

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 4TH SEPTEMBER, 2018**

**AT 6.00 PM**

**VENUE**

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

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

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

Melvin Cohen  
Claire Farrier

Shimon Ryde  
Danny Rich

Alan Schneiderman

**Substitute Members**

Grocock  
Alison Moore  
Peter Zinkin

Anne Hutton  
Gabriel Rozenberg

Kath McGuirk  
Reuben Thompstone

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**

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**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 18
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.	23 Thornfield Avenue London NW7 1LT 17/7604/HSE Finchley Church End	19 - 32
7.	7 Holders Hill Crescent London NW4 1NE 18/2029/HSE Finchley Church End	33 - 40
8.	22 Golders Manor Drive London NW11 9HT 18/2237/RCU Golders Green	41 - 52
9.	5 Church Mount London N2 0RW 17/5814/HSE Garden Suburb	53 - 66
10.	1069 Finchley Road London NW11 0PU 18/3599/FUL Garden Suburb	67 - 92
11.	80A Westbury Road London N12 7PD 18/1802/HSE West Finchley	93 - 102
12.	38 Moss Hall Grove London N12 8PB 18/3690/HSE West Finchley	103 - 112
13.	58 And 60 High Road London N2 9PN 18/3280/FUL East Finchley	113 - 126
14.	13 Leicester Road London N2 9DY 18/3791/RCU East Finchley	127 - 136
15.	39 Harman Drive London NW2 2ED 18/3330/RCU Childs Hill	137 - 144

16.	546 Finchley Road London NW11 8DD 18/3477/FUL Childs Hill	145 - 170
17.	55 Woodstock Road London NW11 8QD 18/1354/FUL Childs Hill	171 - 198
18.	59 Hodford Road London NW11 8NL 18/1916/RCU Childs Hill	199 - 206
19.	16 Lichfield Road London NW2 2RE 18/2798/FUL Childs Hill	207 - 220
20.	15 Wycombe Gardens London NW11 8AN 18/3290/FUL Childs Hill	221 - 240
21.	53 Llanvanor Road London NW2 2AR 18/3321/HSE Childs Hill	241 - 250
22.	Any item(s) the Chairman decides are urgent	

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## Decisions of the Finchley and Golders Green Area Planning Committee

23 July 2018

PRESENT:-

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

Councillors:

Councillor Alan Schneiderman  
Councillor Melvin Cohen

Councillor Shimon Ryde  
Councillor Claire Farrier

Councillor Danny Rich

### 1 MINUTES OF LAST MEETING

The minutes were approved as an accurate record.

### 2 ABSENCE OF MEMBERS (IF ANY)

There were none.

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

Councillor	Item(s) (agenda numbering)	Declaration
Cllr Eva Greenspan	19 and 20, 138 Hendon Lane	Non-pecuniary interest by virtue of knowing one of the registered objectors. Cllr Greenspan would leave the

AGENDA ITEM 1

		room for this item and the Vice Chairman, Cllr Marshall would chair.
Cllr John Marshall	20, 21 (138 Hendon Lane)	Non-pecuniary interest by virtue of knowing one of the registered objectors as a fellow member of the MCC.
Cllr Melvin Cohen	14 (Olympia House) and 19 (2 Dollis Road)	Personal and non-pecuniary interest by virtue of the agents of the applications being known to him.
Cllr Melvin Cohen	15 (80a Westbury Road)	Personal and non-pecuniary interest by virtue of business dealings with the firm of the applicant. Also familiar with the applicant socially.
Cllr Melvin Cohen	16 (179 Regent's Park Road)	Personal and non-pecuniary interest by virtue of a person with the name of the applicant on the report being known to him.
Cllr Melvin Cohen	17 (1069 Finchley Road)	Non-pecuniary interest by virtue of the premises being close to his office – would leave the room when the item is being discussed.
Cllr Farrier Cllr Schneiderman Cllr Rich Cllr Greenspan Cllr Cohen Cllr Ryde Cllr Marshall	18 (1 Bute Mews)	Non-pecuniary interest by virtue of one of the registered objectors being a Ward Councillor known to them.
Cllr Ryde	17 (1069 Finchley Road)	Non-pecuniary interest by virtue of the applicant being known to him. Cllr Ryde would leave the room whilst the item is being discussed.

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

There was no report.

5 **ADDENDUM**

An addendum was received in relation to items 10, 11, 12, 15, 17 and 18.

6 **TUDOR COURT 2 CREWYS ROAD LONDON NW2 2AA 17/3921/FUL**

The application had been withdrawn to allow officers to hold further discussions with the applicant.

7 **5 CHURCH MOUNT LONDON N2 0RW 17/5814/HSE**

Cllr Marshall moved to defer the item due to objectors being unable to attend. This was seconded by Cllr Ryde.

The vote was recorded as follows:

For (deferral) – 7

Against (deferral) – 0

**CARRIED** – the application was **DEFERRED**.

8 **39 HARMAN DRIVE LONDON NW2 2ED 18/3330/RCU**

Cllr Ryde moved that the application be deferred for a further site visit to the building next door. He was seconded by Cllr Marshall.

The vote was recorded as follows:

For (deferral) – 5

Against (deferral) – 2

**Carried** – the application was **DEFERRED**.

9 **58 AND 60 HIGH ROAD LONDON N2 9PN 18/3280/FUL**

Cllr Farrier moved that the application be deferred as speakers could not attend. This was seconded by Cllr Schneiderman.

The vote was recorded as follows:

For (deferral) – 6

Abstained – 1

**Carried** – the application was **DEFERRED**.

10 **70 NORTH END ROAD LONDON NW11 7SY 18/1480/FUL**

The Planning Officer presented the report and addendum to the Committee.

Mr Joel Clark spoke in objection to the application.

The applicant, Mr Goldberg, addressed the Committee.

Cllr Ryde moved to REFUSE the application and was seconded by Cllr Farrier. The reasons given were:

1. The proposed rear extensions by reason of their size and siting would appear overbearing and result in loss of outlook which would be detrimental to the residential amenities of the occupiers of 72 North End Road, contrary to 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 development, by reason of the small size and siting of the outdoor amenity areas, would fail to provide adequate amenities for future occupiers, contrary to policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012), policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

The vote was recorded as follows:

For (refusal) – 7

Against (refusal) – 0

**CARRIED** – the application was **REFUSED**.



11 **FINCHLEY POLICE STATION, 193 BALLARDS LANE, LONDON N3 1LZ 18/2039/FUL**

The Planning Officer presented the report and addendum to the Committee.

Dr Brian Coleman spoke in support of the application.

The registered speakers in objection to the application were not present/did not speak at the meeting.

Mr John Murch, agent for the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 2

Against (approval) – 5

Cllr Farrier moved to REFUSE the application and was seconded by Cllr Marshall. The reasons for refusal:

1. The proposed development, by reason of its height, massing, siting, scale, and density, would be an overdevelopment of the site and detrimental to the character and appearance of the streetscene and general locality. The development would be contrary policies 7.4 and 7.6 of the Mayor's London Plan (2016), contrary to policy DM01 of the Adopted Barnet Development Management Policies (2012) and Policy CS5 of the Adopted Barnet Local Plan Core Strategy (2012).
2. The proposed development would provide inadequate parking to serve the development and in the absence of a legal agreement to secure a Travel Plan and associated monitoring, an extension to the Controlled Parking Zone and prevent residents from obtaining parking permits, would have a harmful impact on highway safety and the free flow of traffic. The development would be contrary to Policy DM17 of the Adopted Barnet Development Management Policies (2012) and Policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012).
3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

4. The proposed development does not include a formal undertaking to meet employment and apprenticeship needs arising from the development. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Adopted Local Plan Core Strategy (2012), Policy DM14 of the Adopted Barnet Development Management Policies (2012), the Adopted Skills, Enterprise, Employment and Training SPD (2014), and the Adopted Planning Obligations SPD (2016).
5. The proposed development provides inadequate outdoor amenity and play space for future occupiers and does not include a formal undertaking to mitigate this loss by contributing to off-site amenity and playspace. The proposal would therefore not address the impacts of the development, contrary to Policy 3.6 of the Mayor's London Plan (2016), Policy CS7 of the Adopted Local Plan Core Strategy (2012), Policy DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Planning Obligations SPD (2016) and the Adopted Green Infrastructure SPD (2017).
6. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the Adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 1

**Carried:** the application was **REFUSED**.

Cllr Farrier then moved to DEFER the application to allow additional investigations/inspection and was seconded by Cllr Schneiderman.

The vote was recorded as follows:

For (deferral) – 3

Against (deferral) – 4

**Resolved** – the motion was lost.

12 **5 BEAUMONT CLOSE LONDON N2 0GA 18/2471/FUL**

The Planning Officer presented the report and addendum to the Committee.

Mrs Susan Zamet and Dr Hady Bayoumi spoke in objection to the application.

The applicant, Mr Alan Warwick, addressed the Committee.

The vote was recorded as follows:

For (approval) – 7

Against (approval) – 0

**Resolved** – that the application was **APPROVED**.

13 **202 - 208 REGENTS PARK ROAD LONDON N3 3HP 18/2666/FUL**

The Planning Officer presented the report to the Committee.

A resident, Mrs Perilly, spoke in objection to the application.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 7

Against (approval) – 0

**Resolved** – the application was **APPROVED**.

14 **OLYMPIA HOUSE ARMITAGE ROAD LONDON NW11 8RQ 18/1823/FUL**

The Planning Officer presented the report to the Committee.

An objector who had registered to speak was not present.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 3

Against (approval) – 3

Abstained – 1

The Chairman used her casting vote to approve the application.

**Resolved** - that the application was **APPROVED**.

15 **80A WESTBURY ROAD LONDON N12 7PD 18/1802/HSE**

The Planning Officer presented the report and addendum to the Committee.

Mr Kieron Kettleton and Dr Sophie Farooque spoke in objection to the application.

Ms Nichole Avan-Nomayo of Hub Architects spoke on behalf of the applicant.

Cllr Farrier moved to DEFER the application to allow a further site visit. This was seconded by Cllr Rich.

The vote was recorded as follows:

For (deferral) – 4

Against (deferral) – 3

**Carried** – the application was **DEFERRED**.

The Chairman noted that as the objectors had already addressed the Committee they would not be invited to do so in the future.

16 **179 REGENTS PARK ROAD LONDON N3 3PB 18/3019/FUL**

The Planning Officer presented the report to the Committee.

Mr Deepak Chainrai spoke to the Committee in objection to the application.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 4

Against (approval) – 2

Abstained – 1

**Resolved** – that the application was **APPROVED**.

17 **1069 FINCHLEY ROAD LONDON NW11 0PU 18/1947/S73**

Cllr Ryde and Cllr Cohen left the room for this item.

The Planning Officer presented the report and addendum to the Committee.

Ms Chris Klein and Mr Afam Edozie spoke in objection to the application.

Mrs Caroline Apcar, the agent for the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 2

Against (approval) – 3

No motion was moved and no reasons were given for refusal. The Chairman asked for the vote to be cast again and this was recorded as follows:

For (approval) 3

Against (approval) – 0

Abstained – 2

**Resolved** - the application was **APPROVED**.

18 **1 BUTE MEWS LONDON NW11 6EQ 18/1275/S73**

The Planning Officer presented the report and addendum to the Committee.

Ms Gill Sargeant and Ms Barbara Bliss spoke in objection to the application.

The architect and agent for the applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 4

Against (approval) – 3

**Resolved** – the application was **APPROVED**.

19 **2 DOLLIS ROAD LONDON N3 1RG 18/2369/FUL**

The Planning Officer presented the report to the Committee.

Ms S Roy spoke in objection to the application.

Mr Souza, agent for the applicant, addressed the Committee.

The vote was recorded as follows:

For (approval) – 5

Against (approval) – 1

Abstained – 1

**Resolved** – the application was **APPROVED**.

20 **138 HENDON LANE LONDON N3 3PS 17/7880/HSE**

The Chairman, Councillor Greenspan, left the room. The Vice Chairman, Councillor Marshall, chaired the item.

The Planning Officer presented the reports (both items 20 and 21) to the Committee.

Dr David Grant spoke in objection to the application 17/7880/HSE.

The applicant was not present.

The vote for 17/7880/HSE was recorded as follows:

For (approval) – 6  
Against (approval) – 0  
**Resolved** – the application was **APPROVED**.

21 **138 HENDON LANE LONDON N3 3PS 17/7884/HSE**

The Chairman, Councillor Greenspan, left the room. The Vice Chairman, Councillor Marshall, chaired the item.

The vote for 17/7884/HSE was recorded as follows:

For (approval) – 6  
Against (approval) – 0  
**Resolved** – the application was **APPROVED**.

The Chairman returned to the room.

22 **31 CADOGAN GARDENS LONDON N3 2HN 18/3218/RCU**

The Planning Officer presented the report to the Committee.

There were no speakers.

The vote was recorded as follows:

For (approval) – 2  
Against (approval) – 4  
Abstained – 1

Cllr Rich moved a motion to refuse the application and was seconded by Cllr Schneiderman. The reason for refusal:

1. The wall, by reason of its siting, height and design, would be out of character and detrimental to the character and appearance of the streetscene, contrary to 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).

The vote was recorded as follows:

For (refusal) – 7

Against (refusal) – 0

**Carried** – the application was **REFUSED**.

23 **FLATS 3 AND 4 146 HENDON LANE LONDON N3 3PS 18/1404/FUL**

The Planning Officer presented the report to the Committee.

The architect for the applicant, Ms Helen Kyprianos, addressed the Committee.

The following changes were agreed:

Condition 3 – substitute the plans list with the following:

Site Plan; P.01 “Existing Plans and Elevations” (Excluding forecourt layout); P.01 ”Proposed plans and elevations” (Excluding forecourt layout), P.03 “Existing and proposed block plans”

Add the following condition:-

Before the building hereby permitted is first occupied the proposed window(s) in the north-east elevation facing 146 Hendon Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted 2016).

The vote was recorded as follows:

For (approval) – 7

Against (approval) – 0

**Resolved** – the application was **APPROVED**.

24 **67 CHURCH LANE LONDON N2 8DR 18/2950/RCU**



The Planning Officer presented the report to the Committee.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 7

Against (approval) – 0

**Resolved** – the application was **APPROVED**.

25 **FIRST FLOOR FLAT 53 PRINCES AVENUE LONDON N3 2DA 18/1787/FUL**

The Planning Officer presented the report to the Committee.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 5

Against (approval) – 2

**Resolved** – the application was **APPROVED**.

26 **20 WORDSWORTH WALK, LONDON NW11 6AU TPF/0183/18**

The Planning Officer presented the report to the Committee.

Cllr Marshall moved to refuse consent for felling of 1 Birch Tree on the grounds that 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. This was seconded by Cllr Farrier.

The vote was recorded as follows:

For (refusing consent) – 7

Against (refusing consent) – 0

**Carried** – consent was **REFUSED**.

The meeting finished at 9.30 pm

**Location** 23 Thornfield Avenue London NW7 1LT

**Reference:** 17/7604/HSE

Received: 30th November 2017

Accepted: 18th December 2017

**Ward:** Finchley Church End

Expiry 12th February 2018

**Applicant:** Mrs Karin Guppenberger

**Proposal:** Part single, part two storey rear extension and formation of lower level with decking area. Demolition of detached garage

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:

- 3128/1B (received 12/04/2018)
- Site Location Plan (received 05/12/2017)
- Basement Impact Assessment Ref L18/080/05 by JMS Civil and Structural Consulting Engineers (received 10th July 2018)
- Flood Risk Assessment dated October 2017 by Ambimental.

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 roof of the extension at first floor 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).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.21 Thornfield Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 5 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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extension(s) hereby approved, facing no.21 or no25 Thornfield Avenue.

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).

- 7 The basement hereby approved shall be built in accordance with the recommendations and methodologies of the Basement Impact Assessment Ref L18/080/05 by JMS Civil and Structural Consulting Engineers hereby approved.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties and local hydrogeology including drainage and ground and surface water conditions in the area, in accordance with Policy CS13 of the Core Strategy (2012), Policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and Policy 5.12 5.13 of the London Plan 2016.

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that construction should be carried out in accordance with the recommendations for flood risk management risks as detailed in the hereby approved Flood Risk Assessment.
- 3 This permission does not authorise any changes to the levels of the rear garden other than specifically the lower decking shown on the approved plans.
- 4 The applicant is advised that a Chartered Engineer (MICE or MIStructE) should be appointed by the applicant and retained throughout the basement construction with the appointment details provided to the Council.

## **Officer's Assessment**

### **1. Site Description**

The application relates to a two storey semi-detached single family dwelling located on the southern side of Thornfield Avenue, within the Finchley Church Ward. The property is attached to the neighbouring No.25 Thornfield Avenue and benefits from a shared driveway with No.21 Thornfield Avenue. With the benefit of site visit it is noted that there are differences in ground levels at the site, with the garden set at a lower level than the main dwelling and accessed via a raised terrace and steps.

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

The property benefits from a rear dormer (considered lawful under lawful development certificate 15/03671/192).

The property backs on to the Dollis Valley Greenwalk and the Dollis Brook. Whilst the property itself fall within Flood Risk Zone 1, part of the rear garden falls under Flood Risk Zone 2 and 3, considered medium to high probability of flooding. A Flood Risk Assessment has been submitted as part of the supporting information.

### **2. Site History**

Reference: 15/03671/192

Address: 23 Thornfield Avenue, London, NW7 1LT

Decision: Lawful

Decision Date: 13 July 2015

Description: Roof extension including installation of rear dormer window 2no. rooflights to front and new gable window to side elevation to facilitate a loft conversion

### **3. Proposal**

The application seeks planning permission for a two storey rear extension and lower ground floor extension. The development would further benefit from an associated decking area.

The ground floor rear element will measure 3 metres in depth, 6.5 metres in width, 2.5 metres to the eaves, and 3.8 metres in maximum height.

The two storey rear element will measure 3 metres in depth, and 6 metres in height when measured from the roof of the proposed lower ground floor. The extension will be set in 3 metres from the boundary with the adjoining property at No.25 and will be set away by 3 metres from the flank wall of the first floor at No.21 Thornfield Avenue.

The basement extension will measure a maximum of 4.1 metres in depth, 3 metres in height, and will benefit from an internal head height of approximately 2.4 metres.

The associated decking area will benefit from a height of approximately 0.3 metres from natural ground level, a width of 6.37 metres (spanning width of property), and a depth of 2.7 metres.

## 4. Public Consultation

Consultation letters were sent to 2 neighbouring properties.  
7 responses have been received, comprising 7 letters of objection.

The objections received can be summarised as follows:

- The two storey rear extension will cause loss of light
- Side window will impact on privacy
- Excavations for lower ground floor will have detrimental impact.
- Large tree within falling distance.
- No Basement Impact Assessment
- No reference to SUDS
- Basement will cause loss of garden
- Loss of green infrastructure should be material consideration
- Negative impact 'heat island effect'
- Impact on natural habitat, neighbouring residents, and local area.

The application was re-consulted following the submission of a Basement Impact Assessment. Two additional comments were received and are summarised below.

- BIA acknowledged minor risk but even minor risk is a risk for neighbours
- The properties in the area are modest in size and the excavation of a basement will affect properties and the local area
- More surface flooding
- Basements are not the norm in the borough
- Allowing the development is dangerous

## 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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

Standing Advice

- Provides detailed guidance on how to approach consultation when reviewing flood risk assessments as part of planning application.
- Sets out the requirements to be provided dependant on the relative size of development and its location within Flood Zone Areas.

### The Mayor's London Plan 2016

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

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

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

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.



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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

The proposal seeks planning permission for a two storey rear extension as well as a new basement at lower ground floor with an associated decking, following the demolition of an existing side garage.

The host site is a two storey semi-detached property located at No.23 Thornfield Avenue. It is noted that the proposal has been amended during the course of the assessment to address concerns raised by planning officers.

### Flood Risk

In relation to flooding, policy DM04 requires that the sequential approach set out in the NPPF is applied to development proposals. As national policy, the NPPF is a very important material consideration. Its strategy is to direct development away from areas of highest flood risk.

All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 155-165) and provide information on the known flood risk potential of the application site. Paragraph 163 of the NPPF states:

*"When determining any planning applications, local planning authorities should ensure that flood risk is not increased elsewhere. Where appropriate, applications should be supported by a site-specific flood-risk assessment. Development should only be allowed in areas at risk of flooding where, in the light of this assessment (and the sequential and exception tests, as applicable) it can be demonstrated that:*

- a) within the site, the most vulnerable development is located in areas of lowest flood risk, unless there are overriding reasons to prefer a different location;*
- b) the development is appropriately flood resistant and resilient;*
- c) it incorporates sustainable drainage systems, unless there is clear evidence that this would be inappropriate;*
- d) any residual risk can be safely managed; and*

*e) safe access and escape routes are included where appropriate, as part of an agreed emergency plan."*

The property is located within flood zone 1 (low risk of flooding), however the rear garden falls within flood zones 2 and 3 (medium to high probability of flooding respectively). The development by virtue of containing residential development is identified as 'more vulnerable'.

A Flood Risk Assessment has been submitted for the proposed extensions at No.23 Thornfield Avenue. In this instance, the entire development will be situated fully within Flood Zone 1 (low risk; with less than 0.1% chance of annual fluvial flooding). The report details that the extensions would be sited within flood zone 1, this is achieved by limiting the proposed maximum depth of the extension to 4.1 metres past the rear wall at No.23 Thornfield Avenue. Whilst the roof overhang of the basement would project beyond flood zone 1, this would be above existing ground level, and excavation and main structure would be contained within flood zone 1. This has been verified by the EA Flood Maps for Planning.

A flood risk assessment (FRA) is required for developments which fall within Flood Zone 2 and 3. The developer has provided one in this case even though it is not strictly considered to be required in the view of officers. Nevertheless given the proximity to the flood zone this assists in demonstrating that the proposals will not add to flood risk.

Notwithstanding the above, the flood risk assessment identifies flood risk management measures with regards to construction; electrical connection; gas/water supply; drainage; and interior fittings. The applicants are advised to follow and implement said measures in order to mitigate adverse impact towards the host property as well as the neighbouring premises and ensure the proposal is safe for its lifetime.

Given the modest nature of the proposal, details with regards to SUDs would not be required.

The geology map indicates this area is overlain with London Clay Formation (a relatively stable sub-soil). London clay is a relatively impermeable layer which would act as a barrier for groundwater flows. Due to the moderate size of the proposed basement, it is considered that the risk of groundwater flooding is relatively low. The excavation to create a relatively moderately sized basement area is noted; taking into account the proximity to the flood zone officers are of the view that a full Basement Impact Assessment is not justified in this case.

The proposal is considered to comply with the NPPF and DM04 of the Development Management Plan Policies in that it will not materially increase flood risk in the locality.

### Basement Extension

Paragraph 14.44, of the Council's Residential Design Guidance, states that the council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation. Furthermore, basement extensions should not remove more than 50% of the amenity space; should not affect neighbouring ground water conditions; and should appear as subordinate additions to the host property respecting its original design and proportions. Basement extensions should be designed with limited visual manifestation.

It is recognised that in this instance, the proposed basement will extend a maximum of 4.1 metres in depth. Whilst the proposal would exceed the guidance above, it is noted that each planning application is assessed on its own merits. As stated previously, parts of the host site falls within Flood Zone 2 and 3 are therefore vulnerable to flood risk. The basement extension has therefore been entirely set back, to a maximum depth of 4.1 metres, in order to fully sit within Flood Zone 1 (limited risk).

With regards to the above guidelines, it is noted that the proposed basement will not remove 50% of the existing amenity space to the rear. The basement will approximately project to the same depth of the existing raised platform. It is therefore considered that no further material loss of rear garden amenity would be lost. Furthermore, the proposal has been designed by taking into account the natural ground levels at No.23 Thornfield Avenue. The proposal will therefore not appear as an obtrusive addition as there will be minimal visual manifestation.

Paragraph 14.45 further states that all rooms within a basement should be able to function properly for the purpose intended. Rooms should receive adequate natural light and ventilation. All habitable rooms should have minimum headroom of 2.5 metres. In this instance, the proposed basement will benefit from a rear facing window as well as a roof light extending the full width of the basement. Applicants have confirmed that the proposed basement is to be used as a secondary lounge/living room and will benefit from maximum head height of approximately 2.4 metres. It is therefore considered that, on balance, the proposed basement will benefit from adequate natural light, ventilation, and head height.

The roof to the proposed basement will project approximately 1.5 metres past the rear wall of the proposed ground floor rear extension. Given that the proposal will approximately project to the same depth of the existing raised patio, it is not considered that the proposed 'step out' area would materially differ from the existing relationship between No.23 and No.25 to the extent of creating further overlooking and privacy impact.

As mentioned above, the area is of London clay geology. The excavation to create a relatively moderately sized basement area is noted; taking into account the proximity to the flood zone officers are of the view that a full Basement Impact Assessment is not justified in this case.

In conclusion, the structural implications of the basement, including the possible impact on neighbouring properties with regards to stability, are assessed under Building Regulations. The proposed basement has not been considered to increase flooding pressures (as per the Flood Risk Report and detailed above) and is therefore considered to be acceptable.

### *Basement Impact Assessment*

It is noted that the application was deferred by the Finchley and Golders Green Committee of the 23rd of April as a Basement Impact Assessment had not been submitted for assessment. A BIA report was subsequently submitted and independently assessed by Campbell Reith Consulting Engineers on behalf of the London Borough of Barnet.

The report identifies that the scale of the proposed basement is moderate in size and whilst the applicants have not carried out a site specific investigation, the assumptions made have been reasonable and based on factual desktop study information. The review of the Basement Impact Assessment concludes that:

- It is assumed that ground water flows will be minimal and will therefore not be impacted by the basement construction.
- The construction method is considered acceptable.
- The amount of surface water run-off is not anticipated to increase significantly, and it is accepted that the surface water drainage will not be significantly adversely impacted.

It has been therefore considered that the Basement Impact Assessment adequately demonstrates that the proposal is unlikely to have an unacceptable impact on land stability or ground and surface water conditions. Officers have recommended a condition to ensure that the measures details in the BIA are implemented during construction.

#### Ground floor extension and decking

With regards to single storey rear extensions, the Council's Residential Design Guidance (SPD) states that the single storey rear element on semi-detached properties should generally not exceed 3.5 metres in depth.

In this instance, it is noted that the proposal would be a maximum depth of 3 metres from the original rear wall. The current depth has been amended following the initial submission. It is therefore considered that the rear element at ground floor would be in keeping with the Council's guidance.

It is further noted that a number of neighbouring properties along Thornfield Avenue benefit from single storey rear extensions. This has been identified at the attached premise at No.25 Thornfield Avenue, as well as No.7, No.13, and No.15 Thornfield Avenue. It is therefore considered that a single storey rear extension at No.23 would be in-keeping with the established character of Thornfield Avenue and the current pattern of development.

The neighbouring premise at No.25 Thornfield Avenue benefits from planning permission, under reference 15/07212/HSE, for a two storey side extension and single storey rear extension. With the benefit of a site visit, it is noted that the extensions have been implemented. The extension at No.25 projects a maximum of approximately 1.7 metres past the original rear wall. The proposed extension as No.23 will therefore project a maximum of 1.3 metres past the neighbouring rear wall. The projection is considered to comply with the Council's Residential Guidance and is not considered to materially impact on the neighbouring visual and residential amenities by appearing overbearing and obtrusive. This is emphasised by the relatively modest eaves height of approximately 2.5 metres; the eaves height has been taken from the roof of the proposed basement. The proposed basement roof would sit at the same height as the neighbouring raised patio at No. 25 Thornfield Avenue. It is therefore considered that the proposed rear extension will not appear as an overbearing and obtrusive structure to the detriment of neighbouring visual and residential amenities.

The revised plans indicate that the property and no.21 benefit from a gap of approximately 3 metres between the respective flank walls. Due to the existing gap between the properties combined with the depth of the proposed extension of 3 metres at ground floor level, it is not considered that adverse impact would be created towards the visual and residential amenities of neighbouring officers. A new window has been proposed to the side elevation, at ground floor, facing No.21, which would serve the staircase to the lower ground floor. A condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy issues, and another to prevent any additional windows being added to the flank elevations.

The lower ground floor will project 1.1 metres further in depth than the ground floor rear extension. The property will therefore benefit from a 'terrace/ patio' element to the rear. With the benefit of a site visit it is noted that the property benefits from an associated raised platform. It is therefore considered that due to the change in ground levels, a degree of overlooking is already present between the host site and the adjoining properties. The proposed basement and associated roof will project approximately to the same depth and height of the existing patio. As such, it is not considered that the 'terrace/patio' would materially increase views into the neighbouring gardens or that the level of overlooking would be increased.

The proposal further seeks planning permission for an associated decking area/raised platform.

Under the General Permitted Development Order (2015), raised platforms are considered permitted development when not exceeding 0.3 metres in height from the natural ground level. Whilst the proposed development is not assessed under permitted development rights, the proposed raised platform, if taken in isolation, would comply with the requirements of permitted development.

Due to the height of 0.3 metres above ground level, it is not considered that the decking area would introduce further views into neighbouring amenity spaces and would not materially impact on the residential amenities of neighbouring occupiers at No.21 and No.25 Thornfield Avenue.

#### First Floor Rear Extension

The proposal would further benefit from a two storey rear element. It must be noted that two storey rear extensions do not appear to be a common character feature amongst properties on the Thornfield Avenue. Nevertheless, a recent example has been identified at No.7 Thornfield Avenue where planning permission was granted for two storey rear element with a maximum depth of 3 metres (H/05541/14). It is therefore considered that, whilst not a recurrent feature, if designed in accordance to the Council's Residential Design Guidance (SPD), a two storey element may be supported at No.23 Thornfield Avenue.

