss of privacy.
- Loss of light.
- Noise and disturbance.
- Damp and weed from Green Wall
- The proposal does not take into consideration the existing rights of access.
- Subsidence and ground stability.
- The site currently attracts vermin / flytipping
- There is no shed in my garden as shown on the existing site plan

#### **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 and CS7
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

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

### Supplementary Planning Documents

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

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

#### Residential Design Guidance SPD (adopted April 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would provide suitable residential amenities for future occupiers of the proposed dwellings.

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide suitable parking arrangements.
- Whether the proposals would provide suitable refuse and recycling provisions.
- Whether the proposals would achieve the relevant sustainability requirements.

### **5.3 Assessment of proposals**

#### Amended drawings

Amended drawings were received on 26th September 2017 showing the following changes to the scheme as originally submitted:

- Increase in depth of proposed rear garden from 2.3m to 4.0m (amenity space area increased from 27.6 sq m to 42.4 sq m)
- Provision of direct access to the rear garden from the kitchen instead of from a bedroom
- Building moved forwards towards the road and stepped in at the sides (returning to a building form similar to that proposed by the 3rd refused / dismissed scheme)
- Area of front planting / grass area reduced.

#### History

A planning application for a single storey dwellinghouse was refused under planning application ref: 15/0490/1 on 28th September 2015. The application was subsequently dismissed at appeal on 6th April 2016 where the Inspector considered the development to be an unsuitable scale, too large for the site and thus discordant in terms of character and appearance resulting in poor living conditions for future residents due to poor outlook and limited amenity space.

Following this, a further application was submitted for a revised single storey dwellinghouse, which was also refused under planning ref: 16/2477/FUL on 10th June 2016. The application was subsequently dismissed at appeal on 5th October 2016, where the Inspector considered that: the appeal scheme would cause harm to the character and appearance of the area through its cramped and congested development approach, which would also fail to optimise the living conditions of its future residents due to inadequate outlook provided from bedroom 2.

Most recently, a third application (Ref: 16/7548/FUL) was submitted for a single storey dwellinghouse. This was refused on 22nd February 2017 and then dismissed at appeal on 9th June 2017, with the Inspector concluding that the excessively short rear garden would result in a cramped form of development, resulting in considerable harm to the character and appearance of the area and would not overcome the concerns of previous Inspectors and that the short rear garden (2.3m deep) would also result in a sense of enclosure and poor levels of outlook from the bedrooms.

#### Principle of Residential Development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should

encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value

Policy 3.4 of The London Plan (2016) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities. Having regard to the London Plan (2016) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

The application site is located within an existing residential area, where Policy DM01 directs new residential development. Being an established residential area, accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

The Planning Inspector in the appeal decision referenced: APP/N5090/W/15/3139361 planning application Ref: 15/04901/FUL (i.e the first dismissed appeal) raised no objection to the loss of the garages and, considered '... that there is no aesthetic reason why a well designed and suitably scaled single storey home should not be developed on this site. It would make effective use of suburban land, would not detract from the predominance and regularity of the terraced blocks, would continue to allow for an important visual gap above ground floor in this relatively prominent part of the street scene and could add some glimpsed visual interest and subtle intrigue...'

Similarly, the Planning Inspector of the second dismissed appeal decision (Ref: APP/N5090/W16/3154654) having regard for the first dismissed appeal, also did not raise objection to the principle of a single storey dwellinghouse in this location.

The Planning inspector for the third dismissed appeal acknowledges that the previous two Inspectors have accepted the principle of a single storey dwelling on the site.

As such, there is no objection in principle to the change of use of the site for residential purposes.

#### Impact on Character and Appearance of the Application site, street scene and wider locality

The NPPF attaches great importance to the design of the built environment, stating, "good design is a key aspect of sustainable development...and should contribute positively to making places better for people".

'It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

Similarly, the Council's approach to development as set out in Policy DM01 is to minimise its 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.

Porch Way is characterised by a mixed variety of housing types and the proposal is for a contemporary flat roof development which the Inspector of the second appeal considered to be influenced by the design of the single storey garages which used to occupy the rear of the site. The Inspector considered the design to be attractive and innovative, and, at an appropriate scale, it could be highly suited to the site.

Inspector 3 recognised that the bespoke contemporary design would add visual interest along Porch Way and would provide an attractive contrast to the traditional appearance of dwellings along the road.

As such, the Local Planning Authority (LPA) accepts the position of the Inspectors and therefore considers that a single storey dwellinghouse of high quality contemporary design is appropriate for the site.

The development is to be single storey in height and therefore retains the visual open gap at first floor level when viewed from the street scene, identified as being important by the Planning Inspectors. The current scheme has a lower maximum height (3.1m) than the last dismissed appeal scheme (3.4m) which further helps to maintain the visual gap.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Character and Appearance reason:

- The excessively short (2.3m) rear garden would result in a cramped form of development, resulting in considerable harm to the character and appearance of the area and would not overcome the concerns of previous Inspectors

The amendments to the current scheme described in the 'amended drawings' section above included an increase in the depth of the rear garden from 2.3m to 4.0m. Whilst this is not a significant increase, it is considered sufficient to overcome previous concerns, particularly when noting that not all of the neighbouring properties enjoy overly deep rear gardens and will ensure that a decent useable private amenity space of over 40 sq m is available to future occupiers.

#### Quality of residential amenities for future occupiers of the proposed dwellings

The proposed development will have a Gross Internal Floor Area (GIA) of 61.2sqm which is considered to be acceptable in accordance with the adopted space standards (61sqm required) contained in the Council's adopted Sustainable Design and Construction SPD (2016). The size of the bedrooms and ceiling heights within the overall property are also considered to be sufficient in respect of the LPA's adopted residential standards.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Quality of Accommodation reasons:



- The excessively short (2.3m) rear garden would result in poor levels of outlook / a sense of enclosure for future occupants;
- The rear garden, due to its excessively short length, would have limited utility and would not be an attractive space for future occupants;
- Access to the rear amenity space would be via side gate or bedroom only which is likely to further limit its use.

The amendments to the scheme as described in the 'amended drawings' section overcome these issues by increasing the depth of the garden to 4.0m and providing direct access via the kitchen.

The rear garden space would now be 4.0m deep and over 10m wide giving a total area of 42.4 sq m, which meets the Council's amenity space requirements for a house of this size (minimum 40 sq m).

Whilst the depth of 4.0m is by no means generous, in the context of this site it is now considered to be acceptable and will allow for the space to be used for sitting out / drying of washing etc. It is noted that the amenity space is south facing, ensuring good access to sunlight throughout the day. The attractiveness of the rear boundary treatment as viewed from the bedroom windows could be improved by future occupiers by way of green wall / trellis treatment. The outlook from the rear facing windows is therefore now considered to be acceptable.

