

MEETING

FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 8TH JANUARY, 2019

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: Cllr Eva Greenspan

Vice Chairman: Cllr John Marshall

Councillors

Cllr Shimon Ryde
Cllr Melvin Cohen

Cllr Alan Schneiderman
Cllr Claire Farrier

Cllr Danny Rich

You are requested to attend the above meeting for which an agenda is attached.

Andrew Charlwood – Head of Governance

Governance Services contact: Tracy Scollin 020 8359 2315 tracy.scollin@barnet.gov.uk

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

Please consider the environment before printing. The average Print Cost for this Agenda is £5.47 per copy.

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 12
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.	TPF/0575/18 11 Sutcliffe Close Garden Suburb	13 - 24
7.	37 Denman Drive North London NW11 6RD TPF/0830/18 Garden Suburb	25 - 40
8.	128 Nether Street London N3 1NS 18/5160/FUL West Finchley	41 - 56
9.	2 Dollis Road London N3 1RG 18/5802/S73 West Finchley	57 - 74
10.	18/6130/HSE 1 Harman Close Childs Hill	75 - 80
11.	546 Finchley Road London NW11 8DD 18/6196/FUL Childs Hill	81 - 96
12.	18 And 20 Hoop Lane London NW11 8JL 18/3554/FUL Childs Hill	97 - 116
13.	213-215 Golders Green Road 18/0579/RCU Golders Green	117 - 130
14.	37 Cheviot Gardens NW2 1QD 18/6271/HSE Golders Green	131 - 138
15.	Menorah Primary School 1 - 3 The Drive London NW11 9SP 18/0216/S73 Golders Green	139 - 156

16.	78 Woodstock Avenue London NW11 9RJ 18/5387/FUL Golders Green	157 - 176
17.	Tennis Court Rear Of 3 - 5 Corringway London NW11 7ED 18/4122/FUL Garden Suburb	177 - 184
18.	Blocks 1-6 Britten Close & Blocks 7-9 Chandos Way London NW11 7HW 18/3187/FUL Garden Suburb	185 - 216
19.	1069 Finchley Road London NW11 0PU 18/6079/CON Garden Suburb	217 - 228
20.	Any item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

Hendon Town Hall has access for wheelchair users including lifts and toilets. If you wish to let us know in advance that you will be attending the meeting, please telephone Tracy Scollin 020 8359 2315 tracy.scollin@barnet.gov.uk. People with hearing difficulties who have a text phone, may telephone our minicom number on 020 8203 8942. All of our Committee Rooms also have induction loops.

FIRE/EMERGENCY EVACUATION PROCEDURE

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

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

Do not stop to collect personal belongings

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

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

This page is intentionally left blank

Decisions of the Finchley and Golders Green Area Planning Committee

13 November 2018

Members Present:-

AGENDA ITEM 1

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

Councillor Melvin Cohen
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman
Councillor Alison Moore

Apologies for Absence

Councillor Claire Farrier

1. MINUTES OF LAST MEETING

Resolved – the minutes of the meeting held on 15 October 2018 were approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Claire Farrier.

Councillor Alison Moore substituted for Councillor Farrier.

Councillor Ryde would leave the meeting by 9pm.

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

Councillor	Item(s)	Declaration
Melvin Cohen	8 Land to the rear of 1069 Finchley Road NW11	Non-pecuniary interest by virtue of the application site being opposite his office. Cllr Cohen would leave the room for this item.
Melvin Cohen	11 Menorah Primary School	Non-pecuniary interest by virtue of being a School Governor. Cllr Cohen would leave the room for this item.
Shimon Ryde	8 Land to the rear of 1069 Finchley Road NW11	Non-pecuniary interest by virtue of the applicant being known to him. Cllr Ryde would leave the room for this

		item.
Shimon Ryde	Tudor Court, 2 Crewys Road	Non-pecuniary interest by virtue of the applicant's agent being known to him. Cllr Ryde would leave the room for this item.
John Marshall	7 64 and 66 Oakwood Road Tree Preservation Order (TPO)	Non-pecuniary interest by virtue of Cllr Marshall having requested the TPO.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

Received for items 12, 14, 15, 17, 18, 19 and 20.

6. 64 OAKWOOD ROAD, LONDON NW11 6RL TPF/0429/18

The Principal Planner (Trees and Environment) presented the report and addendum to the Committee.

Emma Howard, Chair of the Hampstead Garden Suburb Residents' Association, addressed the Committee.

The applicant was not in attendance.

The Chairman moved to the vote:

For (refusal of consent) 7

Resolved that the application was **REFUSED** for the reason outlined in the report:

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

7. 64 AND 66 OAKWOOD ROAD, LONDON NW11 18/TPO/025

Councillor Marshall left the room for this item.

The Principal Planner (Trees and Environment) presented the report to the Committee.

The Chairman moved to the vote:

For (confirmation without modification) – 6

Resolved that the London Borough of Barnet 64 and 66 Oakwood Road, London NW11 Tree Preservation Order 2018 was **CONFIRMED** without modification.

**8. MENORAH PRIMARY SCHOOL 1 - 3 THE DRIVE LONDON NW11 9SP
18/0216/S73**

The Chairman withdrew this item from the agenda because the description of the development in the Planning Officer's report is incorrect.

**9. LAND TO THE REAR OF 1069 FINCHLEY ROAD LONDON NW11 0PU
18/5296/S73**

The Chairman referred this item up to the Planning Committee (next meeting 11 December) due to its large scale and potential significant impact on the community.

10. 185 WEST HEATH ROAD LONDON NW3 7TT 18/4447/FUL

The Planning Officer presented the report to the Committee.

Massimo De Martini and Mr Isaacs spoke in objection to the application.

Christopher Patterson of Charlton Brown Architects spoke on behalf of the applicant.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) - 2

Against (approval) - 5

Councillor Ryde **MOVED** refusal of the application and was duly seconded. The reason for refusal:

The proposed development by reason of its size, siting, bulk and design would have an overbearing appearance which would be detrimental to the visual and residential amenities of the occupiers of surrounding properties and would result in overlooking of 183A West Heath Road leading to a loss of privacy detrimental to the amenities of the occupiers of that property. The development would therefore be contrary to policies CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012, the Adopted Residential Design Guidance 2016 and the Adopted Sustainable Design and Construction SPD 2016.

The vote was recorded as follows:

For (refusal) – 6

Carried – the application was **REFUSED**.

11. 1 RIDGE ROAD LONDON NW2 2QT 18/2270/FUL

The Planning Officer presented the report to the Committee.

The Chairman moved to DEFER the application to request an independent review of the Basement Impact Assessment. This was seconded by Councillor Marshall.

The vote was recorded as follows:

For (deferral) - 7

Carried - the application was **DEFERRED**.

12. TUDOR COURT 2 CREWYS ROAD LONDON NW2 2AA 17/3921/FUL

Councillor Ryde left the room for this item.

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

James Sun spoke in objection to the application.

Mark Carter, the applicant's agent, spoke to the Committee.

The Chairman moved to the vote on the Officer's recommendation and amended conditions as set out in the addendum. Further amendment to condition 4 to read "Notwithstanding the details provided, prior to the first occupation of the units, details of the proposed balustrade, screening and guard rail to the walkway at fourth floor level must be submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details before the development is occupied and permanently retained in accordance with the approved details thereafter."

For (approval) – 4

Against (approval) – 0

Abstained – 2

Resolved that the application was **APPROVED**.

13. TENNIS COURT REAR OF 3 - 5 CORRINGTONWAY LONDON NW11 7ED 18/4122/FUL

The Planning Officer presented the report to the Committee.

The Chairman moved to DEFER the application so that a site visit could be carried out. This was seconded by Councillor Marshall.

The vote was recorded as follows:

For (deferral) – 6

Carried – the application was **DEFERRED**.

14. LAND FRONTING ST ANDREW'S ROAD AND PORTSDOWN AVENUE LONDON NW11 0PJ 18/4546/FUL

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

Pamela Green spoke to the Committee in objection to the application.

Emily Benedek spoke on behalf of Temple Fortune Residents.

Luke Raistrick of Greystroke Planning, agent for the applicant, addressed the Committee.

The Chairman moved to the vote on the Officer's recommendation:

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

Councillor Cohen MOVED refusal for the reasons below and was duly seconded:

1. The proposed development would result in the loss of a tennis club and community sports facility, in an area of deficient public open space, contrary to London Plan (2016) policies 3.19 and 7.18, policy CS7 and CS10 of the Local Plan Core Strategy (adopted September 2012), policy DM13 and DM15 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).
2. The proposed development by reason of the design of the proposed houses, would be detrimental to the character and appearance of the streetscene in St Andrews Road and Portsdown Avenue, contrary to policies CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012 and the Adopted Residential Design Guidance 2016.

The vote was recorded as follows:

For (refusal) – 7

Resolved – the application was **REFUSED**.

15. CARMELITE FRIARS 63 EAST END ROAD LONDON N2 0SE 18/4221/FUL

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

There were no objectors who had registered to speak at the meeting.

Alan Hanafy, agent for the applicant, spoke to the Committee.

The Chairman moved to the vote on the Officer's recommendation and amended conditions as set out in the addendum:

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

Resolved that the application was **APPROVED**.

16. CARMELITE FRIARS 63 EAST END ROAD LONDON N2 0SE 18/4222/LBC

The Planning Officer presented the report to the Committee.

Alan Hanafy, agent for the applicant, addressed the Committee.

The Chairman moved to the vote on the Officer's recommendation.

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

Resolved that the application was **APPROVED**.

17. THE BOBATH CENTRE 250 EAST END ROAD LONDON N2 8AU 18/4547/FUL

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

Zeki Karr spoke in objection to the application.

David Wittington, Town Planning Consultant, spoke on behalf of the applicant.

The Chairman moved to the vote on the Officer's recommendation:

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

Resolved that the application was **APPROVED**.

18. THE BOBATH CENTRE 250 EAST END ROAD LONDON N2 8AU 18/4548/LBC

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

David Wittington, Town Planning Consultant, spoke on behalf of the applicant.

The Chairman moved to the vote on the Officer's recommendation and amended condition as set out in the addendum:

For (approval) - 5
Against (approval) - 1
Abstained – 1

Resolved that the application was **APPROVED**.

19. 35 - 37 RAVENSCROFT AVENUE LONDON NW11 8BH 18/4993/FUL

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

An objector who had registered to speak was not in attendance.

The applicant was present but did not address the Committee.

The Chairman moved to the vote on the Officer's recommendation and the amended conditions as set out in the addendum. Further amendment to condition 6a) A scheme of hard and soft landscaping to the front forecourt and rear amenity area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping as well as details of the infill works, shall be submitted

to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

For (approval) – 3
Against (approval) - 2
Abstained - 2

Resolved that the application was **APPROVED**.

20. 33 RANULF ROAD LONDON NW2 2BS 18/3587/HSE

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

Jimmy Strauss spoke to the Committee in objection to the application.

The applicant's agent addressed the Committee.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 4
Against (approval) – 3

Resolved that the application was **APPROVED**.

21. 504 FINCHLEY ROAD LONDON NW11 8DE 18/4168/FUL

The Planning Officer presented the report to the Committee.

Massimo De Martini spoke in objection to the application.

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

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 0
Against (approval) - 7

The Chairman moved to the vote on refusal for the reasons below:

The proposed outbuilding by reason of its size, siting and design would be detrimental to the character and appearance of the general locality, and would harm neighbouring visual and residential amenity being contrary to policy DM01 of the Adopted Barnet Development Management Policies DPD (2016), policy CS5 of the Adopted Barnet Core Strategy (2016) and the Adopted Residential Design Guidance (2016).

For (refusal) – 7

Carried – the application was **REFUSED**.

22. 7 HOLDERS HILL CRESCENT LONDON NW4 1NE 18/2029/HSE

Councillor Ryde gave apologies and left the meeting.

The Planning Officer presented the report to the Committee.

The applicant was not present.

The Chairman moved to the vote on the Officer's recommendation:

For (approval) – 4

Against (approval) – 0

Resolved that the application was **APPROVED**.

23. BRITANNIA HOUSE 958 - 964 HIGH ROAD LONDON N12 9RY 18/5483/FUL

The Planning Officer presented the report to the Committee.

The applicant's agent addressed the Committee.

The vote was recorded as follows:

For (approval) – 5

Against (approval) – 1

Resolved that the application was **APPROVED**.

24. THE AVENUE TENNIS CLUB THE AVENUE LONDON N3 2LE 18/4916/S73

The Planning Officer presented the report to the Committee.

The applicant addressed the Committee.

The vote was recorded as follows:

For (approval) – 6

Resolved that the application was **APPROVED**.