Paragraph 14.23 of the Design Guidance (SPD) states that two storey rear extensions which are close than 2 metres to the neighbour boundary and project more than 3 metres would not generally be accepted. This is mainly due to the extensions likely appearing too bulky and dominant, and having a detrimental effect on the amenities of neighbouring occupants.

It is noted that the two storey element has been amended to a maximum depth of 3 metres from the original rear wall. The extension will be situated on the side elevation of No.23 closest to the boundary with No.21 Thornfield Avenue. It is considered that the existing distance between the properties combined with the depth of the building would not result in the extension appearing as an overly-dominant and obtrusive structure; to the detriment of neighbouring visual and residential amenities. It must also be recognized that the relationship between No.7 Thornfield Avenue (first floor rear extension) and No.5 Thornfield Avenue is very similar to relationship between No.23 and No.21; with both properties benefiting from a shared driveway measuring 3 metres in width approximately. Similarly, on the other side, the distance and relationship with no.25 is considered to provide appropriate relief to ensure that the extension does not appear overbearing or visually intrusive. The first floor rear extension would not materially harm the living conditions of neighbouring occupiers and in this regard would appear acceptable.

## **5.4 Response to Public Consultation**

The comments in relation to the need for a Basement Impact Assessment are addressed within the main report.

Comments have been received with regards to the potential harmful impact of the proposed lower ground floor extension as well as the wider concerns with regards to flooding impacts. Concerns have been addressed within the assessment above.

With regards to the proposed window at ground floor, a condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy impact towards neighbouring residents.

Comments have been received with regards to the potential impact on biodiversity as well as well as the contributing to the London 'heat island effect'. It is noted that the property does not fall within an ecological area of special interest or specifically designated land. It is therefore considered that the proposal, due to the moderate nature, would not harmfully impact on the existing biodiversity. Furthermore, due to the moderate size of the proposed extensions, the development is not considered to harmfully contribute to the heat island effect in the area.

Further comments have been addressed towards the loss of green infrastructure/garden amenity. It is noted that the proposed built extensions will project approximately to the same depth of the existing raised platform. It is therefore considered that no material loss of the existing garden space would be occurring. The impact would be on that is typical of any householder extension in the borough.

A large tree has been identified between the boundary with No.21 and No.19. Due to the distance from the host site, it is not considered that harmful impact would occur on the tree during construction phases and the tree is not protected by a TPO.

## **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.



OS Plan 1:1250



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**Location** 7 Holders Hill Crescent London NW4 1NE

**Reference:** 18/2029/HSE

Received: 30th March 2018

Accepted: 4th April 2018

**Ward:** Finchley Church End

Expiry 30th May 2018

**Applicant:** Mr Jayson Jayeraiah

**Proposal:** Single storey side and rear extension. (Retrospective Application)

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

2018/HC/01A  
2018/HC/02A  
2018/HC/03A  
2018/HC/04A  
2018/HC/05A  
2018/HC/06A  
2018/HC/07B

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

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

- 3 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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

- 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 elevation(s), of the extension(s) hereby approved, facing 5 or 9 Holders Hill Crescent.

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 38- 57 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**

The application has been referred to committee by Councillor Greenspan so that Members can consider whether there is any loss of light to the neighbouring property.

### **1. Site Description**

The application site contains a semi-detached dwellinghouse, located on Holders Hill Crescent, which is a predominantly residential area. The property is not located within a conservation area, and is not listed.

The property has implemented the roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation which has a certificate of lawful development ref: 15/06146/192.

Properties step down in ground level towards the rear of the site.

The current application was submitted following an enforcement investigation. The applicant implemented 2 lawful consents – one for a rear extension and one for an outbuilding. The outbuilding has not been built in accordance with the approved plans.

### **2. Site History**

Reference: 15/06146/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 16 October 2015

Description: Roof extension involving hip to gable, rear dormer window with 2no rooflights to front elevation

Reference: 15/07758/PNH

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Prior Approval Not Required

Decision Date: 25 January 2016

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres

Reference: 16/1153/192

Address: 7 Holders Hill Crescent, London, NW4 1NE

Decision: Lawful

Decision Date: 17 March 2016

Description: Demolition of existing garage and erection of new single storey outbuilding

### **3. Proposal**

The application seeks permission to retain a Single storey side and rear extension, which was constructed following two separate applications, one for a rear extension under the larger home application ref: 15/07758/PNH - Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3.2 metres. The other application was a certificate of lawful development ref: 16/1153/192 - Demolition of existing garage and erection of new single storey outbuilding.

The built rear extension has a depth of 6 metres across the full width of the property, with a maximum height of 3.2 m to a flat roof.

The outbuilding links to the rear extension which is not as approved. The dimensions of the outbuilding as approved was 11 metres in length, 2.6 metres in width and 2.5 metres in height with a flat roof and was shown to be used as a boiler room, Gym and Garden store. The outbuilding as built has a height of 3.5 metres to the front elevation with a dummy pitched roof, 3.2 metres to a flat roof and drops to 2.3 metres towards the rear with a width of 4.9 metres.

The outbuilding therefore has as an additional height of 1m to the front, 0.7 metres to the side where it adjoins the garage at no. 5 and an additional width of 2 metres. This is due to the outbuilding adjoining the rear extension.

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

Consultation letters were sent to 7 neighbouring properties. One response of objection has been received and can be summarised as follows:

- Overlooking
- Loss of light
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally
- Plans for the retrospective planning application are not completely accurate
- Impact on amenity

#### **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 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

###### The Mayor's London Plan 2016 (MALP)

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

## **Impact on the character and appearance of the existing building, the street scene and the wider locality**

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

### Single storey side and rear extension

It is noted that the property has previously applied for a prior notification application as mentioned above which was 'not required', as no objections were received and therefore the applicant could lawfully build a 6 metre deep extension to the rear. A separate application was submitted for the demolition of existing garage and erection of new single storey outbuilding. The depth of the outbuilding has remained the same. However the main change within this application is the width of the outbuilding which has extended up to a further 2 metres from what was approved. The extension as built still maintains a substantial distance of 3.9 metres from the boundary with no. 9 Holders Hill Crescent.

The area is characterised by similar rear extension. No. 9 holders Hill has a similar extension approved ref: C17050A/07 for Demolition of conservatory and garage and erection of single storey rear extensions.

The extension as build is not considered to cause harm to the character and appearance of the existing building, the street scene and the wider locality

## **Impact on amenities of neighbouring occupiers**

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

The outbuilding as built has an increased height compared to the approved but has kept the same depth along the boundary with no. 5 Holders Hill Crescent. The increase in height is not considered to cause harm to this neighbouring property as the outbuilding is built alongside the garage at no. 5, and the outbuilding reduces in height to 2.5m as previously approved where it extends beyond the garage.

The outbuilding has been built to the same height as the rear extension. The outbuilding structure has a door and a window which faces the south elevation. Due to the change in levels at the site the outbuilding extension incorporates a staircase to give access to this structure. The top step is raised to 0.8 metres from the ground level. As this is only to allow access and not a terrace where activities such as sitting out could take place it is considered this would not give rise to overlooking into the garden of the neighbouring property at no.9 Holders Hill Crescent. Regarding occupiers of the attached property, no.9, no undue impact is considered to arise from the outbuilding extension due to its siting some 3.9 metres away from the common boundary with this property. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor an increased sense of enclosure or overbearing appearance which is harmful to occupiers of this neighbouring property.

The rear extension is in keeping with the prior notification application as detailed above.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

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

- Overlooking -addressed within report
- Loss of light - addressed within report
- Concerns of conversion of the property into two separate homes, which would additionally impact on us in terms of parking and generally

Conversion of property into separate homes would require a planning application. A condition has been attached to the application to ensure the use of the outbuilding remains ancillary to the main house.

- Plans for the retrospective planning application are not completely accurate - following a site visit, the use is ancillary to the main house and a condition is attached to ensure this.

#### **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 this proposal would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL, subject to conditions.



Scale: 1:1250 | Area 2Ha | Grid Reference: 523902,190120 | Paper Size: A4

**01** LOCATION PLAN  
**A3** SCALE: 1:1250



**Location**                           **22 Golders Manor Drive London NW11 9HT**

**Reference:**                       **18/2237/RCU**

Received: 12th April 2018

Accepted: 22nd May 2018

Ward:                               Golders Green

Expiry 17th July 2018

Applicant:                       Mr A Fouda

Proposal:

Retention of 3no self-contained flats, retention of loft conversion involving hip to gable, rear dormer window with Juliet balcony, 2no. rooflights to front elevation. (RETROSPECTIVE APPLICATION). Associated internal alterations (proposed)

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:

OS Map

2011/C003/01 (Pre-Existing Floor Plans)

2011/C003/03B (Existing Floor Plans)

2011/C003/04C (Proposed Plans)

Sustainability Statement

Design and Access Statement

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

- 2 a) Within 1 month of the date of the decision notice, 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 within 2 months of the date of approval of the details 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).

- 3 a) Within 1 month of the date of the decision notice, details of the means of enclosure, separating and screening the communal garden from the ground floor unit, have been 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 within 2 months of the date of approval of the details and retained as such thereafter.

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

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

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

- 5 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.

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management

Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

**Informative(s):**

- 1 In accordance with paragraphs 38 - 57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that there is still an enforcement notice served on the site and that the approved alterations should be undertaken as soon as possible to avoid further enforcement action being taken.
- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the north-western side of Golders Manor Drive and consists of a two-storey semi-detached property which has been previously extended to the rear and at roof level. The property has been converted to 3no. flats without the benefit of planning permission.

Golders Manor Drive is a residential street comprising of two-storey semi-detached properties. To the north-east at the junction with Heather Gardens, there is a three-storey flatted development.

### **2. Site History**

Reference: 16/4942/FUL

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Refused

Decision Date: 10.11.2016

Description: Retention of 3no self-contained flats, retention of loft conversion involving hip to gable, rear dormer window with Juliette balcony, 2no. rooflights to front elevation

Reference: 15/7711/191

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Unlawful

Decision Date: 10.02.2016

Description: Rear dormer with Juliette balcony and 2 no. rooflights to front to facilitate hip to gable loft conversion

Reference: 15/01336/HSE

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Refused

Decision Date: 21.05.2015

Description: Single storey rear extension including 2no. rooflights. Rear raised patio. Extension to roof including hip to gable, rear dormer and 3no. front rooflights (Retrospective Application)

Reference: F/04742/12

Address: 22 Golders Manor Drive, London, NW11 9HT

Decision: Lawful

Decision Date: 09.01.2013

Description: Roof extension involving hip to gable and rear dormer window, rooflights to front elevation to facilitate a loft conversion.

### **3. Proposal**

The application seeks permission to retain the use of the property as 3no. self-contained flats, retain the construction of loft conversion involving hip to gable, rear dormer window with Juliet balcony and retain the installation of 2no. roof rooflights to the front elevation. In addition, the application seeks associated internal alterations.

Amended plans have been submitted, which include the following changes:

- Additional rooflight inserted on the ground floor;
- Proposed section A-A added to illustrate proposed internal loft height;
- Re-arrangement of ground floor unit.

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

Consultation letters were sent to 200 neighbouring properties.

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

The objections received can be summarised as follows:

- Use as 3 flats is out of character with this street. There are no other houses in this road with 3 or more flats;
- Roof extension is an eyesore and out of character;
- Previous reasons for refusal have not been overcome;
- Lack of outdoor amenity space;
- Overlooking from Juliet balcony;
- Overlooking from rear windows;
- Lack of enforcement action;
- Additional parking stress;
- No off-street car parking is provided;
- No reports submitted to demonstrate compliance with Structural Engineer's report or Fire Certificate; and
- No provision for refuse storage.

#### **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 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

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

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of flats in this location;
- 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;
- Provision of adequate accommodation for future occupiers;
- Highways and parking provision.

## **5.3 Assessment of proposals**

The site is subject to an Enforcement Notice (Barnet reference ENF/01138/15) for the unauthorised subdivision of the property into three self-contained flats. This is still valid. A previous notice was served (under reference ENF/00704/15) for the unauthorised construction of a roof extension including hip to gable and associated rear dormers within the last four years. This case has now been closed.

There have also been a number of planning permissions which have sought to regularise the extensions on site. However, they have either been found to be unacceptable or unlawful. The previous raised issues will be discussed within the relevant sections below.

### Principle of flats in this location

It is noted that Golders Manor Drive is predominately characterised by single family dwellings with a couple of properties having been converted into flats. The site's location at the northern end of the street places it very close to the mixed character streets of Heather Gardens and Golders Green Road. Within Heather Gardens, there are a large number of converted properties and there is a large three-storey flatted development at the junction of Heather Gardens and Golders Manor Drive.

Barnet policies CS9 and DM01 place importance of locating flats in appropriate locations and resisting the loss of family dwellings in established residential areas. In this instance, while the majority of Golders Manor Drive is defined by single family dwellings, its proximity to Heather Gardens and Golders Green Road influences the considered effect and in this instance, the conversion to flats is not considered to result in adverse harm to the character and appearance of this stretch of Golders Manor Drive.

### Impact on the character and appearance of the host property, street scene and wider locality

In relation to the roof extension and rear dormer, it was previously assessed that these works measured 48.2 cubic metres (within the permitted development conditions) but a section of the dormer was not set back by 200mm from the eaves which resulted in the works not being considered as permitted development. It was acknowledged within the delegated report of 15/01336/HSE that there was uncertainty in the drawings and while there was scope to interpret the dormer being set back from the eaves, in the absence of certainty, it was considered that the works did not constitute permitted development. An



enforcement notice was subsequently served requiring the applicant to restore the property to the state in which it was prior to the breach of planning control. The notice was closed in January 2016 in which the following notes were made by the Enforcement Officer:

*"In terms of the roof extension, it was constructed within the restriction of permitted development with the exception of a section of the dormer not being set back 20cm from the eaves [a requirement under Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015] when it could have been.*

*The eaves have now been reinstated and that particular section of the roof is now set back by 20cm from the eaves. As these works have now been carried out, it has been decided that no further action will be taken in respect of the enforcement notice served on the roof extensions."*

A site visit was undertaken as part of this application and Officers confirm that all aspects of the roof extension have been set back from the eaves as required. While the proposed roof extension and dormer are large in scale and this element of the proposal has attracted a number of concerns from neighbouring residents, it has been adequately resolved through the enforcement process that the proposed works constituted permitted development. As such this is considered to overcome the previous reasons for refusal.

The addition of 2no. rooflights to the front elevation roof slope is considered to be acceptable and does not adversely affect the character or appearance of the existing building.

#### Impact on the living conditions of neighbouring residents

Concerns have been raised in relation to the impact of the windows on the rear elevation. However, as it has been established that the roof extensions would have constituted permitted development, the addition of windows and Juliet balcony are acceptable additions under this legislation.

#### Provision of adequate accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Barnet policy DM02 and the London Plan provide minimum internal space standards. The proposal provides the following units:

Flat 1 - 2-bed 3 person	75sqm
Flat 2 - 1-bed 2 person	52sqm
Flat 3 - Studio	38sqm

All the proposed units would comply with the minimum space requirements. In terms of outlook, the internal arrangement of flat 1 has been altered so that the main habitable rooms benefit directly with a window. This is considered to be acceptable and adequately overcomes the previous reason for refusal in relation to the living conditions of this unit. Additional information has also been provided in relation to unit 3 in the loft. Submitted plans now show that over 75% of the gross internal area would have a ceiling height of 2.5m. This considered to be compliance with the London Plan.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises for flats, 5sqm of outdoor amenity space per habitable room should be provided. The application proposed 71sqm of communal outdoor garden space which would meet the SPD requirement. Previously, concerns were raised that the lack of screening within the communal space would lead to overlooking and loss of privacy for the occupiers of flat 1. The submitted plans show a screened access path past the rear window of the flat which would sufficiently overcome the overlooking issue.

#### Highway and parking provision

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

The application does not propose any off-street parking. The application has been assessed by the Council's Traffic and Development service who comment that the site is located within a PTAL area of 3 and has a controlled parking zone (CPZ) operating between 11:00-12:00 Monday-Friday. In terms of parking, the Highways Officer comments that a parking survey recently submitted for a site (1 - 5 Princes Parade) within close proximity to the site, illustrated an on-street parking stress of between 56% and 58%. Worst case scenario for this proposal is that 3 cars will require parking. When this is factored in, taking account the abovementioned survey and the impact from that development, the parking stress will still be under the 90% threshold. As such the non-provision of off-street parking is accepted in this instance and the proposed over spill parking will not have a significant harmful effect on the surrounding streets.

An area for refuse storage has been proposed within the front hardstanding. These are located within suitable proximity from the public highway and can be easily accessed by refuse operatives.

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

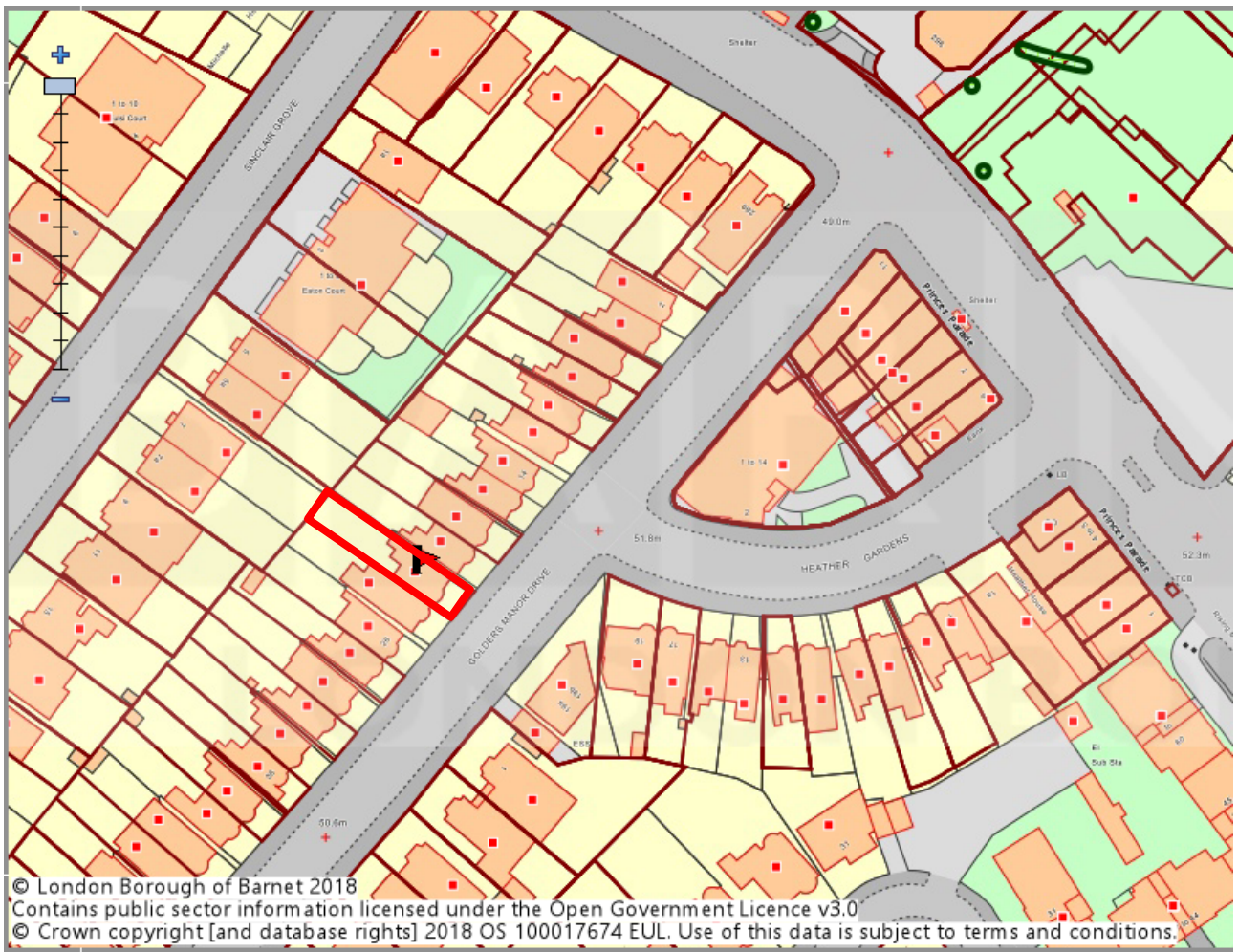
The concerns raised have been addressed within the relevant sections above.

#### **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 and future occupiers. The proposed development is not considered to have a harmful highways impact on surrounding streets. This application is therefore recommended for approval.



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**Location**                                   **5 Church Mount London N2 0RW**

**Reference:**                               **17/5814/HSE**

Received: 12th September 2017

Accepted: 19th September 2017

Ward:   Garden Suburb

Expiry 14th November 2017

Applicant:                                 Mr Robert Salem

Proposal:                                   New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including side dormer window. Alterations and extension to roof including heightening of roof facing no. 3 Church Mount, 1no. new dormer window to side elevation facing no. 7 Church Mount and 2no. new skylights in roof. Alterations to fenestration and internal alterations. Alteration to existing hardstanding.

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

Existing and Proposed Site Location Plan and Block Plan (201709/5CM/S1, 201709/5CM/S2), 201709/5CM/01, 201709/5CM/02, 201709/5CM/03, 201709/5CM/04, 201709/5CM/05, 201709/5CM/06, 201709/5CM/08, 201709/5CM/09, 201709/5CM/10, 201709/5CM/11, 201709/5CM/12, 201709/5CM/13, 201709/5CM/14, 201709/5CM/15, Sustainability Statement, Design and Access Statement and Basement Impact Assessment by LBH Wembley Engineering.

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

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

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

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

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

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

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

- 5 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing no. 7 Church Mount.

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).

- 7 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).

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

i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;

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

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

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

9 a) No development or site works shall take place on site until confirmation has been provided to the LPA from the principle designer, indicating that they have checked and approved all method statements and/or temporary works designs with respect to the basement construction, and are satisfied that these are in accordance with the Construction Design and Management Regulations.

b) The development shall thereafter be implemented and, where appropriate, monitored to ensure accordance with the measures confirmed by the principle designer in accordance with this condition.

Reason: In the interests of safety and the mitigation of flood risk, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3 and 5.12 of the London Plan (2015).

10 Before the extension hereby permitted is first occupied the proposed window(s) in the first floor side elevation and proposed dormers facing No. 7 Church Mount shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2016).

- 11 a) Notwithstanding details shown on the hereby approved drawings, before the development hereby permitted commences, details of the proposed lighwells shall be submitted to and approved in writing by the Local Planning Authority.  
b) The development shall thereafter be implemented in full accordance with the details as approved under this condition before the approved development is brought into use.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Adopted Barnet Development Management Policies DPD (2012).

**Informative(s):**

- 1 In accordance with paragraphs 38 - 57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicants are advised that the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer.



## **Officer's Assessment**

The application was deferred by Members at the previous meeting to enable residents to address the committee.

### **1. Site Description**

The application site is located on the northern corner of Church Mount within Area 13 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a two-storey detached dwellinghouse which holds no designation. The property was rebuilt in 2000 as shown below in the planning history.

The adopted Conservation Area Character Appraisal notes;

"Church Mount consists of detached houses individually designed in the late 1930s and the mid-1950s by a number of different architects. The 1950s developments reference few of the architectural features that characterise the Suburb, and are not of a quality to make a strong impact on their own. They sit uneasily with the earlier 1930s houses. This lack of cohesion in the road is further emphasised by the paved front gardens, the variety of materials used and the closeness of the houses. The environment cannot absorb the multiplicity of styles and the resulting effect at the higher end of the road is harsh and confused, substantially detracting from the character of the road overall. As the road curves and slopes down, there is more greenery and the houses, predominantly from the 30s, have some interesting features."

### **2. Site History**

Reference: C00163L/00

Address: 5 Church Mount, London, N2 0RW

Decision: Approved subject to conditions

Decision Date: 12 October 2000

Description: Erection of new three storey detached house following demolition of existing.

Reference: C00163M/01

Address: 5 Church Mount, London, N2 0RW

Decision: Lawful

Decision Date: 20 March 2001

Description: Bathing pool in rear garden.

Reference: C00163N/01

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 20 March 2001

Description: Submission of details of bricks and roof tiles in part pursuant of Condition 2 of Planning Permission Ref. C00163L/00 for a detached house.

Reference: C00163P/01

Address: 5 Church Mount, London, N2 0RW

Decision: Refused

Decision Date: 1 June 2001

Description: Erection of new three storey detached house following demolition of existing (variation of Planning Permission Ref. C00163L/00 dated 10-10-2000) involving first floor balcony at rear and elevational changes.

Reference: C00163Q/01

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 1 May 2001

Description: Submission of details of joinery, brickwork, dormer windows and levels pursuant to Conditions 3 and 12 of planning permission Ref. C00163L/00 dated 10.10.2000 for a new detached house.

Reference: C00163R/02

Address: 5 Church Mount, London, N2 0RW

Decision: Approved

Decision Date: 25 March 2002

Description: Submission of details of soft landscaping pursuant to condition 7 of planning permission ref. no. C00163L/00 for a detached house.

### **3. Proposal**

The applicant seeks approval for 'New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including dormer window to side elevation. Heightening of roof facing no. 3 Church Mount. Extension to roof 1no. new dormer window to side elevation and 2no. new skylights. New window and internal alterations'.

Dimensions:

Single storey rear extension: 4.6m wide, 2m deep and 3.8m high to the top of the flat roof.

Side extension: 3.6m wide at both levels, 3.5m high and 2.8m deep at ground floor level and 5.1m to the first floor eaves and 8.9m high to the top of the pitched roof and would be set back from the main front elevation by 4.8m. It would be set away from the side boundary facing the neighbouring property at no. 7 Church Mount by 1.8m. The associated side dormer would measure 2.1m wide, 0.8m deep and 1.1m high. The dormer within the existing main element of the roof facing no. 7 would measure 1.4m wide, 0.8m deep and 1.1m high.

Extension to roof: The heightening of the side element of the pitched roof facing no. 3 Church Mount would be 0.5m.

### **4. Public Consultation**

7no. consultation letters were sent to neighbouring properties.

17no. responses have been received.

10no. letters of support and 7no. letters of objections (1 objector wishes to speak at committee)

The supporting comments are as follows:

-Existing properties on Church Mount have been developed to a far greater extent with much smaller foot prints.

-Virtually every dormer window will overlook other properties so this is not a valid or rational argument

-Drive is substantial hence can park at least 3 cars

- Provided planning applications adhere and follow guidelines or recent precedents then neighbours should be tolerant and supportively.
- The existing house is set back from the street therefore the boundaries are not over powering the neighbours in fact from the street the extension asked will not even be visible.
- The neighbouring house on 7 Church Mount has the exact extension on the side therefore it shouldn't be a cause of concern as these two houses are neighbouring and will therefore have some resemblance. The current extension proposed will leave the boundaries further away from each other than other parts currently are.
- Will increase property values
- Allows for a more desirable home for current and future families
- Proposal preserves architecture of the past and is extending footprint whilst still in keeping with the surrounding neighbours

The objections are as follows:

- Property already appears to be connected to the neighbouring property. Further extension will worsen the situation
- Highways issue from additional living space
- HGS Trust had turned down identical scheme
- Overdevelopment
- Overbearing on neighbouring site(s)
- Affect streetscene
- Overlooking from side dormers

Other Consultees:

HGS CAAC: Refuse application for the following reasons:

- Volume too large
- Out of scale
- Impact on neighbour excessive
- Basement extension too large

Internal Consultee:

Barnets Principle Engineer (Building Control) comments:

The geology map indicates this area is overlain with London Clay confirmed by a site investigation. No ground water was encountered during the Site Investigation. London clay has a relatively low permeability and is almost a complete barrier to ground water flow. It is unlikely the basement construction will adversely affect the ground water levels. It is important the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer.

## **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, DM06

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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

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

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.

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

- Whether harm would be caused to trees of special amenity value.

## **5.3 Assessment of proposals**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special

character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The applicants seek approval for: 'New basement level. Single storey rear extension. Part first floor, part two-storey side extension with pitched roof above including side dormer window. Alterations and extension to roof including heightening of roof facing no. 3 Church Mount, 1no. new dormer window to side elevation facing no. 7 Church Mount and 2no. new skylights in roof. Alterations to fenestration and internal alterations'.

The current application follows official pre-application advice. Amendments were requested and provided at the pre-application stage. Under the current scheme the proposal includes the following;

- Creation of basement development under footprint of dwelling and patio with lightwells
- Increase in height of side wing closest to 3 Church Mount
- Ground floor kitchen extension at rear corner closest to 3 Church Mount
- Two storey side extension above existing flat roof closest to 7 Church Mount
- Alterations to rear fenestration at ground and first floor
- Extension of existing hardstanding to front drive

#### Potential Impact on the Character of the Area

The proposals are not considered to detrimentally impact the character and appearance of this part of the Conservation Area. The alteration in relation to the increase in height of the side wing is considered acceptable and would ensure that the increase appears appropriate when compared to the neighbouring property.

The proposed increase in front hardstanding shows the removal of a corner of the existing lawn. Having looked at the character of hardstandings within the street, where many properties have paved over much of their front gardens leaving little vegetation save for a few planting beds, this proposal, which shows the retention of lawn is not considered to detrimentally impact upon the character and appearance of the street scene and is therefore considered to be acceptable.