The planting area to the front of the property is considered to serve a useful function as a potentially attractive buffer between the car parking space and the front elevation.

#### Impact on Neighbouring Residential Amenities

The previous three applications were not considered to result in any adverse impact on the amenity of the adjoining or nearby properties and this did not form any of the reasons for refusal. This application has a similar layout and has no windows in the east or west flank elevations and as such would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, the development complies with Policy DM02 of the Local Plan and the SDG and the National Planning Policy Framework. Furthermore, there has been a slight decrease in the maximum height of the proposed dwelling from 3.4m (3rd refused dismissed scheme) to 3.1m (current scheme) which helps to minimise any potential visual impact on neighbouring occupiers.

It is not considered that the use would produce any higher noise levels, activity or disturbance to adjoining or nearby properties over the last use as garages which, when in use, would have generated a greater level of activity with cars coming and going.

#### Highways and Parking

1 off street parking space is proposed. This accords with Policy DM17 which requires between 1.0 and 1.5 spaces for this development.

## 5.4 Response to Public Consultation

Many of the concerns raised in the public consultation process of the application have been addressed in the body of the report. Right of access, structural subsidence and public health and matters (vermin and fly tipping) of the current site are not a material planning consideration and therefore outside the scope of this assessment.

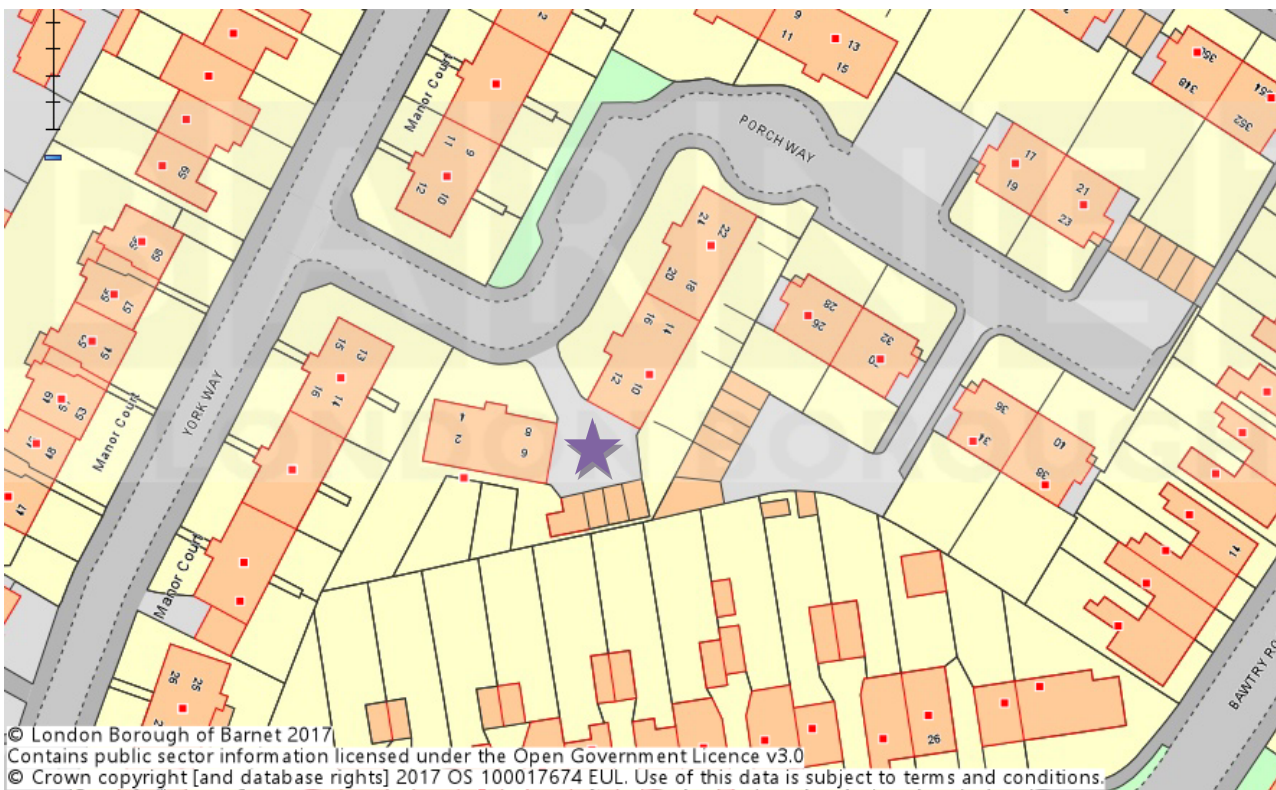
## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development, as amended by revised drawings received 26th September 2017, has overcome the previous reasons for refusal and concerns of the Planning Inspectorate and would not harm the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide suitable living accommodation for future occupiers.

This application is therefore recommended for approval.



**Location**                    **16 Sussex Ring London N12 7HX**

**Reference:**                **17/4439/FUL**

Received: 11th July 2017

Accepted: 12th July 2017

Ward:                        Totteridge

Expiry 6th September 2017

Applicant:                Mr Haijri Alija

Proposal:                Change of use from Class A1 (Coffee and cold food shop) to mixed Class A1 & Class A3 (coffee and cold and hot food shop). Installation of extractor flue to rear

AGENDA ITEM 7

**Recommendation:** Refuse

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

- 1     The application fails to demonstrate effective marketing to support the loss of the existing A1 (retail use) and the proposed retained A1 use is not considered to represent a suitable level of retail floorspace to maintain the vitality and viability of the existing retail provision in the locality. The proposal would therefore be contrary to Policies CS6 of the Local Plan Core Strategy (adopted September 2012), Policies DM12 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

**Informative(s):**

- 1     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.

- 2     The plans accompanying this application are: Drawing No. KT-04112014-N127HX-1 (EXISTING PLANS AND ELEVATIONS) and KT-04112014-N127HX-2 (PROPOSED PLANS AND ELEVATIONS), Planning Statement and Noise Assessment Report.

## **Officer's Assessment**

### **1. Site Description**

The application site contains a two storey, mid terrace property on the South West corner of Sussex Ring cross roads. The property contains a commercial unit at ground floor and residential accommodation at first floor level. The application property is not listed nor located within a conservation area).

### **2. Site History**

15/00947/FUL: Change of use from A1 Cafe to A3 Coffee Shop and installation of extractor flue at the rear. Refused August 2015. i) insufficient evidence to demonstrate the unit has been actively and continuously marketed. ii) Fails to demonstrate that the flue would not have an adverse impact upon the amenities of the occupiers of adjoining commercial and residential units.