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

The meeting finished at 9.20 pm

COMMITTEE REPORT

LOCATION: Boundary 9 And 11 Sutcliffe Close With 41 And 43 Middleway
London NW11 6NT

REFERENCE: TPF/0575/18 **Received:** 16 August 2018
WARD: GS **Expiry:** 6 December 2018
CONSERVATION AREA Hampstead Garden
Suburb

APPLICANT: Shelley Field

PROPOSAL: 1 x Oak (applicant's ref. T3) – Remove. Standing in group G5 of Tree
Preservation Order

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Oak (applicant's ref T3), standing in group G5 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS including replacement planting

Consultations

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

Date of Site Notice: 25th October 2018

Consultees:

Consulted: 39, 41, 43 Middleway; 9, 13 Sutcliffe Close

Replies: 5 5 objections 0 support

The grounds of objection can be summarised as:

- I strongly object to the proposal to fell this important and lovely tree
- This beautiful tree can clearly be seen not only from Sutcliffe Close itself but from several surrounding roads
- Although very prominent in Sutcliffe Close itself, the tree is also glimpsed between houses from a wide area along the surrounding roads of Litchfield Way, Middleway and Northway
- It seems to me to be in excellent condition

- I understand it has been designated a 'significant tree' by the Hampstead Garden Suburb Trust with a 'healthy crown'
- The Trust's tree survey also comments that it is a 'very large tree filling gaps behind gardens'
- The creation of leafy views such as those afforded by this commanding tree were a central part of the design of Hampstead Garden Suburb and the preservation of this leafy street scene is of utmost importance
- It is also a 'significant' tree in terms of the design of the Suburb
- Such trees, both individually and collectively, are essential to maintaining the overall green and leafy character of the Suburb, and their gradual removal, one by one, over time can only result in a slow but steady and inevitable deterioration of that character
- Mature trees are a key element of the character of the Suburb, an internationally renowned example of early town planning
- It will also result in a loss of wildlife habitat and an increase in overall pollution levels
- The removal of such trees will have considerable long term effects on the Suburb and its character, and they should only be removed if there is absolutely no alternative, which is not the case here
- Their replacement with saplings does not compensate
- I walk round this part of the Suburb several times a week and would find the loss of this tree irreparable
- If I recall properly this tree used to be on public land, a public square in the twittens of HGS. The house owner sec gated off the square with HGST permission [sic]
- This seems to be a case of insurers seeking to be paid twice for the same risk, once by way of the higher premiums charged because of subsidence risk in the area, and again by recovering the cost of underpinning from a third party.
- The applicant refers to underpinning, but alternatives, such as pruning and a root barrier, have been discounted, in the case of pruning because of 'the proximity of the responsible vegetation', which I do not understand, and in the case of a root barrier, due to 'lack of access for the necessary machinery to the rear' although I understand this issue can in fact be dealt with.
- I do not accept the reasons for discounting [pruning or a root barrier] in the supporting papers
- I find it hard to believe that there would be no further damage to the property from heave should the tree be removed
- The possibility of heave related damage if the tree is removed is simply discounted, although this is also hard to understand
- The risk of heave if the tree is removed has not been addressed

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak

C09066G/00/TRE – 1 x Oak – Reduce density by 15%. Standing in group G5 of Tree Preservation Order

- Conditional approval 22nd December 2000

TPP/07098/14 – 1 x Oak – Crown thin by 20% as specified. Standing in group G5 of Tree Preservation Order

- Conditional approval 7th January 2015

Building works

C11315 – Single storey rear extension, new loggia and garage door to side elevation of garage – 9 Sutcliffe Close

- Conditional approval 20th April 1993

PLANNING APPRAISAL

1. Introduction

Originally registered as standing at 11 Sutcliffe Close, as stated on the application form, the site address has been amended following site inspection to more accurately reflect the Oak's location.

An application form proposing felling of the Oak at "11 Sutcliffe Close" in connection with alleged property damage was submitted via the Planning Portal in August 2018.

Initially incomplete, the application was validated on 11th October 2018 following receipt of clarification and additional information.

2. Appraisal

Tree and Amenity Value

The Oak subject of this application stands in the corner of the rear garden(s) - appearing to straddle the rear boundaries of 9 and 11 Sutcliffe Close and 41 and 43 Middleway.

The mature Oak is approximately 16 metres in height. It has a well-shaped crown that has been thinned, lifted and tipped back in the past. As noted above, it has most recently been thinned following conditional approval in January 2015. The Oak appears to be in reasonable condition with no major faults apparent.

As observed by objectors, the Oak is very clearly visible from Sutcliffe Close (most clearly through the gap above the single storey garages); there are also glimpsed views from Litchfield Way, Middleway, and from the twitten linking Sutcliffe Close and Middleway.

The Hampstead Garden Suburb Character Appraisal Statement is one of many documents setting out the importance of trees to the character and appearance of the area e.g.:

- "Trees and hedges are defining elements of Hampstead Garden Suburb. The quality, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb".
- "Wherever possible, in laying out the design for "the Garden Suburb" particular care was taken to align roads, paths, and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that "Unwin more than any other single man, turned the soulless English byelaw street towards light, air, trees and flowers".
- "Unwin's expressed intention, which he achieved, was: 'to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of distant views preserved, if not for open fields, yet as a gardened district, the buildings kept in harmony with the surroundings.'"
- "Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:
 - Creating a rural or semi-rural atmosphere

- Informing the layout of roads and houses with mature field boundary trees
- Providing links with pre-development landscape and remaining woodland
- Creating glades, providing screening and shade, and marking boundaries
- Framing views, forming focal points, defining spaces and providing a sense of scale
- Providing a productive, seasonal interest and creating wildlife habitats

Sutcliffe Close stands in the 'Northway, Middleway and Southway - Area 8' of the Hampstead Garden Suburb Conservation Area Character Appraisal Statement. The Statement notes that the homes in Area 8 "were mostly designed for middle class owner residents, with garage provision" and that there "is a mixture of detached and semi-detached houses, with generous plot sizes throughout". In describing the overall character of Area 8 it comments "This is a quiet, attractive residential area. The fan shaped layout is well designed, utilising the sloping terrain to produce impressive views of the Central Square architecture at the top of Northway, Middleway and Southway roads (...) The closes fill the spaces between the principal roads providing more intimate environments. There is a green ambience, with abundant street trees, views of Big Wood behind the Northway houses, widespread hedging and some grass verges. Apart from the lower section of Kingsley way and Northway, roads are quiet and the closes have a particularly intimate character." Included amongst the Principal positive features are "Closes provide peaceful, intimate spaces"; and "widespread use of twittens provides quick pedestrian access routes between the closes and main roads". In terms of 'Landscape and trees', the Statement observes "a few old trees which pre-date housing development remain on streets on in gardens". The architecture of Sutcliffe Close is described as "Architect J.W. Binge designed the symmetrical Sutcliffe Close in 1926. Each side of the road is made up of a symmetrical group of three, flanked either side by an asymmetrical semi-detached pair. All houses have small set-back garages. At the end of the road sits a group of four, which is again symmetrical. The groups of three and four have internal twitten access passageways to their back gardens."

9 Sutcliffe Close, the property at which the Oak is allegedly implicated in damage, is at the south-west end of a group of three houses; the neighbouring 11 Sutcliffe Close is one of the flanking asymmetrical semi-detached pair. There is a gated access path between the two houses / garages provided access to the rear gardens of 9 and 11 Sutcliffe Close. The twitten linking the Close to the main road runs along the flank boundary of the other side of the semi-detached pair (beside 13). There is nothing evident in the historic Ordnance Survey maps to support the objector's contention that the Oak "used to be on public land, a public square in the twittens of HGS. The house owner sec gated off the square with HGST permission"

The Oak is considered to be of importance to the character and appearance of the Hampstead Garden Suburb Conservation Area – it is a clearly visible mature tree from the intimate Close; the tree contributes significantly to the green ambience; helping to provide screening and mark boundaries; provides seasonal interest and wildlife habitat; it contributes fundamentally to the rural / semi-rural atmosphere and peaceful intimate setting of the houses and the 'Garden Suburb' aesthetic.

The application

The application submitted by MWA Arboriculture Ltd as agent for 'Shelley Field, Cartwright House' (seemingly Crawford and Company Claims Management Chartered Loss Adjusters) was registered on 11th October 2018. The reason(s) for the proposed removal of the Oak (applicant's reference T3) cited on the application form is:

"Reason: The above tree is considered to be responsible for root induced clay shrinkage subsidence damage to the rear of the subject property.

Investigations in to the damage have been conducted and the following information/evidence obtained:

- 1. Engineering opinion is that damage is due to clay shrinkage subsidence.*
- 2. Foundations are bearing on to clay.*
- 3. The clay subsoil has a high volume change potential (NHBC Guidelines).*
- 4. A comparison between moisture content and the plastic and liquid limits suggests desiccation in TH/BH1 (March 2017) to the rear of the property.*
- 5. Soil suctions (March 2017) indicate severe desiccation in BH1 (BRE Digest 412) located to the rear the house. Suction values of this amplitude only arise from an external force i.e. soil drying by significant vegetation.*
- 6. Live oak roots have been recovered from below foundation depth in TP/BH1.*
- 7. The observed desiccation is coincident with recorded root activity.*
- 8. Desiccation is at depths beyond ambient soil drying effects and entirely consistent with the soil drying effects of significant vegetation, and in particular the subject oak tree.*
- 9. Level monitoring for the period 04/03/2017 to 07/08/2018 has recorded a pattern of movement indicative of the soil drying effects of the subject oak on soil moisture and volumes to the rear of the property. The uplift phase of the building can only be attributable to an expanding clay soil from a desiccated state due to the soil drying effects of the trees.*
- 10. Drains can be discounted as a causal factor given the recorded desiccation and by reference to the level monitoring data.*
- 11. No tree works have been carried out during the period of the claim or in the recent past.*
- 12. A root barrier has been considered and discounted due to lack of access for the necessary machinery to the rear.*
- 13. There has been no recent building works and the property has not been underpinned.*
- 14. Property repairs shall proceed following the felling of the Oak tree, where consent is granted, at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement with costs rising to over £30k.*

Established evidential and legal tests pertinent to subsidence damage claims have been met and the evidence confirms that on the balance of probabilities the cause of the movement and associated damage is the indirect influence of the subject oak tree."

Including the additional information submitted subsequently, the supporting documentation comprised:

- MWA Arboricultural Appraisal Report dated 26th October 2017
- CET Site Investigation Factual Report dated 6th March 2017 (including Drain investigation, Root identification, Trial Pit / Borehole and Soil testing)
- Crawford Preliminary Report dated 18th January 2017
- Crawford Addendum Technical Report dated 7th August 2018
- level monitoring 8/3/17 – 9/8/18 (9 readings at approx. 2 monthly intervals)
- MWA letter of clarification dated 10th October 2018

The tree location cited on the application form is 11 Sutcliffe Close and in the absence of another site being identified, as quoted above, this form suggests that the "damage is to the rear of the subject property". However, it is apparent from the supporting documentary

evidence that the damage is to the garage at the rear of the neighbouring property – 9 Sutcliffe Close.

The damage appears to have first been noted in 2016 (MWA clarifying that the resident first became aware of minor cracking in spring / summer, but the damage had become more significant by December and was reported to insurer). It is described in the Crawford Preliminary Report as being to the garage:

Internal – 13mm vertical tapering crack to left hand flank rear section continues into and across floor slab, various other cracks noted to floor slab

External – 6mm vertical tapering crack to left hand flank

The MWA Report states “*At the time of the engineers’ inspection (16/01/2017) the structural significance of the damage was found to fall within Category 3 (Moderate) of Table 1 of BRE Digest 251.*”

My own observations on site were that the most severe crack was where the garage adjoined the small rear infill extension (approx. 1m x 1m) which currently houses the boiler. This crack aligns with the garage junction with the extension on the furthest side from the house and there appeared to be a lack of ties between the garage and extension walls. The crack extends horizontally across the garage floor. It is understood that this extension occupies the position of the original coalhouse. There is also some minor cracking around the garage door into the rear garden and to the rendering at the rear of the garage.

The floor level in the garage is lower than the floor level of the main house, the infill extension, and the paved area outside – with small steps up to each.

As with neighbouring properties, the garden of 9 Sutcliffe Close is sloping – with the house being at a lower level than the rear garden (and the Oak). There is a level paved area at the back of the house and garage (linked to the side access path); the lawned area with planting beds is about a metre higher behind a retaining wall with steps; the Oak is in the far corner of the rear garden. There are a number of shrubs and small trees (including fruit trees) in the rear garden, with larger trees in the rear garden of 11 Sutcliffe Close.