The proposed basement would include lightwells at the rear of the site on either side of the existing bay where planting beds currently exist. They are considered to be acceptable and are thus supported under the current scheme and overall it is considered that the external manifestations of the basement development are acceptable.

At the rear of the site it is proposed to create two sets of double door openings in place of existing fenestration serving the dining room and kitchen. New decorative lintel details are proposed above all fenestration at ground floor apart from the new double doors serving the kitchen. It is also proposed to bring forward the existing corner at ground floor which will serve the breakfast room; this addition will sit behind the existing kitchen and the existing quoin detail on the corner of the property is to be retained. This part of the proposal is not considered to result in harm to the character and appearance of the host property, nor the significance of this part of the Conservation Area.

At first floor it is proposed to relocate the positioning of the windows above the central bay extension, with the central window becoming a full length door. Also, a first floor and roof extension above the existing flat roof element closest to 7 Church Mount is proposed. The extension would be set back from the front elevation so as not to impact upon the existing street scene, and set down from the main ridge to ensure its subordination to the main

dwelling house. The detailing and appearance of this addition would appear appropriate and acceptable.

#### Potential Impact on Amenity of neighbouring occupiers

Given the orientation of the host application property in relation to its neighbours, it is not considered that the proposals will give rise to any loss of amenity to neighbouring occupiers.

The proposed increase in height of the side wing by reason of its size, siting and design would ensure that this alteration appears appropriate in the street scene when compared to the height of the neighbouring property at 3 Church Mount. Furthermore, the proposed first floor and roof extension to the other corner closest to 7 Church Mount, as detailed above would be set back from the front elevation and set below the main ridge line to ensure it appears appropriate and subordinate in the street scene and results in no loss of amenity to neighbouring occupiers.

Furthermore, a Basement Impact Assessment was submitted by the applicants and assessed by Barnets Building Control Principle Engineer. His assessment advised that It is important that the basement construction is undertaken by an experienced and competent contractor and overseen by a chartered engineer. It was further confirmed that no ground water was encountered during the site investigation and that London clay has a relatively low permeability and is almost a complete barrier to ground water flow. Therefore, the proposed basement element is considered to have an acceptable impact on the neighbouring amenities in this regard.

#### Potential impact on trees of special amenity value.

The proposal is not considered to impact trees of amenity value at the proposal site. Furthermore, the submitted Design and Access Statement confirms that no trees are to be removed on the site. It is therefore considered that the proposal would have an acceptable impact on the development in accordance with policy DM01 of the Adopted Barnet Development Management Policies which advises that trees should be safeguarded within developments.

## **5.4 Response to Public Consultation**

-Property already appears to be connected to the neighbouring property. Further extension will worsen the situation

Dealt with above

-Highways issue from additional living space

The domestic extensions as proposed on the existing dwellinghouse are not considered to have any further impact on the Highways. Furthermore, off street parking exists at the site which would further mitigate impact on the Highway.

-HGS Trust had turned down identical scheme

Changes are considered acceptable in relation to the planning guidance and policy.

-Overdevelopment

The proposal is not considered to constitute overdevelopment of the site and would not detract from the proposal property or immediate vicinity.

-Overbearing on neighbouring site(s)

Dealt with above.

-Affect streetscene

Dealt with above.

-Overlooking from side dormers

A condition would be added into the approval to obscure glaze the first floor side glazing in order to protect the privacy of the neighbouring amenities.

## **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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character and trees of amenity value.





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**Location**                    **1069 Finchley Road London NW11 0PU**

**Reference:**                **18/3599/FUL**

Received: 11th June 2018

Accepted: 13th June 2018

Ward:                         Garden Suburb

Expiry 8th August 2018

Applicant:                 Ms Moira McHarrie

Proposal:                    Partial demolition of existing building; erection of new rear extensions and refurbishment incorporating change of use to comprise of office space at ground floor level and 9no self-contained flats within upper floors (including existing roof space) and erection of balustrade for new roof terrace. Relocation of entrance, new fenestration at front and front rooflights. Provision of amenity space, cycle parking; refuse/recycling storage

**Recommendation:** Approve subject to s106

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)

**RECOMMENDATION I:**

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

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

3.        3. Highways (traffic order) £2,000.00 in addition to a monitoring contribution of £100

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

4. A contribution towards local park improvements in the locality - £2,200.00

**RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Planning Performance and Business Development Manager/Head of Development Management approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Head of Development Management or Head of Strategic Planning:

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

Existing:

Drawing no. 000 Rev A; Drawing no. 011 Rev A; Drawing no. 012 Rev A; Drawing no. 013 Rev A; Drawing no. 014 Rev A; Drawing no. 015 Rev A; Drawing no. 230 Rev A; Drawing no. 232 Rev A; Drawing no. 237 Rev 0; Drawing no. 238 Rev 0;

Proposed:

Drawing no. 1827-NMA-00-00-DR-A-00100 Rev P3; Drawing no. 1827-NMA-00-01-DR-A-00100 Rev P3; Drawing no. 1827-NMA-00-02-DR-A-00100 Rev P3; Drawing no. 1827-NMA-00-03-DR-A-00100 Rev P3; Drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P3; Drawing no. 1827-NMA-00-ZZ-DR-A-00200 Rev P1; Drawing no. 1827-NMA-00-ZZ-DR-A-00201 Rev P1; Drawing no. 1827-NMA-00-ZZ-DR-A-00202 Rev P1; Drawing no. 1827-NMA-00-ZZ-DR-A-00203 Rev P1; Drawing no. 1827-NMA-00-ZZ-DR-A-00300 Rev P1; Design and Access Statement by Norton Mayfield Architects; Daylighting Report by Norton Mayfield Architects Ref: 1827-NMA-XX-ZZ-RP-A-00002 (received 2nd July 2018); Transport Statement by Vectos dated July 2018.

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 including demolition works shall take place until details of the retention of front façade hereby approved have been submitted to and approved in writing by the Local Planning Authority. This shall include details of mitigation measures to prevent damage to the front facade.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the front facade retained at all times.

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

4 a) No development 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. This shall include details of the proposed brise soleil and solid spandrel panels labelled on the hereby approved drawings.

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.

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

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

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

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

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

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

7 Before the building hereby permitted is first occupied the proposed windows in the rear elevation facing Temple Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

8 a) No development other than demolition works shall take place until details of the proposed green roof and how this will be maintained have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

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

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

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

10 The roof of the building hereby permitted including above second floor, other than in the area indicated as communal roof on Drawing no. 1827-NMA-00-RF-DR-A-00100 Rev P3; 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).

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

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

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

Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

## 12 Part 1

Before development commences other than for investigative work:

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

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

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

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

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

13 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

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

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

14 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (October 2016, and Policy 5.3 of the London Plan 2016.

16 a) No development shall take place until a scheme of proposed noise mitigation measures including acoustic ventilators at the front and rear façades to protect against externally generated traffic noise and noise from the adjacent residential development at 1069 Finchley Road has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by noise from traffic and adjacent residential use in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016) and 7.15 of the London Plan 2016.



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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (October 2016).

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

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

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

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

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

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

21 Before the development hereby permitted is first occupied, the cycle parking spaces and cycle storage facilities as indicated on the hereby approved Drawing no. 1827-NMA-00-00-DR-A-00100 Rev P3 shall be implemented 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.

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

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

23 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future), in all regards other than the sections detailed in the hereby approved document Design and Access Statement by Norton Mayfield Architects. 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.

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

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

### RECOMMENDATION III:

1 That if an agreement has not been completed by 10/10/2018 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/3599/FUL under delegated powers for the following reasons:

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

2. The proposed residential units would fail to provide adequate outdoor private amenity space detrimental to the residential amenities of the future occupiers of the proposed units contrary to Policy 3.5 of the London Plan (2016), policies DM01 and DM02 of the Development Management Policies DPD (2012) Sustainable Design and Construction SPD (Adopted October 2016) and Residential Design Guidance SPD (Adopted October 2016).

### Informative(s):

- 1 In accordance with paragraphs 38-57 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

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

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

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

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

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

- 4 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that

any remedial works for such damage will be included in the estimate for highway works.

- 6 The applicant is advised that for construction works adjacent or affecting the public highways, the council's First Contact should be contacted on 0208 359 2000 for any necessary Highways Licenses or any highway approvals deemed necessary.
- 7 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 8 The applicant is advised that Finchley Road is part of a Strategic Road Network (SRN). Transport for London (TfL) is the Traffic Authority for this road. If the proposed development is likely to cause any disruption to traffic, then the Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 9 The applicant is advised that Finchley Road is Traffic Sensitive Road; deliveries during the construction period should not take place between Monday to Friday from 8.00am-9.30am and 4.30pm-6.30pm and from 9.00am to 4.30pm on Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 10 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## Officer's Assessment

### 1. Site Description

The site is a terraced building on the west side of Finchley Road, previously accommodating the Police Station, within the Garden Suburb Ward. The building is two storeys with additional roof accommodation within a large mansard roof at two more storeys. The building features larger parapet walls to either side. To the rear, the building steps down to three storeys with basement. There was also a detached two storey block to the rear close to dwellings on Temple Gardens.

The host site benefits from planning permission under reference number 16/7565/FUL for the following development:

"Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels".

At the rear of the site, consent has been granted for a five storey building to facilitate 9no self-contained flats under reference 15/07709/FUL. This scheme also benefits from variations to the original approval including the most recent approval under reference 17/2723/S73. These works have started on site and conditions pursuant to the development have been discharged. In addition, an application at this site has also been submitted and is subject to a separate assessment (reference 18/2056/S73).

The building is not listed nor does it lie within a conservation area, however the building does make a positive contribution to this section of the Town Centre and is adjacent to the Hampstead Garden Suburb Conservation Area.

### 2. Site History

#### Relevant Planning History at the host site:

**Reference:** 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved subject to S106

Decision Date: Not issued as pending signed agreement

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/7565/FUL dated 04/05/2017 for 'Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights.'

Amendments include changes to third floor layout to both flats to add an additional bedroom per flat (from 1no bed flats to 2no bed flats), 2no additional cycle parking spaces, additional of balcony to third floor level, increase to size of flat rooflights and front rooflights and replacement of brise soleil on the rear elevation with solid brickwork

**Reference:** 17/7490/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 09 March 2018

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 12no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

Reason for refusal:

The proposals in the absence of a legal agreement to amend the traffic order, preventing residents from obtaining parking permits, would result in increased parking pressures that will be detrimental to the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies 2012 and policy CS9 of the Adopted Barnet Core Strategy 2012.

**Reference:** 16/7565/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved following legal agreement

Decision Date: 04 May 2017

Description: Partial demolition of the existing building, erection of new rear extensions and refurbishment incorporating change of use to comprise office space at ground floor level and 6no. self-contained flats on the upper levels . Associated 10no. cycle parking spaces, refuse/recycling provision and amenity space. Relocation of entrance, new fenestration at front and front rooflights

**Reference:** 17/2924/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 02 August 2017

Description: Submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/2934/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 30 May 2017

Description: Submission of details of condition 12 (Contaminated land- Desktop Study) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3014/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 01 June 2017

Description: Submission of details of condition 3 (Retention of Front Facade) and condition 5 (Levels) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/3408/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 5 July 017

Description: Submission of details of condition 14, (Impact of Noise), 15, (Air Quality for Small Developments) and 16, (Noise Report for Site Plant) pursuant to planning permission 16/7565/FUL dated 04/05/2017

**Reference:** 17/4772/CON



Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 August 2017

Description: Submission of details of condition 8 (Green Roof) pursuant to planning permission 16/7565/FUL dated 04/05/17

**Reference:** 17/5588/CON

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 11 October 2017

Description: Submission of details of condition 4 (Materials) pursuant to planning permission 16/7565/FUL dated 04/05/17

Relevant Planning History at adjacent site to the rear:

**Reference:** 18/2056/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved

Decision Date: 29 June 2018

Description: Variation of condition 2 (Approved Plans) and removal of condition 8 (Unit 6 Obscure Glazing) of planning permission 17/2723/S73 dated 18/07/2017 pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings." Variation to include installation of roof terrace and opaque glazing to Unit 6

**Reference:** 17/2723/S73

Address: Land To The Rear Of 1069 Finchley Road London NW11 0PU

Decision: Approved subject to conditions

Decision Date: 18 July 2017

Description: Variation of condition 2 (Plans) pursuant to planning permission 15/01377/FUL allowed by appeal (ref. APP/N5090/W/15/3136451) for "Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings".

**Reference:** 15/01377/FUL

Address: Site At Former Golders Green Police Station 1069, Finchley Road, London, NW11 0PU

Decision: Refused

Decision Date: 30 June 2015

Description: Erection of a new building up to five storey including 11no. off street parking spaces, solar panels to roof, refuse/recycling facilities and cycle storage to create 9no. self-contained flats, following demolition of existing buildings

Reason for refusal:

1. The proposed vehicular access via Temple Gardens would result in harmful impact to neighbouring residential amenity as a result of additional general activity including vehicular movements and comings and goings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies

Appeal Reference: APP/N5090/W/15/3136451

Appeal Decision: Appeal allowed

### **3. Proposal**

The applicant seeks planning permission for the partial demolition of the existing building, including front and side elevations, and associated part four part five storey rear extensions to accommodate a mix use development. The scheme would involve office space at ground floor level and 9no. self-contained flats on the upper levels (including existing roof space), with associated 16no. cycle parking spaces, refuse/recycling provision and amenity space. In addition, the applicant seeks consent for the relocation of the entrance, new fenestration at front and front rooflights, in addition to the marginal increase of 0.5m of the ridge height to obscure the existing handrail and balustrade for the roof level. The scheme would not offer any off-street parking.

The proposed office would have a floor area of 124sqm at ground floor.

The proposed flats would be comprised of:

- 4 x 1 bed (2p) flats;
- 2 x 2 bed (3p) flats;
- 3 x 2 bed (4p) flats.

The extensions and external appearance of the building would be the same as previously approved by the Area Planning Committee as part of application 18/1947/S73, which was approved subject to a legal agreement. A decision for this application has not been issued as the agreement is currently being drafted, however weight can be given to this application.

The communal roof terrace would have an area of 97sqm.

The rear extension would have a depth of 5.8m excluding the projecting windows, following the removal of the existing rearward wing to the southwest and external staircase. At ground floor, the extension would have a maximum width of 15.4m. At first and second floors, the side extension would have a width ranging between 25m to 21.8m, and at third floor the extension would be up to 6m from the northern boundary. The extension would have a height of 17.3m when measured at the rear (excluding lift); with the lift included the building would have a total height of 19.48m measured from the rear.

The building, including new rear extension would be sited 1.16m away (apart from the angled windows) from the rear boundary with the approved building at the rear.

The scheme has been amended since the original submission in terms of the layout of the flats to respond the Local Planning Authority's concerns regarding the siting of refuse and the outlook to habitable rooms.

### **4. Public Consultation**

Consultation letters were sent to 179 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Parking on surrounding roads is horrendous and cannot take burden of additional development;
- Overdevelopment/ too many units;

- Building already demolished- is this legal;
- Site including the site at the rear is the same beneficial owner;
- No affordable housing;
- Associated effect of noise levels;
- Eyesore;
- Overlooking due to roof terrace/ invasion of privacy;
- Increase in density;
- Overcrowding;
- Each application is a variation, each time incrementally to the disadvantage of the neighbouring homes in Temple Gardens/ confusing and time consuming for neighbours to keep up;
- Makes a mockery of the planning process;
- Increasing the height of the building, grossly overshadowing Temple Gardens;
- More deliveries.

A Site Notice was erected on the 21st June 2018.

## **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 24th July 2018. 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and

beyond, applications should continue to be determined in accordance with the adopted London Plan

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS10, CS11, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, DM14, 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

Planning Obligations SPD (2013)

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenities for future occupiers
- Whether the development would increase parking pressures and congestion (Highways)
- Access and Sustainability measures.

## **5.3 Assessment of proposals**

### Impact on the character of the area

The principle of development has already been established by the approved scheme. In terms of the external appearance of the building and extensions, these have already been considered acceptable by the prior consent on the site (notably application 16/7565/FUL, and most recently 18/1947/S73 for the form of the balconies at the rear). Officers have not identified new material considerations which would now warrant refusal for the building as proposed insofar as its form, design, height and overall scale.

With regards the density mix, London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The site benefits from a PTAL of 2 and is considered to fall within an urban setting as defined in the London Plan. The London Plan advises that development should be at 200-450 habitable rooms/hectare and 45-170 units/hectare. The proposal would result in 937.50 habitable rooms/hectare and 255.68 units/hectare, based on 33 habitable rooms. The proposal would result in density above the recommended range.

The building density however is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks" (paragraph 127). Development should be guided by the numerous factors including overall scale, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The site is located within a Town Centre location. Consent has been granted for 6 units on the site with a potential for up to 22 occupiers (and a mix of 4 x 2 bed (4p) flats and 2 x 2 bed (3p) flats as part of application recently approved pending a S106); the proposal would accommodate up to 26 occupiers. Officers do not raise any objection to the increase in density given that this would result in four additional occupiers on the site and as mentioned the site is located within the Town Centre where higher densities are encouraged. The design of the building, as mentioned, has already been established and therefore officers do not raise an objection to the proposed density given the site-specific circumstances.

Although not benefiting from a statutory listing, the LPA is of the view that the existing building should be considered as a Non-Designated Heritage Asset, and the Council would seek to retain the front building, particularly the street frontage. Therefore paragraph 193 of the NPPF would apply. The applicant proposes to retain the front elevation as part of the redevelopment.

Overall, the proposal is considered to have an acceptable impact on the streetscene and the general character of the area.

#### Impact on the amenities of neighbours

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

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

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

The proposal is not considered to cause harm to the amenities of occupiers of Temple Gardens at the rear, given the distance.

Furthermore, there is an approval development comprising of residential units between Temple Gardens and the host site. As mentioned above, the approval to the rear of the site is a material consideration in the determination of any planning application on the site (planning reference 15/07709/FUL and subsequent revisions). Similarly, the windows at the rear/ side and balconies to the proposed development have been designed to be angled and involve elements such as solid screening and obscured glazing to prevent overlooking. The proposal would be the same as the building previously considered to be acceptable, it is therefore considered that the relationship between neighbouring occupiers has been previously assessed and there are no material considerations which would now alter this judgement. No additional windows are proposed to the rear. Officers are therefore satisfied that whilst the number of households that the building is proposed to accommodate would increase, the visual amenities of neighbouring occupiers would not be compromised in this regard.

Environmental Health officers have previously reviewed the scheme, and considered that as there are issues with poor air and noise quality due to traffic on Golders Green Road; specific conditions were attached at the time, which have been recommended for the current application. These include have recommended certain conditions relating to noise mitigation measures including acoustic ventilators, which at the rear would ensure noise mitigation for the proposed development at the rear, and acoustic fencing at roof level. The acoustic fencing (located at the rear only) would be sited a considerable distance to prevent overlooking into the approved building at the rear, as demonstrated by the section drawing provided and hereby recommended for approval. It is considered that subject to details of the acoustic fencing, the additional number of households are unlikely to result in unacceptable levels of noise particularly at roof level, to warrant refusal.

In light of the considerations above, the proposal is recommended for approval insofar as the impact on neighbouring occupiers.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 12sqm and single bedrooms a minimum floor area of 8sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with and exceed the minimum space standards as stipulated in the London Plan.

The applicant has demonstrated that all rooms would have suitable daylighting. There is an increase in the number of rooms over the previous approval, however this does not rely on any additional or increase in window sizes. Officers are therefore satisfied that each habitable room would be adequately lit. This has been supported by a Daylight and Sunlight Assessment.

Most of the units are dual aspect and therefore would be considered to provide suitable outlook to future occupiers. Note that part of outlook for flats 1, 4, and 7 is towards flank wall of approved development, however these units are dual aspect and the outlook is considered to be acceptable 'on balance'. Units 2, 5 and 8 are single aspect however front Finchley Road where they benefit from suitable outlook towards the road. This is also considered to be acceptable on balance; this outlook has already been established by the previous consent.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers. For flats, options include provision communally around buildings or on roofs or as balconies. The proposal would involve the provision of outdoor amenity space for 3 units through private terraces. There would also be a roof terrace which is proposed to be used as a communal facility; Environmental Health officers were previously satisfied that subject to acoustic fencing, the communal area would provide a suitable outdoor amenity area.

The cumulative outdoor amenity space provision for the development would be 115sqm through the communal terrace (97sqm) and balconies (total of 18sqm); the development would be expected to provide 165sqm based on 33 habitable rooms. Therefore there would be a shortfall of 32sqm. The Sustainable Design and Construction SPD stipulates that "in town centres and for some higher density schemes including tall buildings it may not be feasible for development to provide adequate private or communal outdoor amenity space". It is recognised that "in these circumstances the development may make a financial contribution to the nearest appropriate public open space to compensate for the lack of outdoor amenity space" as detailed in the Planning Obligations SPD

The Council's Green Spaces team have noted that based on a shortfall of 32sqm, a contribution of £2,200 which includes planting of a tree, would be made to improvements to the nearest park (Princes Park). This contribution would be secured via a section 106 agreement, which has been agreed by the applicant.

As with the comments above relating to the amenities of neighbouring occupiers, the Environmental Health team previously considered that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. This would include the requirement for acoustic ventilators to both the front and rear windows to reduce noise levels between both buildings. The recommended conditions have been attached.

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

The proposal would provide suitable amenities for future occupiers and is acceptable in this regard.

### Highways

Officers consulted with the Council's Highways team, who have assessed the scheme in terms of the impact on highways; Highways officers' comments are detailed below.

The site has an access road that was originally used for the police station, however will now be used for the approved residential development currently being built to the rear (approved under reference 15/07709/FUL).

### *Parking*

The PTAL is 2 (poor) with bus available as the only public transport mode available within the PTAL calculation area, it should be noted that just outside (by 10 meters) of the calculation area is Golders Green tube station. The development is located in a controlled

parking zone (Zone TF). The site lies in a Town Centre location and associated local amenities.

The change of use to residential/ office represents a reduction when compared with the number of trips associated with a police station. The reduction in trip generation by the change of use would be valid during both AM and PM peaks and total daily movements.

Policy DM 17 states that limited or no parking is acceptable within CPZ, or where sufficient on-street parking is available within a parking survey area. The applicants have done both to promote a development within a CPZ and show that there is sufficient space for vehicles associated with residents of the future development. A CPZ will be in operation to mitigate over spill parking by the future office use.

The applicants have undertaken a parking survey to review the on street situation at both peak times of residential parking demand and during times of CPZ operation to show that vehicles with permits can park on the surrounding kerb side, the survey also carefully assessed the available on street capacity, of which within the survey area there is the availability of on street parking spaces for future residents.

During day time CPZ operation times, the CPZ future residents permits will be eligible for are for roads in Golders Green CPZ H. Future residents will not be eligible for permits in Temple Fortune (TF) CPZ.

The parking survey shows that within the immediate proximity of the development the surrounding highway network is at parking capacity. The full 200m (in all directions) survey area is considered equally, however there is no "weighting" for parking pressure or available spaces close to the development. The planning inspectorate deems 200m (two minutes) a reasonable distance to walk for residents.

The Lambeth parking survey methodology allows for single yellow lines to be included within the parking capacity survey as their restrictions are not in operation or enforceable at peak times of residential parking demand 00:30-05:00. Dropped kerbs and double lines have not been included within the parking capacity, but have been recorded with in the survey of current on carriageway characteristics.

The applicants have interrogated census car ownership data and assumed a worst-case scenario for the number of associated vehicles with the future development (6 vehicles). The robust parking survey, undertaken at peak times of residential parking demand and during CPZ operation hours, shows that there is sufficient on-street parking spaces for all vehicles associated with the proposed development, while still protecting existing resident parking amenity. A worst-case scenario of 9 vehicles can also be accommodated.

The applicants have also submitted historic data associated with previous applications which showed no substantial change in parking demand over this time. It is accepted that planning application reference 17/7490/FUL was refused for the absence of a legal agreement to amend the Traffic Order, despite the submission demonstrating there was sufficient on-street parking. Whilst Highways officers do not consider that there is a requirement to restrict the parking permits for future occupiers, the applicant has agreed for a car-free development by exempting the occupiers of the new development from purchasing parking permits. The applicant has agreed to enter into a legal agreement to restrict the issue of parking permits for the future occupiers of this development.

*Refuse and Cycle parking*



London Plan stated minimum cycle parking levels suggest that a development of this nature should provide 14 cycle parking spaces for the residential units and 2no for the office use. This development proposes 16 secure cycle parking spaces, which is in line with London Plan. Cycle parking for each of the uses on the site should be segregated.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

### *Highways conclusion*

Highways offices consider that the proposals will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users, as such a recommendation for approval is supported. This assessment is based on the following:

- The proposed development will not generate a significant increase in trip generation.
- A robust parking survey has been undertaken to show that there is capacity for future residents to park on street both inside and outside of CPZ operation times.
- Cycle parking is in line with London Plan minimum standards; these can be stored in the designated ground floor storage spaces.
- Refuse stores have been provided within a close proximity to the highway.

The proposal is therefore recommended for approval on highways grounds.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). As the majority of the building is a new build, the proposal would be expected to comply with M4(2) and the scheme includes the provision of a lift. A condition is attached to ensure compliance with these Policies. The applicant has confirmed that the proposed development would meet this requirement (except for height of the windows due to the retention of the front façade), and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 35% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

### Community Infrastructure Levy

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

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

The proposal would be liable for both Mayor's CIL and Barnet CIL.

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

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

It was noted that some residents raised the legality of the demolition of the existing building. It is noted however that the site already benefits from planning consent irrespective of the current application.

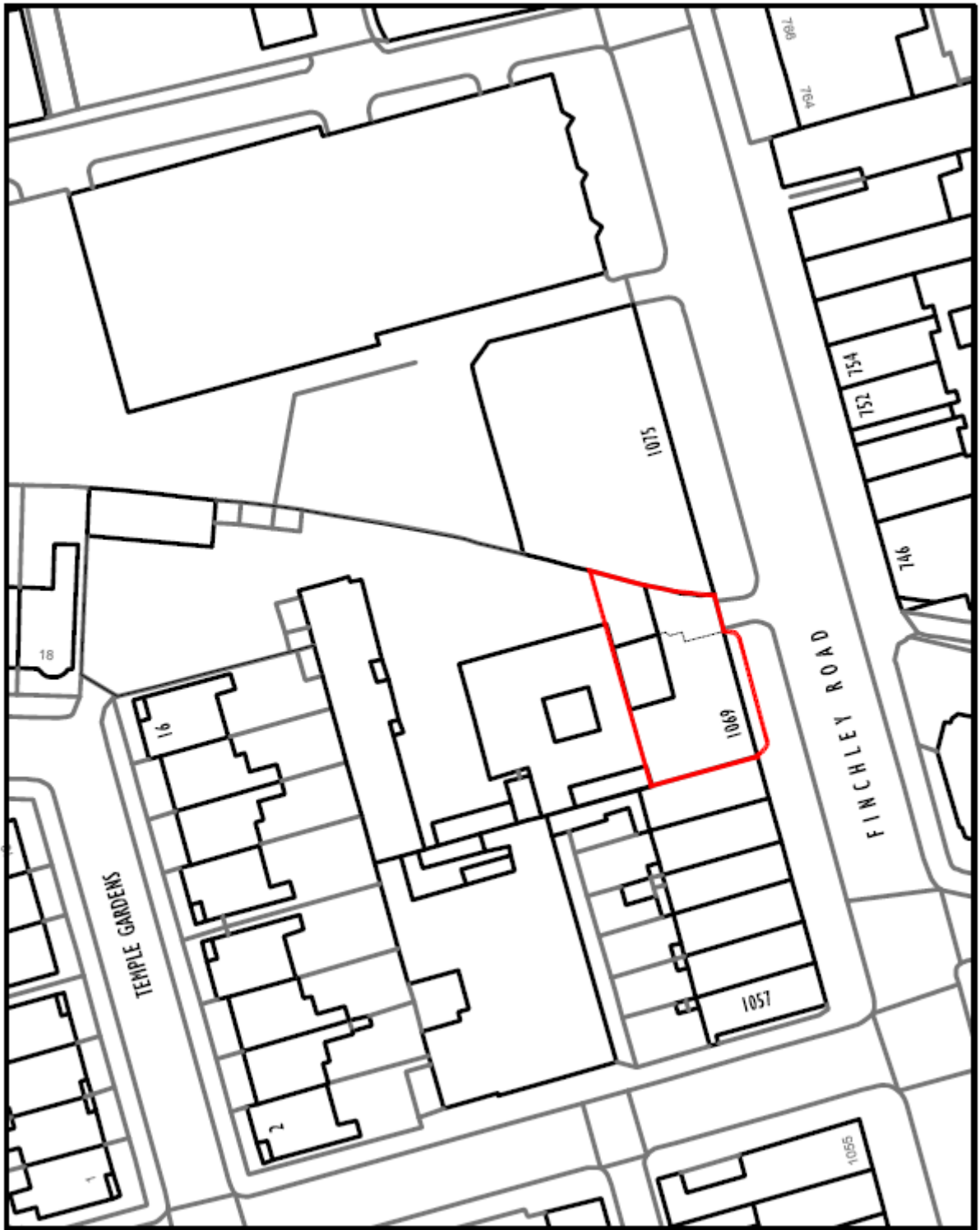
Comments regarding the ownership of the site at the rear have been noted. However officers do not have evidence that the applicant is the same; the development at the rear has been commenced and is part of a separate operation in this regard. The development due to the scale would be considered as a minor application and would not require affordable housing contributions. The Local Planning Authority is obliged to assess the application as submitted.