16/4988/FUL: Change of use from A1 (Coffee Shop) to A3 (Cafe). Installation of extractor flue to rear. Refused September 2016 - insufficient evidence to demonstrate the unit has been actively and continuously marketed. Appeal Dismissed.

### **3. Proposal**

This application proposes the change of use from A1 (Coffee and cold food shop) to mixed Class A1 & Class A3 (coffee and cold and hot food shop) and installation of extractor flue to the rear.

The flue would measure 5.5 m high above the roof of the ground floor rear extension and would be set down from the main ridge of the roof by in excess of 1.3m.

### **4. Public Consultation**

Consultation letters were sent to 50 neighbouring properties. A site notice was also displayed. One comment of support has been received and can be summarised as follows:

- Expansion into hot food will further enhance the offer; and
- There are similar uses in the immediate vicinity.

The application has been called to committee by Cllr Richard Cornelius for the reason that the cafe opposite the application site has been granted a planning permission for such a change of use and it seems illogical that this permission should be denied to the application property too.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan March 2016

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

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

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

Barnet's Local Plan 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, DM04, DM11, DM12.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design. In respect of the proposed change of use of the existing retail shop unit to Use Class A3 (Restaurants & Cafes), policy DM11 (bi) and (biii) and DM12 of the Council's Local (Development Management Policies) DPD (adopted September 2012) is relevant.

#### Supplementary Planning Documents

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.

### **5.3 Assessment of proposals**

#### Background

The applicant seeks approval for 'Change of use from A1 (Coffee and cold food shop) to mixed Class A1 & A3 (Coffee and cold and hot food shop). Installation of extractor flue to rear'. Two similar applications were submitted under reference nos. 16/4988/FUL dated 22 September 2016 and 15/00947/FUL dated 21 August 2015. The applications were refused for the following reasons:

Planning application reference no. 16/4988/FUL:

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

Appeal Reference no. APP/N5090/W/16/3162530:

The appeal was made by the applicant against the abovementioned refusal and the appeal was dismissed. The Inspector noted the following:

The applicant failed to suggest that the application property would not continue to be a successful business without an A3 Use permitted. There was no explanation of how the rent values were considered reasonable, and the unit was described as vacant when it clearly was not. The Inspector noted that during their site visit the premises appeared to be part of a lively and vibrant local centre which clearly and effectively serves the needs of the local community. The inspector raised concerns that granting a planning permission would threaten the sustainability of the area in the long term and undermining the aim of the development plan. It would result in an unjustified loss of an A1 retail unit. The proposal was considered as not complying with Policy CS6 of the Core Strategy and DM12 of the Development Management Policies DPD (2012).

Planning application reference no. 15/00947/FUL:

1 The reason for refusal in relation to marketing is as follows:

'The applicant has failed to provide sufficient evidence to demonstrate that this A1 shop unit has been actively and continuously marketed as a shop (Use Class A1) for at least 12 months, at an appropriate price for both rent and sale, prior to the submission of the application and that there has been no interest expressed in the unit for retail or similar use'.

2 The reason for refusal in relation to the vent/flue is as follows:

'The applicant has failed to provide a Noise Report with sufficient information regarding necessary mechanical equipment and flue(s) for the extraction and ventilation of heat, fumes and odours from the use, or any associated odour control and/or noise attenuation measures. The application therefore fails to demonstrate that the development would not have an adverse impact upon the amenities of the occupiers of adjoining commercial and residential units'.

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

The existing use of the property is a Class A1 use as a commercial coffee/eating shop at ground floor. The proposal seeks permission to change from Class A1 Use to mixed Classes A1 and A3 uses at ground floor with residential above.

The proposal does not fall within a primary or secondary retail frontage as designated with Barnet's Development Management Policies and as such Policy DM12 would be relevant as it refers to local shopping parades and isolated shops. Policy DM12 states that:

The council will protect all retail uses (Class A1) in the existing local centres, parades and isolated shops unless it can be demonstrated that:

- i. there will be no significant reduction of shopping facilities as a result; and
- ii. that alternative shopping facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area; and
- iii. the proposed use is within Class A2, A3, A4, A5 or meets an identified local need; and
- iv. there is no demand for continued Class A1 use, and that the site has been marketed effectively for such use.

A proposal that either creates an over concentration of Class A2, A3, A4 and A5 uses or has a significant adverse effect on the amenity of existing residents will be refused. Community uses will be expected to present an active frontage at ground floor and be able to demonstrate a similar weekday footfall to a Class A1 use. Proposals for residential use should not cause a break in a frontage.

The application submission does not provide any details or evidence in regards to the marketing of the property to demonstrate lack of demand for Class A1 use which is considered not to comply with Policy DM12.

The proposal seeks a part A1/ part A3 use. However, were such a permission to be granted, the Local Planning Authority would have no way to control the level of A3 activity and therefore to ensure that a significant A1 element is retained.

Although the proposal stated that the existing use (coffee and cold food shop) is to be maintained and have a small expansion on the menu to allow some hot food, the submitted information is not strong enough to demonstrate how to control/retain Class A1 use on this property.

The application is therefore considered to fail to comply with Policy DM12.

It is noted that planning permission was granted at No. 1 Sussex Ring for 'change of use from A1 use to A3 use (bakery). In recommending approval, the officer report notes 'at the time this application was submitted, the application site was vacant. The commercial side includes ten units, of which five are currently [At the time of the previous application] in A1 use'. The report explains that the proposal would not result in a reduction in shopping facilities as it would bring an empty unit previously occupied by a catering business back into use. On the basis of this information, it appears that No. 1 was granted planning permission on the basis that an empty unit would be brought back into use. Whilst described as an A1 use, it is not clear whether the previous use was A1 and in any case the development proposed at that time would not have resulted in the loss of an A1 use.

The proposal also includes the installation of an extractor vent to the rear elevation. The site includes residential properties above the retail unit. A Noise Report was submitted with the application and subsequently assessed by the Environmental Health department. The application was fully assessed in relation to noise and potential nuisance on the neighbouring amenities. The report was found to be acceptable and therefore no adverse impact is envisaged on the neighbouring amenities in relation to the proposed extractor flue. It is further considered that the submitted drawings along with the additional



information contain sufficient detail to fully assess the impact relating to this element of the proposed development.