The MWA Report notes “The drains have been surveyed and cracks and fractures were identified in both the rain water system and the foul drain system.” - the Crawford Addendum Technical Report suggesting “*Although the drainage runs are located within the area of damage, the trial pit/ borehole investigations did not reveal any suggestion that potential leakage is adversely affecting the property as no water rise was recorded and the clay is absorbent of water. As such, an escape of water has been dismissed as a possible cause.*” (MWA declined to clarify whether or not the drains had been repaired, quoting only the latter statement.)

The MWA Report comments that “*Live roots were observed to a depth of 1.3m bgl in TP/BH1 and recovered samples have been positively identified (using anatomical analysis) as Quercus spp. and Pomoideae gp. The origin of the Quercus spp. roots recovered from TP/BH1 will be T3 Oak, confirming the influence of this tree on the soils below the foundations. No nearby notable Pomoideae gp. trees were visible.*” There were a number of small trees / shrubs in the rear garden including Apple – the likely source of Pomoideae roots.

The root analysis also identified Acer roots in borehole 2 (the control bore in the front garden) – although removed by the time of my site visit, an Acer is shown on the May 2012 Google Streetview image standing on the flank boundary between the drives of 9 and 11 Sutcliffe Close.

The level monitoring shows some modest movement of most points – however the exception being points 5 and 6, the two rear corners of the garage – which show marked downward movement between 19th June 2018 and 7th August 2018. The Crawford Addendum Technical Report (dated 7th August 2018) notes *“The movement which is focused at level stations 5 and 6 points is pronounced nearest the Oak tree and is not uniform around the property so ‘nominal clay shrinkage’ can be discounted as a cause; the Oak tree is seen to be the source of the ongoing movement to the front right corner of the property.”* – it is unclear why they refer to the front right corner of the property. The level monitoring notes that a new stud was fitted on 7th August 2018 as ‘Point 8 snapped on arrival’ – however MWA confirmed that no other pins were affected. MWA also clarified “No additional [monitoring] data available but further readings anticipated in Oct / Nov 2018 – however, on 18th December 2018, an e-mail was received stating “Double checked with the client and there is no further monitoring available.”

The Crawford Addendum Technical Report indicates the following repair costs: *“Property repairs shall proceed following the felling of the Oak tree at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement, should the Oak tree remain, with costs rising over £30k.”*

The MWA Report states *“Consideration has been given to pruning as a means of mitigating the vegetative influence, however in this case, this is not considered to offer a viable long term solution due to the proximity of the responsible vegetation. Replacement planting may however be considered subject to species choice and planting location.”* It may be noted that the Oak is in excess of 12 metres from the rear of the garage. The application form comments *“A root barrier has been considered and discounted due to lack of access for the necessary machinery to the rear.”* – there is, however, no clarification as to why the side access could not be utilised.

There is a self-reinforcing circularity of conclusion between the MWA and Crawford Technical Reports:

- The Crawford Preliminary Report dated 18th January 2017, based on an instruction received on 12th December 2016, seems to have assumed causation of the damage in the absence of any investigations: *“The pattern and nature of the cracks is indicative of an episode of subsidence. The cause of movement appears to be clay shrinkage. The timing of the event, the presence of shrinkable clay beneath the foundations and the proximity of vegetation where there is damage indicates the shrinkage to be root induced.”* The ‘Recommendations’ are: *“Although the cause of the movement needs to be dealt with, we note the vegetation is subject to a Preservation Order. Unfortunately, current legislation requires certain investigations to be carried out to support an application for the tree works. Typically, these investigations would involve trial pit(s) to determine the depth and type of footings, boreholes to determine the nature of the subsoil/influence of any roots and monitoring to establish the rate and pattern of movement. The monitoring data provided must be sufficient to show a pattern of movement consistent with the influence of the vegetation and therefore it may be necessary to carry out the monitoring for up to a 12 month period. It will also be necessary to obtain a*

specialist Arboricultural Report. We will report further once these investigations have been completed."

- The MWA Report dated 26th October 2017 in the absence of any monitoring data is written on the basis that *"Opinion and recommendations are made on the understanding that Crawford & Company are satisfied that the current building movement and the associated damage is the result of clay shrinkage subsidence and that other possible causal factors have been discounted."*; and observes *"Based on the technical reports currently available, engineering opinion and our own site assessment we conclude the damage is consistent with shrinkage of the clay subsoil related to moisture abstraction by vegetation. Having considered the available information, it is our opinion that T1 Oak is the principal cause of the current subsidence damage. If an arboricultural solution is to be implemented to mitigate the current damage and allow the soils beneath the property to recover to a position such that an effective repair solution can be implemented we recommend that T1 Oak is removed."* (the reference to 'T1 Oak' is unclear).
- However, the Crawford Addendum Technical Report dated 7th August 2018 notes *"We appointed MWA (Arboricultural Consultants) to provide their recommendations in relation to necessary tree management works to be undertaken in order to return long stability to the property. It is in their opinion that T3 Oak is judged to be exerting the principal vegetative influence in respect of the current damage and is, by virtue of its size and proximity, will be having a significant influence on soil volumes below the insured property."*

It does appear that both MWA and Crawfords have presumed that property damage is the result of clay shrinkage subsidence, and relied on each other's assumption, even in the absence of initial investigation or open-minded assessment of other possible causation or contributory factors. It is also unhelpful that more detailed investigation has not followed up potentially anomalous results.

Our Structural Engineer has assessed the information and notes the following:

- *The cracking is consistent with the garage detaching from the house due to foundation movement and a lack of ties between the garage walls and extension / house walls.*
- *Oak roots noted underside of foundation in trial pit 1 but not in borehole samples (i.e. desiccated area of soil).*
- *The garage foundations are consistent with a property of this age.*
- *There appears to be some desiccation of the soil occurring at 2m deep.*
- *The monitoring is not conclusive – it shows modest seasonal movement with a sudden increase in August 2018 to the rear wall of the garage - only one reading shows significantly high movement to the rear of the garage and further monitoring is required to check whether this is a rogue result.*
- *A heave assessment should be provided for the subject and surrounding properties*

He concludes that *"Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage."*

Given the importance of the Oak in the streetscene, its contribution to the character and appearance of this part of the Hampstead Garden Suburb Conservation Area, the cursory investigations and discounting of alternatives, it may be questioned whether the proposed

removal of the significant TPO Oak at this juncture is excessive / premature. However, it should be borne in mind that our Structural Engineer has noted that *“Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage”*.

3. Legislative background

As the Oak is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other).

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

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

In this case the applicant has indicated that *“Property repairs shall proceed following the felling of the Oak tree at a cost of circa £3k. Should consent not be granted partial underpinning to the property will be required to arrest the movement, should the Oak tree remain, with costs rising over £30k.”*

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

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineer has noted that *“Although further monitoring is required, on the basis of the information provided to date the Oak tree is likely to be implicated in the damage to the rear of the garage”*.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (having discounted the possibility of using a root barrier, the applicant indicates that stabilisation of the building by partial underpinning will be over £30,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Included in body of report

EQUALITIES AND DIVERSITY ISSUES

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

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

CONCLUSION

The application submitted by MWA Arboriculture Ltd as agent for 'Shelley Field, Cartwright House' (seemingly Crawford and Company Claims Management Chartered Loss Adjusters) proposes the felling of the mature Oak standing in the corner of the rear garden(s) - appearing to straddle the rear boundaries of 9 and 11 Sutcliffe Close and 41 and 43 Middleway because of its alleged implication in subsidence damage to the garage at 9 Sutcliffe Close.

The proposed felling of the Oak would be detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that although further monitoring is required, on the basis of the information provided to date the subject Oak is likely to be implicated in the damage to the rear of the garage. However, in the absence of such further monitoring, consenting to tree removal may be considered an excessive response on the basis of a potentially rogue result.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to considered whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates that partial underpinning would be over £30,000 if the tree is retained) if consent for the proposed felling is refused.



This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2018. All rights reserved. London Borough of Barnet Licence No. 100017674

This page is intentionally left blank

COMMITTEE REPORT

LOCATION: 37 Denman Drive North, London NW11 6RD

REFERENCE: TPF/0830/18 **Received:** 6 November 2018
WARD: GS **Expiry:** 10 January 2019
CONSERVATION AREA Hampstead Garden
Suburb

APPLICANT: John Cromar's Arboricultural Company Ltd

PROPOSAL: 1 x Willow (applicant's ref. T8) – Remove and replace with Betula jacquemontii as consented by HGST. T20 of Tree Preservation Order.

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed felling of 1 x Willow (applicant's ref T8), T20 of Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS including replacement planting

Consultations

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

Date of Site Notice: 22nd November 2018

Consultees:

Neighbours consulted: 10

Replies: 22 0 representations 0 support 22 objections

It may be noted that one objector sent two separate objections and another sent one objection in a personal capacity and another as representative of the Hampstead Garden Suburb Resident's Association Trees and Open Spaces Committee.

The main grounds of objection are summarised below:

Amenity value

- The Willow in question is a grand tree that adds considerable grace to the road, it is approximately 50 years old and whereas I agree it has grown too large, this is somewhat the fault of the council for not allowing it to be pruned when necessary
- To remove it would be a travesty, not only because it is so beautiful but because it is part of the landscape of cottages and local foliage
- The mood at present is preservation of environment, the removal of beautiful trees would contravene this
- I strongly object to the proposal as the existing mature willow tree makes a very valuable contribution to the street scene and is a significant asset and visual amenity.
- Most residents in the neighbourhood, enjoy and value this landmark tree. It's removal could not be compensated for with the proposed replacement species which in any event would take years to mature before any significant environmental benefit could be reached.
- Barnet is one of London's greenest boroughs and must remain so.
- All mature trees should be left anywhere unless they are a matter of imminent danger because our health and the future of this planet depends on them.
- The Garden suburb is an environment that was designed to have trees, especially mature trees, and it is a pleasure for all residents and duty for owners of land with mature trees that they be kept. Replacement with a young tree does not replace 50-100 years of growth.
- It is a major feature of the Denman Drives. It embellishes and beautifies the corner where it lives and adds importantly to the 'Countryside' feel of the area.
- Its image sits in the Photo Gallery of Smart phones of countless thousands of visitors to the area. It, and other such magnificently mature specimen trees, are silent ambassadors of Hampstead Garden Suburb.
- It is considered a tree of special amenity value by most local residents as well as by our Council.
- This tree is very much loved and admired in the area, it would be a very sad day if it were removed. We have had to lose so many of our local trees - please do not allow this application to go ahead.
- A key element of this is the contribution trees make to the character of the area and this Willow, in the front garden of 37 Denman Drive North, is a dominant feature of this section of Denman Drive North which was noted in the Hampstead Garden Suburb Tree Survey, undertaken jointly by the London Borough of Barnet, the HGS Trust and the Residents Association, as a *huge tree, spreading shape, a green focus near the corner of the street.*
- Clearly, HGS valued the "magnificent willow, which added greatly to the ambience" and so by logic according to HGS, removal of the willow would greatly reduce the ambience of the street, "one of the most picturesque in the Suburb"
- Its loss would have a serious detrimental effect on both the road and on the nearby pedestrian access into Little Wood
- This willow tree is a beautiful mature tree on a very distinctive site and should be conserved with pruning work undertaken to preserve it as necessary
- the mature trees planted in both Denman Drive South and North form an essential part of the landscape and the charm of the streets and indeed the Suburb as a whole.
- Too many old trees have fallen victim of the councils rather aggressive tree maintenance process which have seen many beautiful specimens being felled without apparent reason. The negative effect this has on the Suburb is devastating - it slowly changes the character of our neighbourhood

- The tree is a notable, beautiful feature in this corner of Hampstead Garden Suburb, a conservation area. Because of the atmosphere it creates, it is, for instance, often photographed by ramblers and passers-by.
- Large trees are more essential than they have ever been in this time of climate change and consequent loss of greenery and insect and bird life.
- Each time a large tree is felled, there is a sharp reduction in bird life, insect life, and wildlife; it is now accepted and understood that humans cannot survive without insects, birds and wildlife. Moreover, as our summers become hotter and dryer, here in London and the UK, we should remember that each tree felled contributes to higher temperatures and increased global warming which will be disastrous for this area as well as the planet.
- On an aesthetic level, it should be noted that this tree contributes to the character of the neighbourhood
- By far the most spectacular tree in the street is the willow in the gardens of 39 and 37. Whether in winter without foliage or in spring and summer with leaves, this is a magnificent specimen tree, probably not bettered anywhere on the Suburb.
- I have always understood that "Conservation" is to provide guidelines for the preservation of high value amenities. This beautiful willow tree must surely be a high priority for protection within this definition
- This tree forms a focal point of Denman Drive and was noted in the survey undertaken by Barnet and HGS Trust. It's loss would be detrimental to the street and also the entrance the Little Oak Wood.
- Denman Drive is a particularly rural location. It is a narrow road and Denman Drive North and South do not have street trees but derive their rural character from the trees in front gardens as well as the glimpses of Big Wood and Little Wood behind. This willow makes a very significant contribution to the streetscape.
- Big Wood and Little Wood, remnants of ancient woodland, were retained as part of the design and trees in gardens such as this willow provide a link with that background.
- Mature trees are particularly valuable for their contribution to environmental diversity and habitats as well as for their visual amenity.
- This magnificent willow, possibly the most magnificent in the Suburb, has enormous amenity value to the road, the Suburb, and the community by dint of its size and beauty. If this tree cannot be preserved, then it is hard to imagine one that can be. Its removal would be an enormous loss.
- It stands close to the entrance to Little Wood, our local nature reserve, and provides a link from the street scene to the trees in the woodland beyond.
- It should be added that both Denman Drive North and South are very narrow roads and do not therefore have any street trees, so the leafy aspect to this section of the neighbourhood is provided by garden trees such as this willow.
- Also, since we are very close to the major roads the A1, and A406 I would have thought a mature tree such as this is hugely important to mitigate the effects of pollution.