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

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

#### **7. Conclusion**

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



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**Location**                                **80A Westbury Road London N12 7PD**

**Reference:**                                **18/1802/HSE**

Received: 21st March 2018

**AGENDA ITEM 11**

Accepted: 22nd March 2018

Ward:                                         West Finchley

Expiry 17th May 2018

Applicant:                                 Mr PAUL ALTERMAN

Proposal:                                    Part demolition of existing garage and conversion into habitable room. Single storey rear extension with new terrace area following demolition of existing conservatory. New front porch. New front boundary fence. New hardstanding to front to provide two off street parking bays. New render to front elevation. Changes to fenestration. Roof extension involving raising the roof height, 1no front and 1no rear dormer window, 1no front roof light and 2no rear roof light over ground floor extension.

**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: 1254-EX01, 1254-EX-02, 1254-EX-03, 1254-EX04, 1254-EX05, 1254-EX-06, 1254-EX-07, 1254-EX-08, 1254-PL-01E, 1254-PL-02B, 1254-PL03C, 1254-PL-04C, 1254-PL-05D, 1254-PL06D, 1254-PL-07E, 1254-PL-08E, 1254-PL-051

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     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).

- 4 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, together with details of hard surfacing, 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.

- 5 The materials to be used in the external surfaces of the roof and rear extension shall match those used in the existing building.

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).

- 6 Before the building hereby permitted is first occupied the proposed windows in the first floor elevation facing north shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted 2016).

- 7 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the refuse store and the front boundary wall 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 and maintained as such thereafter.

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.

**Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

The site is currently occupied by a two storey detached residential property with off street front parking area. To the rear there is a garden of between 32 metres and 39 metres deep which extends to the rear boundary of property in Courthouse Road. The existing house is currently unoccupied. The application site is located on the eastern side of Westbury Road halfway between Argyle Road and Nethercourt Avenue. The property is not listed nor in a conservation area. The property was built in the early 1960s in a functional style with a simple pitched roof.

### **2. Site History**

Reference: 17/6749/FUL

Address: 80A Westbury Road

Decision: Appeal dismissed

Decision Date: 25.05.2017

Description: Demolition of existing dwelling and erection of a two storey building with rooms in roofspace to provide 3no self-contained flats. Associated vehicular access, parking, cycle storage, refuse and recycling and landscaping and amenity space.

Reference: 18/1803/192

Address: 80A Westbury Road

Decision: Lawful

Decision Date: 18.04.2018

Description: Single storey rear extension with 2no. Roof lights, following demolition of existing conservatory. Replacement of existing garage door. New front porch. New hardstanding to front to provide off street parking. New front boundary fence

### **3. Proposal**

Part demolition of existing garage and conversion into habitable room. Single storey rear extension with new terrace area following demolition of existing conservatory. New front porch. New front boundary fence. New hardstanding to front to provide off street parking. New render to front elevation. Changes to fenestration. Roof extension involving raising the roof height, 1no front and 1no rear dormer window, 1no front roof light and 2no rear roof light over ground floor extension.

The scheme was amended to reduce the width of the front and rear dormer windows, make alteration to the roof form, changes to front parking layout and bin store.

The dimension of the new works are as follows:

Rear conservatory: Existing 3.6m deep x 5.1m wide x 3.0m max high  
Proposed: 4.0m deep x 8.3m wide x 3.6m max high

Front dormer window: 1.53m wide x 1.3m high x 1.7m deep  
Rear dormer window: 2.4m wide x 1.6m high x 1.8m deep

Increase ridge height by 1 metre



New front boundary fence 1.5 metres

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

Consultation letters were sent to six neighbouring properties. Seven responses were initially received, comprising seven letters of objection.

The objections received can be summarised as follows:

- the design is ugly and not in keeping
- The dormer windows are not characteristic
- The mass is excessive and over development
- Loss of light and outlook
- Excessive front area parking
- An attempt to convert to flats at a later date
- The proposal will have a negative effect on the area.

The application was presented to committee on 23<sup>rd</sup> July but deferred by Members request for a site visit. The opportunity was taken to request further alterations to the scheme, in particular to the design of the front area. The area will be redesigned to accommodate only two vehicle spaces together with a deeper tree and shrub planting area behind the front boundary fence and relocate the bin store to the rear.

Neighbours have been consulted about the amended plans and a further two letters have been received. The concerns highlighted are:

- The dormer window to the front remains
- The scheme is an over development
- The relocated refuse position is not an improvement

#### **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 24<sup>th</sup> July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

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

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

Properties in Westbury Road are either detached or semi-detached houses with gaps in-between to emphasise the spacious quality and layout, and between Argyle Road and Westbury Grove they are entirely two storey with pitched roofs, and a mix of gable and eaves frontages. There is no strict building style and typology but the scale, height, building line and materials present a harmonious street.

The existing building at 80A is something of an anomaly in terms of its height, form and scale. There is no objection to the alterations in height to the roof. The further amendments have introduced a partial hip form which is present in several adjacent properties. Whilst the alteration gives the building greater presence, the retention of the original house gives limited room for changes. Objectors have referred to the scale of the proposal and how it will dominate the remaining house at 80b. However, these two houses are the two post war properties that were originally under scaled when compared to their neighbours. The proposal for 80a will increase its mass and scale to a building closer to most of its neighbours. Notwithstanding this, the increase in the roof height will be only one metre.

Dormer windows to the front are not a common feature on Westbury Road but the adjacent houses at 78 and 80 which form a pair have front dormer windows. The dormer window to 80A has been reduced in width and since this property, with its immediate adjacent neighbour at 80B, is not characteristic of the inter war properties that define the street, it is not considered to be harmful. The objectors state that a dormer window would be out of keeping but it's the properties at 80a and 80b themselves that are exceptional in terms of the predominantly interwar designs that set the context of the street. To the rear, dormer windows are more prevalent and once again, the dormer in this case has been reduced in width and is not considered harmful.

The proposed single storey rear extension with a hipped roof would replace an unattractive glass and brick conservatory. Although it would be almost full width, it would be of similar height and depth to the present structure and not out of character with the additional work to the building. Rear extensions exist at neighbouring properties and there is no coherent style. The existing extension is 3.6m deep x 5.1m wide x 3.0m max high and the proposed will be 4.0m deep x 8.3m wide x 3.6m max high.

The front area will be opened by removing the garage and clearing shrubbery. New permeable paving will be laid down and the area landscaped with a mix of grass and planters. The area would provide parking for two vehicles with the front boundary defined by a 1.5-metre-high fence and planted with shrubs and trees. The enclosed refuse store would be relocated to the side of the rear terrace

The existing rear garden is 38 metres deep taken from the rear wall of the existing conservatory. The proposed ground floor rear extension would only infill 42sqm of open terrace and would encroach no further into the garden. The terrace and retaining wall would remain in the same position with only the location of the access steps to the lawn altered.

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

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

The alterations to the roof form will increase the height of the property by approximately one metre. The footprint, and therefore the depth of the main body of the house will remain the same, so there will be no material loss of light or outlook to neighbouring property. Two new windows will be introduced at first floor level but this will be of opaque glazing.

The proposed rear extension will be no deeper than the present one and although almost full width with a hipped roof, there will be no material increase in loss of light or outlook to the adjacent properties.

The application site lies in an area with a PTAL level of 2 and is 5-8 minutes' walk from West Finchley (Northern Line).

Whilst the application does not create any additional units, the proposal will provide two off street car parking spaces which accords with parking policy.

An enclosed bin store for refuse will be located to the side of the rear terrace.

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

The proposed alterations to this single dwelling house at both roof level and to the rear will not lead to a material loss of amenity to adjacent occupiers.

Several amendments have been carried out to the proposal including a reduction in off street parking provision and a reduction in the size of the front and rear dormer windows.

Some objections concern the enlargement of the property and that this will lead to an application for a sub division at a later date. This application is not for flats and each application is determined on its own merits and in regard to appropriate policies.

It is not considered that the present proposal is an overdevelopment of the property.

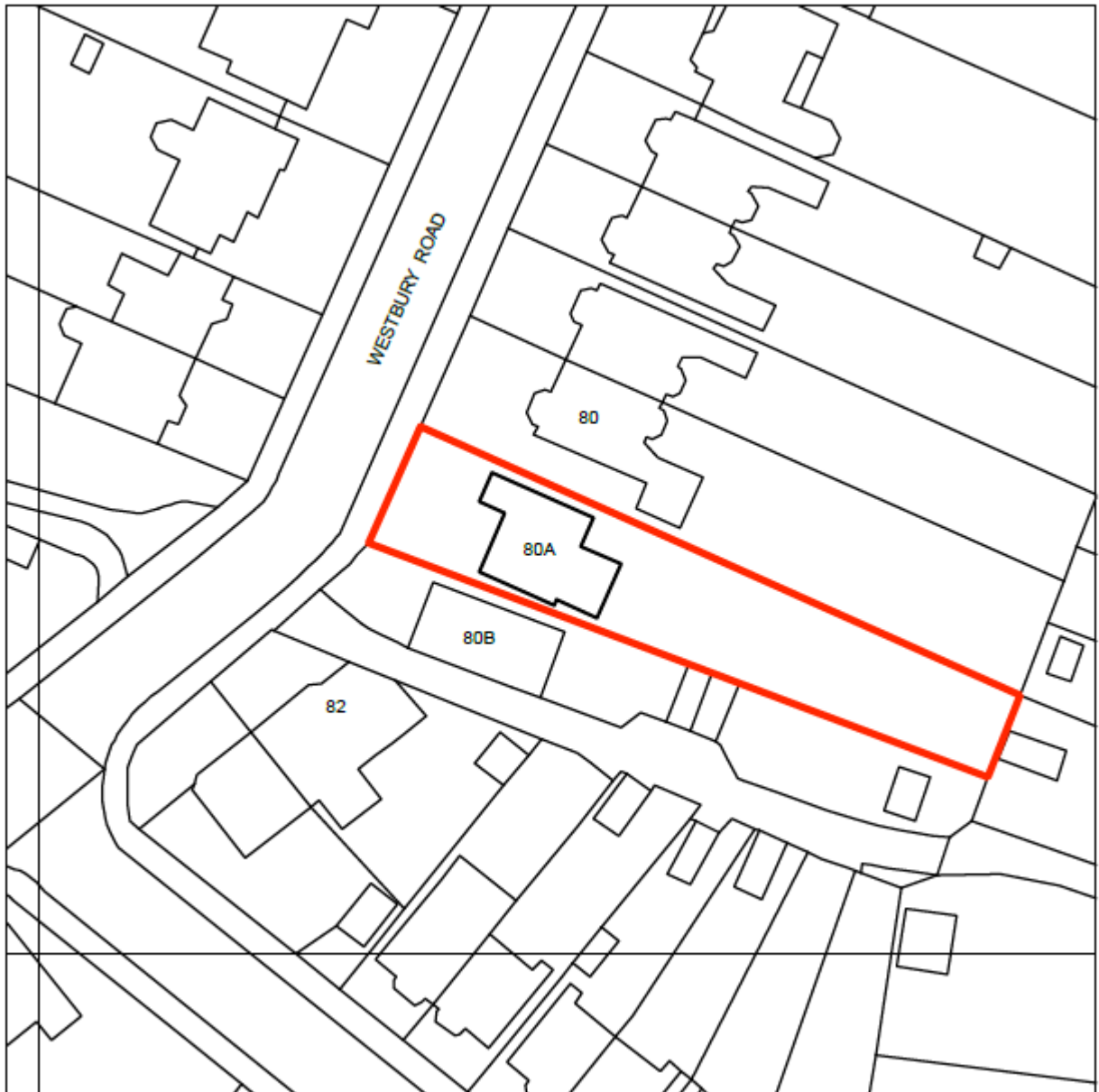
### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street

scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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**Location**                               **38 Moss Hall Grove London N12 8PB**

**Reference:**                           **18/3690/HSE**

Received: 14th June 2018

Accepted: 14th June 2018

Ward:                                    West Finchley

Expiry 9th August 2018

Applicant:                            Mr Nilesh Lukka

Proposal:                            Erection of two storey side and rear extension following the demolition of existing garage

**AGENDA ITEM 12**

**Recommendation:** Approve subject to conditions

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

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, Drg.no.PL080-2, Drg.no.PL080-3, Drg.no.PL080-4 and Drg.no.PL080-5

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

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

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

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

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

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2016).

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

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 38-58 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 comprises a semi-detached dwelling house, located towards the northern side of Moss Hall Gove. A garage is currently positioned to the eastern elevation of the dwelling house, with a front drive to the front of the property. The adjoining neighbour is located to the western boundary of the application site.

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

### **2. Relevant Site History**

Reference: C05657A

Address: 38 Moss Hall Grove London N12

Date: 16 June 1983

Decision: Approved with conditions

Description: New front porch.

### **3. Proposal**

This application seeks full planning permission for the erection of a two storey side and rear extension following the demolition of existing garage.

The proposed two storey side extension would measure 9.2 metres in depth (including the proposed bay window to the front elevation), 1.6 metres in maximum width, 5.25 metres in height to the eaves and 9 metres in height to the ridge with a hipped roof.

The proposed two storey rear extension would remain at 3.85 metres in depth, would increase from 3.6 metres to 5 metres in width, would measure 5.25 metres in height to the eaves and 7.8 metres in height to the ridge.

The proposal also involves subdividing the internal entrance hall to create a new porch, with an additional 0.3m projection to the front. The existing front canopy will be reduced in width and will be set away by 1m from the boundary wall of no.26a.

### **4. Public Consultation**

Consultation letters were sent to 19 neighbouring properties.

8 responses have been received, comprising 8 letters of objection which can be summarised as follows;

-The planning applicant is LUKKA CARE HOMES LTD, the nature of their business is: Residential care activities for the elderly and disabled. Concern that this is a back-door planning application for a care home;

-There has not been any information on this proposed Change of Use;

-Adding a care home with staff, visitors and emergency vehicles will increase traffic and further impact on access and parking;

-Additional stress on existing parking, due to the expanded Moss Hall School and the Finchley Preschool on the corner of Moss Hall Grove;

-Negative effects on amenity (neighbours and community);

-Effect of the development on the character of the neighbourhood;

-Concern about the length of the extension stretching back into the garden could block light to the rear of adjacent properties.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### Revised 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 Revised National Planning Policy Framework (NPPF) was published on 24 July 2018. 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 Revised 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 Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### The Mayor's Draft London Plan

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

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

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

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

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

minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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

Policy DM01 states that all proposals should preserve and enhance the local character of the area.

The proposed two storey side extension, would replace the garage in site and will be no more than half the width of the existing dwelling. It will retain a gap of 1 metre to the common boundary with No. 26a Moss Hall Grove as a result of the demolition of the

existing garage and as such would help reduce the visual impact on the street scene of any terracing effect. It will host a small bay window to the front of the extension and will not project further than the existing front bay window. It is therefore not considered to be in keeping with the application site and the immediate vicinity.

Furthermore, it has been noted that the street comprises of a mixed character and a variety of house types, with the row of houses adjacent to the application site benefiting from gable ends. The proposed two storey side extension has been designed with an eaves level and ridge level to match that of the existing dwelling house. Whilst the adopted Residential Design Guidance (2016) states that two storey side extensions should be set down at least 0.5 metres from the ridge of the main roof, considering that the proposed side extension with a width (1.6 metres), will create a 1 metre gap to the common boundary and this element of the proposal and therefore acceptable. The extension will have a pitched roof to match the existing house and therefore it is considered that it will not impact the visual continuity of the street.

The proposed two storey rear extension would project no further than the existing rear outrigger and would be set 1.262 metres off the common boundary with No. 26a Moss Hall Grove. The proposal seeks to increase the width of the existing rear outrigger at first floor level by 1.4 metres. Given the property currently has an existing two storey outrigger the proposed changes to this are considered acceptable and would not harmfully impact the character and appearance of the property or street scene.

Furthermore, the loss of the garage to accommodate the side extension is not likely to add to the existing parking as the property benefits from a front drive that can accommodate more than 2no. cars.

The proposal also involves subdividing the internal entrance hall to create a new porch, with an additional 0.3m projection to the front. The existing front canopy will be reduced in width and will be set away by 1m from the boundary wall of no.26a. These elements can be undertaken under permitted development and therefore are considered to be acceptable.

The proposed extensions are found to be a modest and proportionate additions to the dwelling and are not considered to detract from the character and appearance of the dwellinghouse, the surrounding locality or the wider area.

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

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

It is found that the proposed side extension would not lead to a detrimental loss of light, outlook or privacy to neighbouring occupiers.

The two-storey side extension would have an overall height of 9 metres, with an eaves height of 5.25metres. Furthermore, the proposed two storey side extension is set off the common boundary with No. 26a Moss Hall Grove by 1 metre. All side elevation windows facing this neighbouring property will be obscure glazed and therefore would not result in overlooking and privacy concerns.

To the other side the two storey rear extension is set off the common boundary with No. 40 Moss Hall Grove by 3 metres, which is the same distance as the existing outrigger. The neighbouring properties to the rear of the site are separated by a distance of approximately 34 metres due to the private amenity space situated to the rear of the host dwelling. Therefore, the proposal is considered to be an acceptable distance from both these neighbouring properties to ensure that the visual and residential amenities of neighbouring properties are not significantly affected in terms of detrimental loss of light, outlook or privacy to these neighbouring occupiers.

The proposal to sub divide the internal entrance hall to create a new porch, and the proposed alterations to the existing front canopy are elements that can be undertaken under permitted development and therefore are considered to be acceptable.

Subject to conditions, it is not considered that the proposal would impact the amenities of neighbouring properties to an unacceptable level.

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

-The planning applicant is LUKKA CARE HOMES LTD, the nature of their business is: Residential care activities for the elderly and disabled. Concern that this is a back-door planning application for a care home;

With regards to the above comments, this application must be assessed on it's own merits and therefore cannot consider possible development which may occur in the future. Any plans to develop the site to a care home would be subject to further planning permission and would be assessed accordingly at the time of submission.

-There has not been any information on this proposed Change of Use;

The current application is solely for the erection of a two storey side and rear extension following the demolition of existing garage and does not involve a change of use. Any plans for a change of use would be subject to further planning permission and would be assessed accordingly at the time of submission.

-Adding a care home with staff, visitors and emergency vehicles will increase traffic and further impact on access and parking;

The current application is solely for the erection of a two storey side and rear extension following the demolition of existing garage and does not involve developing the site to a care home. Therefore will not result in any further increase in traffic as a result of the care home.

-Additional stress on existing parking, due to the expanded Moss Hall School and the Finchley Preschool on the corner of Moss Hall Grove.

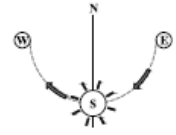
The property benefits from a front drive that can accommodate parking for more than two cars and therefore it is not considered that the proposal will create any additional stress on the existing parking.

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

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

## **7. Conclusion**

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



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**Location**                                **58 And 60 High Road London N2 9PN**

**Reference:**                                **18/3280/FUL**

Received: 29th May 2018

Accepted: 31st May 2018

Ward:                                        East Finchley

Expiry 26th July 2018

Applicant:                                My Home Solutions

Proposal:

Extension to roofs including 3no dormers to front elevation and 3no dormers to rear elevation to both 58 and 60 High Road. Creation of 1no self-contained flat spanning both properties a roof level. Conversion of 2no existing self-contained flats to 4no self-contained flats at first and second floor levels

**AGENDA ITEM 13**

**Recommendation:** Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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)

#### RECOMMENDATION I:

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

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

3. 3. Highways (traffic order) £2,000.00 in addition to a monitoring contribution of £100

"A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development."

#### RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building or Head of Strategic Planning:

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

- Site Location Plan ;
- Block Plan, Drawing No.TQRQM18145162856101;
- Existing and Proposed, Plans, Sections and Elevations, Drawing No.ST\_15\_58&60HIGH\_003 Rev I;
- Proposed Plans, Drawing No.ST\_15\_58&60HIGH\_002 Rev I;

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

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

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

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

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

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

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

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

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

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

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

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

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

7 No demolition or 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).

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

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

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

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

### RECOMMENDATION III:

That if an agreement has not been completed by 05/09/2018 unless otherwise agreed in writing, the Service Director - Planning and Building Control should REFUSE the application 18/3280/FUL under delegated powers for the following reasons:

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

## Informative(s):

- 1 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 2 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 In accordance with paragraphs 38 - 57 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.
- 4 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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**

The application was deferred by Members at the previous meeting to enable residents to address the committee.

### **1. Site Description**

The application site is on High Road close to the junction with Fairlawne Avenue, within the East Finchley ward, and is referred to as 58-60 High Road. The property is not listed nor does it lie within a Conservation Area. The property lies at the end of the primary retail frontage of the East Finchley Town Centre.

Due to the changes in levels at the property, the ground floor on the High Street appears as a lower ground floor from the rear of the property.

### **2. Site History**

Reference: 14/07339/FUL

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 30 January 2015

Description: Part single, part-two storey rear extension to provide 2 self-contained residential units

Reference: 15/03899/S73

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 20 August 2015

Description: Variation to Condition 1 (approved plans) to planning permission 14/07339/FUL dated 30/01/2015. Variations to include changes to design of lower ground floor to create a larger basement area

Reference: 15/05774/S73

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 1 December 2015

Description: Variation of condition 1 of planning permission 14/07339/FUL dated 30/01/2015 for 'Part single, part-two storey rear extension to provide 2 self-contained residential units.' Variation to include the addition of a timber storage/office shed for use by the commercial unit

Reference: 17/6916/CON

Address: 58 High Road, London, N2 9PN

Decision: Approved

Decision Date: 21 November 2017

Description: Submission of details of condition 8 (Refuse/Recycling) 10 (Demolition and Construction Method Statement) pursuant to planning permission 15/03899/S73 dated 20/08/15

Reference: 18/3608/S73

Address: 58 High Road, London, N2 9PN

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 15/03899/S73 dated 20/08/15 for 'Part single, part-two storey rear extension to provide 2 self-contained residential units' Amendments include a front infill extension to No. 60 and rear extensions to Nos. 58 and 60 and insertion of additional rooflights

Reference: F/03039/14

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 11 September 2014

Description: Two storey rear extension to provide 2no studio flats at ground floor and 1no flat at first floor level.

Reference: F/04671/12

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 3 May 2013

Description: Single storey rear extension and change of use to form A3 restaurant

Reference: F/04670/12

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 15 May 2013

Description: Two storey rear extension to provide additional retail space at ground floor level and an additional residential flat at first floor level

Reference: F/02451/12

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 27 September 2012

Description: Part ground and part first floor rear extension.

Reference: F/03576/11

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 16 November 2011

Description: Single storey rear extensions to commercial units and 4no car parking spaces at rear.

Reference: C02318D/05

Address: 58 High Road, London, N2 9PN

Decision: Approved subject to conditions

Decision Date: 22 March 2005

Description: Internally illuminated shop fascia sign.

Reference: C02318C/04

Address: 58 High Road, London, N2 9PN

Decision: Refused

Decision Date: 14 September 2004

Description: Change of use from retail (Class A1) to estate agency (Class A2).

F/02424/13 at 60 High Road "Addition of new floor level with a mansard roof and conversion of existing maisonette into 2no. self contained flats." Allowed on appeal.



14/07168/FUL at 58A High Road "Conversion of existing dwelling into 2 self contained flats including construction of additional storey" Approved 15.01.15.

### **3. Proposal**

The applicant seeks planning permission for:

- Extension to roofs including 3no dormers to front elevation and 3no dormers to rear elevation to both 58 and 60 High Road;
- Creation of 1no self-contained flat spanning both properties at roof level;
- Conversion of 2no existing self-contained flats to 4no self-contained flats at first and second floor levels.

### **4. Public Consultation**

Consultation letters were sent to 206 neighbouring properties.

14 responses have been received, comprising 14 letters of objection.

The objections received can be summarised as follows:

- Raising Roof Level
- Loss of character to existing row of shops
- Overlooking/Loss of Privacy
- Intensification of use of the existing building/over development
- Increased need for parking spaces
- Fly tipping on Fairlawn Avenue, rodent & refuse problems
- Increased noise levels
- Setting a precedent for the parade.
- Loss of sunlight/daylight;

### **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 July 2011

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 DPD (2012) Policies: CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012) Policies: DM01, DM02, DM04, DM08, DM17.

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

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

## **5.2 Main issues for consideration**

The main issues are considered to be:

- Whether the proposals would be in keeping with the established character of East Finchley Town Centre
- Impact on the amenities of neighbouring occupiers.
- Impact on amenities of future occupiers.

## **5.3 Assessment of proposals**

### Principle of extensions

Given the previous approval to extend the residential units at number 58 at roof level in order to provide additional floorspace to the existing, these have been approved under previous planning references 14/07168/FUL and F/02424/13, the proposed second floor extension is therefore deemed to be acceptable.

### Principle of Flats:

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the

design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make a valuable contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, the aim is to maximise housing choice providing a range of sizes and types of accommodation, Moreover, Policy CS6 states the aim of Barnet to promote town centre locations 'encouraging a mix of compatible uses' including residential 'that add to the vibrancy of the area whilst respecting the character'.

The site is located in a town centre location in close proximity to main bus routes and public transport. Moreover, the principle of flats has already been established in the area, as it contains numerous flats. It is therefore not considered that the principle of flats would harm the character of the area. As part of the application process the upper floor flat required amendments to meet London Plan head height requirements.

#### Impact on amenities of neighbouring occupiers

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

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Point 7.3 of the Residential Design Guidance specifies that 'in new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. The proposal has a recessed wall at the front elevation of the residential units, accessed from the rear service road. The windows on the recessed wall meet the minimum distance between properties, with a distance of 10.8 metres onto the gardens of Fairlawn Avenue and 22.5 metres between facing windows of habitable rooms. It is therefore not considered that the proposal will be detrimental to the amenities of neighbouring occupiers.

#### Living conditions of future occupiers

The units comply and exceed with the minimum space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan July 2011, for a one bedroom flat.

In contrast to the previously refused proposal to accommodate units on the ground floor only, the proposal is considered to have addressed the issues regarding outlook and the quality of the units for future occupiers. Each unit would be accessed independently and therefore it is not considered that neither property could be overlooked by the other neighbour.

### Traffic and parking

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Highways officers have reviewed this proposal including the transport assessment included with the proposal. Parking spaces are not being provided as part of this application and a legal agreement has been requested to prevent occupiers of the new proposed units obtaining parking permits for nearby roads.

Overall, the proposal has overcome the previous reason for refusal on Highways grounds and has proposed an acceptable solution to parking management on nearby roads. Subject to a legal agreement, the proposal is considered to be acceptable.

### Community Infrastructure Levy

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

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm. The proposal is liable for the increase in floorspace.

## **5.4 Response to Public Consultation**

It is considered that all other planning-related objections have been addressed in the report above.

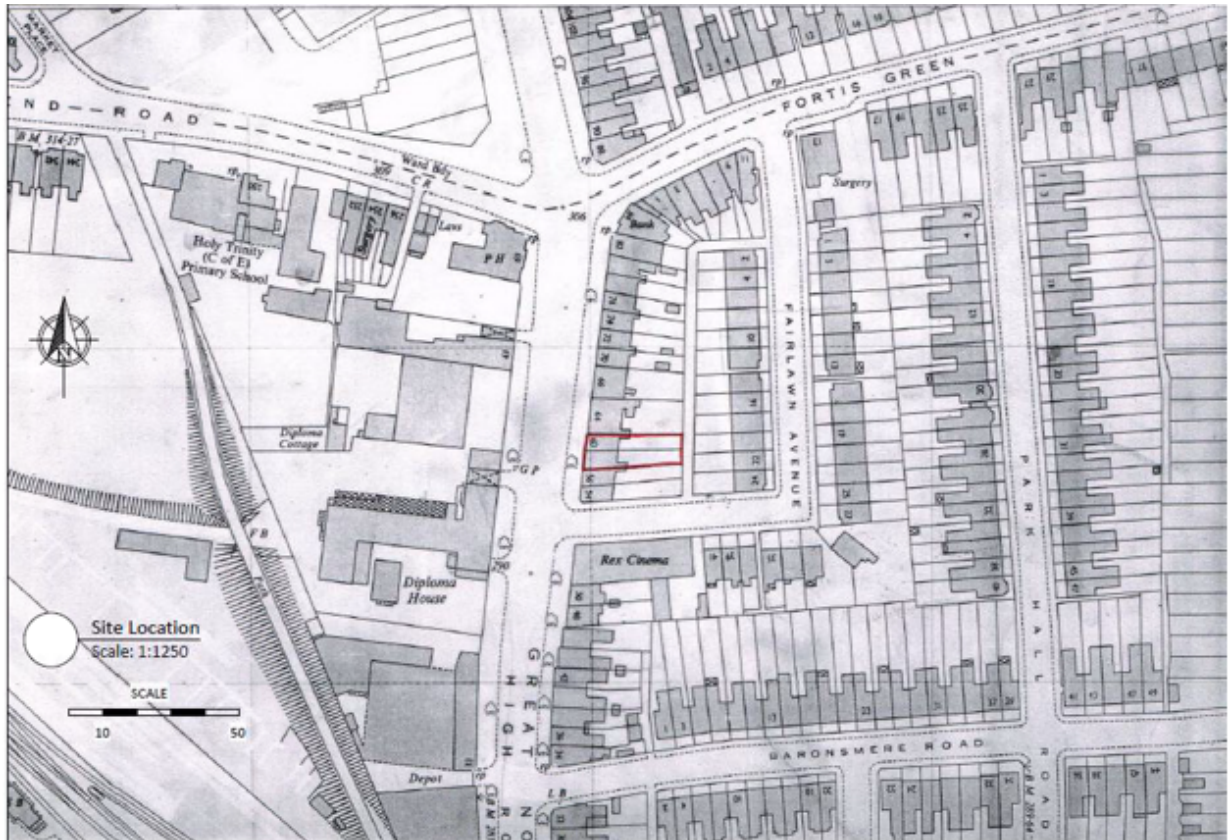
Concerns regarding parking and highways were a main concern received in objections on this application. The Highways department have requested a Section 106 legal agreement to restrict occupiers of the new units in this application using nearby permit parking areas. This has been address in the highways section of the report.