#### 5.4 Response to Public Consultation

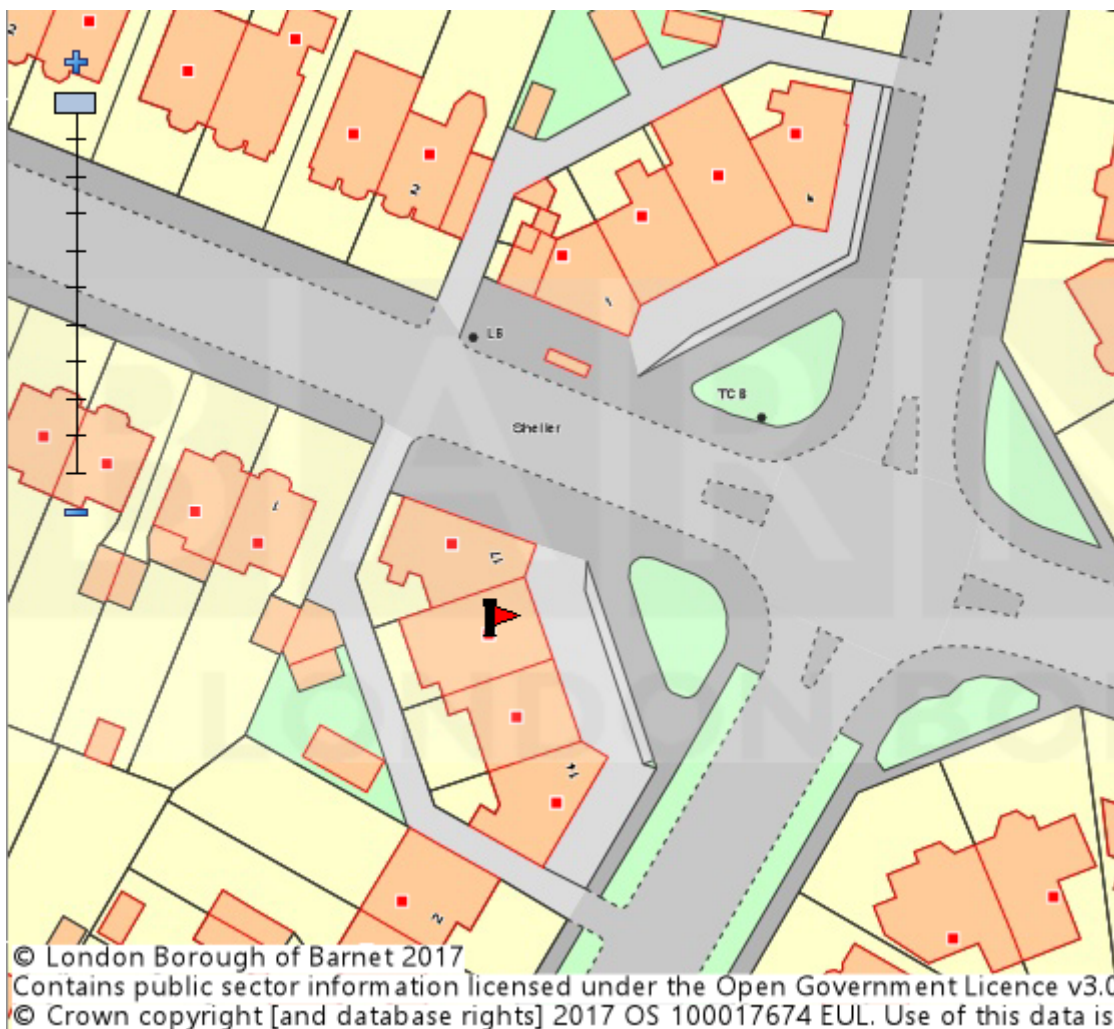
No objections were received.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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





**Location**                    **31 East View Barnet EN5 5TW**

**Reference:**                **17/5780/HSE**

Received: 11th September 2017

Accepted: 11th September 2017

Ward:                        High Barnet

Expiry 6th November 2017

Applicant:                Mr & Mrs Sarah & Stephen Sowerby

Proposal:                Single storey side/rear extension. Conversion of garage into habitable room

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 prepared by Projection Architects:

- Drawing No. A-01 Revision I, titled 'Existing & Proposed Ground Floor Plan'; dated 01/09/17
- Drawing No. A-02 Revision I, titled 'Existing & Proposed First Floor Plan'; dated 01/09/17
- Drawing No. A-03 Revision I, titled 'Existing & Proposed Loft Floor Plan'; dated 01/09/17
- Drawing No. A-04 Revision I, titled 'Existing & Proposed Roof Plan'; dated 01/09/17
- Drawing No. A-05 Revision I, titled 'Existing & Proposed Elevations'; dated 01/09/17
- Drawing No. A-06 Revision I, titled 'Existing & Proposed Elevations'; dated 01/09/17
- Drawing No. A-07 Revision I, titled 'Existing & Proposed Elevations'; dated 01/09/17
- Drawing No. A-08 Revision I, titled 'Existing & Proposed Sections'; dated 01/09/17
  
- Drawing No. A-09 Revision H, titled '3D Views. Front'; dated 11/09/17
- Drawing No. A-10 Revision H, titled '3D Views. Rear'; dated 11/09/17
- Drawing No. B-01 Revision I, titled 'Location and Block Plan'; dated 01/09/17

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 side elevations, of the extension hereby approved, facing 1 Hyde Close and 33 East View .

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.
- 2 To reduce the risk of accidental harm to trees, all development activities must remain at least 15m away from the protected trees along the rear boundary.

## **Officer's Assessment**

### **1. Site Description**

The application site contains a semi-detached dwellinghouse located on East View. The existing dwelling house is two storeys, with an attached single car garage to the side of the property. The existing building, including the garage is set back at least 6 metres from the boundary shared with the highway.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development)(England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights.

The site is located within an Area of Special Archaeological Significance, and adjoins an area of TPO trees to the south-west.

### **2. Site History**

None relevant.

### **3. Proposal**

The proposal seeks to undertake the following works:

- Convert the existing garage into a habitable room;
- Construct a single storey side and rear extension that will be connected in with the garage conversion and will project a maximum 2.8 metres from the existing north-western side elevation and a maximum depth of 3.1 metres into the rear garden. The extension will have a hipped roof with a maximum eaves height of approximately 2.8 metres, and a maximum ridge height of approximately 3.7 metres which will also extend over the garage.
- The insertion of 6 new roof-lights in the proposed side and rear extension

### **4. Public Consultation**

Consultation letters were sent to 23 neighbouring properties.  
At the close of consultation, no submissions had been received.

### **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 and DM17.

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

Policy DM17 states the expectation for parking management in the Borough through the provision of off-street parking as guided by the London Plan in addition to the 2006 Unitary Plan. The policy states that a detached dwellinghouse of this nature should expect to provide a maximum of 2 parking spaces.

### 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 an extension 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.
- Whether harm would be caused to the highway parking environment

## **5.3 Assessment of proposals**

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.

### Residential Amenity

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed extension will have a maximum height of approximately 3.7 metres along the north-eastern elevation and 3.6 metres along the rear elevation. The extension will protrude no more than 3.1 metres beyond the existing rear elevation of the dwellinghouse.