Application submissions

- The applicant has no connection with the neighbourhood and presumably is instructed by Insurers who have a commercial interest. Damage to no. 39 has allegedly been caused by the willow. However there may be other causes including general lack of rainfall.

- All the properties in this neighbourhood are in proximity to trees and it would be a sorry state of affairs if proximate vegetation was to be removed every time movement cracks are detected in the adjoining buildings.
- It seems to me that when repair works are implemented in No. 39 this should include action to ensure the longer term stability of the property.
- Interestingly No. 37 has made no claims of damage due to the willow and they are closer to it.
- Underpinning is an option reportedly costing less than £100,000 which is unlikely to represent even 10% of the value of the property, a very small price to maintain a mature willow tree, rather than replacing it with a young and inappropriate silver birch.
- I understand that this tree was the subject of a planning application for removal in June 2007 and the decision was made to keep the tree at that time, so why remove it now?
- My house was underpinned in 2007/8 due to subsidence at which time local trees were blamed, however, this turned out to be totally unproven. Thankfully no trees were removed.
- I feel sure sensible management of the problem can be undertaken without the need to damage this tree.
- In addition, the 15 November 2018 note from Nell Hadley of Davies Group Ltd gives their preferred option as removing this willow *... and the monitoring extended for a further period of 6 months minimum to ascertain whether stability and or recovery occurs prior to repair and remedial works being implemented. Should this not be successful then the engineers have already prepared and tendered scheme for remedial underpinning work.*
- We consider it is this strengthening of the foundations of no 39 that is needed and urge you to reject this application
- In 2007 there was the same debacle about this tree: the residents' objections were accepted and the tree was left standing. Nothing has changed since then, so who will benefit from a re-run of the same arguments? Presumably there is some gain for someone in re-playing an old issue
- There is an entire wood behind the house in question. May we presume that the next proposal will be to chop down every tree in it?
- Where is the logic to a proposal that singles out one tree, the willow, for removal? Presumably it was the only tree within view that the proposers know the name of.
- If the application is to remove and *replace* the tree, may we expect, given the misguided logic here, that in a few years' time there'll be an application to chop down the replacement tree?
- It should not be necessary to fell a large tree when there are other methods available to protect the underpinnings of the house in question.
- It is true that these great trees come at a price. For regular pruning / pollarding and unfortunately with the effect on nearby buildings, which may need treatment. My own property required underpinning at a time before I arrived, which was covered by insurance. As one who has to fund the regular cost of maintaining my willow tree I really do have sympathy for my near neighbours at 37 and 39.
- The supporting documents do not justify the removal of this tree. Any property built backing on to woodland should have appropriate foundations which do not require trees to be removed. The Arboricultural Report identified both oak (from Little Wood) and willow roots in one of the trial pits, so removing this willow is unlikely to be sufficient.

- This is re-enforced by the fact that at the front of the house, which is much closer to the willow, it seems only some minor movement was noted and that the cracking at the front was said not to be consistent with this movement.
- If remedial work is required it should consist of the strengthening of the foundations and not the removal of this tree which makes such an important contribution to the visual amenity of the area.
- Carmichaels recommended EITHER very heavy pollarding, every two years OR removal/replacement - another firm (AGA) recommended the latter [removal] as the former would be more expensive, although there was no costing given. This apparently was the justification for removal of an irreplaceable asset to the streetscape

Insurance

- These companies trying to destroy trees need to be stopped for good. They want a concrete jungle.
- It is accepted within an Article IV Conservation Area that building work generally needs to be carried out to a higher standard of aesthetics than elsewhere and that is inevitably more costly for the residents. This is also reflected in the high level of home buildings insurance premiums paid in this area. In particular, a property built backing onto one of the few remnants of Ancient Woodland in Barnet should have appropriate foundations which do not require trees to be removed.
- This is the *Garden Suburb*. All the houses have managed to stay standing despite the fact that we are closely surrounded by very large trees with a massive, ancient, entangled root system. Any horticulturalist will confirm that it is ridiculous to suppose that getting rid of one tree will make any difference to whatever it is that the insurers pretend would be altered by its eradication.
- I am sure the insurance company is looking for a cheap option which might not work anyway as other trees could be involved as well.

Other

- If the council was to allow at least 50% to be removed, the tree would not need pruning so often
- Should the application go ahead, please reconsider the replacement. The area and indeed the road has no need of another *Betula Jacquemontii*, there are far more interesting trees available
- In any event, the grounds for its removal, if examined in the round, are weak. Proper and regular pollarding is an obvious and easy alternative that would yet preserve the beauty of the tree, the streetscape and the said amenity value. I have a willow in my garden and pay for its regular pollarding as many other residents must do with their trees. This tree should not be an exception to that approach - indeed its magnificence is such that it should be the LAST exception.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Willow tree (details of other treeworks at the site not included)

C08945B/00/TRE – Willow – Reduce density 25%. T20 of Tree Preservation Order
- Conditional approval 11th July 2000

C08945F/02/TRE – Weeping Willow – Reduce density 20%. T20 of Tree Preservation Order

- Conditional approval 4th October 2002

C08945H/06/TRE – 1 x Willow – Reduce density by 35% as specified to include the removal of 1 low branch as specified. T20 of Tree Preservation Order

- Conditional approval 5th December 2006

C08945K/07/TRE – 1 x Willow – Fell. T20 of Tree Preservation Order

- Refused 3rd July 2007

TPO/07648/08/F – 1 x Willow – Thin by 20%. T20 of Tree Preservation Order

- Conditional approval 4th July 2008

TPO/00006/12/F – 1 x Willow – Reduce height by 15%, Thin remainder by 30% including removal of deadwood, lifting of low branches and necessary shaping. T20 of Tree Preservation Order

- Conditional approval 2nd March 2012

TPO/00734/13/F – 1 x Storm Damaged Willow – Shorten exposed lateral branches by as much as 50% as specified. T20 of Tree Preservation Order

- Exemption Notice issued 28th November 2013

TPP/0756/16 – 1 x Willow – Crown thin 25% as specified. T20 of Tree Preservation Order

- Conditional approval 28th December 2016

TPF/0612/17 – 1 x Willow (applicant's ref. T8) – Remove and replace with *Betula jacquemontii*. T20 of Tree Preservation Order

- Withdrawn 5th November 2018

Building Control records indicate that 37 Denman Drive has been fully underpinned in the past; 39 has not been underpinned.

PLANNING APPRAISAL

1. Introduction

On 6th November 2018, an application proposing the removal of the Weeping Willow in the front garden of 37 Denman Drive North (and its replacement by a Himalayan Birch) in connection with alleged property damage at 39 Denman Drive North was received via the Planning Portal; amended information was submitted via the Portal on 12th November 2018; with updated monitoring and costings of repairs options being received via e-mail on 15th November 2018. The application replaced TPF/0612/17 which had been withdrawn on 5th November 2018 due to inaccuracies on its application form.

2. Appraisal

Tree and Amenity Value

The Willow tree stands in the corner of the front garden of 37 Denman Drive North close to the front boundary of the property and the flank boundary between 37 and 39 Denman Drive North. 37 Denman Drive North is sited at a corner in the roadway and the tree stands almost at the apex of this corner, it is thus very clearly visible and one of the most prominent trees in this part of the Hampstead Garden Suburb Conservation Area. It is also

visible from the public footpath that leads from Denman Drive to Little Wood. This footpath runs between the flank boundaries of 37 and 35 Denman Drive. The tree is visible from surrounding properties.

The Willow is a mature tree about 12 metres in height; as is apparent from the planning history above, it has been regularly maintained – mainly by thinning but with some branch removal and extensive reduction following storm damage, with subsequent regrowth from the previous treatments. The tree has a lean towards numbers 37 and 39 Denman Drive, this lean appears historic. The tree appears in reasonable condition with dense well-formed foliage. The crown contains some minor deadwood.

The Willow tree is particularly prominent within this part of the Hampstead Garden Suburb, especially given its location on the corner of Denman Drive. The Willow helps to provide screening for the properties in this road heightening their sense of privacy and softening the built form. It helps to filter noise and pollutants and provides a habitat for a variety of species. This tree is of a high public amenity value – contributing significantly to the streetscene and the character and appearance of the Hampstead Garden Suburb Conservation Area.

Denman Drive lies in the northern part of the Suburb, a forking road between Oakwood Road and Erskine Hill, set between two areas of woodland. In this part of the Suburb (identified as part of Character Area 6 of the Hampstead Garden Suburb Character Appraisal Statement) “there are extensive open spaces and woodland. Northway Gardens forms a green corridor between Falloden Way and Oakwood Road. Big Wood and Little Wood are Ancient woods bordering Denman Drive and Oakwood Road, and form a notable feature of the topography” as noted in the Character Appraisal Statement. Most of the area was designed before the First World War and was largely built by 1915. Like Oakwood Road, Denman Drive was developed to provide housing for rent at low to modest rates. Architecturally, it continued the artisan cottage tradition. It is an area of relatively low-density residential development – a mixture of semi-detached and terraced two-storey houses without basements; all houses having generous gardens.

The Introduction of the Character Appraisal Statement includes the following information relevant to the public amenity value of the Oak(s):

Views and Vistas - “Glimpsed views - Throughout the Suburb there are views of trees above rooflines, and glimpsed views between houses of trees and planted areas behind. For example, the views above and between houses to Turners Wood provide continuity between the woodland and the mature trees retained in gardens, as well as a sense of scale. Similarly, the mature oaks in Oakwood Road and Denman Drive unite Big Wood, Little Wood and the woodland of Northway Gardens/Mutton Brook. Whether or not individual specimens pre-date the development, they help to provide a link with the pre-development landscape and remaining woodland as well as reflecting the philosophy that informed the design of the Garden Suburb. The many footpaths frame views between hedges and lead onto attractive small greens or allotments. These glimpsed views are an important characteristic of the Suburb which need to be preserved.”

Streets and Open Spaces – “The roads within the Conservation Area are public open spaces of great quality. Wherever possible, in laying out the design for the “Garden Suburb”, particular care was taken to align roads, paths and dwellings to retain existing trees and views. Extensive tree planting and landscaping was considered important when designing road layouts in Hampstead Garden Suburb, such that Maxwell Fry, one of the pioneer modernists in British architecture, held that *“Unwin, more than any other single*

man, turned the soulless English byelaw street towards light, air, trees and flowers". Unwin used the natural contours of the land to create a relationship between the imposing buildings in Central Square and the cottages of the Artisans' Quarter. The axial roads provide through routes but the gradual slope of the hill was accommodated with less formal road layouts suited to smaller scale housing. The layout of roads often follows old tracks, contour lines, or old hedge boundaries curving around remnants of pre-existing woodlands or the boundary oaks of the old field system. Closes and formal squares infill land between the main routes providing more intimate spaces and picturesque streetscapes. Everywhere, great care has been taken to vary the building line so that some houses are set back behind small greens, others step forward creating a sense of enclosed space and providing attractive views."