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

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

## **7. Conclusion**

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



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**Location** 13 Leicester Road London N2 9DY

**Reference:** 18/3791/RCU

Received: 19th June 2018

Accepted: 22nd June 2018

**Ward:** East Finchley

Expiry 17th August 2018

**Applicant:** Mr & Mrs Claire and Dan Carter

**Proposal:** Roof extension including L-shaped rear dormer window to main roofslope and existing rear projection and 4no. rooflights to front roofslope (RETROSPECTIVE APPLICATION)

**Recommendation:** Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 roof extension, by reason of its design, size, siting and scale fails to result in a subordinate and proportionate addition to the original building and is detrimental to the character and appearance of the host property, the semi-detached of which it forms part and the surrounding area contrary to Policy DM01 of the Barnet Development Management Policies DPD (2012), Policies CS1 and CS5 of the Barnet Core Strategy (2012), Policy 7.6 of the London Plan (2016) and the advice contained within the Barnet Residential Design Guidance Supplementary Planning Document (2016).

**Informative(s):**

- 1 The plans accompanying this application are:

SITE LOCATION PLAN

2017.04.1531-01

2017.04.1531-02

2017.04.1531-03 REV A  
2017.04.1531-04 REV A  
2017.04.1531-05 REV A  
2017.04.1531-06 REV A  
2017.04.1531-07 REV A

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

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



## **Officer's Assessment**

### **Member Call in request**

Cllr Farrier has requested that, as there are several other similar roof extensions in the road, the application should be determined by the committee.

#### **1. Site Description**

The application site contains a 2 storey semi-detached dwellinghouse located on the south side of Leicester Road, which is a predominantly residential area. The property is not located within a conservation area, and is not listed.

#### **2. Site History**

Reference: 17/3175/192

Address: 13 Leicester Road, London, N2 9DY

Decision: Unlawful

Decision Date: 12 July 2017

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony, 4no. rooflights to front elevation to facilitate a loft conversion

Reason - The reason for this determination is: The proposal is for a building operation which, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990, is development requiring planning permission. Such development is NOT PERMITTED under Class B, Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended. This is because the proposed enlargement extends beyond the outside face of an external wall of the original dwellinghouse. The proposal would therefore fail to comply with Condition B.2 (b) of Part 1 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 as amended.

#### **3. Proposal**

This application seeks the retention of a "L" shaped roof extension to the main roof and extending over part of the existing rear outrigger and 4no. rooflights to front roofslope. The roof extension to the main roof is shown as 5.2 metres in width, 2.4 metres in height and 3.9 metres deep. The outrigger roof extension is shown as 3.2 metres in depth, 2.5 metres in height and 4.1 metres projection beyond the main roof extension.

It is stated on the application form that the building works commenced on 7th August 2017 and the works were completed on the 13th December 2017.

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

Consultation letters were sent to 10 neighbouring properties, no objections have been received.

The applicants have submitted a supporting statement in support of their application which can be summarised as follows (the full statement has been circulated separately to Members):-

The house has not been extended previously.

There are a number of similar extensions in the "County Roads" area of East Finchley and comment that in their estimation some 99 other loft conversions – albeit not all comparable – are present which equates to some 25% of properties in the adjoin four roads.

The extension is not visible from the front.

Disagree with the reason for the refusal of the Certificate of Lawfulness application.

Complain about the availability and advice given by the case officer as well as the time taken to process the application despite it being a "fast track" case.

In addition the following comments are made:-

"Moving out of London will improve the quality of life and ability to function for our 17 year old daughter who is largely bedbound and suffering with a debilitating disease, for which there is no cure or effective treatment. Since I had to give up full time work in April 2016 to become my daughter's full time carer, it is no longer financially viable for us to live here, which is another reason we need to sell our home. This is not something we could have ever planned for. Families of chronically ill children need support. It is not something you ever think will happen to your own family.

We have lived here for 15 years, paid council tax and contributed to the local community. Our children have grown up here. Councils are in charge of services for their local community, why are we being penalised? This has added an extra and unnecessary amount of time, money, worry and emotional distress. We just want it to be resolved so that we can move on with our lives. It is only a loft conversion very similar to a large number of existing ones and our house looks beautiful."

## **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 24 July 2018. 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. 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. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF'.

#### The Mayor's London Plan 2016 (MALP)

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

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

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

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

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

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

#### Supplementary Planning Documents

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

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

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

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

In respect of roof extensions the following advice is given:-

Design - should reflect style and proportion of windows on the existing house. Dormers may have flat, gabled, hipped or curved roofs and subject to the criteria on position, should normally align with the windows below.

Position - Dormer roof extensions should not overlap or wrap around the hips or rise above the ridge. Adequate roof slope above and below the dormer is required on semi-detached and terraced properties, the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. In smaller terraced houses where due to internal physical constraints dormers that are set in less than 1 metre will be taken into account providing such constraints and any minimum Building Regulation or fire regulation requirements are clearly and robustly demonstrated.

- Scale - Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. Dormers which wrap around the hips will not normally be considered acceptable

- Proportion - To retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible (see Figure 10). For smaller enclosed houses, such as terraces consideration and allowance will be given to internal workable space and Building Regulation requirements for wider roof extensions. On side dormer extensions, where there is a requirement to provide adequate headroom for stairs, the extension should still be set away from the ridge and clear of the hips .

- Overlooking - Care should be taken in the design and location of new dormers, including side dormers to minimize overlooking

- Materials - The window materials and design should be in keeping with those on the rest of the house. The dormer cheeks should be finished with lead, tiles, slates or other traditional materials, and the top of flat roofed dormers should be finished with lead or zinc. The use of roofing felt for the roof, cheeks or face of the dormer should be avoided

- Roofs - Dormer roofs should be sympathetic to the main roof of the house. For example, pitched roofs to dormers should be hipped at the same angle as the main roof

Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## 5.3 Assessment of proposals

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

The roof extensions as built dominate the original roof of the house to an unacceptable degree, in respect of the main roof it extends the full width of the property and, with the exception of a 20cm set back from the eaves, extends the full height of the roof leaving little of the original rear slope intact. The original roof to the rear outrigger had a pitched roof with the eaves being set some 0.8 m below those of the main house; the ridge of the outrigger roof being some 0.8 m high above the eaves level. The outrigger roof was subservient to the main roof with its ridge being set some 1.5 m below the ridge of the main roof. Whilst the extension does not extend the full depth of the outrigger, being 4m deep compared to 7m of the outrigger its height of 2.5m to a flat roof combined with its flat roof design is at odds with the scale, design and appearance of the roof to an unacceptable degree. It is out of character with the existing house and the adjoining half of the semi and the surrounding area contrary to policy and design guidance referred to earlier in this report.

It is accepted that there are examples of similar style and size of roof extensions elsewhere in the locality as referred to in the applicant's supporting statement. There are a number of existing similar developments on this side of the street, particularly at 17, 19, 35 and 45 but it would appear however that none of these have applied for a Lawful Development Certificate or Planning Permission. They perhaps have become lawful over time. The Local Planning Authority does not have the ability to monitor all developments and so it is difficult to know when these extensions were constructed. The determining criteria for permitted development changes over time. Changes in respect of qualifying criterion for roof extensions changed in 2015 and as can be seen from the planning history section of this report, an application for a Certificate of Lawfulness in respect of the extensions the subject of this application was refused on 12 July 2017. No appeal was submitted against this decision.

The current planning application falls to be determined against the relevant national and local planning policies and design guidance. The character of the area is a material consideration as is the presence of existing roof extensions in the locality. Whilst a number of roof extensions exist, as there is no record of planning permission having been obtained these are of limited weight and it is not considered that this frequency of existence outweighs the fact that the proposed development would be contrary to the adopted policy and guidance.

The proposed retention of the rooflights at the front of the house is not considered to harm the street scene in Leicester Road and no objection is raised to this element of the proposal.

### Impact on neighbouring amenity

The relationship with the immediately adjoining properties is such that it is not considered that the proposal results in significant levels of overlooking / loss of privacy or loss of sunlight such as to warrant refusal nor would neighbours outlook be significantly affected.

## 5.4 Response to Public Consultation

Many of the comments made in support of the application have been addressed in the body of the report and the personal circumstances raised are addressed in the following section of the report.

With regards to the refusal of the Certificate of Lawfulness, the comments are noted but no appeal against the decision was lodged. The works on the roof extension commenced after the refusal of the certificate and any such works undertaken without the benefit of planning permission are done so entirely at the applicant's own risk.

With regard to officer advice, this is given in good faith and is not binding on the Council as Local Planning Authority or the applicant.

It is regrettable that it has not been possible to process the application as quickly as initially envisaged but "fast track" applications are still subject to the normal processing criteria such as the consultation process and Member call in, such that the fast track timescales cannot be guaranteed.

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

Under section 149 of the equalities act 2010, the Council has a duty to ensure that it behaves as follows:

(1) A public authority must, in the exercise of its functions, have due regard to the need to:

(a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act.

(b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

(c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

(2) A person who is not a public authority but who exercises public functions must, in the exercise of those functions, have due regard to the matters mentioned in subsection (1).

(3) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it.

Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic:

(b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different from the needs of persons who do not share it.

(c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(4) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular, steps to take account of disabled persons' disabilities.

(5) Having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:

(a) Tackle prejudice

(b) Promote understanding

(6) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(7) The relevant protected characteristics are:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

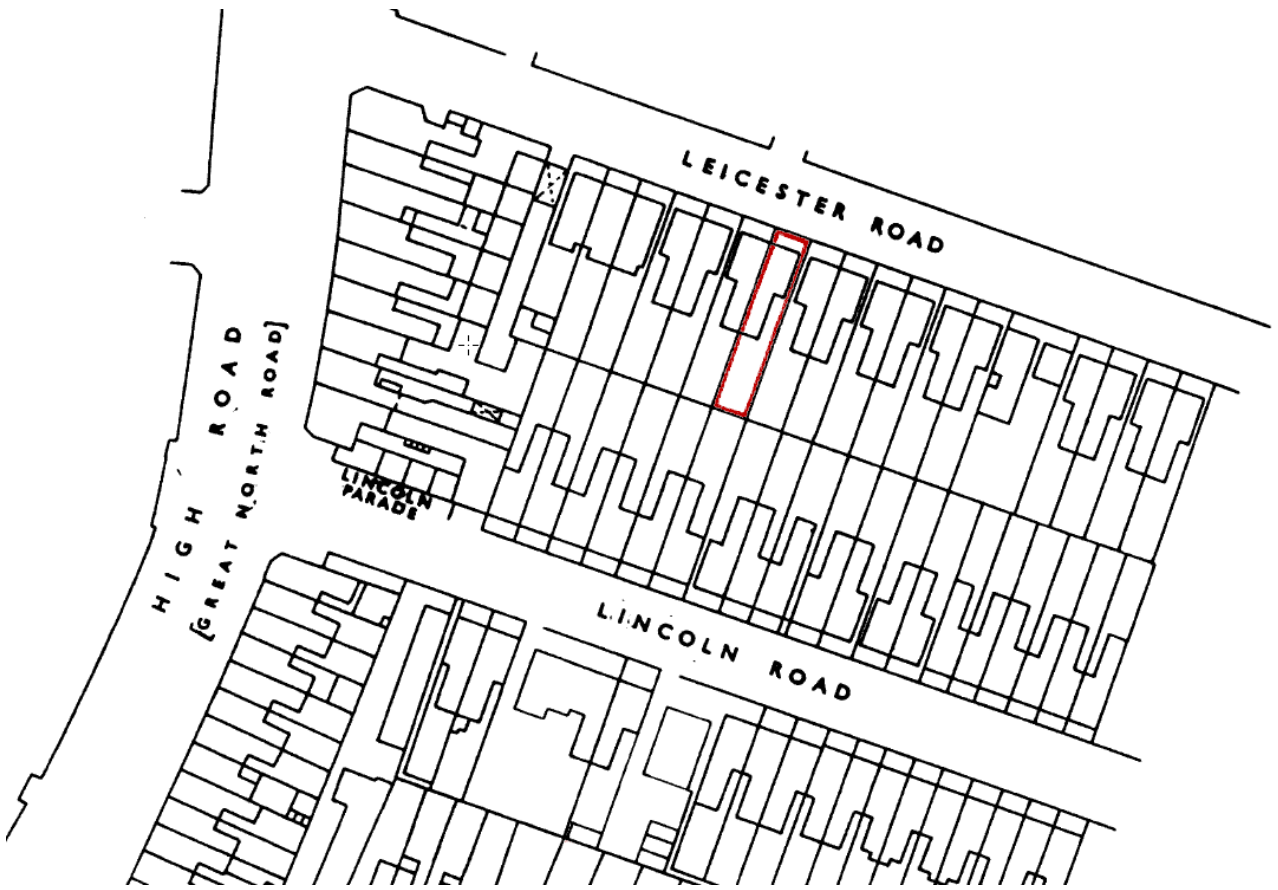
In considering this application, the Council has taken the provisions of the Equalities Act into consideration.

## **7. Conclusion**

It is accepted that, as advised in the applicant's supporting statement, there are similar roof extensions present in Leicester Road and the surrounding area but it is not considered that they are such a prevalent feature in the locality such as justify the retention of such a large, bulky roof extension which detracts from the character and appearance of the house and surrounding area to an unacceptable degree. The roof extension is contrary to the Council's design guidance in respect of such development, the presence of other extensions, whilst a material consideration, is not in this case, considered sufficient to override that advice particularly as it appears that none in the immediate vicinity have had the benefit of planning permission.

The family's personal circumstances have been taken into account as required by the Equalities Act but it not considered that the advantages that would accrue to the family outweigh the harm caused by the retention of the roof extension. Personal circumstances should only be taken into account where the planning issues are finely balanced. Unfortunately, as explained above, this is not he case here.

Accordingly refusal is recommended.





**Location** 39 Harman Drive London NW2 2ED

**Reference:** 18/3330/RCU

Received: 30th May 2018

Accepted: 5th June 2018

**Ward:** Childs Hill

Expiry 31st July 2018

**Applicant:** Mr Ayad Al-Shakarchi

**Proposal:** Single storey extension rear including extension of patio (Retrospective Application)

AGENDA ITEM 15

**Recommendation:** Approve subject to conditions

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

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

Site Location Plan; AA189-28 Rev 01 Pre-existing Location Plan; Existing Site Plan; Pre-Existing Site Plan; Existing Location Plan; Pre-existing Ground Floor Plan; Existing Ground Floor Plan; Pre-existing First Floor Plan; Existing First Floor Plan; Pre-existing Roof Plan; Existing Roof Plan; Pre-existing Rear Elevation; Existing Rear Elevation; Pre-existing Section AA; Existing Section AA; Existing Section BB; EXisting and Proposed Section AA; Design and Access Statement

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

- 2 Before the development hereby permitted is first occupied, the glazed screen to the first floor balcony shall be installed as shown on the approved drawings.

The screens shall be installed in accordance with the details approved before first occupation and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of neighbouring occupiers or the character of the area in accordance with policies

DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

**Informative(s):**

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

## **Officer's Assessment**

The application was deferred at the previous meeting to allow Members to undertake a site visit to the adjoining property.

### **1. Site Description**

The application site is located on the northern side of Harman Drive, close to the junction with Harman Close, within the Childs Hill ward.

The application property is a semi-detached residential dwelling house, which benefits from an L-shaped footprint to the rear affording it a staggered original rear building line.

The site is not located within a Conservation Area and holds no individual designation.

### **2. Site History**

Reference: 16/2100/HSE

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 20 May 2016

Description: Conversion of garage into habitable room, replacement of garage door with bay window

Reference: C03721

Address: 39 Harman Drive, London, NW2 2ED

Decision: Approved subject to conditions

Decision Date: 14 June 1972

Description: Conversion into two self-contained flats

Enforcement investigations are on-going in respect of various works to the property. The current application relates only to the rear extension and adjoining patio. The plans submitted show that a small section of the boundary wall with no. 38 (the curved section) would be lowered to match the height of the main wall.

### **3. Proposal**

This application seeks retrospective consent for a single storey rear extension with pitched roof and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive, rising to 3m high where the roof meets the main dwelling house and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension, with two new steps down on a diagonal axis.

### **4. Public Consultation**

5 consultation letters were sent to neighbouring properties.

15 objections have been received

The views of objectors can be summarised as follows;

- Out of character
- Building work carried out on Sundays
- Front elevation should be made to be in line with other properties
- No permission for what has been built
- Extension built on neighbour's land
- Extension too big
- Windows out of character
- Side wall of extension results in a loss of light
- Dangerous precedent for future development
- No regard for planning regulations
- Roof of extension comes above neighbour's balcony
- They are completely out of keeping with the neighbourhood. Accepting this will allow others to follow and thereby destroy a style that has been successfully preserved for almost a century.
- The extension is higher than allowed under Permitted Development rights, longer than allowed under Permitted Development rights and intrudes into a neighbour's garden.
- The extension deprives a neighbour of direct sunlight.
- There has been an increase in height of the previous boundary wall and encroachment onto neighbour's land.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

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

#### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

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

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 (2016)

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

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

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

### 5.3 Assessment of proposals

This application seeks consent for the retention of a single storey rear extension and extension of patio.

The extension measures 3m depth along the shared boundary with the attached neighbour at 38 Harman Drive for a width of 4.5m, and then steps out an additional 2.8m for a width of 4.4m closest to the shared boundary with 1 Harman Close, creating a total of 4m depth along this side of the property. The height of the extension is 2.6m to the eaves on the side closest to 38 Harman Drive, rising to 3m high where the roof meets the main dwelling house and 2.5m on the side closest to 1 Harman Close.

The patio infills the area adjacent to the staggered building line of the new extension on the side closest to 38 Harman Drive, with two new steps down on a diagonal axis.

The adopted Residential Design Guidance stipulates that;

"The depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres.

Single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- if the garden space is in breach of amenity standards then application will normally be refused
- in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour."

The proposed extension would adhere to guidance in that it projects 3m along the boundary with the attached neighbour at 38 Harman Drive. On the other side, closest to 1 Harman Close it is noted as projecting 4m, however, as this property has an existing extension which the one at the application property would line up with, there would be no detrimental harm to the amenities of either neighbour. Therefore, due to the existing development on both sites; the extension at 1 Harman Close and brick wall between the pair of semi-detached properties combined with the proposed development being single storey, it is considered that the proposals will not detrimentally impact upon the amenities of the occupiers at either neighbouring site.

The proposals are considered to be acceptable. It is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

## 5.4 Response to Public Consultation

The concerns raised by neighbours are noted. Many of the objections were in relation to matters not relating to this application for the retention of the single storey rear extension and patio. The extension built at the application property is considered to be acceptable; the design and appearance is considered appropriate and in line with the stipulations of the adopted Residential Design Guidance and it is not considered to be detrimentally harmful to the amenities of neighbouring occupiers.

The concern raised that the applicant has built the extension prior to applying for permission is noted. However, it is at the risk of the applicant if they wish to do so and not impact on our assessment of the proposals.

In regard to the extension being positioned on the neighbour's land, this is a civil matter rather than a planning matter but it should be noted that a Certificate B has been signed on the application form giving notice to this neighbour. Furthermore, the submitted Design and Access Statement makes reference to a Party Wall agreement signed by both parties.

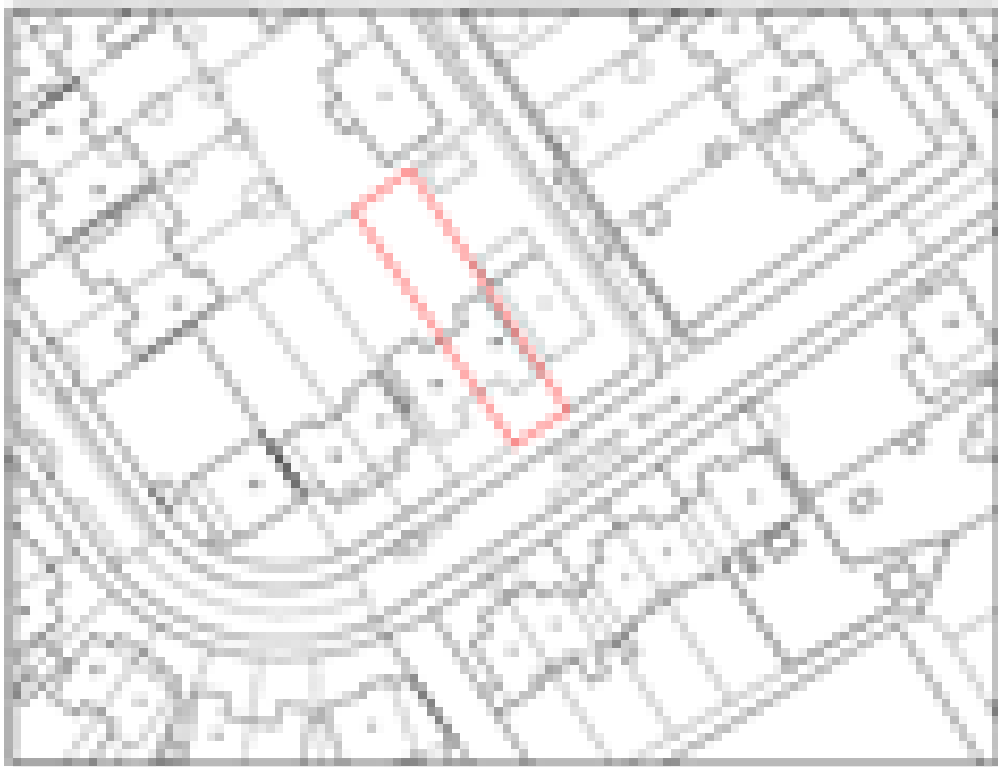
## 6. Equality and Diversity Issues

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

## 7. Conclusion

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







**Location**                                **546 Finchley Road London NW11 8DD**

**Reference:**                            **18/3477/FUL**

Received: 5th June 2018

Accepted: 8th June 2018

Ward:                                      Childs Hill

Expiry 3rd August 2018

Applicant:                                546 Developments Ltd

Proposal:                                 Demolition of existing dwelling and erection of a two storey building with rooms in roofspace to create 6no self-contained flats. Associated parking, cycle store and refuse and recycling

**AGENDA ITEM 16**

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

- Existing Block Plan (U-5D-EP001)
- Existing Ground, First and Second Floor Plans (U-5D-EP002)
- Existing Front and Side (North) Elevations (U-5D-EE001)
- Existing Rear and Side (South) Elevations (U-5D-EE002)
- Location Plan (U-5D-LP001)
- Proposed Block Plan (U-5D-LP002 Rev. 3)
- Proposed Ground Floor Plan (U-5D-PP001 Rev. 2)
- Proposed First Floor Plan (U-5D-PP002 Rev. 3)
- Proposed Second Floor Plan (U-5D-PP003 Rev. 3)
- Proposed Sections (U-5D-PS001 Rev. 2)
- Proposed North Elevation (U-5D-PE001 Rev. 3)
- Proposed South Elevation (U-5D-PE002 Rev. 2)
- Proposed Front and Rear Elevations (U-5D-PE003 Rev. 2)
- Proposed Streetscene Elevations (U-5D-PE004 Rev. 2)

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

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

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

- 3 Before the development hereby permitted is occupied 4 car parking spaces as indicated on drawing No. U-5D-LP002 Rev. 2 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 4 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.

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

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

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development.

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

- 6 No works on public highway as a result of the proposed development including provision of a new vehicular access shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- 8 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building 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.

9 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.

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

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

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

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

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to

minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

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

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

12 a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

13 Before the building hereby permitted is first occupied the proposed windows and roof lights in the north elevation facing no.548 Finchley Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

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

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

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

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

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

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

17 The first floor front terrace 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).

18 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 6.00 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).

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

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

- 20 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.

- 21 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.

- 22 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 20% 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.

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

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

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

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

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

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

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

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

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

- 1 In accordance with paragraphs 38 - 57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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



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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community

Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

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

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

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 The applicant is advised that the maximum width of crossover allowed from the public highway is 4.8m.
- 6 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 7 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species

and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

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

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

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

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

- 9 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 10 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey detached property located on the eastern side of Fernside which is accessed via Finchley Road. Despite its location on Fernside, the application site has a Finchley Road address. The dwelling sits alongside a row of detached and one pair of semi-detached dwellings located on Fernside, which are partly screened from Finchley Road by mature trees and shrubbery. Adjacent to the site on the southern side is an electric sub-station. The surrounding area has a mixed residential character, with larger purpose-built flats located to the south along Finchley Road and at the junction between Finchley Road and West Heath Avenue, while the predominant character of Fernside and the section of Finchley Road in which the application site resides is dominated by two-storey single family dwellings and a number of flat conversions. The site has a PTAL rating of 6a, which is deemed to be very good.

The application site is not located within a conservation area and is not a listed building. There is a TPO tree located to the front of the application site and a TPO area sited within the curtilage of the adjacent property to the south.

### **2. Site History**

n/a

### **3. Proposal**

- Demolition of existing dwelling house and detached garage;
- Erection of a replacement two-storey (plus habitable rooms in roof space) residential property containing 6 self-contained flats;
- 4 on-site parking spaces;
- Associated on-site amenity space.

### **4. Public Consultation**

Consultation letters were sent to 72 neighbouring properties. 9 public responses were received comprising 9 letters of objection. These can be summarised as follows:

Objection:

- Development will compromise the character of Fernside as a quiet enclave of family houses set back from Finchley Rd. This is not an appropriate site for an apartment block;
- Further example of functional homes being demolished in the area for larger blocks of flats;
- Development along this stretch of Finchley Road is excessive and has detrimentally changed the character of the area in addition to increased traffic and noise and pollution;
- Flatted development on Fernside which is intentionally set-back from Finchley Road would be out of character and keeping with the adjacent 20th century dwelling houses and would result in the loss of family housing as per policy DM01;
- The crown roof is out of keeping and the larger built form would appear dominating within the streetscene;
- The amount of brickwork that is proposed will be overbearing and out of character;
- 6 flats represent an overdevelopment of the site;

- The bulk and mass of the development is excessive;
  - There will be a loss of amenity to adjoining properties;
  - Overlooking will result from the proposed balconies;
  - There is inadequate provision of parking which will mean that the limited on-site parking in the immediate vicinity will be subject to even greater pressure;
  - The proposed flats are not for social housing but for private profiteering;
  - The new developments along this part of Finchley Road means increased noise and disturbance, broken water and utilities pipes and air pollution for existing residents;
  - The proposed development will have a significant impact on neighbouring elderly occupant's due to increased noise and disturbance;
  - Residents question the committee's judgements based on the poor material and aesthetic quality of the recently approved apartment blocks;
  - Parking in the area is already constrained. Adding additional vehicles will exacerbate this problem;
  - The parking assessment that took place in June 2018 took place over 2 adjacent weekdays at a period of time that is not necessarily the peak time. The results shown are not statistically significant nor do they honestly represent the parking constraints of the area;
  - Parking around the site will be significantly constrained during the construction period with industrial vehicles taking up additional space;
  - The junction between West Heath Avenue and Finchley Road is very busy. The proposed development will result in more hold ups in the flow of traffic accessing and exiting Fernside;
- The extra demand on parking in this area will stop people parking and accessing Golders Hill Park nearby.

Councillor Comments:

Councillor Anne Clarke:

I am concerned about the plan for 546 Finchley Road. I note it has 7 objections so will come to committee, I am minded to object based on the size of the proposed building and that it reduces existing garden space. I am also concerned on the impact of the character of the road, which is all family homes.

Internal Consultee Comments:

- Arboriculturalist: Recommend for approval subject to conditions and informatives.
- Highways: Recommend for approval subject to conditions and informatives.
- Thames Water: No objection.
- Fire Brigade: Compliance with part B5 of Building Regulations is required.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

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

#### The Mayor's London Plan 2016

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

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

#### The Mayor's Draft London Plan

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08 and DM17.

#### Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

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

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

### **5.3 Assessment of proposals**

#### **Principle of development**

This application seeks permission to demolish the existing single-family dwelling house at the application site to facilitate the construction of a new two-storey property (plus habitable rooms at roof level) to accommodate 6 self-contained flats. The application site

does not benefit from any planning restrictions. Indeed, it is not a locally or statutory listed building and is not located within a conservation area. Therefore, there is no objection in-principle to its demolition. The creation of a replacement dwelling, or in this case a property containing 6 self-contained flats, would be subject to compliance with Policy DM01.

Policy DM01 states that:

Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.

A planning history and council tax search of this section of Finchley Road and Fernside, shows the presence of 10 flat conversions, most notably at no.514, where permission was granted for 3 self-contained flats in 2017 (ref: 17/2399/FUL) and no.558 Finchley Road, which like the application site is located on Fernside. No. 558 was granted permission in 2007 (ref: C16164A/06) for 3 self-contained flats. Given the presence of 10 flats in the immediate proximity of the application site, including on Fernside, it is considered that the principle of flat conversions has been established and that they form part of the residential character of this locality. While not all flats identified within this section of Finchley Road benefit from planning permission and therefore could be subject to enforcement action, it is deemed that the area is sufficiently mixed in its character to support the principle of conversion at the application site.