The additional building bulk along the north-eastern side elevation will adjoin the property at 1 Hyde Close. The space immediately adjoining the addition within 1 Hyde Close is used as access into the rear garden, and contains a garage door for rear access into the garage. The subject site is located at a lower level to this property, and as such, the existing fence is likely to screen the majority of the single storey rear extension from view of this property. Additionally, there are no primary windows on the elevations of this dwellinghouse that are orientated towards the subject site; those that do are obscured and/or located at first floor level and will therefore overlook the proposed extension.

The property to the south-west of the subject site, being 33 East View, will be subject to viewing only the rear portion of the proposed extension, and which as previously mentioned will protrude no more than 3.1 metres from the existing rear edge of the building; such a protrusion is within what is considered to be generally acceptable by the residential SPD. Furthermore, the proposed side and rear extension will have a sloping roof in which it will have a maximum height of 3.6 metres decreasing to 2.8 metres away from the existing building. The downward sloping roof pitch away from the existing building minimises the bulk associated with the extension that would be created through a flat roof design.

The proposed addition will not contain windows on flank elevations facing the adjoining properties, with only roof-lights proposed to provide natural light into the extension. On this basis, the proposed side and rear extension is not considered to harm the privacy of any adjoining property.

For the above reasons, any harm that could be caused to the residential amenity of the surrounding residential properties is considered to be minimal.

#### Highways and Parking Environment

Although the proposal involves the removal of a parking space within the garage as a result of the conversion of the garage into a habitable space, an on-site parking space in front of the garage will remain. Additionally, through the retention of a garage-style door, the use of this space is able to be flexible for future owner(s) and/or occupant(s).

In assessing this proposal, comment has been sought from the Council's Highways team. The Highways team have stated that the proposal is not expected to have a detrimental impact on the public highway and is therefore acceptable on highway grounds.

For the above reasons, any harm that could be caused on the highway and parking environment is considered to be minimal.

#### Archaeology

The proposed additions will be within 3.1 metres of the external faces of the existing building, and will largely occupy land that has previously been disturbed either to facilitate the construction of the dwelling or to establish outdoor patio areas and landscaping. As such, it is unlikely that the proposed extensions will disturb any additional archaeological sites.

#### Tree Preservation Order

As previously mentioned in this report, the subject site adjoins a collection of protected trees. The proposed extension will be setback from the closest protected tree by approximately 20 metres; as such it is considered to be unlikely that the roots of these trees will be harmed through this proposal. The Council's arborist has reviewed the proposal and is satisfied that given the set back of the proposed works from the TPO area, the trees should not be affected. It has been advised that the development activities remain at least 15 metres away from the protected trees along the boundary.

#### Character and Street Scene

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed extension has been designed to be subordinate to the original building; with a maximum height sitting below the highest roof ridgeline and a sloping pitch downwards away from the existing building. Additionally, the extension has been designed to be constructed of materials to match the existing building. For this reason, the proposed extension is not considered to detract from the existing character or form of the building.

The adjoining semi-detached property at 33 East View has undergone alterations, with a two storey side extension. Through designing a single storey side and rear extension rather than a two storey addition, the proposal will neither contribute to a greater sense of symmetry nor detract from the existing relationship between the two dwellinghouses.

With regards to the conversion of the garage into a habitable space; there are several examples of this conversion occurring in the immediate environment. This conversion has occurred at 33 East View as well as across the road from the subject site. Unlike these conversions, the proposal will see the retention of a garage styled door and therefore there will be no impact on the character of the building as seen from the street environment.

Based on the above reasoning, any potential harm that could be caused on the character of the immediate building and the surrounding residential and street scene context is considered to be minimal.

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

Not applicable.

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

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

#### **7. Conclusion**

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





**Location**                    **67 Ridgeview Close Barnet EN5 2QD**

**Reference:**                **17/5453/HSE**

Received: 22nd August 2017

Accepted: 23rd August 2017

Ward:                        Underhill

Expiry 18th October 2017

Applicant:                Lavdrim Koldashi

Proposal:                New front porch and boundary wall (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 completed and maintained in accordance with the following approved plans: Drawing No. PL-000, 001Rev.C 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).

**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 contains a two storey terraced dwellinghouse. The property is not within a conservation area, and is not listed.

### **2. Site History**

Reference: 17/4239/PNH

Address: 67 Ridgeview Close, London, EN5 2QD

Decision: Prior Approval Required and Refused

Decision Date: 10 July 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 17/4423/PNH

Address: 67 Ridgeview Close, London, EN5 2QD

Decision: Prior Approval Not Required

Decision Date: 8 August 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

### **3. Proposal**

This application seeks retrospective planning permission for:

- A front porch to the front elevation of the property. The front porch has a width of approximately 2 metres, a maximum depth of approximately 1.5 metres, and a maximum ridge height of approximately 3.55 metres. It would have an area of 3 square metres.
- A boundary wall with a height of 1.1 metres.

It is noted that the submitted drawings show the development to extend beyond the boundary of the applicant's ownership. However, the applicant's agent has signed Certificate B within the application form and served notice on the owner of the adjacent site. The correct notification procedure has therefore been followed in this respect.

### **4. Public Consultation**

Consultation letters were sent to 6 neighbouring properties, no comments were received.

The application has been called to the committee meeting by Cllr Prentice for the committee to consider the impact on the neighbour's amenities.

### **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 (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)

- 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.
- Para.14.53 of SPD states that extensions need to be carefully designed. A properly designed porch can have a positive effect on the area. In some cases depending upon the location, size, type, either large or smaller porches may be appropriate. The porch roof should reflect the roof style of the existing house. The material, shape and style of existing doors and windows should be matched to create an overall balance to the design.
- Para.14.54 of SPD states that where a porch is on the front elevation, special care should be taken that it does not spoil the appearance of the property and street as well as the outlook of neighbouring houses.

##### 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**

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

The front porch has a pitched roof. It extends from the main front wall by a depth of 1.5 metres, have a width of 2 metres, and have a height of 3.35 metres. The existing boundary wall has a height of 1.1 metres which extends from the elevation of the front porch.

Class D of the General Permitted Development (England) Order 2015 (GPDO) sets out the circumstances under which front porches may benefit from deemed planning permission, and therefore be permitted development. Conditions D.1(b) and (c) of state that a porch would not be permitted if the ground area of the porch would exceed 3 square metres and more than 3 metres in height above ground level. It is noted that the existing porch has a ground area of 3 square metres which complies with Condition D.1(b), but it's height does not comply with Condition D.1(c) of GPDO. On this basis, the porch does not benefit from deemed planning permission under permitted development rights, and express planning permission is therefore required.