Trees and Hedges – *"Trees and hedges are defining elements of Hampstead Garden Suburb. The quantity, layout and design of landscape, trees and green space in all its forms, are inseparable from the vision, planning and execution of the Suburb. Trees and landscaping provide a complimentary setting to the built form. It was the intention that dwellings and nature should be in such close relationship. Henrietta Barnett was clearly influenced by Ebenezer Howard's views that "Human society and the beauty of nature are meant to be enjoyed together... Town and country must be married and out of this joyous union will spring a new hope, a new life, a new civilisation." and ".. Parks and gardens, orchards and woods, are being planted in the midst of the busy life of the people, so that they may be enjoyed in the fullest measure". Unwin's expressed intention, which he achieved, was: 'to lay out the ground that every tree may be kept, hedgerows duly considered, and the foreground of the distant view preserved, if not as open fields, yet as a gardened district, the buildings kept in harmony with the surroundings."*

"Many very old boundary oaks survive in roads, gardens and open spaces and have great impact, both visually and environmentally, as individual trees..... The maturity of planting in the Suburb results in many fine, specimen trees in gardens enhancing the general streetscapes. Where roadways are too narrow to incorporate street trees, trees in gardens are crucial to the verdant appearance of the streetscape. Trees contribute fundamentally to the distinctive character and appearance of the Conservation Area in a number of different ways, including:

- Creating a rural or semi-rural atmosphere
- informing the layout of roads and houses with mature field boundary trees
- providing links with pre-development landscape and remaining woodland
- creating glades, providing screening and shade, and marking boundaries
- framing views, forming focal points, defining spaces and providing a sense of scale
- providing a productive, seasonal interest and creating wildlife habitats"

The Character Appraisal Statement includes the following relevant information in respect of Character Area 6:

"Even within the context of Hampstead Garden Suburb this area is notable for its lush, green character. Big Wood and Little Wood are the remnants of ancient woodlands; the mature oaks in these two woods rise above the cottages in Oakwood Road and the two forks of Denman Drive. Mutton Brook runs through the attractively landscaped Northway Gardens which also has tennis courts and a children's playground. Everywhere there are mature street trees, well maintained hedges and attractive garden planting"

"The street layout and architectural styles fully exploit the setting. To the South, roads are curved both to retain mature trees and also to provide soft, picturesque street views."

“Principal positive features:

Layout and public realm

- curve of streets and planning of cul-de-sacs relate sympathetically to the topography
- road layouts frame views; focal points draw the eye up and down slopes
- pre-existing woodlands and areas of open meadow beside Mutton Brook are incorporated into the layout
-
- footpaths (twittens) link roads providing safe pedestrian shortcuts through the area from north to south and east to west.

Landscape and trees

- woods and Northway Gardens provide attractive green spaces and recreational areas for residents
- Big Wood and Little Wood are ancient woodlands of historic interest
- views to trees and open green spaces in the distance
- trees in gardens, especially mature trees
- number and scale of trees are well chosen to enhance streetscapes
-
- planting in front gardens often complements and enhances the buildings”

Denman Drive North and Denman Drive South is described in greater detail as:

“Denman Drive is horseshoe-shaped, divided into Denman Drive North and Denman Drive South. The top of the horseshoe leads from Big Wood to Little Wood. Hedges and trees are a key feature lending charm to the area that feels secluded and enclosed by greenery (Photograph 3) [Photograph 3 shows the subject Willow]..... Long front gardens give a sense of tranquillity and space. They are, in the main, charmingly maintained in a cottage style. Privet hedging marks the boundary with the pavement and the majority of houses maintain small wooden gates of the correct proportions (....). On the whole the original character of the area has been well maintained.”

Of Little Wood, the Statement observes:

“Little Wood is an historic area of semi-natural broadleaved woodland. Covering 1.1 hectares, it is situated on a north facing slope behind the gardens of homes on Addison Way, Oakwood Road, Erskine Hill and Denman Drive North. There is twitten access from all but Erskine Hill and many surrounding properties have direct access through back garden gates. Now designated a Local Nature Reserve, it is owned by the London Borough of Barnet and managed in partnership with the Big & Little Wood Management Group. Little Wood and Big Wood are remnants of a much larger area of woodland shown on 1746 maps. They were probably originally managed as mixed coppice-with-standards, but converted to oak in the early 19th century. English oak now dominates within Little Wood, with an understory of hazel, rowan, wild cherry, mixed hawthorn, holly, blackthorn and elder. The ground flora is dominated by brambles and bracken, with bluebells, ivy and creeping soft grass. The wood provides habitat for bats, squirrels and a range of birds. The main distinguishing feature is an open-air theatre used for performances during the summer (.....). The surrounding high hedge and canopy of mature oak trees creates an intimate, atmospheric space. The wood is much used by local residents for recreation and as an attractive cut-through between roads.”

The Weeping Willow in the front garden of 37 Denman Drive North is a non-native specimen that has clearly been planted after Denman Drive was constructed – nonetheless, it is prominently located in the streetscape and contributes significantly to the character and appearance of this part of the Hampstead Garden Suburb Conservation Area by providing screening and shade; marking boundaries; framing views; forming focal

points; and has photographed as an example of “a key feature lending charm to the area that feels secluded and enclosed by greenery”.

As may be noted from the volume of, and matters raised in, objections detailed above, the Willow is much valued by residents as being an integral part of the character and appearance of the Hampstead Garden Suburb Conservation Area; contributing significantly to public amenity.

The application

The application submitted by John Cromar’s Arboricultural Company instructed by PBA Consulting on behalf of clients to report on the applicability of treeworks to control a reported subsidence problem at 39 Denman Drive North was registered on 15th November 2018. The reason cited on the application form for the proposal is:

“willow (T8) - Remove due to implication in subsidence damage - replace with Betula jacquemontii as consented by HGST”

Including the additional information submitted subsequently, the supporting documentation comprised:

- Hampstead Garden Suburb Trust letter and Anthony George and Associates’ Tree Report dated 29 March 2016
- PBA Consulting Crack Monitoring Record (18 readings 18/3/15 – 11/7/17)
- GeoServ Level Monitoring (13 readings 16/7/15 – 10/7/17)
- Pruning Invoice dated 2nd February 2017 (for treatment subject of TPP/0756/16)
- Bioprofiles DNA analysis dated 12th July 2018
- Engineer Investigation Report on Crack Damage dated 17th April 2015
- Auger Site Investigation Report dated 25th March 2015
- Soiltec soil testing Laboratory Report dated 9th April 2015
- Richardson’s Botanical Identifications root analysis dated 26th March 2015
- Sketch Plan
- John Cromar’s Arboricultural Company Report dated 8th November 2017
- updated PBA Consulting Crack Monitoring Record (28 readings 18/3/15 – 4/9/18)
- updated GeoServ level monitoring – (19 readings 16/7/15 – 1/8/18)
- estimated costs of repair options

In their letter of 29th March 2016 to the relevant residents, the Hampstead Garden Suburb Trust write: “Following the review of the reports supplied by Carmichaels, I enclose a copy of a report by the Trust’s Tree Consultants, Anthony George & Associates Ltd. Accordingly, the Trust now gives consent for the work specified in the report dated 29 March 2016 which is self-explanatory.”

The Anthony George and Associates’ Tree Report dated 29 March 2016 notes that he inspected various *“unidentified trees on the right hand side boundary in case they were Willow trees, this proved not to be the case, therefore the Willow roots found in the trial holes could have emanated from the large Willow on the front boundary of number 37, although somewhat hard to believe. Carmichaels and John Cromar have concluded that the mature and heavily pollarded Weeping Willow tree situated on the front boundary of number 37 is contributing to the structural movement on the rear elevation of number 39, and have therefore recommended either very heavy pollarding every two years or the removal of the tree. [...] is minded to remove the tree altogether rather than the expensive option of pollarding every two years or so, I would therefore recommend the Willow tree is removed and the stump ground out or poisoned. A replacement tree should be planted on*

the front boundary with Denman Drive and the following specie is recommended – Betula jacquemontii – Silver Birch.

The Council's Structural Engineer has assessed the information and the following points should be noted:

Trees – The Arboricultural Report and associated Sketch Plan show the locations of various trees and shrubs in the vicinity of 39 Denman Drive North:

- the Willow T8 in the corner of the front garden of 37 Denman Drive, close to the boundary with 39, at an estimated distance of approximately 13.3m from the affected property; based on a site visit on 17th June 2015 the height is cited as 9m and the stem diameter 900mm. The Report comments include *“Historically heavily reduced, pruned again in February 2017.”* It also notes that *“Tree 8 certainly does not pre-date the structure. I note construction was in 1908. Heave consequent to tree removal is not considered a significant threat in this case.”*
- three Oaks (T3, T4, T5) in Little Wood at estimated distances of approximately 23 and 28m; heights of 16m, and stem diameters of 500 / 700 / 800mm
- an Apple (T7) close to the side gate at 39, at estimated distance of approximately 2.3m; height of 5m, and stem diameter of 200mm
- two Privet hedges (H2, H6) and a Fuchsia (S1) are also detailed

Root analysis – Both microscopic and DNA testing were undertaken

The 2015 root analysis identified Salicaceae (Willow) and Quercus (Oak) roots in the trial pits at the rear of 39 Denman Drive North

The 2018 DNA analysis has confirmed the presence of roots from the Weeping Willow at the front of 37 were found in the trial pits.

Whilst the Willow roots sampled were dead, it is clear that the Willow's roots extend to the rear of the property

Damage - The Engineer Investigation Report dated 17th April 2015 provides details of the damage which is predominantly to the rear right-hand corner of the 39 Denman Drive North, although there is some internal cracking throughout:

Externally damage was evident:

- Front elevation (two vertical cracks of 1mm and 0.5mm from window corners which had been repaired and reopened)
- Right hand flank elevation (a tapered vertical crack of 3mm from window corner and two stepped diagonal cracks of 3-4mm and 10-12mm at lower levels in the rear corner with some lateral displacement of brickwork)
- Rear elevation (continuation of the lower flank wall cracks; a 3-4mm horizontal crack; a 2-3mm stepped vertical crack; short 1-2mm diagonal crack; and a vertical crack of 1-2mm by bay)

Internal damage:

- Kitchen (movement around window frame)
- Dining Room (fine diagonal crack and hairline horizontal crack by bay; open joint at window sill)
- Rear Bedroom (hairline diagonal crack; repaired diagonal crack; filled crack with hairline re-opening; hairline crack across ceiling)
- Bathroom (1-2mm vertical crack; 1mm diagonal crack; hairline vertical crack)
- Front Left hand bedroom (1mm vertical crack)
- Front Right hand bedroom (1mm vertical crack)

The Engineering Report notes that the damage was initially noticed late 2013 but worsened since and is of BRE Digest 251 Classification “Up to Category 3 (moderate damage)”.

Although not noted in the Engineer Report, cracking was also evident in the understairs cloakroom (on flank) – the residents also reported that damage had worsened since the Engineer Report was written.

Subsoil Investigations – Two trial pits were undertaken, both to the rear of 39 Denman Drive North:

Trial Pit 1 was 3.5m deep at the rear right corner:

- Foundation - 800mm deep, corbelled brick on mass concrete strip
- Soil – wet silty clay becoming stiff with depth, highly plastic
- Roots – Willow (dead)

Trial Pit 2 was 3.5m deep at the rear left corner next to bay:

- Foundation - 1000mm deep, corbelled brick on mass concrete strip
- Soil – firm becoming very stiff silty clay, highly plastic
- Roots – Willow, Oak and Ivy

Soil testing - The John Cromar Report dated 8th November 2017 summarises “*The comparison of the moisture contents with the Atterberg Limits indicates that the clay soil is desiccated for the full depth of both boreholes with the exception of the sample in trial hole at 1m to 1.5m depth. The higher moisture content of 43.3 measured in this sample is thought to be due to leakage from the adjacent drains (Date of investigation 18/3/15).*”

Monitoring – Both level and crack monitoring has been carried out between 2015 and 2018 (exact dates above). Both types of monitoring show seasonal movement – the level monitoring in particular clearly demonstrates that seasonal movement has continued to affect the property after the thinning of the Willow in February 2017.

Drainage – The drains, which run mainly down the right hand side of the property, were surveyed in March 2015 and found to be almost blocked by root ingress. Apart from this, no significant defects were found. As noted above, the higher moisture content of the soil sample is thought to be due to leaking drainage. It seems possible that the drainage may have acted as a conduit for the Willow roots found to the rear of the property which may have developed preferentially in the damper conditions associated with the leaking drains.

Conclusions – The 2015 Engineer Report conclusion is that “*The pattern of cracking and damage within the property is consistent with foundation movement at the rear right hand corner. Some of the cracking and distortion to the brickwork at this corner appeared to be historic, as evidenced by the worn edges to the cracks and the presence of previous demac studs fitted to one of the cracks. However, there has clearly been some more recent movement at this location.....It is therefore concluded that the crack damage is a result of foundation subsidence caused by desiccation of the highly shrinkable London Clay subsoil due to moisture extraction from roots of the Oak trees to the rear and the Willow tree at the front. Defects in the drainage system may also have contributed to the foundation movement at the rear right hand corner. Some minor movement was noted at the front of the property, although the pattern of cracking was not really consistent with foundation movement....suggest that a watching brief is kept on the damage at the front of the property as the Willow tree at the front has the potential to cause foundation subsidence to the whole property.*”

In respect of possible pollarding, the John Cromar Report observes “*I consider that pruning having evidently failed to limit structural movement, removing the willow tree is necessary to control soil drying by it.*” However, it may be noted that the 2017 treatment was 25% thinning, not pollarding. The Willow has historically been heavily pollarded and subsequently regrown – but the suggestion referred to in the Anthony George and Associates’ letter is that such pollarding be repeated biannually, and this treatment would markedly diminish the tree’s presence in the streetscene and its public amenity value.