It is acknowledged that Fernside is a spur road and is therefore somewhat separated from Finchley Road by mature trees and shrubbery. However, the properties along Fernside are visible from the public highway and therefore directly inform the character and appearance of Finchley Road. Their design is considered similar to the architectural form of the dwellings opposite on Finchley Road, where many of those properties also benefit from mature tree and shrubbery screening from the public highway. Therefore, it is not deemed that the character and appearance of Fernside is sufficiently different to or detached from the surrounding dwellings along Finchley Road to consider that it benefits from its own distinct character. Given flat conversions have been accepted in this section of Finchley Road and Fernside previously, including in 2017 within the current planning framework, it is not considered that the use of the application site as self-contained flats would be out of keeping with or significantly harmful to the established mixed character of Fernside and this section of Finchley Road.

Further to the above, the site benefits from a PTAL rating of 6a, which is the second highest accessibility rating. Policy DM01 states that:

Conversions may be appropriate in certain types of properties or streets particularly where they are highly accessible.

The application site is a highly accessible location in a section of Finchley Road and Fernside where the principle of flats has been accepted within the current planning framework. Consequently, it is considered that the principle of flats at no.546 Finchley Road is acceptable and in compliance with Policy DM01. The design, amenity and highways impacts of the proposed scheme will be considered below.

### **Character and appearance**

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:



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

Fernside is broadly characterised by detached dwellings which have a similar architectural vernacular, with most of the dwellings having a pitched hipped roof form, front gable and prominent two-storey bay window feature. However, these dwellings are not uniform in their appearance. Indeed, nos. 552 and 554 are a pair of semi-detached dwellings which have a significantly wider ridge run than the adjacent pitched roofed detached dwellings. Furthermore, some dwellings have a brick finish, some a mock Tudor timber / rendered façade, and some closer to the junction with West Heath Avenue are entirely rendered. Other deviations include front and side dormers (not all original) and in the case of the application site, a first-floor front terrace above a projecting ground floor garage and a detached garage adjacent to the sub-station. While there is a broad underpinning scale and form which groups the properties along Fernside together, there is a noticeable degree of design variance.

Surrounding Fernside and the application site are a range of different building scales, forms and residential uses. At the junction of West Heath Avenue and Finchley Road / Fernside is a five-storey purpose-built block of flats and two large dwellings with the property opposite Fernside incorporating a wide ridge run and prominent front gable design. The dwellings opposite Fernside are broadly built to the same scale as the application site and exhibit many of the same design features including a hipped roof form, front gable and two-storey front bay window. To the south of the application site is a sub-station which separates the application site from nos. 536 and 538 Finchley Road, a large pair of semi-detached dwellings which have a prominent front and side gable design and mock Tudor façade. Given the location and visual exposure of the adjacent sub-station site, the application site is highly visible when viewed from the public highway to the south and consequently informs both the character and appearance of Finchley Road and Fernside. Its resulting visual relationship with the larger adjacent dwellings at nos. 536 and 538 and the dwellings opposite on Finchley Road are therefore considered part of the established streetscene in terms of scale and form. As the application site informs the character along Finchley Road, considering the fact the properties along Fernside are not sufficiently different in design and scale from the surrounding built form on Finchley Road, and given the demonstrable lack of design uniformity within Fernside itself, it is not considered that Fernside has a distinct character that is entirely visually removed from the mixed character evident within this section of Finchley Road. Therefore, from a character perspective, Fernside should not be assessed differently to the adjacent dwellings and flat conversions within this section of Finchley Road. Consequently, from a Policy DM01 perspective, the application site is considered part of the broadly mixed character evident along this section of Finchley Road.

Paragraph 2.8.2 of Policy DM01 states that:

Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character.

It is acknowledged that the external alterations proposed will significantly alter the external appearance of the application site. It will introduce a crown roof, a two-storey side projection and the inclusion of side and rear dormers. However, this does not in itself mean the alterations are harmful to the mixed character of this section of Finchley Road /

Fernside, or are contrary to established local design policy. When viewed from the front of the property the noticeable differences are a two-storey side projection and a wider ridge run. The two-storey bay window feature, front gable and first-floor non-habitable terrace would be retained. Regarding the notable alterations, the proposed ridge run would be narrower than the ridge run evident at nos. 552 and 554 Fernside and no.829 Finchley Road and the two-storey side projection would comply with Section 14 of the Residential Design Guidance SPD (2016) which requires two-storey side extensions to be 'set-back 1m from the front main wall' and include '1m between the boundary and the extension at first-floor level'. Furthermore, the side projection would be less than half the width of the original building. Given there is no dwelling adjacent to the south, the side projection will not appear cramped and would not lead to a terracing effect.

Regarding the side and rear dormers these are considered compliant with Section 14 of the Residential Design Guidance SPD (2016) in that they are less than half the depth and half the width of the roof slopes and are appropriately sited. Furthermore, side and rear dormers are evident on adjacent properties in both Fernside and Finchley Road and are therefore considered in keeping with the established character of this part of the streetscene. It should also be noted that the application site already has two dormers located on the south elevation and therefore the proposed dormers should be seen as replacement and not additional dormers.

Regarding the part single and part two-storey rear projections, they are also considered compliant with Section 14 of the aforementioned SPD and subordinate additions to the size of the original dwelling. Paragraph 14.21 states that 'the depth of a single storey rear extension, normally considered acceptable for a detached property is 4 metres'. The proposed part single storey rear projection measures 4.1m and has over a 1m set-back from the site boundary. For two-storey rear extensions paragraph 14.24 states that they should not lead to:

- loss of light to, and outlook from, windows and glazed doors positioned close to the extension;
- unacceptable sense of enclosure to house and garden;
- overbearing impact;
- harm to the character or appearance of the property and area.

The part two-storey rear projection would measure 2.1m and be set-back from the site boundary with no.548 by 2m and 3m from the flank wall of no.548. While the proposal does not benefit from Permitted Development the existing dwelling does. The proposed dimensions at two-storey level would be allowed under Permitted Development. It is considered that the proposed depth and set-backs would not lead to an unreasonable level of overbearing appearance or sense of enclosure and are broadly in line with the recommended depth allowances contained with Section 14 of the aforementioned design SPD.

While the individual elements are not considered harmful to the wider character of this section of Finchley Road / Fernside and the side and rear projections beyond the current building line are broadly compliant with Section 14 of the Residential Design Guidance SPD (2016), it is acknowledged that there is a cumulative impact that must be considered. To soften the visual impact of the enlarged building envelope when viewed from the public highway and in relation to adjacent dwellings, the roof has been set-down by 2m from the existing dwelling's height and the front building line has been set-back by 0.3m from the current front building line.

It is acknowledged that the southern elevation (flank) facing onto the adjacent sub-station is exposed and therefore the side and rear projections will be highly visible from the public highway. However, the following must be considered. Firstly, the application site already has a prominent flank wall including a steep roof pitch and two side dormers, secondly given the tree coverage to the rear of the sub-station site, it is not expected that much of the proposed two-storey rear projections beyond the existing rear building line will be visible from the public highway, and lastly the proposed ridge run would be narrower than the ridge run at nos. 554 and 556 Fernside. However, most important is the application site's visual relationship with no.538 Finchley Road located on the other side of the sub-station site. As outlined above, no.538 Finchley Road has a large side gable roof form which would appear more visually prominent than the hipped roof form proposed. As previously discussed, both the application site and no. 538 are viewed together within the streetscene and together help to inform the established scale and form visible within this section of Finchley Road. Therefore, when considered in relation to no.538 Finchley Road, it is not considered that the proposed scale and form would be cumulatively disproportionate to adjacent dwellings within this section of Finchley Road.

Paragraph 2.8.1 of the Policy DM01 states that in some instances conversions:

can harm the character of areas by changing external appearance and increasing activity. Such activity can often involve more people movements, increased car movements and parking stress, more rubbish to be collected and more deliveries.

It is acknowledged that the proposed development would result in both an increase in the level of site occupancy / intensification and changes to the external appearance of the application site. However, in this instance it is considered that appropriate measures have been taken to mitigate these impacts. For example, the proposed on-site parking spaces will be appropriately screened from the public highway with a mixture of boundary treatments and new site trees. It should also be noted that the provision of four on-site spaces is not uncommon along Finchley Road, with properties such as nos. 805 - 809, 813 and 819 all benefiting from large areas of hard standing to the front of the dwellings which could accommodate a number of vehicles. The proposed development will include permeable paving which would enable grass to grow through the areas of hardstanding. This is considered to be a better visual solution than the hard surfacing evident within other properties within this section of Finchley Road. Another visual reference point to increased levels of site occupancy is the amount of refuse bins proposed to the front of the application site. The proposed refuse bins will be located where the current detached garage is and will therefore have a reduced visual impact than existing, and will be screened from the public highway by soft landscaping and boundary treatments. This along with a landscaping plan will be secured via condition. Bicycle parking will be located to the rear and therefore won't be visible from the public highway.

It should also be noted that permission was granted in 2016 (ref: 16/2092/FUL) for the conversion of a dwelling house into 6 self-contained flats at no.504 Finchley Road. That site only benefited from a PTAL rating of 4-5 and was therefore less accessible than the application site. While each application is of course assessed on its individual merits, it is worth noting that there is precedent for the proposed increase in site occupancy levels along Finchley Road within the current planning framework and on a site which is classified as less accessible than the proposed. Therefore, in an area with an established mixed character where the principle of flat conversions is accepted, it is considered that the proposed increase in site intensification at the application site and its associated visual references such as on-site parking and refuse bins is not out of character.

The proposed facing materials will be secured via condition but will match those of the existing building. Regarding the wider appearance of the application site, the Council's Arboriculturalist has reviewed the proposed plans and confirmed that the impact on adjacent trees and soft landscaping is acceptable subject to conditions. Consequently, landscaping and tree protection conditions will be attached to any permission. In order to reduce the amount of hardstanding to the front of the application site, a permeable design has been proposed to the forecourt which enables grass to grow through the sections of hardstanding. This will be secured via condition. A sufficient set-back is provided between the onsite parking spaces and the site boundary to provide a scheme of meaningful soft landscaping and boundary treatment. As noted above, this will be secured via condition. It is considered that the proposed development would respect and maintain the residential character and appearance of the application site through appropriate soft landscaping provision.

Based on the above, it is considered that on balance the proposed development is acceptable on character and appearance grounds. It is deemed that the increase in built form over and above the existing building envelope is broadly in compliance with the Residential Design Guidance SPD (2016) and the overall cumulative increase in visual bulk is acceptable when viewed in relation to the surrounding mixed character. The increase in site occupancy levels / intensification is considered to be acceptable from a design and appearance perspective, with adequate measures taken to mitigate any perceived harm.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of overlooking, overshadowing and overbearing appearance. Indeed, the proposed front building line has been set-back by 0.3m from the existing to provide a better relationship with no.548. The terrace area located at first-floor has been included to replicate the design of the existing building only. It will not be accessible from Unit 3 and therefore will not enable opportunities for overlooking back into the adjacent property at no.548. All windows along the flank wall facing onto no.548 will be obscured glazed to ensure the privacy of neighbouring occupiers is maintained. As discussed above, the proposed rear projections beyond the existing rear building line are broadly in line with Section 14 of the Residential Design Guidance SPD (2016) in terms of depth projection. Therefore, they are considered to have an acceptable impact on no.548 in terms of any overbearing impact and overshadowing. The flank wall of the rear projections would be set-back from the boundary with no.548 by over 1m at single storey level and 2m at first-floor level. These set-backs increase to 2m and 3m respectively when assessing the set-back between the flank wall of the proposed development and the flank wall of no.548. These set-backs are considered acceptable within the aforementioned design SPD. The sub-station is located to the south of the application site and therefore there is no amenity impact resulting from the proposed two-storey side projection on the southern elevation.

In terms of the proposed increase in site occupancy levels and its impact on neighbouring amenity, it is considered acceptable on balance. The Council's Highways Department have reviewed the application and deemed it acceptable in relation to its impact on parking and the free flow of traffic. The site would experience an increase in comings and goings to and from the site, but it is considered that this is also acceptable on balance given the principle of flats is accepted in this section of Finchley Road and permission was recently given to no. 504 Finchley Road (ref: 16/2092/FUL) for the creation of 6 self-contained flats. The increased level of comings and goings are therefore considered proportionate. All units would meet the minimum space standards outlined in the London Plan (2016) and can be accommodated within a building envelope which complies with the aforementioned design SPD.

Regarding the impact on neighbouring residential amenity as a result of the demolition and construction phases of any future works, a Demolition and Construction Method Statement will be secured via condition to provide reassurance to neighbouring occupiers and the Council that adequate measures will be implemented to protect neighbouring residential amenity from excessive levels of noise and disturbance associated with construction works, vehicles and personnel. This will be subject to consultation with both the Council's Environmental Health and Highways Departments. The provision of adequate sound proofing will also be secured via condition.

Based on the above, it is not considered that the proposed development would cause significant harm to the residential amenity of neighbouring occupiers by way of overshadowing, overbearing impact or overlooking. Furthermore, it is considered that the impact on neighbouring amenity via an increase in site occupancy levels is acceptable on balance having considered the established mixed character of this section of Finchley Road / Fernside, the recently granted permission for the conversion of a property into 6 self-contained flats at no.504 Finchley Road (ref: 16/2092/FUL) and the addition of conditions to be attached to any permission relating to obscure glazing, a Demolition and Construction Method Statement and sound proofing. Consequently, this application is considered acceptable on amenity to neighbouring occupier grounds.

### **Living standards for future occupiers**

Floor Area:

The London Plan (2016) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. A bedroom measuring 11.5m<sup>2</sup> and above is calculated as a two-person room. The proposed units are measured as follows:

Unit 1: 2-bed, 4-person, 1-storey - 80.02m<sup>2</sup> provided / 70m<sup>2</sup> required  
Unit 2: 3-bed, 4-person, 1-storey - 89.63m<sup>3</sup> provided / 74m<sup>2</sup> required  
Unit 3: 3-bed, 5-person, 1-storey - 87.25m<sup>2</sup> provided / 86m<sup>2</sup> required  
Unit 4: 2-bed, 4-person, 1-storey - 69.62m<sup>2</sup> provided / 70m<sup>2</sup> required  
Unit 5: 1-bed, 2-person, 1-storey - 51.70m<sup>2</sup> provided / 50m<sup>2</sup> required  
Unit 6: 1-bed, 2-person, 1-storey - 51.22m<sup>2</sup> provided / 50m<sup>2</sup> required

All proposed units exceed the minimum internal space standards except Unit 4 which is 0.38m<sup>2</sup> under the required 70m<sup>2</sup> required. It is considered that Unit 4 is acceptable given all other units provide an excess of internal amenity space and the fact the unit has access to an over-supply of external amenity space as discussed below.

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed units at roof level meet the above standard.

Room Stacking:

It is considered that the room stacking proposed is broadly acceptable. A sound proofing condition will be secured via condition.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook to all habitable rooms.

It is considered that each unit would be provided with dual aspect outlook with reasonable levels of daylight / sunlight provision. Unit 5 which has a bedroom only served by roof lights, is considered acceptable on balance given it is south facing and would benefit from an acceptable level of sunlight. The unit is also served by a south facing dormer. The roof lights as shown in the sectional drawings provided as part of this application, are sited at a height which would enable outlook at head height.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m<sup>2</sup> of usable amenity space should be provided per habitable room. Any room at 20m<sup>2</sup> or above is calculated as two habitable rooms. There are 24 habitable rooms proposed and therefore there is a requirement to provide 120m<sup>2</sup> of usable external amenity space. A private amenity space of 37.3m<sup>2</sup> to the rear of Unit 2 has been provided to protect the privacy of future occupiers from use of the communal garden to the rear. The ground floor windows along the northern flank wall will also be obscured glazed to protect neighbouring amenity. The remaining external amenity space to the rear is communal and measures 230m<sup>2</sup> which exceeds the stated requirement. The loss of a small portion of the rear garden to accommodate the 4.1m deep rear projection beyond the existing rear building line does not comprise the quality of the existing rear garden space. Indeed, the existing dwelling could extend by more than 4m under Permitted Development subject to neighbour consultation.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers in relation to internal and external space standards and policy requirements regarding floor-to-ceiling heights and outlook and

daylight / sunlight provision. Therefore, this application is recommended for approval on amenity to future occupier grounds.

## **Highways**

The proposal is for the demolition of the existing 4 bedroom dwelling to provide 2x1bedroom units 2x2bedroom units and 2x3bedroom units. 4 onsite parking spaces are to be provided.

For the proposed residential development, a parking provision of between 4 to 8 parking spaces would need to be provided to meet the parking standards as set out in Policy DM17. The Public Transport Accessibility Level (PTAL) rating for the site is assessed as 6a which is considered as a very good level of accessibility. The Council's Highway's Department have considered the following factors:

- The site is located within walking distance of a town centre location and close to local amenities;
- The site has a Public Transport Accessibility (PTAL) score of 6a which is considered as a very good level of accessibility;
- The site is located within a Control Parking Zone which operates from Monday to Friday 11am to 12pm;
- The applicant has provided a parking assessment demonstrating acceptable parking stress levels.

This application was reviewed by the Council's Highways Department who consider the onsite parking provision of 4 spaces acceptable on balance. It is not deemed that the proposed development would cause harm to the free flow of traffic on Fernside or the surrounding highways network. Consequently, this application is considered acceptable on highways grounds subject to conditions and informatives.

## **Refuse**

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). The proposed refuse and recycling bins are to be located to the front of the property where the existing detached garage is currently situated. Details of the bin capacity and storage will be secured via condition.

## **5.4 Response to Public Consultation**

The concerns raised by the public comments received have been broadly covered within the report above. For clarity see below:

- Development will compromise the character of Fernside as a quiet enclave of family houses set back from Finchley Rd. This is not an appropriate site for an apartment block:

See character section above.

- 6 flats represent an overdevelopment of the site:

See character and amenity section above.

- The bulk and mass of the development is excessive:

See character section above.

- There will be a loss of amenity to adjoining properties:

See amenity section above.

- Overlooking will result from the proposed balconies:

There are no balconies included within the development. The front terrace is there to replicate the existing feature of the property and is not accessible.

- There is inadequate provision of parking which will mean that the limited on-site parking in the immediate vicinity will be subject to even greater pressure:

See highways section above.

- Further example of functional homes being demolished in the area for larger blocks of flats:

See principle of development section above.

- The proposed flats are not for social housing but for private profiteering:

This is not a material consideration.

- The new developments along this part of Finchley Road means increased noise and disturbance, broken water and utilities pipes and air pollution for existing residents:

Conditions will be attached to any permission to address hours of construction and the demolition and construction phases.

- The proposed development will have a significant impact on neighbouring elderly occupant's due to increased noise and disturbance:

See amenity section above. Conditions will also be attached to any permission to address hours of construction and the demolition and construction phases.

- Residents question the committee's judgements based on the poor material and aesthetic quality of the recently approved apartment blocks:

Noted.

- Development along this stretch of Finchley Road is excessive and has detrimentally changed the character of the area in addition to increased traffic and noise and pollution:

Noted.

- The amount of brickwork that is proposed will be overbearing and out of character:

A condition will be attached to any permission to sign-off external facing materials.

- Parking in the area is already constrained. Adding additional vehicles will exacerbate this problem:



The application site is in a PTAL 6a area which is a very good level of accessibility. The highways department have reviewed the application and consider the impact acceptable.

- The parking assessment that took place in June 2018 took place over 2 adjacent weekdays at a period of time that is not necessarily the peak time. The results shown are not statistically significant nor do they honestly represent the parking constraints of the area:

This has been considered by Highways who consider the application acceptable on highways grounds.

- Parking around the site will be significantly constrained during the construction period with industrial vehicles taking up additional space:

A Demolition and Construction Method Statement will be secured via condition and will be reviewed by the Council's Highways Department.

- The junction between West Heath Avenue and Finchley Road is very busy. The proposed development will result in more hold ups in the flow of traffic accessing and exiting Fernside:

This has been considered by Highways who consider the application acceptable on highways grounds.

The extra demand on parking in this area will stop people parking and accessing Golders Hill Park nearby:

There is no evidence to support this assertion. This area is also highly accessible via public transport.

- Flatted development on Fernside which is intentionally set-back from Finchley Road would be out of character and keeping with the adjacent 20th century dwelling houses and would result in the loss of family housing as per policy DM01:

See principle of development and character sections above.

- The crown roof is out of keeping and the larger built form would appear dominating within the streetscene.

See character section above.

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

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

## **7. Conclusion**

The proposed development is considered on balance, to have an acceptable impact on the character and appearance of the application site and wider streetscene. Furthermore, it is not deemed that the proposed development would cause significant harm to the residential

amenity of neighbouring occupiers, with appropriate conditions also attached to minimise noise and disturbance during the demolition and construction phases. The proposed development is considered to provide an adequate standard of amenity for future occupiers and is deemed acceptable on highways grounds. Consequently, this application is recommended for approval.



**Location**                                **55 Woodstock Road London NW11 8QD**

**Reference:**                            **18/1354/FUL**

Received: 2nd March 2018

**AGENDA ITEM 17**

Accepted: 3rd April 2018

Ward:                                      Childs Hill

Expiry 3rd July 2018

Applicant:                                Ms F DOLBY

Proposal:                                 Demolition of existing building and erection of a three storey building with basement level and rooms in the roofspace to provide 10no self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling

**Recommendation:** Approve subject to conditions

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

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

Location Plan

Existing Ground Floor Plan Drawing No 01

Existing First Floor Plan Drawing No 02

Existing Loft Floor Drawing No 03

Existing Roof Plan Drawing No 04

Existing Front Elevation Drawing No 05

Existing Rear Elevation Drawing No 06

Existing Side Elevation Drawing No 07

Existing Section Drawing No 08

Existing Block Plan Drawing No 09

(All received 2nd March 2018)

Proposed Front Elevation Drawing No 16 A

Proposed Rear Elevation Drawing No 17 A

Proposed Side Elevation Drawing No 18 B

Proposed Side Elevation Drawing No 19 A

Proposed Section Drawing No 20 A

Proposed Floor Plans Drawing No 21 A

Proposed Ground Floor Drawing No 10 A

Proposed Basement Plan Drawing No 11 A

Proposed First Floor Drawing No 12 A  
Proposed Second Floor Drawing No 13 A  
Proposed Third Floor Drawing No 14 A  
Proposed Roof Plan Drawing No 15 A  
Proposed Block Plan Drawing No 22 A  
(All received 22 August 2018)

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

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

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

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

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

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

- 4 a) No development 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.

- 5 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction

Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

- 6 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

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

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

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

- 14 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing 11A shall be provided and marked out within the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with 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.

- 15 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.

- 16 Before the building hereby permitted is first occupied the proposed rooflights in both flank elevations and the first and second floor windows facing 53 Woodstock Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 17 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).

- 18 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 15% 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.



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

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

- 20 The development hereby approved shall not commence until a surface water drainage strategy for the site has been submitted to and approved in writing by the local planning authority. All planning applications relating to major development - developments of 10 dwellings or more; or equivalent non-residential or mixed development - must use Sustainable Drainage Systems (SUDS) for the management of surface water runoff, unless demonstrated to be inappropriate.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted 2016), Policies 5.13 and 5.14 of the London Plan 2016 and Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

- 21 Part 1

Before development commences other than for investigative work:

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

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

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

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

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

## Part 2

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

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

22 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for active and passive Electric Vehicle Charging facilities in accordance with London Plan standards.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

23 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

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

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall

be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

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

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

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

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

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

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

- 1 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security

procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

- 2 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 3 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 4 The costs of any associated works to public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a rechargeable agreement or a 278 Agreement under the Highways Act 1980.

- 5 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.

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

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

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

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

- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
- 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

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

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

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

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

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 9 The Air Quality Stage 4 Review and Assessment for the London Borough of Barnet has highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of

lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an Air Quality report; the report should have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment available from the LPA web site and the London Air Quality Network. The report should be written in accordance with the following guidance: 1) Environmental Protection UK Guidance: Development Control: Planning for Air Quality (2010); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(09); 4) London Councils Air Quality and Planning Guidance (2007).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 10 The applicant is advised to ensure that the development meets the Secured by Design Accreditation as per SbD Homes 2016.
- 11 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality).

Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.



## Officer's Assessment

### 1. Site Description

The application site consists of a substantial and attractive two storey dwelling house on the southern side of Woodstock Road. The existing property is a detached brick building with dormer windows to all elevations and prominent chimney stacks. A substantial brick boundary treatment surrounds the site. It is considered that the existing building makes a positive contribution to the character and appearance of the streetscene. However, it is not subject to any specific heritage asset designations. The site is not located in a conservation area and is not a locally listed building.

The site is located in a residential area, although it is located within close walking distance of both Golders Green town centre and the underground station. Most buildings are two storey dwellings although many of these have accommodation in the roof space. Directly opposite the site is a large development of two 3 storey blocks of flats on the Woodstock Road frontage and a similarly large block to the rear.

As set out in the planning history below, there are two sites which have been given planning permission for similar works. These include 47 - 49 Woodstock Road which was allowed on appeal in 2015 but has not been implemented and 23 - 25 Woodstock Road which was granted planning permission in 2015, where construction has begun for the provision of 7 self-contained flats.

The site is located very close to Golders Green underground station which also functions as a significant local public transport interchange and with the added benefit of being a stopping point for National Express coaches. This is reflected in the PTAL rating of 5.

### 2. Site History

Reference: 17/3801/FUL

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Refused

Decision Date: 11 October 2017

Description: Demolition of existing building and erection of a three storey building plus basement level to provide 13no self-contained flats. Associated cycle storage, parking, amenity space, refuse and recycling

#### Reasons for Refusal

1. The proposals do not make any provision towards affordable housing within the Borough, and insufficient information has been provided to justify that the scheme could not viably make provision to affordable housing. The failure to provide any affordable housing provision on site would be to policies 3.8, 3.9, 3.10 and 3.11 of the London Plan (2016) and policy DM10 of the Barnet Development Management Policies Document (2012).

2. The proposal fails to provide an adequate level of light, outlook and privacy for habitable rooms which would result in an unacceptably poor level of amenity for future occupiers of proposed units and would have a detrimental impact to the residential amenities of future occupiers. For these reasons the proposal is contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the

Adopted Development Management Policies DPD (2012) and the Council's Sustainable Design and Construction SPD (2016).

3. The proposed development would provide a form of development that would appear obtrusive and detract from the character and appearance of the streetscene and general locality, failing to integrate well within the local townscape or achieve a high quality of design, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).2017

Reference: 16/2023/PNH

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Prior Approval Required and Refused

Decision Date: 1 April 2016

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/2609/PNH

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Prior Approval Not Required

Decision Date: 20 May 2016

Description: Single storey rear extension with a proposed depth of 8-metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: C03504B/01

Address: 55 Woodstock Road, London, NW11 8QD

Decision: Approved subject to conditions

Decision Date: 23 January 2002

Description: Addition of a single storey conservatory to rear of existing house.

### **Relevant local applications**

Reference: 15/02695/FUL

Address: 23-25 Woodstock Road, London, NW11 8ES

Decision: Approved subject to conditions

Decision Date: 08 October 2015

Description: Demolition of existing two storey building and erection of 1 no. three storey building, plus basement and loft conversion to facilitate 7 no. self-contained flats, including associated access, hard/soft landscaping, refuse facilities and 4 no. off street parking spaces.

Reference: F/06062/13

Address: 47-49 Woodstock Road, London, NW11 8QD

Decision: Refused - subsequent appeal allowed.

Decision Date: 30 July 2014

Description: Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping.

The application was refused on the basis of an overturn at Committee by Members who objected to the principle of a car lift being provided to serve as the access to and from the street and the basement parking.

### **3. Proposal**

The application relates to the demolition of the existing building and erection of a three storey building with basement level and rooms in the roofspace to provide 10no self-contained flats. The proposal includes associated cycle storage, parking, amenity space, refuse and recycling.

As detailed above this is a revised scheme following the refusal of consent for a 13 unit proposal in 2017. The application was refused on character, amenity and affordable housing concerns.

As well as the reduction in the number of units other key changes include a reduction in the bulk of the roof. The height of the structure would be 11.2m. The building would have a total depth of approximately 19.5m. The overall design concept does not significantly alter. Once again the proposed development consists of a modern building following traditional building form, forward facing gable ends, though this time centrally located, and dormers at eaves level on the front elevation. The roof would have a half hip and crown top finish. The proposed development would be primarily constructed from brick with stone lintels. At the rear the application proposes a three storey stepped projection with terrace areas providing private areas of amenity space.

The scheme proposes to develop 10 self-contained units comprising 6x 3 bedroom units, 3 x 2 bedroom units and 1 x 1 bedroom units.

At basement and ground level there would be 4 duplex flats. The basement rooms are served by lightwells to the front and rear. Flats 3 and 4 would have access to a private terrace at basement level and garden at ground floor. Flat 2 has access to a private garden to the side of the property. A communal garden area of 321sq.m would be provided. All floors would be accessible by lift.

A basement car park for 13 spaces would be provided via an access ramp alongside 57 Woodstock Road. The car parking area has been indicated as providing spaces for two disabled drivers. Refuse storage is indicated to be provided to the front of the site at the ground floor level. Cycle storage would be within the basement.

The proposal has involved continued modification since submission with amended plans displaying the following alterations;

- Reduced front lightwells and removal of the front railings.
- Removal of the bedroom at basement for flat 1 and relocation of it at ground floor level.
- Roof angle changed slightly to match with approved scheme of 47-49 Woodstock Road.
- Removal of the stairs from rear lightwells.
- Removal of one of the bedrooms from basement level for flat 3 & 4.
- Removal of bedroom windows on the side elevations facing Woodstock Road at upper levels.