However, it is noted that the height is only 0.55 metres above the requirement set out under Condition D.1(c). Furthermore, the front porch is considered to be compliant with Para.14.53 of the Residential Design Guidance. Taking into account the design of the proposed porch, and that it appears as a subordinate addition to the host dwelling, it is considered that the front porch by virtue of its acceptable size and design will not look alien in relation to the surrounding properties and the street scene.

The front porch addition is similar in scale to the front porch of several surrounding properties; i.e. 33 and 71 Ridgeview Close. Given that there are similar front porch extensions in the immediate street environment, the front porch and boundary wall are not considered to be out of character for this context.

It is noted that there are existing boundary walls with similar style and size on the neighbouring properties in this part of Ridgeview Close. In addition, the boundary wall on 67 Ridgeview Close has used similar materials to its adjoining dwellinghouse which is not considered to be out of character for this context. It is considered to be a proportionate and congruous addition to the main house. In this regard, the boundary wall, by its reason of its depth, height and design is considered to be an acceptable addition to the area and does not detract from the character and appearance of the host property or its vicinity.

Overall, the existing developments are considered to be a proportionate and congruous addition to the main house. It will be keeping with the appearance of the main dwelling and maintain the character of the street scene.

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

The front porch is considered to be compliant with Para.14.54 of Residential Design Guidance, as the proposed development will be at a sufficient distance not to impact the outlook from the neighbouring properties to an unacceptable level. In addition, the existing front porch by reason of its size and design is not anticipated to adversely impact the amenities of the occupants of any neighbouring properties.

The boundary wall is considered to be of a size and design that it would not result in unacceptable levels of harm to the amenity of neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD.

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

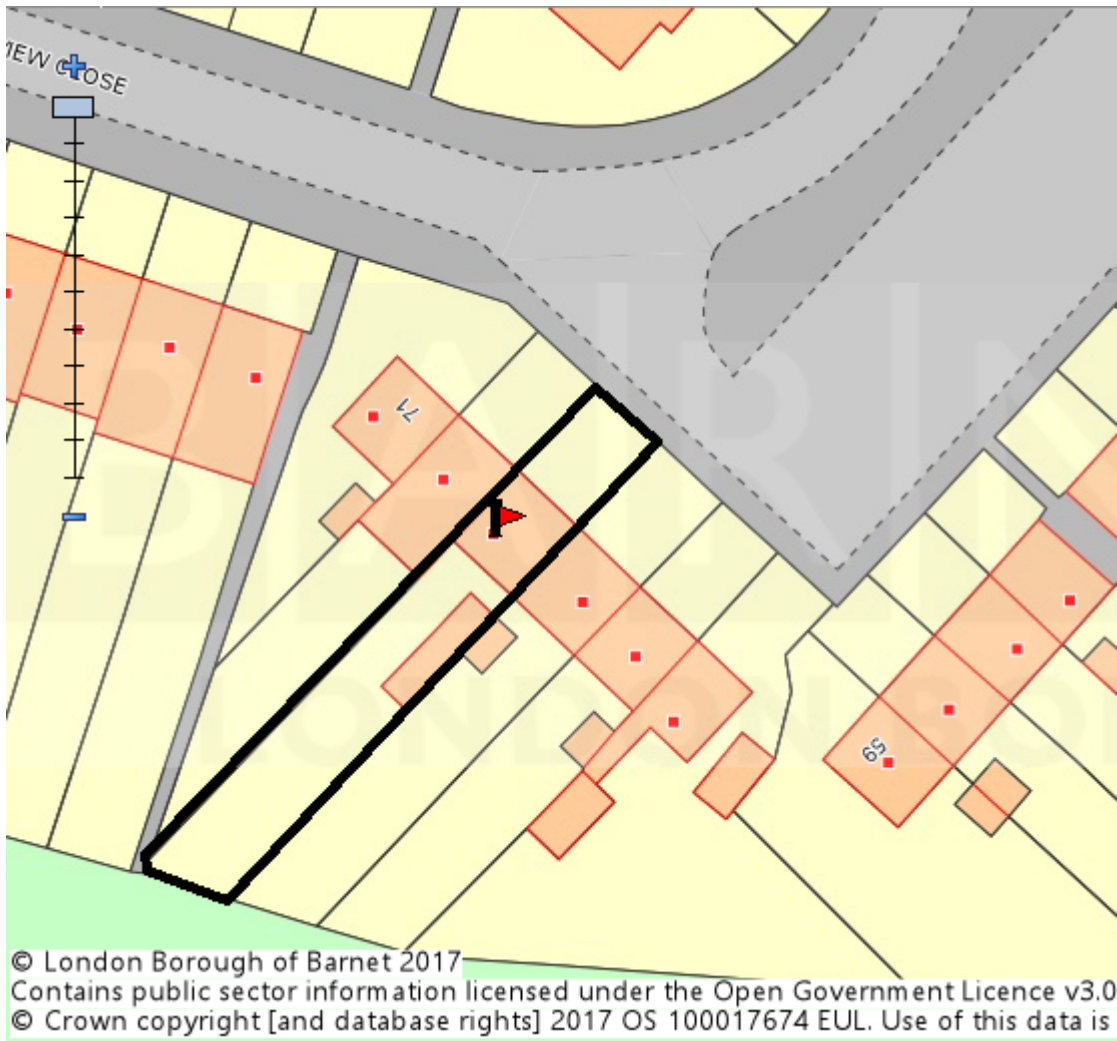
N/A

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

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered that 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.



<b>Location</b>	<b>Charlotte Court 153 - 155 East Barnet Road Barnet EN4 8QZ</b>	
<b>Reference:</b>	<b>17/4434/FUL</b>	Received: 11th July 2017
		Accepted: 21st September 2017
<b>Ward:</b>	East Barnet	Expiry 16th November 2017
<b>Applicant:</b>	Mr Costas Christou	
<b>Proposal:</b>	Installation of 2no. 5m high LED lighting columns with 2no. CCTV cameras on each column (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 carried out and retained in accordance with the following approved plans: Drawing no. 928/1001 Rev.A, 928/1002 Rev.A, 928/1003,

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 CCTV Cameras shall be removed within two months of the date of failure to meet any one of the requirements set out in (i) to (ii) below:

i) within three months of the date of this decision, evidence shall be submitted to the Local Planning Authority and approved in writing showing that a physical mechanism has been installed to prevent the CCTV cameras from overlooking the neighbouring residential properties at Crescent Rise and St Wilfrids Road and shall be permanently retained as such thereafter.

ii) if an appeal is made in pursuance of (i) above, that appeal shall have been finally determined and the submitted scheme shall have been approved by the Secretary of State.

Reason: To protect the amenities of the occupants of neighbouring residential properties in accordance with Policy DM01 of the Development Management Policies DPD.