On the basis of the submitted information, our own Structural Engineer has some concerns that the wrong tree is being implicated as the main cause of damage and considers that further investigation may be required to check if trees at the rear of the property are implicated. Although accepting that Willow roots may have been attracted to grow in vicinity of drain run, particularly if drains are leaking, and this could explain how identified Willow roots were found at rear right hand corner; he observes “*If the front willow tree was causing damage at the rear of the property, which is possible, I would have expected severe movement and damage to also occur at the front of the house. There is no record of this.*”; also noting “*In this case we have the greatest amount of movement occurring to the part of building the furthest from the tree, the site investigations and interpretative reports have not satisfactorily explained why this is occurring.*”

Our Structural Engineer considers that other trees may be implicated to movement at the rear of the building. Oak roots were identified in trial pits and there are mature Oaks in Little Wood to the rear of the site. Andy Tipping, the Council’s Greenspaces Trees and Woodlands Manager, has confirmed that some treeworks were undertaken to an Oak in Little Wood on 23rd July 2016 in connection with a related subsidence claim in 2015. The monitoring all post-dates treework undertaken by Greenspaces in Little Wood.

However, given the presence of DNA identified Willow roots, it would be difficult to wholly dissociate the tree from the damage - albeit that other trees may also be implicated.

Given the importance of the Willow in the streetscene; the suggestion that regular heavy pollarding may address the problem; and potential other causative / contributory factors it may be questioned whether the felling of the Willow is justified – although the DNA root identification should not be disregarded.

3. Legislative background

As the Willow is included in a Tree Preservation Order, formal consent is required for its treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation. In addition to this statutory requirement, the Hampstead Garden Suburb Trust has a separate contractual mechanism of control over treeworks under its Scheme of Management. Consent is required from both bodies independently (and it is possible for consent to be granted by one and not the other), and it appears that the Suburb Trust have previously given consent for the removal of the Willow and replacement planting by a Himalayan Birch (as specified in the current application).

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

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

In accordance with mandatory requirements, estimated costs options to repair the damage have been submitted. In this case the applicant has indicated:

Option A – tree removal - £25,000 - £30,000

Option B – partial underpinning and superstructure repairs - £50,000 + VAT

Option C - full underpinning and superstructure repairs - £80,000 - £90,000 + VAT

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

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has some concerns that the wrong tree is being implicated as the main cause of damage - however, albeit that other trees may also be implicated, given the presence of DNA identified Willow roots, it would be difficult to wholly dissociate the tree from the damage.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment.

If it is concluded that addressing other factors would resolve the alleged problem, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Willow's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates partial underpinning repair works would be an extra £20,000 - £25,000 and full underpinning an extra £55,000 - £65,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Most matters addressed in the body of the report. As some objectors have noted, there was a previous application to fell the Willow in 2007. The application was submitted by others - it was refused, the relevant Committee considering that the felling of the tree was not appropriate in the light of the supporting information put forward - an informative was added "*You may wish to consider a re-application in the event that you obtain further supporting documentary evidence including further monitoring results so that any seasonality of movement can be assessed, detailed sketches of the cracks and monitoring stud locations, drain survey, trial pit and borehole next to the rear elevation, a plan showing all nearby trees and hedges.*" – the current application has considerably more supporting evidence. However, as may be noted from the relevant planning history, there have not been refusals for lesser works as suggested by some objectors.

CONCLUSION

The applicant, John Cromar's Arboricultural Company, proposes to fell the significant mature Willow standing in the front garden of 37 Denman Drive North, adjacent to pathway into Little Wood, because of its alleged implication in subsidence damage to 39 Denman Drive North - and to plant a replacement Himalayan Birch as agreed with the Hampstead Garden Suburb Trust in 2016.

The proposed felling of the Willow would be significantly detrimental to the streetscene and would fail to preserve or enhance the character or appearance of the Hampstead Garden Suburb Conservation Area.

The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Willow has been DNA identified as the source of Willow roots found. However, there are significant concerns about "*the greatest amount of movement occurring to the part of building the furthest from the tree, the site investigations and interpretative reports have not satisfactorily explained why this is occurring*".

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree and its importance to the character and appearance of the Hampstead Garden Suburb Conservation Area, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information provided.

If it is concluded on the balance of probabilities that the Willow's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there is likely to be a compensation liability (the applicant indicates partial underpinning repair works would be an extra £20,000 - £25,000 and full underpinning an extra £55,000 - £65,000 if the tree is retained) if consent for the proposed felling is refused.

However, particularly given the amenity value of the tree, if it is concluded that on the basis of available information that removal of the Willow is excessive and has not been demonstrated to be necessary it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell, and that it would be justifiable to refuse the application.



This product includes mapping data licensed from Ordnance Survey with the permission of the Controller of Her Majesty's Stationery Office. © Crown copyright and database right 2018. All rights reserved. London Borough of Barnet Licence No. 100017674

Location **128 Nether Street London N3 1NS**

Reference: **18/5160/FUL**

Received: 21st August 2018
Accepted: 3rd September 2018

AGENDA ITEM 8

Ward: West Finchley

Expiry 29th October 2018

Applicant: Mr D Malatto

Proposal: Conversion of existing dwelling into 7no self-contained flats following part single, part two storey side and rear extension. Demolition of existing garage and shed. Associated parking, amenity space, refuse and cycling store and landscaping

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:

- 4561-20 (Existing Ground Floor Plan)
- 4561-21 (Existing First and Second Floor Plans)
- 4561-22 (Existing Front and Side Elevations)
- 4561-23 (Existing Rear and Side Elevations)
- 4561-24 (Existing Block Plan)
- 4561-25 A (Proposed Ground Floor Plan)
- 4561-26 (Proposed First Floor Plan)
- 4561-27 (Proposed Second Floor Plan)
- 4561-28 (Proposed Roof Plan)
- 4561-29 (Proposed Front Elevation)
- 4561-30 (Proposed Rear Elevation)
- 4561-31 (Proposed Side Elevation)
- 4561-32 (Proposed Side Elevation)
- 4561-33 A (Proposed Block Plan)

Design and Access Statement

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

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

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

- 3 a) No development 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.

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

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

Reason: To safeguard the character and visual amenities of the existing attractive period property 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 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, including the London Underground Line, 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 2016) and 7.15 of the London Plan 2016.

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

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

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

8 a) 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 prior to the occupation of the hereby approved development.

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.

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

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

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 4561-33 A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 11 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.

- 12 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).

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

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

- 14 Prior to 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.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 17 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be provided in accordance with the details shown on the approved plans.

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).

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

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

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

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

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

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

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

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

- 4 Refuse collection points should be located within 10 metres 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.
- 5 The applicant is advised that proposed gates should not open outwards onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.

Officer's Assessment

1. Site Description

The application site is located on the north-western side of Nether Street, within the ward of West Finchley. The site consists of a large two-storey, semi-detached dwelling house with a large rear garden. There is an existing vehicular access leading to a single parking space and small single-storey garage.

The area surrounding is predominately residential with a variety of building types and forms and a range of single-family dwellings, flats conversions and purpose-built flatted developments. On the opposite side of Nether Street to the east there is a Nursery and Infant School and the northern line underground tracks run along the north-west (rear) of the site.

The existing building is not locally or statutory listed and the site does not lie within a conservation area.

2. Site History

No previous planning history.

3. Proposal

The application seeks permission for the erection of part-single, part two-storey side and rear extensions in order to facilitate the conversion of the existing property into 7no. self-contained flats. The proposal consists of the demolition of the existing shed and garage to create a new vehicular driveway in the site, providing access to 9 parking spaces at the rear of the site. The scheme also includes the provision of associated private and communal amenity space, refuse and recycling store and cycle spaces.

The proposal has been amended during the application process. The changes are as follows:

- Alteration to proposed rear parking area so that it is moved off the immediate rear boundary, allowing for the existing trees to be retained;
- Removal of 2no. side windows of proposed ground floor flats 1 and 2; and
- Submission of revised block plan to accurately reflect proposed layout.

4. Public Consultation

Consultation letters were sent to 63 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Concern about the finished exterior of this Arts and Crafts property and that potential proposed new external materials will compromise this extremely attractive period property;
- Impact on light and overview view from The Laurels;
- Disruption during construction phase;
- Loss of trees;
- Increase in traffic;

- impact from proposed construction works; demolition of existing load bearing walls and rebuilding of new; digging of deeper foundations and interference with shared chimney.

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, CS14, CS15

- 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:

- Principle of flatted development;
- 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;
- Access and parking;
- Any other material considerations.

5.3 Assessment of proposals

Principle of development

In assessing whether flats are appropriate in this location, Barnet policy DM01 states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit, it is evident that there is a mixture of residential properties consisting of family dwellings, flats conversions and purpose built flatted developments. In particular, to the south-west there is a flatted building (The Laurels) and adjacent to the adjoining site to the north, there is a large modern flatted development (Westleigh Court).

As such, Officers consider that the loss of the family dwelling and conversion of the property into flats would not have a significant impact on the character of the surrounding area. The principle of development is therefore considered to be acceptable subject to compliance with all other material considerations.

Impact on character and appearance

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

It is acknowledged that the existing dwelling is an attractive period property. The proposed extensions would be stepped back, recessed and lowered at many points in order to maintain the prominence of the main building. It is considered that the proposed extensions appear visually subordinate to the existing property and do not detract from its overall character. At the rear, it is acknowledged that there is a large gable on the rear elevation as a result of the proposed development. However, taking into account that the rear elevation has limited public views, facing onto the underground tracks, its overall scale, bulk and appearance is considered, on balance, to be acceptable.

In terms of the proposed car parking arrangement in the rear garden, there is a similar arrangement on the site adjacent to the adjoining property. The proposed parking at the rear of the site, adjacent to the underground tracks is considered to be an appropriate location

which still results in a significant level of soft landscaping at the rear of the site. The use of appropriate hardstanding materials could be used to mitigate or reduce its overall impact.

Overall, the proposal is considered to be appropriate in terms of scale, massing, bulk, height and external finish and would not have a harmful impact on the character and appearance of the existing property or street scene.

Impact on amenity of neighbouring occupiers

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

There are residential occupiers on either side of the application site: The Laurels (flats) is located to the south and No.126 (single dwelling) to the north.

In terms of the potential impact on No.126, the proposed rear extension begins to project approximately 6m away from the shared boundary and as such, the proposal is not considered to have a detrimental overbearing impact or result in the loss of light. There are no proposed directly facing windows onto this site. Concerns were raised about the potential demolition and construction impacts on the adjoining property. However, the structural integrity of the building would be a matter dealt with by Building Control and the Party Wall Act.

With regards to the impact on the units to the south at The Laurels, the proposed side extension element would project closer by approximately 5m. However, this would only reflect the ground floor impact, as the first floor is set back another 3m from the proposed ground floor extension. The proposed separation distances would be 12.5m to the side elevation of No.130 at ground floor level and 15.5m at first floor level. Taking into account the proposed separation distances and the proposed pitched roofed elements of the proposed extensions, it is not considered that the proposal would detrimentally affect the daylight or sunlight of the windows facing the application site. There is a small balcony area proposed at first floor built into the side pitched roof. Given its size and design, it is not considered to result in significant levels of overlooking.

Overall, the proposed development is not considered to have a harmful impact on the residential amenities of neighbouring occupiers.

Provision of adequate accommodation for 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.

All of the proposed units would comply with or exceed the minimum internal space standards. Six of the seven proposed would benefit from dual aspect outlooks, with each flat having large windows. It is considered that every flat would receive a good level of daylight and sunlight.

In terms of stacking, the proposal has in most instances, rooms with similar uses sited on top of each of other. There are a few instances where bedrooms are located over living/ kitchen rooms but this is not considered to a significant noise issue. There is only 1 potential conflict where a first floor living / kitchen is located over a ground floor bedroom. However, these rooms are located within the new build section of the proposal. It is considered that

any potential noise can be mitigated and insulated more efficiently as part of the new build construction.

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, the provision is calculated at 5sqm per habitable room as set out in the SPD. The three proposed ground floor flats would be provided with private amenity spaces with the upper level flats having access to a large communal garden of 316sqm. The level of outdoor amenity provision is considered to be acceptable.