### **4. Public Consultation**

Consultation letters were sent to 454 neighbouring properties.

24 responses have been received

The comments received can be summarised as follows:

- Further flat block is not needed and the predominant character is single family dwellings
- Flats are destroying the local community feel of the area - the house is worthy of retention
- The development is overdevelopment and out of character, the development will impact neighbouring properties.
- No garden space remaining. This has a detrimental effect on the environment
- This area can't support such a big project as there is a shortage of parking, the water supply is too weak and the waste collection and street maintenance is already a problem
- The flats are small and cramped and akin to bedsits
- Question whether the flats will provide affordable housing
- Windows proposed will affect the privacy of residents
- Impact during the construction phase
- Loss of a nice building which contributes positively to the street.
- Concern for stability of basement and excavations
- The immediate area is already over parked
- We need more gardens or park area for local wildlife and air quality.
- The proposed development represents a poor design
- Frustrated by the repeat applications from developers
- Flats are totally changing the character of the area
- Proposal fails to provide adequate light, outlook and privacy for habitable rooms, poor level of amenity and detrimental impact to future occupiers
- The area for the communal garden is inadequate

## **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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. 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. It is a material consideration in planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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.

### Draft London Plan

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5 and CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

### Supplementary Planning Documents

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

- Principle of development, including planning history;

- 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 or future residents.
- Affordable Housing considerations;
- Highways;
- Sustainability.

### **5.3 Assessment of Proposals**

#### The principle of the proposed development

A material consideration of significant weight is the planning history of the site. Application 17/3801/FUL, whilst refused permission, provides a useful starting point for any resubmission. Any new proposal will have to overcome previous concerns. In that respect the previous application recorded the following on the general principle;

*"The Development Plan and the NPPF seek the provision of new housing within the Borough to meet increasing demand for housing and more particularly affordable housing. The London Plan encourages development to optimise a site for new housing and where it can be demonstrated that that housing can be provided in such a way that it does not affect the character of the area, leads to the delivery of high quality design and preserves and provides existing and future high quality amenity, such development should be supported.*

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

*The site comprises a single dwelling house of significant size and prominence on Woodstock Road which is unlisted although it makes a positive contribution to the character and appearance of the area. Woodstock Road consists of a mixture of dwelling types and there is now a significant proportion of flats, either through extant permissions or through previous redevelopments and the principle of a further block of flats in this context would not be harmful. The construction of a block of flats would not be out of character with the area and would not be contrary to policy DM01. There have been similar flattened schemes granted at 23-25 and 47-49 Woodstock Road and there has not been a change to the policy circumstances in this regard."*

Whilst this scheme makes material alterations in an attempt to address previous concerns, the overall general principle aspect remains unchanged. Subject to compliance with other policy requirements the redevelopment to provide flats can be accepted.

#### The impact on the character and appearance of the application site and surrounding area

The National Planning Policy Framework 2018 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built

environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

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

One of the reasons to withhold consent on the previous application related to design. It was concluded that the existing building made a positive contribution to the overall character of the area. Nevertheless, the building enjoyed no additional statutory protection, and flatted developments formed part of the established character of the area. Golders Court on the north side of Woodstock Road which consists of three, three storey blocks of flats form an imposing presence directly opposite the site. Furthermore other flatted developments as detailed above have been agreed as appropriate for the immediate area.

The proposal results in the demolition of the existing building and its reconstruction to provide 10 as opposed to 13 flats. The building would be three storeys at ground, first and second floor with additional accommodation at basement level and in the roof. The basement level would be a combination of both residential floorspace with lightwells to front and rear and residents' car/cycle parking.

Once again the scale and massing of the proposed building would reflect the existing building on the site and is not out of keeping with the scale and massing of other buildings in the vicinity, both built out on site (Golders Court) and benefitting from extant permissions (47-49 Woodstock Road). Given the wider variety of properties including terraces, semi-detached, new build blocks of flats and so on, it is considered that the proposed development would not be out of keeping with the streetscene.

The existing development in tandem with its immediate neighbour to the west is set back much more from the highway than the other properties in the street. The proposed development would be located much more forward than the existing property and results in a more prominent building within the streetscene. However given the proposed building form, and envelope, it responds to the building directly opposite at Golders Court as well as the significant height of buildings elsewhere in the Woodstock Road. The revised building development is not considered to appear out of character in terms of size, scale and massing in general.

The previous application highlighted what the council considered to be design flaws; the scale and massing of the roof level and the front lightwells.

The proposed roofspace provided two levels of useable space; this was accommodated with an increased pitch to the roof and more prominent front gable projections on either side of the front elevation. A level of rooflights would be located above the proposed eave level dormers. Whilst the rooflights would remain the roof is now much less "top heavy". The half gable roof as opposed to the deeply hipped roof reduces the bulk. The central location of the front gables and the lowering of the eaves also reduces the overall bulky appearance of the roof. The central section of the roof would also cat-slide below the gable features further breaking up the mass and giving the roof much more definition, removing the excessive depth. The proposed roof configuration is now more modest and would result in a more appropriate finish to the building. This previous concern has been overcome.

The proposed lightwells to the front were another concern. Their overall depth and front railings introduced a characteristic which would be at odds with the existing pattern of development. The general character of the lightwells meant they became an obvious feature of the development, out of keeping with the existing and established character.

Although it was acknowledged that a development at 47-49 Woodstock Road which was allowed on appeal included a lightwell at the front of the property, the proposed lightwell area was still deemed substantial, and did not comply with Residential Design Guidance, which sets out to ensure that 'lightwells at the front appear as discreet interventions that do not harm the character or appearance of the building and its frontage'. The lightwells were not considered a discreet feature and were considered to harm the character and appearance of the host property.

The amended application reduces the depth of the lightwells and further amendments have removed the railings. The lightwells would not now be a perceptible character of the development. Officers are of the view that an acceptable compromise has been struck, and the lightwells will not harm the established character of the streetscene.

In light of these changes it is considered the design concerns with the previous application have been addressed and the proposed building would not unduly harm the established character of the area.

#### The impact on the amenity of future residents

Local Plan policies require high quality design in all new development that creates attractive places which are welcoming, accessible and inviting. Policy DM01 states that proposals should be design to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to floorspace and amenity space.

The 10 units meet the space standards. Each unit exceeds the minimum sizes for the relative units. Some of the flats, with double bedroom sizes of 15-22 sq. m are generous.

Under the previous application it was considered that the basement rooms in flats 3 and 4 which were served by shallow lightwells provided poor outlook. The rooms were living/dining areas. These units have been reconfigured. The rear basement rooms are bedrooms, and the council has sought and received further amendments reducing the number of bedrooms provided in the basement thereby increasing their size. Whilst still



served by the lightwell, they are spacious rooms, some of which are now served by 2 No. windows. The bedrooms would be used much less frequently than a living/dining area, and this is considered a more suitable layout, addressing the concern. The rooms served by the smaller front lightwells are non-habitable.

The London Plan Housing Design Guide states that: 'Providing a home with two aspects can have many benefits: better daylight, cross ventilation, a choice of views, access to a quiet side of the building, and greater flexibility in the use of rooms and the potential for future adaptability to re-arrange rooms within the home. Dual aspect design should be the default. A dual aspect dwelling is defined as one with openable windows on two external walls, which may be opposite or adjacent around a corner. One aspect may be towards an external access deck, courtyard, or ventilated atrium. Single aspect flats are difficult to naturally ventilate and more likely to overheat, an increasing concern for homes in London due to anticipated temperature increases from climate change coupled with the urban heat island effect where London is inherently warmer than its surrounding areas. Single aspect flats will only be permitted where the design is shown to allow adequate daylight and ventilation to all habitable rooms.'

There was a previous concern that some of the units were single aspect and north facing, with some bedrooms having to be served by an obscure glazed window. This was considered a poor arrangement. Under the most recently received plans, all upper flats would be dual aspect and ground floor units 2 to 4 would have direct access to a private area of outdoor space. Additionally, the internal layout has been amended to ensure there are no side facing bedroom windows. Side facing windows, which would need to be obscure glazed serve kitchens, secondary or non-habitable rooms.

Some units have private gardens or balconies. There is also a large rear communal garden to serve all the residents.

The proposed building would need to be robustly constructed so as to prevent the transfer of noise between units and also the leakage of noise from the basement car park to the units alongside and above. This can be addressed by way of condition.

Under the revised scheme it is considered that the amenity levels for future occupiers is to an acceptable level.

impact on the amenity of neighbouring residents

57 Woodstock Road is a smaller two storey building which has a single storey rear extension along the party boundary with the subject property. There are no flank windows. The single storey rear extension accommodates a kitchen and projects by 4.0m. At first floor level, the two nearest windows serve bathrooms and would be unaffected by the proposed development. However, at the front elevation there is a bedroom window in a deep recess which is currently less affected because of the mirrored separation from the boundary by the current property. The additional bulk and massing (in addition to its proximity) could result in a loss of amenity to this window. The proposal includes some setback from the boundary and it is considered any impact would not be unduly harmful.

Rooflights are proposed in the third floor which could give rise to overlooking, but these can be obscure glazed. At the rear, adequate screening will need to be provided to the proposed terraces to prevent overlooking and loss of privacy. The details of screening could be met through a condition.

The proposed development would feature an access road adjacent to 57 Woodstock Road. There are no flank windows. However, this may give rise to a noise and vibration impact for the neighbouring property and a noise and vibration report to address the likely impacts that may arise from the operation of an access road and car park adjacent to the property would be required as a condition of consent.

With regard to 53 Woodstock Road, the impact would be slightly different. There is currently a greater separation between properties. There is also significant tree planting between these two properties which provide some screening. There are flank windows and openings facing this property. The applicant proposed to obscurely glaze windows in the side elevation facing toward 53 Woodstock. This would be acceptable to reduce the impact to the neighbouring property. Changes to layouts have been provided to ensure there are no bedroom windows on the side elevation to ensure adequate outlook to habitable rooms.

Given the distance to properties to the rear, it is not considered that serious overlooking would arise.

### Affordable Housing

The proposal has been reduced to 10 units and now does not meet the trigger for affordable housing of 11 units. The third reason for refusal is addressed.

### Highways

The existing site consists of a detached 8 bedroomed dwelling house. The front of the site consists of a large area of hardstanding for un-formalised car parking, with two gated vehicle access. 4 parking spaces are available for the existing use.

There is a residential Controlled Parking Zone (CPZ) on roads in the vicinity of the site which operates from Monday to Saturday 8am- 6.30pm and Sunday 9.30am-6.30pm.

The site is located within a Public Transport Accessibility Level (PTAL) of 5 which is considered as good accessibility.

The parking assessment in accordance with the DM17 Policy for the proposed development would require parking provision of between 9 and 14.5 parking spaces.

Taking into account the Public Transport Accessibility Levels (PTAL) for the site as 5, the parking provision would require to be 10.1 parking spaces. Considering that the majority of the proposed units are 2 and 3 bedroom units, the proposed slightly higher parking provision of 13 parking spaces is acceptable on highway grounds.

It is proposed that Electrical Vehicle Charging Points (EVCPs) shall be provided in accordance with The London Plan Parking Standards.

The Highways Department have requested conditions to be attached to the consent including to require a construction management plan to be submitted and approved by the LPA. The proposed cycle provision meets the adopted standards.

### Sustainability

The Local Planning Authority will seek compliance with local and London wide planning policies on sustainability, reducing water usage and minimising carbon dioxide emissions

from new development. Should an application be granted consent, conditions on these matters will be imposed, relating to:

- Water usage
- Accessibility
- Carbon dioxide emissions

### *Water Usage*

Other related standards may also be relevant, but as a minimum all new housing will be expected to achieve a mains water consumption of 105 litres per head per day or less. Relevant planning policies on these matters include policies 3.8, 5.15 and 7.2 of the London Plan (2015); policy CS13 of the Barnet Core Strategy (2012); and policy DM02 of the Barnet Development Management Policies document (2012). The energy statement submitted by the applicant confirms the development will achieve a rating of 105 litres per person per day.

Thames Water have reviewed the proposal and have recommended an informative be attached to this planning permission that Thames Water will provide a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, there are no objections to this development.

### *Accessibility*

All new development should ensure that the needs of future occupiers are met and that the development complies with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

The applicants planning statement has confirmed that all new units have been designed to meet part M4(2) of the Building Regulations. All floors are accessible via a lift.

### *Carbon dioxide emissions*

Any submission should clearly demonstrate how a proposal is making the fullest possible contribution to minimising carbon dioxide emissions in accordance with the following energy hierarchy:

- Be lean: use less energy
- Be clean: supply energy efficiently
- Be green: use renewable energy

Applications should include a commitment to the scheme proposed achieving a specific level of improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. Relevant planning policies on this matter include policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

The applicant has provided an energy statement outlining the proposed technology to be adopted. The proposal is to use a boiler with a Flue Gas Heat Recovery System. The statement refers to an overall reduction in CO2 emissions of 15.05%.

### *Drainage*

The application has been reviewed by Council's Drainage experts who advised the site is within Flood Zone 1 and is less than 1ha and as such a Flood Risk Assessment is not required. However the applicant has not provided sufficient information regarding the management of surface water runoff or a drainage strategy. Conditions have been recommended to require the applicant to provide drainage information to the LPA prior to construction.

Thames Water have provided comments regarding sewerage and wastewater. Thames Water have requested an informative is included with this permission to advise that a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Overall, Thames Water do not have any objection to the planning application with regard to sewerage infrastructure capacity.

## **5.4 Response to Public Consultation**

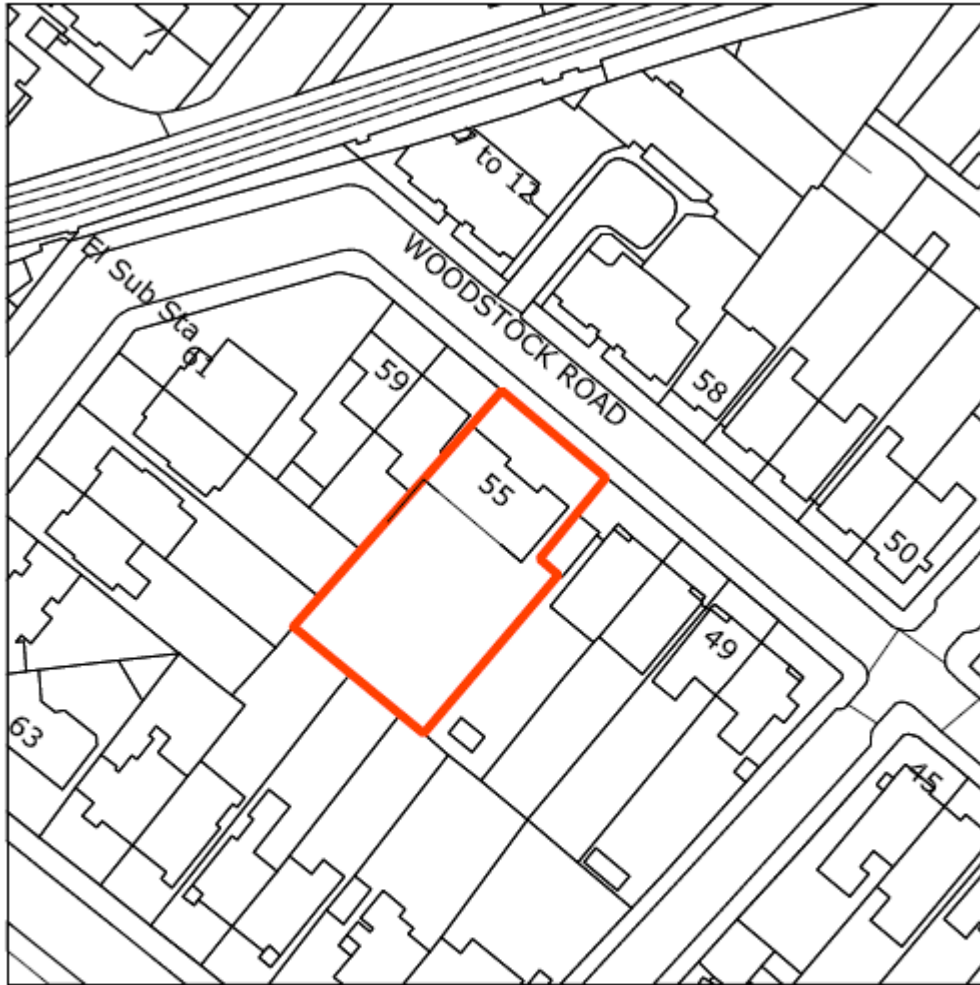
The majority of the matters have been addressed above. Whilst the concerns of local residents are noted, it is considered that flat developments are a component part of the general character of the area. Furthermore the units are considered an appropriate size and provide a suitable, policy compliant level of amenity. Further, officers consider the amenity of neighbouring has been protected. The Highways Authority is content, that given the location, the parking provision is acceptable. Previous concerns have been addressed and in the view of officers' there are no reasonable grounds to refuse the amended scheme.

## **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**

In light of the above appraisal, it is considered that a case for the amended scheme has been made and 10 units could be successfully accommodated on site. Officers consider previous reasons for refusal have been addressed. It is therefore recommended that this application is approved subject to conditions.



LOCATION PLAN  
SCALE : 1 / 1250

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**Location**                               **59 Hodford Road London NW11 8NL**

**Reference:**                           **18/1916/RCU**

Received: 26th March 2018

Accepted: 29th March 2018

Ward:                                    Childs Hill

Expiry 24th May 2018

Applicant:                            Mrs SHOBHA GEORGE

Proposal:                             Installation of heat pumps in the front garden (Retrospective Application)

AGENDA ITEM 18

**Recommendation:** Approve subject to conditions

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

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

Site location plan;

SHOBHA GL50.4 LOC Location Plan Existing;

SHOBHA GL50.4.1 PRE LOC Location Plan Pre-Existing;

SHOBHA GL50.01 PRE EXG Ground Floor Plan as Pre-Existing;

SHOBHA GL50.01 EXG Ground Floor Plan / Front as Pre-Existing;

SHOBHA GL50.02 PRO Ground Floor / Front as Existing;

SHOBHA GL50.02.1 PRE EXG Ground Floor Plan / Front as Pre-Existing;

SHOBHA GL50.03 PRE / EXG FRONT ELEVATION Front Elevation as Pre-Existing / Existing

SoundSolutions - Noise Impact Assessment: Technical Report 30265 R1

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 3 a) Within two months of the date of the decision notice, 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 approval of the submitted details.
- 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.

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

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



## Officer's Assessment

### 1. Site Description

The application site is located on the western side of Hodford Road within the Childs Hill ward. The previous dwelling house has been demolished and a new dwelling house has been erected as per the permission below.

The property is not listed nor does it lie in a Conservation Area.

### 2. Site History

**Reference: 15/03152/FUL**

Address: 59 Hodford Road, London, NW11 8NL

**Decision:** Approved subject to conditions

Decision Date: 16 September 2015

Description: New build of two storey house with basement and rooms in the roof.

**Reference: 16/8226/CON**

Address: 59 Hodford Road, London, NW11 8NL

**Decision:** Split Decision

Decision Date: 14 February 2017

Description: Submission of details of condition 3 (Levels) 6 (Landscaping) 8 (Demolition and Construction Method Statement) pursuant to planning permission 15/03152/FUL dated 05/06/15

**Reference: F/05417/13**

Address: 59 Hodford Road, London, NW11 8NL

**Decision:** Approved subject to conditions

Decision Date: 22 January 2014

Description: Construction of two storey dwelling with rooms in the roof space following demolition of existing dwelling.

**Reference: F/02759/13**

Address: 59 Hodford Road, London, NW11 8NL

**Decision:** Approved subject to conditions

Decision Date: 21 August 2013

Description: Two storey front/side extension involving new windows and doors to replace existing. Part single, part two storey rear extension including 2no. rooflights with new patio and first floor green roof with glass balustrades. New roof involving rear dormer window with Juliet balcony and 6no. roof lights to facilitate a loft conversion. Internal alterations.

### 3. Proposal

This application seeks consent for retrospective consent for the installation of a heat pump in the front garden.

The pump is sited at the same level as the driveway, at the end close to the main dwelling house but before the lowered passage that separates the dwelling from the driveway.

The pump measures 1.1m in diameter and 2.0m in height although the visible height is 1.653m from the garden level and is made of silver coloured steel. It is proposed to screen the pump behind evergreen plants.

#### 4. Public Consultation

9 consultation letters were sent to neighbouring properties.

1 objection has been received

The views of objectors can be summarised as follows;

- Unsightly
- Worrying precedent

Internal / other consultations:

Environmental Health: No objection following submission of additional information

This application was called in by Councillor Zinkin in order for the committee to assess the impact of the pump on local amenity.

#### 5. Planning Considerations

##### 5.1 Policy Context

{\ul 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 updated in 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

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

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM17

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

### Supplementary Planning Documents

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

This application seeks retrospective consent for the installation of a heat pump to the front garden of the application site.

Whilst it is recognised that this is not a common feature of the front gardens of residential properties in the area the structure is proposed to be screened by evergreen planting in order to ensure it is not readily visible along the streets scene. A landscaping condition is suggested to establish the details of the planting and requires that all works are undertaken within three months of this permission.

Once the planting is completed it is considered that the heat pump will be less visible at the front of the application property and therefore will not result in any loss of amenity to the occupiers of neighbouring properties.

The Council's Environmental Health department has reviewed the additional information submitted and raises no objection subject to the imposition of a noise condition, commenting; "I have read through the noise report and other information. It demonstrates that there will not be a noise impact on the next door residential property. The noise is sufficiently below the background noise level. It is in compliance with Barnet's standard noise requirements."

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

#### 5.4 Response to Public Consultation

The concerns raised by objectors are noted and all planning matters are covered in the above report.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

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



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**Location** 16 Lichfield Road London NW2 2RE

**Reference:** 18/2798/FUL

Received: 9th May 2018

Accepted: 16th May 2018

**Ward:** Childs Hill

Expiry 11th July 2018

**Applicant:** Mrs Gabriella Marino

**Proposal:**

Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage

AGENDA ITEM 19

**Recommendation:** Approve subject to conditions

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

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

Site Layout Plan L06/2017/SITE Rev D  
Site and Block Plans L06/2016/01  
Existing Ground Floor Plan BA22530916\_01  
Existing First and Second Plan BA22530916\_02  
Existing Elevations Drawing elevation E1-E3  
Proposed Ground and First Floor Plan L06/2016/02 Rev A  
Proposed Loft and Roof Plan L06/2016/03 Rev C  
Proposed Elevations L06/2016/04 Rev D  
Design and Access Statement dated May 2018

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

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

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

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

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

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

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

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

- 5 Prior to the occupation of the development, parking spaces and the access to the parking spaces shall be provided in accordance with drawing No. L06/2017/Site Rev. D submitted with the application. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

Reason: To ensure and promote easier access for disabled persons to the approved building 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 which in turn refers to London Plan Parking Standards.

- 7 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.



Any proposal for the adoption of land would need to be progressed under S38 of the Highways Act.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 8
- 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).

**Informative(s):**

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

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

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

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

Please Note: A maximum width of a continuous crossover allowed for a property from a public highway is 4.8 metres.

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

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

- 4 Provision of a new footway or modification of the existing footway shall be Disability Discrimination Act (DDA) compliant.
- 5 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition

survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 6 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 8 The applicant is advised that any works required on public highway to facilitate the development will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.

## Officer's Assessment

### 1. Site Description

The application site is located on Litchfield Road, close to the Cricklewood Town Centre. The immediate vicinity is comprised of 3 storey terrace properties and 2 storey maisonettes. There is an established character of flats in the area.

The property has a commercial ground floor shop with a separate shop front. The remainder of the property is divided into 4 self-contained flats. Permission was given in 1969 for the conversion of the property into 2 self-contained flats.

The shop front extends forward of the main building line. There is no planning permission for the shopfront extension but an enforcement case in 2013 found the extension to be lawful by virtue of having been built over 4 years ago.

The property benefits from an existing first floor side extension with a flat roof.

### 2. Site History

Reference: 17/4186/FUL

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused for following reasons:

1. The second floor side and rear extension in addition with a rear dormer extension has a cumulative impact on an already large and extended property and would, by reason of its size, bulk, design, be unduly obtrusive and detrimental to the character and appearance of the host property, streetscene and general locality. The proposals would be contrary to policy DM01 of the Barnet Adopted Barnet Development Management Policies 2012 and policy CS5 of the Barnet Adopted Core Strategy 2012.

2. Insufficient car parking is provided to serve the development which is likely to lead to conditions detrimental to the free flow of traffic and highway and pedestrian safety, contrary to policies CS9 of the Local plan Core Strategy (Adopted) 2012; and Policy DM17 of the Local Plan Development Policies (Adopted) 2012.

Decision Date: 29.08.2017

Description: Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage.

Appeal: Dismissed 16/03/2018

Reference: 17/0799/FUL

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused

Decision Date: 24.04.2017

Description: Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension. Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats

Reference: C14118/00

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Refused

Decision Date: 28 December 2000

Description: Creation of two additional self-contained residential flats, involving change of use of ground floor shop (A1) to residential (C3), ground floor rear extension and second floor side extension.

Reference: C02299

Address: 16 Lichfield Road, London, NW2 2RE

Decision: Approved subject to conditions

Decision Date: 6 March 1969

Description: Conversion into 2 self-contained flats.

### 3. Proposal

Conversion of existing ground floor shop into 1no self-contained flat. Second floor side and rear extension . Roof extension involving rear dormer window, 2no rooflights to front elevation to provide 1no self-contained flats. Associated parking, refuse and recycling store and cycle storage

The applicant seeks permission to convert the existing ground floor shop into 1 self-contained flat, and undertake extensions to the second floor and roof to create 1 additional self-contained flat. The proposal will add a total of 2 additional flats to the 4 existing flats. This will result in a total of 6 flats. The existing flat at ground Floor (Unit A) and two flats at first floor (Unit B and C) are unchanged.

The proposed ground floor flat (Unit A1) would be 70m<sup>2</sup> GIA with 2 bedrooms for 3 people. The existing second Floor Flat (Unit D) would be extended to 62.9m<sup>2</sup> GIA with 2 bedrooms for 3 people.

The proposed second floor flat (Unit E) would be 65.8 GIA with 2 bedrooms for 3 people.

The existing shop front would be removed and replaced with a bay window to match the existing front window. The rear of the ground floor shop would be altered following removal of the existing utility space. The alterations involve a side extension of 2.4 metres in depth and 1.8 metres in width.

The applicant also proposes to construct a second floor rear and side extension. The rear extension would measure 5.7 metres in depth, 2.7 metres in height and 5.2 metres in width. The side extension would measure 3.8 metres in width at the front of the property and 4.3 metres in width at the rear of the property. The roof is proposed to extend in width and have a pitched end to match the existing pitch slope.

In addition, a rear dormer is proposed measuring 4.5 metres in width, 2.1 metres in height and 3.2 metres in depth. Two rooflights will also be added to the front elevation to facilitate a loft conversion.

The forecourt of the property will contain bin stores and landscaping, along with parking spaces for 2 or 3 vehicles.

### 4. Consultation and Views Expressed

#### Public Comments

Consultation letters were sent to 217 neighbouring properties.

3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- the loss of the shop which is conveniently located and well used by the community
- Impact on parking demand
- Installation of dropped curb will reduce on street parking space
- Will exacerbate existing problems of persons parking on the pavement.
- Installation of hardstanding instead of areas of landscaping will encourage pollution

Elected Representatives

The following call in request has been received from Cllr Clarke:

'I wish to direct application 18/2798/FUL to the Planning Committee for their consideration. Residents of Lichfield Road are concerned about the loss of amenity of their local shop, the impact of having a dropped kerb in a new CPZ and the addition of more flats in an already overcrowded area. I would therefore like members of the Planning Committee to determine this application.'

Internal /external and Other Consultations:

Highways

No Objections subject to Conditions

5. Planning Considerations

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 24 July 2018. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital 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.

#### Draft Replacement London Plan 2017

The Draft London Plan (DLP) published November 2017 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. When adopted this will replace the London Plan 2016.

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

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

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

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

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

#### Supplementary Planning Documents

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

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



Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- the principle of development including the loss of the existing A1 use
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Highways and Parking.

## 5.3 Assessment of proposals

### Principle of Development including Loss of A1 Use

The objections were concerned with the loss of the ground floor shop and absence of any other shops in the area. Three previous applications at the site have not raised issue with the loss of the shop. Specialist advice was sought during the consideration of one of the previous applications (17/0799/FUL) and it was concluded that the location of the shop is not viable for A1 use. This is still considered to be the case in this instance. There are also other shops in the Cricklewood Town Centre within walking distance. The loss of the shop is not considered a justifiable grounds for refusal in this case.

The building is currently in use as flats on upper levels and as such the basic principle of flats in this location is considered acceptable. It was noted that the principle of the development was accepted by virtue of the previous inspector's decision which raised no objections in this regard.

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

The application proposes the replacement of the existing shop front and its replacement with a bay window together with a reconfiguration of the existing ground floor accommodation. The application also proposes to construct a two storey rear and side extension. The rear extension would measure 5.7 metres in depth, 2.7 metres in height and 5.2 metres in width. The side extension would measure 3.8 metres in width at the front of the property and 4.3 metres in width at the rear of the property. The roof is proposed to extend in width and have a pitched end to match the existing pitch slope. In addition, a rear dormer is proposed measuring 4.5 metres in width, 2.1 metres in height and 3.2 metres in depth along with two rooflights.