**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 contains a six storey building fronting East Barnet Road, which has recently been converted into flats. This application relates to land to the rear of that building, which contains single storey flat roofed garage blocks (21 in total). The site does not fall within a designated conservation area or a listed building.

### **2. Site History**

B/02948/14: Change of use from B1 office to C3 residential (30 Units). Prior Approval Required and Approved.

15/02019/FUL: 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. Approved July 2015.

16/2425/FUL: 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. Approved January 2017.

17/1111/FUL: Construction of additional storey to provide 4no self-contained flats. Associated parking and cycle storage. Approved at Chipping Barnet Area Planning Committee October 2017.

### **3. Proposal**

The application seeks retrospective planning permission for the two existing 5 metre high lighting columns which contain Close Circuit Television (CCTV) cameras (two per column). The cameras are directed towards a row of 12 garages, of which six are within the applicant's ownership.

The dome-type CCTV cameras are to be fitted with a film to prevent 360 degree views, and therefore to prevent overlooking of neighbours. The area monitored by the cameras is shown on the submitted drawings. There are LED downlighters installed above each camera to provide light support. The CCTV cameras are erected for security purposes.

### **4. Public Consultation**

Consultation letters were sent to 79 neighbouring properties.

6 objections with 1 representation have been received. They can be summarised as follows:

Objections:

- Certificate B has not been served to one of the landowners.
- Issues on land ownership.
- CCTV installed without consultation beforehand.
- Cameras are built without any planning permissions.
- Avoid setting a precedent case for future abuses of private land.
- Loss of privacy.
- The site boundary is incorrect.

Representation:

-Improve the security

-Cameras must not overlook onto the private gardens and a warning notice on CCTV to be put up.

## **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.

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**

- 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**

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

In terms of the design and appearance of the columns, it is noted that the columns are 5 metres high and each contain two CCTV cameras in white.

It is acknowledged that the columns are visible from the surrounding area. However due to their slender diameter, their setback from any main road, and their limited height, it is not considered that the columns appear as incongruous or discordant features in the context of the surrounding area. East Barnet Road, Crescent Rise and St Wilfrids Road all contain street lighting and the columns would appear commensurate with the size and appearance of these.

Therefore, it is considered that the proposed development, by reason of its height, design and siting results in an acceptable form of development that will not detract from the character and appearance of the host property or its vicinity.

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

In terms of the visual impact on the neighbours, given the slender nature of the columns and their limited height, it is not considered that the proposed columns would appear overbearing or visually intrusive when viewed from any neighbouring property.

In terms of the impact on privacy, the proposed elevation plans (Drawing No. 928/1003#) and ground floor plan (Drawing No. 928/1002A) indicate that the dome of the cameras would be partially obscured in order to prevent overlooking of neighbouring properties. The precise nature of this physical obstruction would be secured by condition. The submitted ground floor plan also shows the exact area which would be monitored and shows no monitoring of neighbouring properties' land.

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 Consultation**

It is noted that a number of objections relate to land ownership issues. The applicant has included the entire area subject of this application within the red edge of the application site on the submitted site location plan. In addition, Certificate B has been signed within

the application form, confirming that the applicant has given notice to everyone who was the owner or any part of the land or building to which this application relates. The certificate notes that notice was served on 11 July 2017.

Concerns that the CCTV has been installed without consultation or planning permission are noted. However no offense has been committed by installing the cameras without planning permission.

Concerns in respect of land ownership matters are not a material planning consideration.

All other matters are 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**

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.



This page is intentionally left blank

**Location** Harvester Stirling Corner Barnet EN5 3JG

**Reference:** 17/5228/FUL

Received: 10th August 2017

Accepted: 11th August 2017

**Ward:** Underhill

Expiry 6th October 2017

**Applicant:** Mr Mark Jackson

**Proposal:** Erection of 2no jumbrellas, a bull statue and fences with lights.  
Alterations to hard and soft landscaping

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. 4188/003 Rev. A, 4188/210, 4188/701, 4188/702, 4188/703 Rev.A and 4188-004

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

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

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

- 3 The materials to be used in the external surfaces of the developments shall match those mentioned in the approved plans.

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

**Informative(s):**

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

Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.



## **Officer's Assessment**

### **1. Site Description**

The application site contains a Harvester restaurant, located on the southwest side of Stirling Corner roundabout and next to the junction of Barnet Road and Stirling Corner. The site area is 5,890m<sup>2</sup> with existing outdoor seating area and car parking spaces. A mobile home site is to the south of the application site. The application property is not listed and is not within a conservation area, however the site is within the Green Belt.

### **2. Site History**

Reference: 17/5672/ADV

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Pending Consideration

Description: Installation of 2no internally illuminated Fascia Signs, 3no internally illuminated Post Signs, 1no externally illuminated Post Sign and 1no non-illuminated Welcome Sign,

Reference: B/05673/14

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Approved subject to conditions

Decision Date: 22 December 2015

Description: Installation of 3no. internally illuminated post signs to the entrance, 1no. internally illuminated set of letters and 2no. internally illuminated fascia signs to the front elevation.

Reference: B/05192/14

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Withdrawn

Decision Date: 6 November 2014

Description: Alterations to external existing seating area including new fixed seating and feature walls. Alterations to boundary. Creation of new landscape picnic area.

Reference: W02066W/02

Address: Harvester, Stirling Corner, Barnet, EN5 3JG

Decision: Approved subject to conditions

Decision Date: 28 May 2002

Description: External alterations and works involving extension of existing patio, erection of a picket fence along northern boundary of car park and landscaping.

### **3. Proposal**

This application proposes the erection of two jumbrellas, one Bull Statue, fences with lights, and alterations to hard and soft landscaping.

The jumberllas are essentially large umbrellas fixed into the ground with a concrete foundation. They would each measure approximately 4 metres in width and depth (when open), and have a maximum height of 3.2 metres.

The bull statue would be to the front of the site adjacent to the main customer entrance, and would have a maximum height of 1.2 metres.

The proposed fence would comprise 1.2 metre high vertical posts, with rope strung between each post. Every other post would be topped by a 0.3m high lantern.

The alterations to the hard and soft landscaping include renewal of existing hard surfacing and the provision of an access ramp.

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

Consultation letters were sent to 32 neighbouring properties. A site notice was also displayed. 14 objections have been received. The objections can be summarised as follow:

- The outdoor seating area causes an increase in noise and nuisance to the elderly residents in Arkley Park.
- Proposed fences light, jumbrellas and landscape works would lead to more noise and disruption as it would encourage more outside diners with their children, and drinkers.
- No management on noise control.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

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

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

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

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

###### The Mayor's London Plan March 2016

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

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

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

Barnet's Local Plan 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, CS7
- Relevant Development Management Policies: DM01, DM02, DM15

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.