Overall, the proposed level of accommodation for future occupiers is considered to be acceptable.

Highways

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, requiring that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 sets out the parking standards that the Council will apply when assessing new development.

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

For 1 bedroom units	0.0 - 1.0 space per unit
For 2 and 3 bedroom units	1.0 - 1.5 spaces per unit

The scheme proposes 9 car parking spaces to serve 7 units, comprising of 4 x 1-bed, 2 x 2-bed and 1 x 3-bed. The Council's Traffic and Development service has reviewed the proposed development and comments that the proposed number of spaces is in accordance with the requirements set out in Barnet policy DM17.

The proposed new driveway will be accessed via the existing cross-over.

Overall, the proposal is acceptable on highways grounds.

Other material considerations

Concerns have been raised in relation to the loss of existing trees and landscaping. Whilst none of the existing trees are safeguarded under Tree Protection Orders, their loss could be mitigated or enhanced through new landscaping planting. A condition will be inserted to ensure that a landscaping scheme is submitted and approved by the Local Planning Authority. The proposal has been amended to ensure the retention of the trees along the rear of the site as they provide a buffer between the site and the underground tracks.

5.4 Response to Public Consultation

Concern about the finished exterior of this Arts and Crafts property and that potential proposed new external materials will compromise this extremely attractive period property - Considering that the property is an attractive period property, it is considered reasonable that the applicant submits details of the proposed materials for approval.

Impact on light and overview view from The Laurels - This has been assessed in the report and not found to have a detrimental impact on these properties.

Disruption during construction phase - A condition seeking the submission of a 'construction management plan' will be attached, requiring the submission of details relating to construction vehicles and noise and dust mitigation. This will be reviewed by the Council's Environmental Health and Highways Officers.

Loss of trees - None of the existing trees are statutory protected, however, the loss of any trees will be expected to be appropriately compensated within the proposed landscaping measures for the site.

Increase in traffic - The proposal retains the site in residential use and while there is an intensification of the site, the proposed levels of associated vehicles is not considered to be significant.

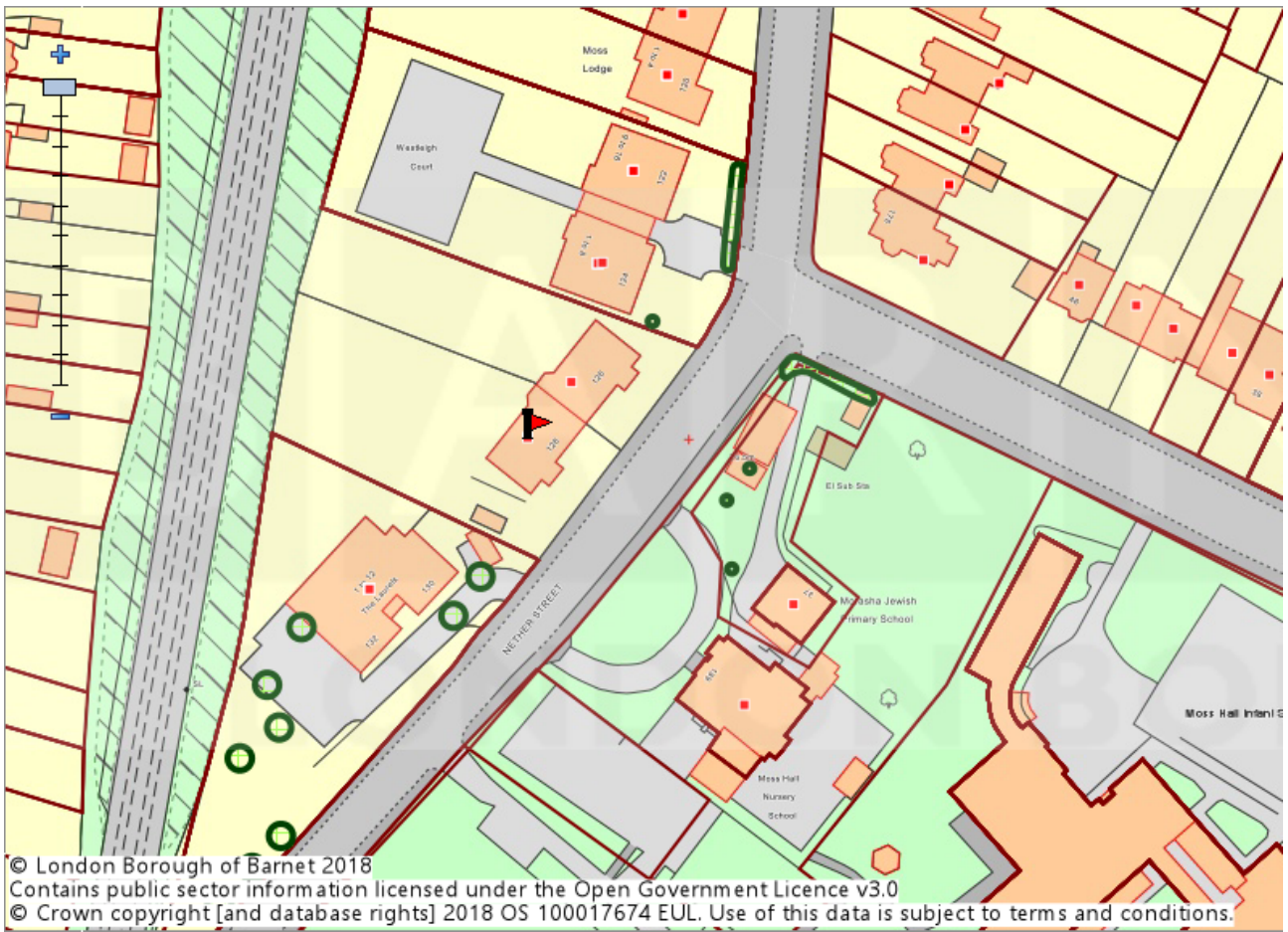
Impact from proposed construction works; demolition of existing load bearing walls and rebuilding of new; digging of deeper foundations and interference with shared chimney - This will be covered by Building Control and the Party Wall Act.

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 or future occupiers. The proposal is considered to comply with the relevant highways requirements. This application is therefore recommended for approval.



This page is intentionally left blank

Location **2 Dollis Road London N3 1RG**

Reference: **18/5802/S73**

Received: 27th September 2018

Accepted: 28th September 2018

Ward: West Finchley

Expiry 23rd November 2018

Applicant: Shahar Shahar

Proposal: Variation of condition 1 (Approved Plans) of planning permission 18/2369/FUL dated 19/09/2018 for 'Demolition of existing dwelling and construction of a three storey detached building plus rooms in roofspace comprising of 7no self-contained flats. Associated amenity space, refuse storage, cycle store and provision of 4no off street parking spaces.' Variations to include: provision of a rooflight to the pitched roof facing Dollis Road; extension to ground floor below corner tower; alterations and enlargement of fenestration and increase in height of building [AMENDED DESCRIPTION]

AGENDA ITEM 9

Recommendation: Approve following legal agreement

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:

Drawing No. 2DR-PP3-01

Drawing No. 2DR-PP3-02 A

Drawing No. 2DR-PP3-03

Drawing No. 2DR-PP3-04

Drawing No. 2DR-PP3-05

Drawing No. 2DR-PP3-06

Sustainability Statement dated 18 April 2018 by Tal Acr Ltd.

Transport Statement dated April 2018 by Caneparo Associates and accompanying drawing no. TR01 A

Design and Access Statement and Planning Statement

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of the original permission (planning reference 18/2369/FUL, dated 19 September 2018).

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

- 3 The development shall be implemented in accordance with the levels as approved under planning reference 18/5679/CON, dated 16 November 2018.

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.

- 4 The development shall be implemented in accordance with the materials as approved under planning reference 18/5679/CON, dated 16 November 2018.

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) The development shall be implemented in accordance with the scheme of hard and soft landscaping as approved under planning reference 18/5679/CON, dated 16 November 2018.

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.

- 6 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 Flat 3 shall be 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.

- 7 The development shall be implemented in accordance with the refuse and recycling details as approved under planning reference 18/5679/CON, dated 16 November 2018.

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) The development shall be implemented in accordance with the privacy screen details as approved under planning reference 18/5679/CON, dated 16 November 2018.

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).

- 9 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.

- 10 The development shall be implemented in accordance with the Demolition and Construction Management and Logistics Plan as approved under planning reference 18/5679/CON, dated 16 November 2018.

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

- 11 Before the development hereby permitted is first occupied the parking spaces shown on the plans approved under Condition 1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces and access to the parking spaces from the public highways shall be maintained at all times.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

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.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Thames Water have stated:

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>.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

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/Wastewaterservices>

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB Thames Water would advise that with regard to waste water network and waste water process

infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

WATER COMMENT

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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.

- 5 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.
- 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 or by telephoning 0208 359 4500.

- 7 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 application property is a semi-detached property sited at the junction of Dollis Road and Crescent Road.

It fronts Dollis Road, with its side elevation facing Nether Street, and rear elevation facing Crescent Road.

It is not located within a conservation area and is not a statutory or locally listed building.

There are no Tree Preservation Orders on site.

2. Site History

Reference: 18/2369/FUL

Address: 2 Dollis Road, London, N3 1RG

Decision: Approved following legal agreement

Decision Date: 19 September 2018

Description: Demolition of existing dwelling and construction of a three storey detached building plus rooms in roofspace comprising of 7no self-contained flats. Associated amenity space, refuse storage, cycle store and provision of 4no off street parking spaces

Reference: 18/5679/CON

Address: 2 Dollis Road, London, N3 1RG

Decision: Approved

Decision Date: 16 November 2018

Description: Submission of details of conditions 3 (Levels), 4 (Materials), 5 (Landscaping), 7 (Refuse), 8 (Privacy Screens) and 10 (Demolition and construction management and logistics plan) pursuant to planning permission 18/2369/FUL dated 19/09/18

3. Proposal

The applicant seeks to vary Condition1 (approved plans) of planning permission 18/2369/FUL dated 19/09/2018.

These variations include: provision of a rooflight to the pitched roof facing Dollis Road; extension to ground floor below corner tower; alterations and enlargement of fenestration and increase in height of building.

4. Public Consultation

A site notice was erected 04 October 2018.

Consultation letters were sent to 228 neighbouring properties.

13 responses have been received, comprising 12 letters of objection and 1 letter of comment.

The representations received can be summarised as follows:

- Impact on surrounding properties value

- Queries regarding party wall agreements
- Queries whether the basement extension would affect the foundations of surrounding properties
- Proposal is already too big for this area. Any additional changes will make it even worse for people already living here. This is of no benefit to anyone except the developers.
- Highly congested area already. Impact of extension work on foundation of the road and nearby area.
- If construction work was permitted to begin, it will cause disruptions, inconvenience, pollutions to those live in the area.
- Concerns regarding parking and traffic, as well as safety of pedestrians and road users
- Any increase in height would be out of keeping with the terrace houses on Dollis Road. Regarding increasing the height of the overall structure which already is large enough, much was made of how the previous approved roof line was going to follow the roof lines and be marginally higher than the row of houses. This is now no longer the case and this is a ploy to circumvent the planning system with additional increments at every available opportunity. Represents overdevelopment. Will be out of scale.
- Strain on local services
- Proposals do not address the underlying cause of the housing problem, part of which is unaffordable housing, as it is unlikely that these units will be in the reach of most first time buyers.
- Impact on privacy- A side window directly overlooking the next door house and far above its roof line in contradiction to the originally approved plans.
- Visual impact of the development on the street scene. Will dominate the top section of Dollis Road.
- Posted signs around the house to inform neighbours of the proposed new plans have been torn down within days. The adjoining owners clearly did not know about the plans until very recently.
- Impact of additional height on natural light thus disincentivising (sic) neighbours from planting trees and gardens which this area needs for irrigation and air quality.
- Greater height will further increase degree of overshadowing and have an overbearing impact on neighbour.
- Adverse impact on the character and appearance of the area.
- Significant harm to the amenity of our property which is the semi-detached pair to 2 Dollis Road and is to be severed by this proposal without any apparent consideration given to the way its newly exposed flank is to be handled.
- The approved plans illustrate a very substantial increase in height, bulk and mass over the existing situation, and that the correct comparison is therefore the proposed profile with the existing - not with that previously approved.
- Inadequate parking provision: No additional parking spaces (net) are being made available to residents whereas a net increase of 6 dwellings is proposed. There is a net reduction of 2 spaces and an increase in competition for on-street spaces already subject to a "high" level of parking demand (as specifically recognised by the highway officer).
- No. 38 Granville Road, who are the joint freehold owners of the adjoining property No. 4 Dollis Road, were not notified of original application and would have strongly objected on several grounds had they known of it. They believe that had they, they could have made a substantial difference to the outcome of the application to express concerns at committee. They have requested the council to consider revoking the consent.
- Request to see Legal Agreement from previous consent
- Clarification of whether basement is included in the proposals

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
- Relevant Development Management Policies: DM01, DM02, DM04. DM08, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed variations would fall within Section 73 of the Town and Country Planning Act 1990
- Whether the proposed variations are acceptable in planning terms

5.3 Assessment of proposals

Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306] The applicant has sought to amend the conditions attached to the planning permission by seeking to make a minor material amendment.