The extensions proposed are identical to those previously considered at appeal under planning application reference 17/4186/FUL. The Inspector while dismissing the appeal on highway grounds did not support the Council's objections to the visual appearance of the proposed extensions concluding that the proposals would not harm the character and appearance of the host property or the surrounding area as the extensions would be viewed against the backdrop of the terrace and a number of rear extensions.

Given this previous appeal decision it is not considered that any objection can be sustained in relation to the visual appearance of the proposed extensions.

### Neighbouring Amenity

The application property is located approximately 12m from the flank wall of number 17 and 18 Lichfield Road, which contains no side facing windows and due to this arrangement no demonstrable loss of daylight, sunlight or sense of enclosure will occur. In relation to number 14 Lichfield Road, the proposed first floor rear extensions are no higher than an existing first floor rear extension and as such would not result in any significant adverse impact.

It is noted that the impact upon neighbouring amenity did not form part of the previous reason for refusal and given that the plans are unchanged would not be reasonable for the application to be refused on these grounds.

### Highways and Parking

The previous application was refused in part due to Insufficient car parking being provided (1 space was proposed) to serve the development. This reason for refusal was endorsed by the Planning Inspector who noted that the level of car parking did not accord with Council Policy and that this would adversely affect parking stress on Lichfield Road.

The applicant has amended the plans to provide 2-3 spaces on the forecourt of the premises. The 3rd space requires an increase in the width of the existing footway crossing. The 3rd space is marked as if required by the Council and subject to their being Highways approval to the extension of the footway crossing.

The Council's Highway officer has been consulted on the proposal and has advised that they consider that 3 spaces should be provided and that subject to conditions (including a requirement to apply for the crossing) raise no objections to the proposal. While the proposed changes to the crossing will reduce the amount of space for on- street parking it is not considered that this would warrant the refusal of the application as this is inevitable in any drop curb application.

No detailing has been provided for the cycle storage a condition is suggested requiring the provision of appropriate facilities.

### 5.4 Response to Public Consultation

The matters raised have been addressed in the officer's report above.

### 6. Equality and Diversity Issues

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

### 7. Conclusion

The proposal satisfactorily addresses the previous reason for refusal relating to inadequate parking provision. While the comments raised in relation to the principle of the development are noted these did not form part of previous reasons for refusal. In relation to design, while Council Officers previously objected to the visual appearance of the proposed extensions. This was not subsequently supported by the Planning Inspectorate

and as such no objections can be raised in such regards in relation to the current scheme. The application is therefore recommended for APPROVAL subject to Conditions.

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**Location** 15 Wycombe Gardens London NW11 8AN

**Reference:** 18/3290/FUL

Received: 30th May 2018

Accepted: 6th June 2018

**Ward:** Childs Hill

Expiry 1st August 2018

**Applicant:** MLE PROPERTY LTD

**Proposal:** Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling

AGENDA ITEM 20

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director of Planning and Building Control 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:

16GW - EX - OS MAP

16GW - EX - SITE PLAN

Survey Site Plan

Survey Ground Floor Plan

Survey 1st Floor

Survey Roof Plan

Survey Front Elevation

Survey Rear Elevation

Survey Side Elevation - East

Survey Side Elevation - West

WG16 - PL- A201 (Lower Ground Floor & Ground Floor)

WG16 - PL-A202 (First & Second Floors)

WG16 - PL- A203 (Roof & Site Plan)

WG16 - PL-A201 (Elevations)

Arboricultural Survey

Arboricultural Addendum Note

Design and Access Statement

Planning Statement

Sustainability Checklist

Sustainability Statement

Transport Assessment

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 No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the proposed buildings and hard surfaced areas including grass paves have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the materials as approved.

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 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, roads and footpaths in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

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.

- 5 The roof of any part of the buildings hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity of 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).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights, doors, extensions, enlargements, porches, additions or alterations to the roof, garden sheds, outbuildings, greenhouses, swimming pools, or hard surfaces shall be erected or constructed other than those expressly authorised by this permission.

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

- 7 Before the building hereby permitted is first occupied the proposed first floor rear windows facing no. 13 and no. 17 Wycombe Gardens, the proposed side dormer facing no. 13 Wycombe Gardens and the side windows of Units B and C, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2016).

- 8 The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 9 Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 10 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2016).

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

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

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

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
- ii) the parking of vehicles of site operatives and visitors;
- iii) Site preparation and construction phases of development;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust, dirt and noise during construction;
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- x) delivery, demolition and construction working hours.
- xi) Details of a community liaison contact for the duration of all works associated with the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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



- 14 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on drawing no. WG16-PL-A201, shall be provided. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

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

- 15 The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority. The access shall be retained thereafter.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 16 No 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).

- 17 Prior to the commencement of the development or any works associated with this consent starting on site, full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approved under this condition prior to its being occupied or brought into use.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

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

been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 19 No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and the rear boundary, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority. 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. 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.

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

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

- 21 Prior to the 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.

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

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

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

- 1 In accordance with paragraphs 38 - 57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimize risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the southern side of Wycombe Gardens close to its junction with Hodford Road which also runs to the rear of the site. The site accommodates a substantial two-storey building currently in use as two self-contained flats.

The area is predominantly residential comprising semi-detached and detached single dwelling houses. Houses are set back from the road behind large gardens and driveways bound by low boundary walls and hedges.

The property is unusual for the site in that it accommodates a wide fronted building in a plot substantially larger than others in the street. There is a single storey garage attached to the western flank elevation that also functions as a roof terrace with access from the first-floor level and the rear garden via a staircase. The building is situated on sloping land with a downward gradient from north to south through the rear garden and a rising slope from west to east along Wycombe Gardens towards Finchley Road.

There is a large tree located on the north-eastern corner of the site (at the front). In addition, there is a mature tree screen in the rear garden, although at the time of the site visit many had been pruned and there were views into the gardens of properties on Hodford Road. None of the trees are protected by a tree preservation order and the site is not located in a conservation area.

The site is located in a Controlled Parking Zone.

### **2. Site History**

Reference: 18/2191/NMA

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 01 May 2018

Description: Non-material amendments pursuant to planning permission reference 16/8061/FUL scheme approved by appeal A Ref: APP/N5090/W/17/3179008 dated 11/12/2017 for Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling. Amendments include alteration to the fenestration to front elevation

Reference: 17/4182/FUL

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 19 September 2017

Description: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling

**Appeal Reference:** APP/N5090/W/17/3185573

**Appeal Decision:** Allowed

**Appeal Decision Date:** 17 January 2018



Reference: 16/8061/FUL

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 17 May 2017

Description: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roof space

**Appeal Reference:** APP/N5090/W/17/3179008

**Appeal Decision:** Allowed

**Appeal Decision Date:** 17 January 2018

### **3. Proposal**

The application seeks permission for the demolition of the existing building and the erection of 2 pairs of semi-detached family houses with rooms at basement level and roofspace.

The proposal would involve 4 x 4 bedroom dwellings (2 x 4-bed 6 person, 2 x 4-bed 7 person).

The proposed buildings would have a depth of 9.7m measured along the boundary with No.13 and 6.9m along the boundary with No.17. All four properties are proposed with single storey rear projections with a maximum depth of 3m which would be less than half of the width of each property and set away from the boundaries with No.13 and No.17.

Unit A would be set 1m away from the flank elevation of No.13 at ground floor (sited at the boundary) and 1m away from the shared boundary at first floor level. At the other side, Unit D would be set along the boundary with No.17 at ground floor and set 2.5m away from the same boundary at first floor. Plot A would broadly follow the building line of No.13 and Plots C and D would step forward by approximately 1m reflecting the bend of the road.

The semi-detached buildings would be hipped at the ends facing No.13 and 17 with gabled ends in the middle, with two centrally located gables at the front. The buildings would have an eaves height of 5.3m measured at the boundary with No.13 and 5.6m with No.17. The ridge height of plots A and B would set 0.7m higher than plots C and D due to the change in ground levels.

It is proposed to have rear dormers to all properties and a side dormer on plot A.

At basement level, the floor space is generally sited underneath the footprint of the dwellings with an element projecting beyond the front building line. However, there would be no external manifestations to the front of the site.

The proposal would provide 6 off-street parking spaces to the front of the site.

### **4. Public Consultation**

Consultation letters were sent to 107 neighbouring properties.

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

The objections received can be summarised as follows:

- Similar applications refused at FGG committee;

- Overdevelopment of the site;
- Out of character development;
- Design is out of keeping;
- No other houses have basements;
- Loss of garden and amount of proposed front hardstanding;
- Impact on neighbouring amenity;
- Overlooking;
- Loss of light;
- Increased parking pressure;
- Flood risk.

## **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 24 July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

## Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

## Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways and parking provision;
- Other material considerations.

### **5.3 Assessment of proposals**

The site has been subject to two previous applications for the demolition of the existing building and erection of 4no dwellings and 2 pairs of semi-detached houses respectively. Both applications were refused at Finchley and Golders Green Planning Committee for being overdevelopment of the site and detrimental to the character and appearance of the street scene and general locality.

Both applications were subsequently appealed and considered at the same time by the Planning Inspectorate. A decision was issued in January 2018 and the Inspector found that both proposals would not harm the character and appearance of the area, would not have a harmful effect on the living conditions of existing occupiers at No.11, 13 and 17 Wycombe Gardens, would provide sufficient amenity space for future occupiers and would not have a harmful effect on highway safety.

These decisions are a material consideration in the assessment of this application and the Inspector's comments will be further detailed within the relevant sections below.

#### Impact on the character and appearance of the existing site, street scene and wider locality

The Inspector made the following assessment of the appeal proposals in respect to the impact on character and appearance:

*7. ...The proposal would effectively be for a terrace of four dwellings, in contrast to the predominant form of development in the surrounding area. However, the existing building differs significantly from surrounding properties by virtue of its elongated frontage.*

8. Plot A would broadly follow the building line of number 13 Wycombe Gardens and Plots C and D would step forward by approximately 1m reflecting the bend of the road. The basements would project beyond the front building line; however, they would not be readily visible within the street scene. In addition, the proposal would have a similar plot coverage as the existing property and broadly reflect the established property and broadly reflect the established front and rear building lines along Wycombe Gardens with the exception of the projecting rear wings at ground floor level; however, these would not be visible from the road.

9. Furthermore, although the proposal would be slightly higher than the adjacent No.13, the stepped roof would reflect the change in ground levels and help to reduce the massing of the proposal. Consequently, although the proposal would result in a staggered height and building line, I consider that the design would respond well to the specific characteristics of the site which differs from that of the surrounding area.

10. The proposal would involve the loss of the existing brick boundary wall and the installation of driveable grass pavers within the front garden space to provide in-curtilage parking. However, I noted on my site visit that there are a number of properties in both Wycombe Gardens and Hodford Road whether the frontages are dominated by driveways...I, therefore, consider that the proposed frontage arrangement would not be at odds with the character and appearance of the area.

11. Although the proposal would have a contemporary appearance, the overall scale, massing and plot coverage would broadly reflect the character of the surrounding area. Furthermore, the surrounding area is characterised by a variety of architectural styles.

12. ...The positioning of the buildings relative to numbers 13 and 17 and the height would be broadly similar to Appeal A. The design would also be similar with the roofs hipped to both sides and two centrally located gables at the front...As with Appeal A the basements would be sited underneath the footprint of the dwellings, although they would not be visible in the street scene.

13. The proposal for semi-detached dwellings would reflect the character of surrounding properties. Furthermore, the proposal would generally sit within the established front and rear building lines of Wycombe Gardens, with the exception of the rear projecting wings which would not, in any event, be visible from the road. The gap between the buildings would also reduce the visual mass and bulk of the proposal. It is proposed to have 'grasscrete' surfacing for the parking spaces at the front combined with landscaping in order to soften the appearance of the parking area.

14. ...the proposal would have a contemporary appearance; however, I consider that the overall scale, massing and plot coverage would respond to the character of the surrounding area and the specific characteristics of the appeal site. Consequently, I consider that Appeal B would not harm the character and appearance of the surrounding area.

15. For the reasons stated, I conclude that Appeal A and Appeal B would not harm the character and appearance of the area. No conflict would, therefore, arise with Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMP), Policy CS5 of the Barnet Core Strategy 2012 and Policies 7.4 and 7.6 of the London Plan.

This application remains broadly similar to the appeal proposals in terms of overall scale, massing and plot coverage. The proposed frontage has been amended to provide an alternative parking arrangement but it is not considered to be significantly different in comparison to the previous proposals. While there are some external alterations, the overall design is broadly similar to Appeal B in terms of its semi-detached nature, overall height and ground floor rear projections. The main noticeable change is the provision of facing gable ends to blocks B and C. However, this alteration is not considered to be materially different from the Appeal B scheme.

Overall, the proposal is considered to be broadly comparable to the schemes considered acceptable at appeal and there are no significant alterations from those schemes which would warrant refusal of the proposal on the grounds of character and appearance.

#### Impact on the living conditions of neighbouring occupiers

In respect of the impact on the amenity of neighbouring occupiers, the Inspector made the following comments:

*17. The proposed development immediately adjacent to No 17 would be single storey and the first floor of the building would be set around 2.5m away from the boundary with No 17. Furthermore, the rear garden of No 17 would be situated between the appeal proposals and the rear elevation of No 17. Moreover, the existing first floor terrace on the garage of the appeal property would be removed which would improve the privacy of the occupiers of No. 17. Consequently, the proposal would not have a materially harmful effect on the living conditions of the occupiers of number 17 in terms of outlook or privacy.*

*18. The existing clear glazed dormer serving No 13 Wycombe Gardens does not serve a habitable room and the proposed dormer in the side of the proposal would be obscure glazed. Consequently, the proposal would not have a harmful effect on the living conditions of existing occupiers at No. 13.*

*19. Due to the distance from the site, the low level of the rearward projections and the intervening property, I am satisfied that the proposal would not result in a loss of light or privacy to No 11. The proposal would not, therefore, have a harmful effect on the occupiers of No 11.*

There are no significant deviations in this application when compared to the previous appeal schemes. As such the above assessment by the Planning Inspector has remain unchanged and it is considered that the proposal will not have a harmful effect on the living conditions of neighbouring occupiers.

#### Provision of adequate accommodation for future occupiers

The proposal provides 4 x 4-bedroom family dwellings. Each unit would comply and exceed the minimum space standards. All habitable rooms would benefit from suitable outlook.

Previously within the Officer's committee report, it was acknowledged that the outdoor amenity space would fall below Barnet's requirements, however, on balance was not considered materially harmful to recommend refusal. The Inspector provided comment on this as follows: *Although the proposed dwellings would have small gardens compared to surrounding properties the gardens would, nevertheless, be large enough to accommodate the usual range of activities associated with domestic gardens including sitting out, playing*

*and drying washing. I am, therefore, satisfied that future occupiers would have sufficient amenity space.*

The proposed amenity space provision is considered to be acceptable.

#### (Highways and parking)

The proposal provides 6no. off-street parking spaces which are located to the front of the properties. A parking survey was undertaken and submitted which demonstrated that the parking stress is around 47% with the availability of 37 car parking spaces. Therefore, the shortfall of parking is acceptable in this instance as the overspill parking can be accommodated within the street. Based on these factors the Inspector found that the proposal would not have a harmful effect on highway safety.

With regards to the refuse arrangements, although the appearance of the bins has not been specified (details will be conditioned), the siting is indicated to the front of the property. This falls within 10m of the public highway and therefore the refuse collection will continue with the same arrangement as the previous dwelling.

The proposal is considered to have an acceptable impact on highways grounds, subject to recommended conditions.

#### Other material considerations

##### *Trees*

As mentioned, there are no protected trees on the site or on adjacent properties, although it is acknowledged that the Horse Chestnut tree sited at the front of the site is of good amenity value and therefore this is a material consideration in the determination of the application.

The applicant has submitted an Arboricultural Impact Assessment with the application which details suitable protection measures during construction. The report recommends the protection of the Horse Chestnut tree which would be conditioned.

The tree report also states:

"A final landscaping scheme must be agreed in writing by the Local Authority to confirm levels within the RPA of tree T2 and also to confirm construction method of car parking area to accommodate tree roots and avoid compaction and damage for the long term."

In addition, the report recommends the removal of a birch tree which is in a poor state at the rear of the site; the scheme would also result in the removal of another birch tree located at the front of the site. The removal of both trees is considered acceptable given that these are of poor quality.

The trees at the rear of the site, although mature, have been pruned and have had their crowns lifted therefore there are some views into neighbouring gardens as existing above the existing fence. The proposal does not seek the removal of these trees and therefore it is not considered that there would be any change in circumstances. In addition, the proposed development is outside the RPA of these trees.

Landscaping would be secured by a condition to both the front including the proposed 'Grasscrete' and rear of the site to mitigate impact to neighbouring gardens and soften the appearance of the building at the front.

On balance, subject to conditions, the proposal is not considered to be harmful to the existing trees on site or the general street scene, and the proposal is recommended as acceptable in this regard. It must be noted that the previous application was not refused due to impact on trees.

As the Horse Chestnut Tree to the front of the site is to be retained along with the mature trees to the rear, the Inspector stated that the proposal would not have a harmful effect on trees which contribute to the character and appearance of the area.

#### *Flood risk*

This element was considered by the Inspector who made the following comments:

*The appeal property is not situated within an area at risk of flooding or in a ground water protection zone. Furthermore, I have imposed a condition which requires details to be submitted and approved by the Local Planning Authority of measures which the development would include to prevent an adverse impact on drainage and ground and surface water conditions in the area. Consequently, I am satisfied that the development at basement level would not increase the risk of flooding.*

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

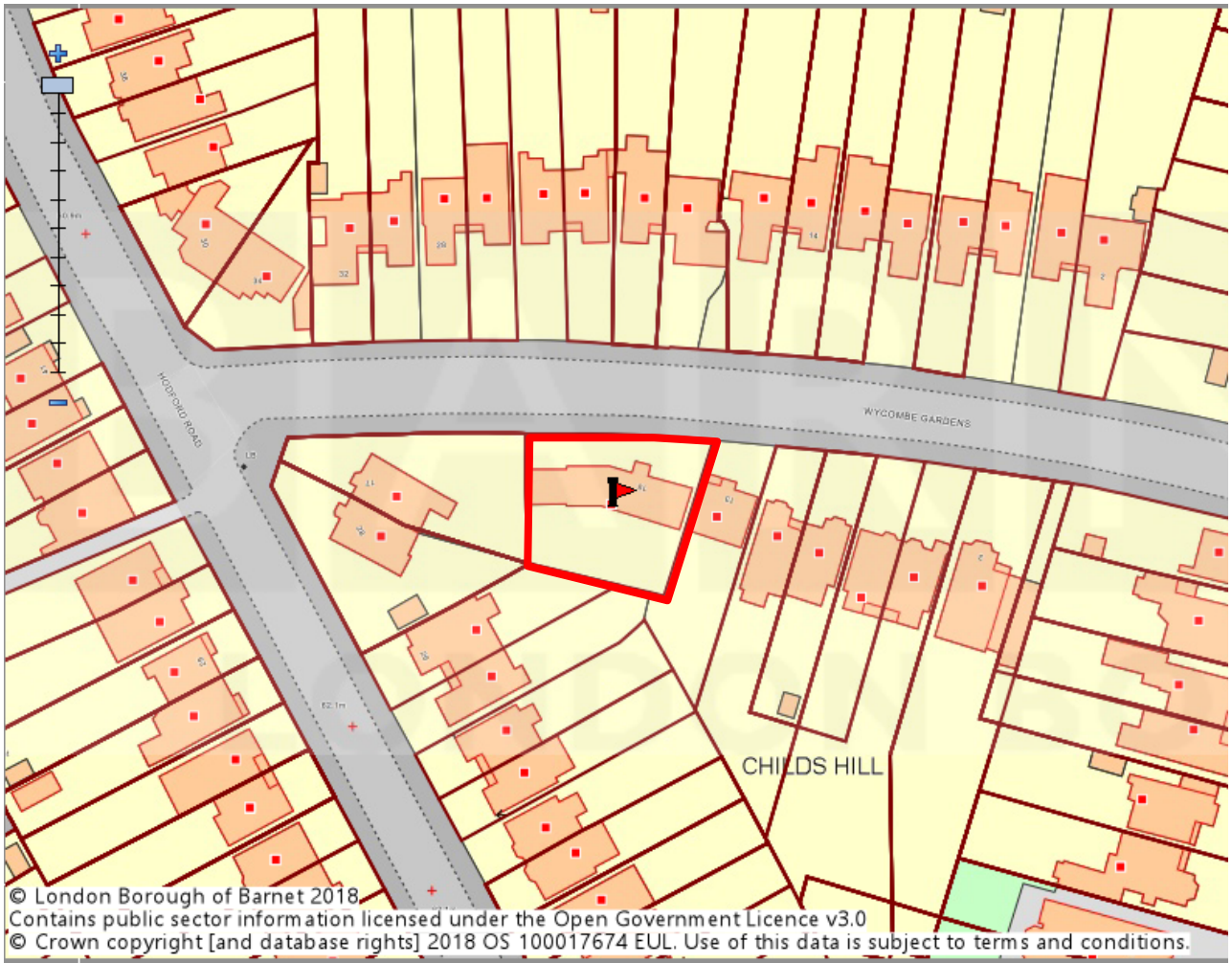
The comments raised in the letters of objection are addressed within the relevant sections above. While there are concerns relating to the form of development, its design, impact on neighbouring occupiers and highways, these issues were not considered to be harmful by the Planning Inspectorate in the appeal decisions of the previous two applications. These applications are very similar in all aspects to the proposed development in this scheme and therefore the consideration and decision taken by the Inspector is still relevant and applicable to this application.

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

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

#### **7. Conclusion**

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



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**Location**                      **53 Llanvanor Road London NW2 2AR**

**Reference:**                    **18/3321/HSE**

Received: 30th May 2018

Accepted: 6th June 2018

Ward:                              Childs Hill

Expiry 1st August 2018

Applicant:                      Mr Michael Le

Proposal:                        Single storey rear extension. New raised decking area to rear.

AGENDA ITEM 21

**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: A.01\_Rec C; A.02\_Rev A; A.03\_Rev F7; A.04\_Rev F9.

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).

**Informative(s):**

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

## **Officer's Assessment**

### **1. Site Description**

The application site is located at 53 Llanvanor Road, consisting of a two storey, end of terrace dwellinghouse with front and rear amenity space. The area surrounding the proposed site consists of similar two storey terraced houses with front and rear amenity space. The site is located within the Childs Hill ward. The site is not within a conservation area, nor is it a listed building.

### **2. Site History**

Reference: 17/4183/PNH

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Withdrawn

Decision Date: 7 August 2017

Description: Single storey rear extension with a proposed maximum depth of 6 metres measured from original rear wall, eaves height of 2.7 metres and maximum height of

Reference: 17/4183/PNH

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Withdrawn

Decision Date: 7 August 2017

Description: Single storey rear extension with a proposed maximum depth of 6 metres measured from original rear wall, eaves height of 2.7 metres and maximum height of 3.9 metres

Reference: 17/5090/PNH

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Prior Approval Required and Approved

Decision Date: 6 September 2017

Description: Single storey rear extension with a proposed depth of 5.7m, eaves height of 2.7m and maximum height of 3.9m

Reference: 18/0752/PNH

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Prior Approval Required and Approved

Decision Date: 15 March 2018

Description: Single storey rear extension with a proposed depth of 5.7m, eaves height of 3m and maximum height of 4m

Reference: 18/0939/HSE

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Withdrawn

Decision Date: 6 June 2018

Description: First floor rear extension. Annexe to the rear for use ancillary to the main house. New raised timber decking area to rear

Reference: 18/3419/PNH

Address: 53 Llanvanor Road, London, NW2 2AR

Decision: Prior Approval Required and Approved

Decision Date: 9 July 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

### **3. Proposal**

The application seeks approval for a single storey rear extension with raised decking to the rear.

The proposed depth of the rear extension is to measure 6 metres in depth and 6 metres in width, with a gable ended pitched roof 3 metres to the eaves and a maximum height of 4 metres to the centrally positioned ridge. The proposed decking to the rear is to extend a further 3 metres from the rear of the extension with the decking raised to 0.3 metres off of the natural ground level. Fencing is to be put up on the boundary of the property to a height of 2 metres.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties.  
6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Adverse effect on amenities of neighbouring properties particularly loss of light and privacy.
- Detrimental to the character of the adjoining terraces.
- Will make neighbouring properties undesirable as family homes.
- Will attract undesirable landlords and tenants.
- Lack of garden/green space left.
- possible flooding
- not consulted on previous application
- Out of scale and character with the surrounding area
- Overdevelopment
- Decking visually overbearing
- Overlooking onto neighbouring properties causing loss of privacy
- Large decking will attract rodents
- First floor development will be too close to neighbouring property.

Following further consultation for the revised plans lasting 14 days from the 12th July 2018, 2 responses have been received comprising of 2 objections.

The objections received can be summarised as follows:

- The proposed extension would have an adverse effect on the amenities, particularly loss of light.
- Decking would change the character of the area.
- Cause adverse effects on drainage to the area.
- Significant loss of green space.

### **5. Planning Considerations**

#### **5.1 Policy Context**

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

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 24 July, 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2016

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

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

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

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

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

The proposed extension is to measure 6 metres beyond the existing rear wall of the dwellinghouse with the extension also covering the width of the dwellinghouse at 6 metres. The extension is to be 3 metres in height to the eaves of the dwellinghouse with a maximum height of 4 metres. There is to be an additional 3 metres of raised decking to the rear of the property which shall be raised 0.3 metres off the natural ground level.

The Residential Design Guidance states that the maximum depth for a rear extension on a terraced property is 3 metres. The proposed extension is for 6 metres, however there has been a prior notification was submitted for this site under reference 18/3419/PNH which has been granted approval for a "Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres". This was approved on 9 July 2018 with the report noting that the extension would not extend beyond either neighbouring property by more than 3 metres which is considered to be an appropriate addition. The two properties on either side of the host site have rear extensions, no 51 has one which extends 3 metres beyond the rear of the property and no 55 has an extension which extends 4.8 metres beyond the rear wall. The proposed development would not be considered to overly dominate the rear of the building. The pattern of development in the surrounding area shows that rear extensions are part of the character of the local area with extensions of similar proportions evident in the locality.

The rear garden of the host site is large with the rear amenity space extending 36 metres beyond that of the existing dwellinghouse. The proposed extension and new decking

would not have a harmful impact on the character of the area with regards to the amenity space due to there being a significant proportion of Garden left. The design of the extension is characteristic of the existing dwellinghouse with the proposal using materials similar to that of the existing dwellinghouse. The proposal is not considered to cause significant harm to the surrounding area and the extension cannot be seen from the street and is therefore not considered to cause any harm to it.

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

The proposed extension would cause little harm to the neighbouring property at no. 55. The extension, although extending to 6 metres beyond the existing rear wall, would not be considered to be overbearing or encompassing of the neighbouring property which extends 4.8 metres beyond the original dwellinghouse and is of similar proportions to this proposal. There is a path in between the two properties on the host site which provides access to the rear garden, this results in a 1 metre gap between the properties which with the 2 metre fence on the boundary, further mitigates the size of the proposed extension. The rooflights which face the property will not cause loss of privacy to the adjacent property and there would be no loss of outlook to the neighbouring property. The extension introduces 2no additional side windows. These face the side wall of the adjacent extension and would not harm the privacy of the neighbouring property.

The proposed development extends 3 metres further in depth than the adjacent property at no 51. This is considered to be acceptable in terms of scale as mentioned above. The proposed extension would also be situated behind a 2 metre fence which would further mitigate the effect that the size of the extension would have on the adjacent property. It is not considered that the extension would be overbearing to the neighbouring property, nor would it be encompassing. The extension is considered to cause some loss of light to the adjacent kitchen window, however this is considered to be insignificant and would not warrant the refusal of the adjacent property. The proposed extension would not cause a significant loss of outlook and would not create a lack of privacy.

The decking would extend a further 3 meters from the end of the rear extension. This is not considered to be overdevelopment on the property due to the length of the garden. The height of the decking it to be 0.3 metres above the natural ground level. With the 2 metre fence along the boundary, the decking to the rear would not be considered to cause loss of privacy to the neighbouring properties.

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

The proposed extension is not considered to be detrimental or cause harm to the character of the surrounding area, not having an adverse effect on the neighbouring amenities as mentioned in the assessment.

Undesirable landlords and tenants are not planning considerations.

It is not considered that the proposed development would not influence the desirability of the neighbouring properties as family homes.

There is sufficient green space left in the garden, and the property is in flood zone 1, considered to be safe with the extension not making the property more likely to flood.

All neighbours have been sufficiently consulted.

The first floor development removed in the amendments.

Rodents would not be attracted by the decking.

#### **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.

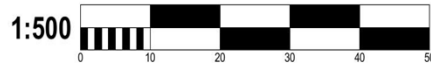
## **7. Conclusion**

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.





Site Location Plan  
Scale 1:500



**Site Location Plan**



Revision History			
Rev#	Ch#	Change Name	Date



**Residential Extension**

53 Llanvor Road  
Cricklewood  
London  
NW2 2AR

Drawing Name  
**Site Block Plan**

Drawing Status  
**Planning**

Modified by	Date
<b>ML</b>	January 2018

Checked by	Date
<b>ML</b>	January 2018

Drawing Scale  
**1:500 @ A3**

Drawing Ref	Drawing Rev
<b>A.00</b>	<b>Rev 2</b>

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