Policy DM15 of the Council's Development Management Policies DPD sets out that development in the Green Belt is required to comply with the National Planning Policy Framework (NPPF).

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the current proposal constitutes inappropriate development in the Green Belt;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality; and
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

### Whether the current proposal constitutes inappropriate development in the Green Belt

Para.79 of NPPF states that the fundamental aim of Green Belt policy is to prevent urban sprawl by keeping land permanently open and that the essential characteristics of Green Belt are their openness and their permanence. Paragraph 89 of the NPPF states that a Local Planning Authority should regard the construction of new buildings as inappropriate in Green Belt. Para.90 of NPPF states that certain other forms of development are not inappropriate in Green Belt, provided they preserve the openness of the Green Belt and do not conflict with the purposes of including land in Green Belt. These include engineering operations. The development subject of this application is considered to constitute engineering operations.

Although the construction of this proposal involves engineering operations, the scale of the development is relatively small and minor. The jumbrellas are relatively small in height, and are generally thin and permeable structures. They would be sited close to, and read against the massing of, the main established building on the site and are not considered to adversely affect the openness of the area.

Other soft and hard landscape works like installation on fences, bull statue, repointing the pavement, planting new hedges, etc are also not considered to cause harms to the Green Belt or its openness.

Overall, it is considered that the proposed development is small in size and scale, minor in nature, and would preserve the openness of Green Belt and would not have a detrimental impact on the visual amenity of the Green Belt. The development would not conflict with the purposes of including land within the Green Belt and is not considered as incompatible

with Green Belt and it does not conflict with Para.80 and 90 of NPPF and Policy DM15 (a) of Barnet's Local Plan.

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

In terms of the design and appearance of the proposed development, the proposed development has not caused an increase on the existing floor area nor the overall height of the development. The proposal is not considered to harm the character or appearance of the locality.

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

It is noted that the application site is adjoining to a mobile home site, but there is a sufficient buffer distance (Approximately 40 to 50 metres) between the outdoor seating area and the mobile home site. Moreover, the existing tall trees and fences sitting along the boundary of the application site could significantly mitigate the impact of the proposal on the amenity of the occupiers in the mobile homes. Furthermore, the area is already used as an outdoor seating area and this proposal simply provides two larger covered areas, along with fencing with lighting to identify the main customer entrance. Taking this into consideration, the proposed development is not considered result in unacceptable levels of harm to the visual or residential amenity of the neighbouring occupiers in accordance with Policy DM01 of the Development Management Policies DPD. This includes impacts in terms of daylight, sunlight and overshadowing, noise, disturbance, light pollution, outlook, overlooking, loss of privacy, visual impacts and overbearing relationships.

## **5.4 Response to Public Consultation**

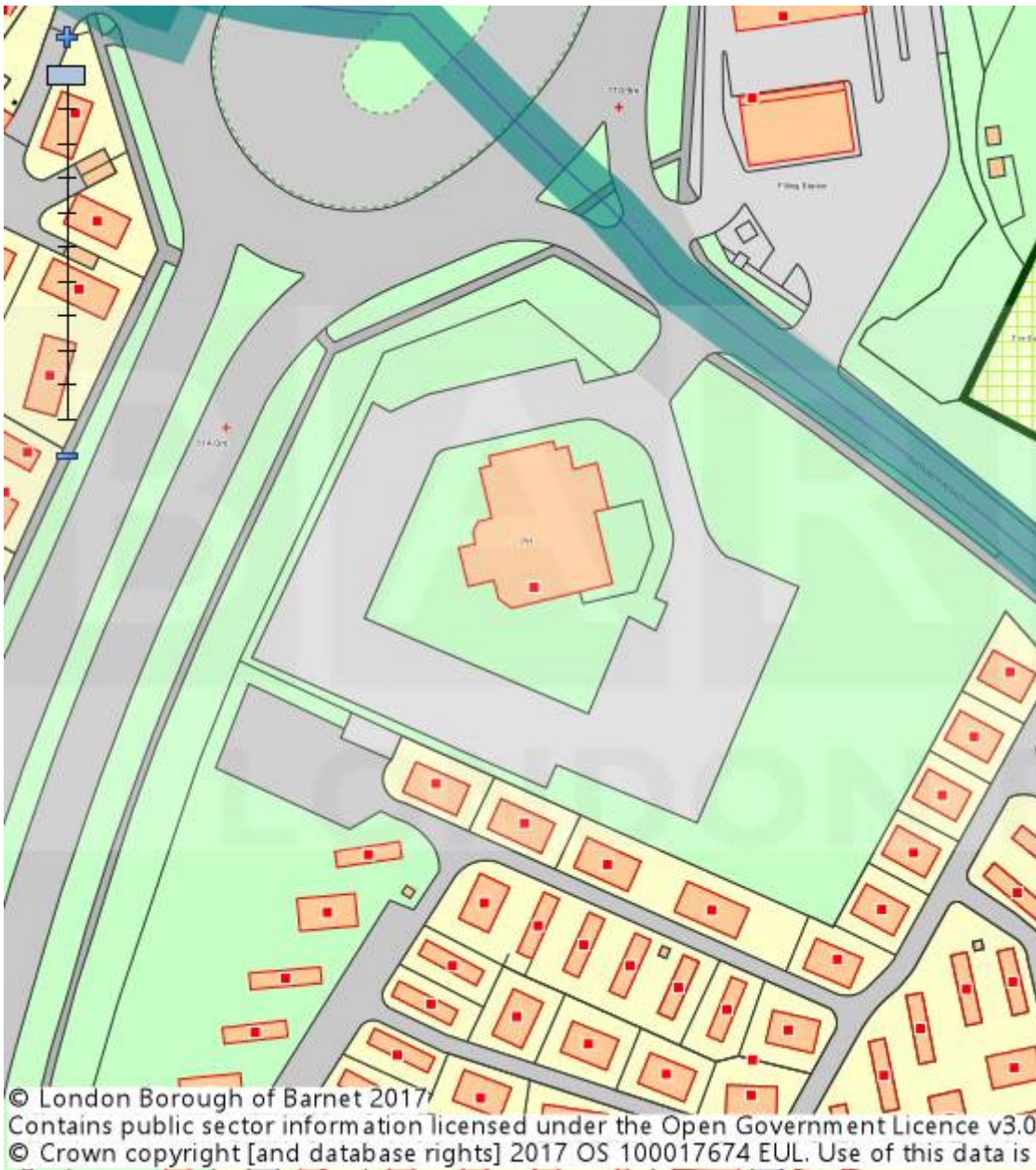
Addressed in the appraisal above.

## **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**

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, and would not harm the openness of the Green Belt. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



This page is intentionally left blank