The covering letter by the agent dated 27 September 2018 states that the amendments are as follows:

- provision of rooflight to the pitched roof slope facing Dollis Road to provide dual aspect and additional natural light to the Master bedroom of Unit 7;
- extension to the ground floor below corner tower to simplify the structural design; enlargement of fenestration; and
- increase of building height (300-400mm) to accommodate lift-overrun and structure, sound and thermal insulation and services to comply with Building Regulations, as well as ensuring to maintain minimum 2500mm clear headroom at all levels.

Planning Practice Guidance advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. [Paragraph: 017 Reference ID: 17a-017-20140306]

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].

Case law has established that the test is whether the new conditions are ones "which the council could lawfully have imposed upon the original permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application".

The proposed variation would not conflict with the description of development of the original application. The character of the scheme would remain broadly similar to that of the previous consent, with an extension at ground floor and increase in height between 300mm-400mm.

The development will have a greater height than the neighbouring property at No. 4 Dollis Road. However, the land rises as Dollis Road progresses south-easterly towards the roundabout, and the building has been designed with a stepped roof form to follow and continue the rhythm and increase of the ridge heights. Considering the context, and surrounding buildings at the junction of Dollis Road/Crescent Road/Nether Street, which are all of differing heights, these variations are considered acceptable in planning terms and would comply with the relevant development plan policies.

For these reasons the proposed variations do not amount to fundamental alteration of the proposal put forward in the original application and would fall within the scope of Section

73 of the Town and County Planning Act 1990. The application is therefore recommended for approval.

In regards to conditions, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Conditions have been attached accordingly.

5.4 Response to Public Consultation

- Impact on surrounding properties value

Planning Practice Guidance states that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material planning consideration. [Paragraph: 008 Reference ID: 21b-008-20140306]

- Queries regarding party wall agreements

This is a Party Wall matter and not a planning matter.

- Queries whether the basement extension would affect the foundations of surrounding properties

The basement has been removed from plans and does now not form part of this proposal.

- Proposal is already too big for this area. Any additional changes will make it even worse for people already living here. This is of no benefit to anyone except the developers.

The previously consented scheme approved under reference 18/2369/FUL, 19 September 2018, was found acceptable on planning grounds. It is considered that the minor variations do not alter this position.

- Highly congested area already. Impact of extension work on foundation of the road and nearby area.

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.

- If construction work was permitted to begin, it will cause disruptions, inconvenience, pollutions to those live in the area.

A degree of noise and disturbance may arise from demolition and construction works, however this will be temporary and is expected from development of any size. A condition has been attached to secure details of Demolition and Construction Management and Logistics Plan before site works commence.

- Concerns regarding parking and traffic, as well as safety of pedestrians and road users

The report for the previously consented scheme stated:

"The proposal is for demolition of the existing single family dwelling and the construction of a three storey building accommodating 7 self-contained units comprising of 3x1bed, 3x2bed and 1x3bed self-contained units. The applicant is proposing to make provision for 4 off-street car parking spaces including 1 disabled car parking space.

The site lies within a PTAL 4 site, which is considered as good public transport accessibility. Controlled parking zone CE is in operation in the vicinity of the site Mon-Fri between 2pm-3pm.

In accordance with requirements set out on Policy DM17 of the London Plan, for a site such as this the car parking provision requirement should be 6 off street car parking spaces.

The applicant has provided a car parking beat survey which demonstrates that although parking demand in the vicinity of the site is high, there is possible availability to accommodate the potential overspill of parking that may result from the proposed development."

The case remains the same in this instance.

- Any increase in height would be out of keeping with the terrace houses on Dollis Road. Regarding increasing the height of the overall structure which already is large enough, much was made of how the previous approved roof line was going to follow the roof lines and be marginally higher than the row of houses. This is now no longer the case and this is a ploy to circumvent the planning system with additional increments at every available opportunity. Represents overdevelopment. Will be out of scale.

The proposed variations would increase the height of the building by 300mm - 400mm. However, the land rises as Dollis Road progresses south-easterly towards the roundabout, and the building has designed with stepped roof form to follow and continue the rhythm and increase of the ridge heights. The development would therefore not detrimentally impact the character and appearance of the street scene or surrounding area.

Furthermore, as explained by the agent, a height increase is required to meet Building Regulations and provide a clear internal headroom of the prescribed 2.5 metres. On balance, this is considered acceptable.

- Strain on local services

This is not considered to constitute a reason for refusal in this instance.

- Proposals do not address the underlying cause of the housing problem, part of which is unaffordable housing, as it is unlikely that these units will be in the reach of most first time buyers.

Paragraph 63 of the National Planning Policy Framework (2018) states: Provision of affordable housing should not be sought for residential developments that are not major

developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Major development is defined in the NPPF as development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more.

The scheme is for a residential development that is not a major development and is not in a designated rural area. As such, affordable housing is not required in this instance.

- Impact on privacy- A side window directly overlooking the next door house and far above its roof line in contradiction to the originally approved plans.

It is not clear what window or property the objector is referring to however regarding the new roof light, it is facing Dollis Road and is not directly overlooking any neighbouring property or garden.

- Visual impact of the development on the street scene. Will dominate the top section of Dollis Road.

Addressed above.

- Posted signs around the house to inform neighbours of the proposed new plans have been torn down within days. The adjoining owners clearly did not know about the plans until very recently.

The Local Planning Authority have no evidence that the site notice was removed. In accordance with statutory publicity requirements for planning and heritage applications, an application of this type would require a site notice or neighbouring notification letter and notification on the website. All three types of publicity were undertaken. The council have therefore exceeded statutory requirements.

- Impact of additional height on natural light thus disincentivising (sic) neighbours from planting trees and gardens which this area needs for irrigation and air quality.

The development subject to this application has an associated landscaping plan.

It is not considered that this development would detrimentally impact natural light received at the neighbouring property(/properties).

- Greater height will further increase degree of overshadowing and have an overbearing impact on neighbour.

The report for the previously consented scheme stated:

"The existing dwelling adjoins Number 4 Dollis Road. The new building would be built off the boundary. It would follow the general front building line of Dollis Road. It would not project significantly beyond the rear main wall of No. 4 Dollis Road. The balconies facing Crescent Road are indicated to have 1.8 metre high obscure glass screen.

The development will be greater in height than the existing building. Due to the orientation of the properties, the development would cause a degree of overshadowing, but this would be confined mainly to the mornings of the summer months."

The extension to the ground floor is away from the boundary adjacent to No. 4 Dollis Road. The increase of height proposed is between 300mm-400mm. It is not considered this would have a detrimental impact on the neighbouring occupiers at No. 4 Dollis Road.

- Adverse impact on the character and appearance of the area.

Addressed above.

- Significant harm to the amenity of our property which is the semi-detached pair to 2 Dollis Road and is to be severed by this proposal without any apparent consideration given to the way its newly exposed flank is to be handled.

This would be a building control matter.

- The approved plans illustrate a very substantial increase in height, bulk and mass over the existing situation, and that the correct comparison is therefore the proposed profile with the existing - not with that previously approved.

The previous permission is extant, and therefore the Local Planning Authority are required to attach a degree of weight to what was approved in the previous consent.

Compared to the previous scheme, it results in a height increase of 300mm-400mm and a small increase of footprint. These variations are considered acceptable.

- No. 38 Granville Road, who are the joint freehold owners of the adjoining property No. 4 Dollis Road, were not notified of original application and would have strongly objected on several grounds had they known of it. They believe that had they, they could have made a substantial difference to the outcome of the application to express concerns at committee. They have requested the council to consider revoking the consent.

In accordance with statutory publicity requirements for planning and heritage applications, an application of this type would require a site notice or neighbouring notification letter and notification on the website. All three types of publicity were undertaken. The council have therefore exceeded statutory requirements.

The Council consult the adjoining properties by letter, not the freehold owners.

Furthermore it is noted that a comment was received by the Local Authority in support of the original application by a neighbour at No. 4 Dollis Road.

- Request to see Legal Agreement from previous consent

This request is being dealt with by the Planning Officer.

- Clarification of whether basement is included in the proposals

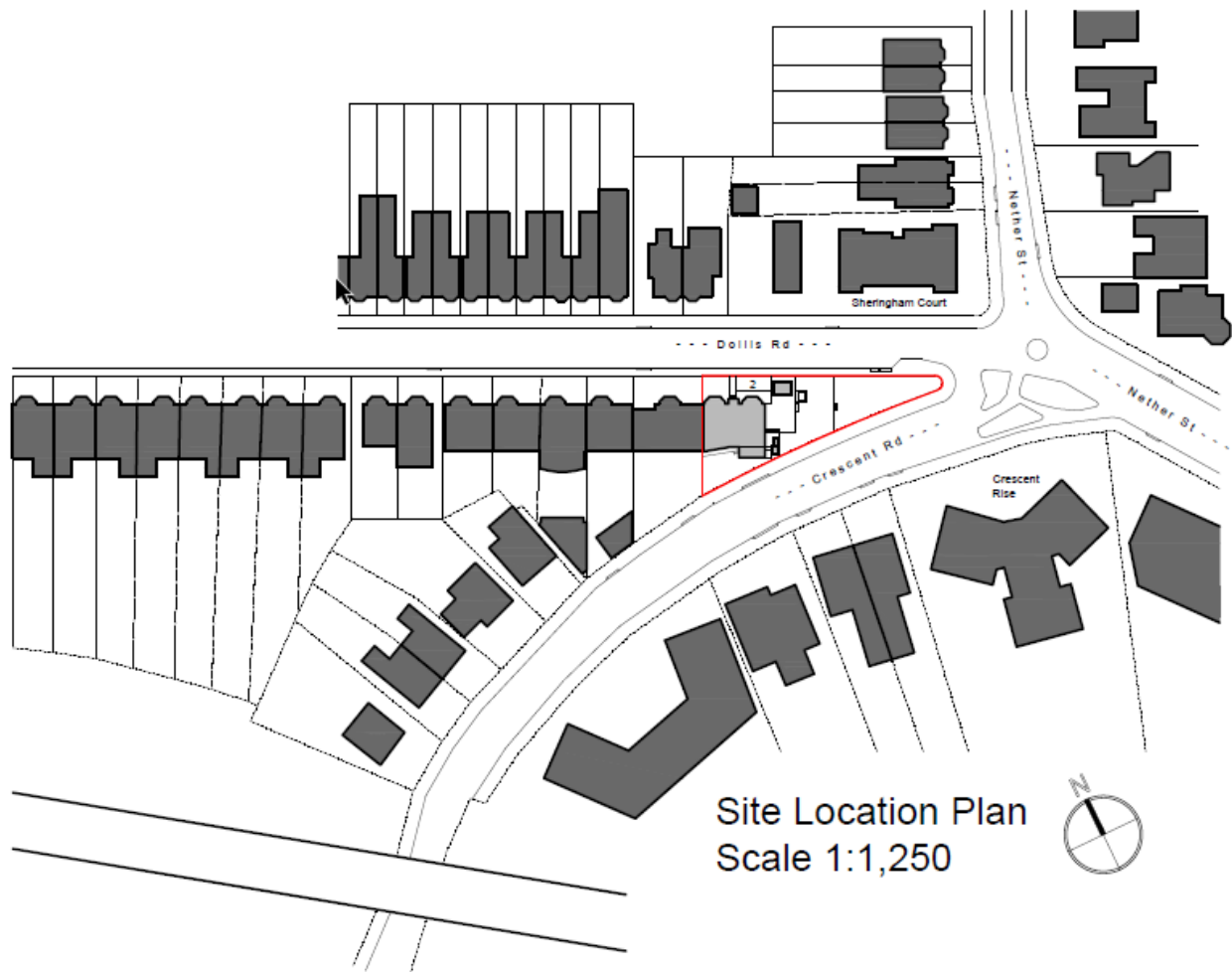
The proposed basement has been removed from the plans and does not form part of this application.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and 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 1:1,250

This page is intentionally left blank

Location 1 Harman Close London NW2 2EA

Reference: 18/6130/HSE

Received: 12th October 2018

Accepted: 15th October 2018

Ward: Childs Hill

Expiry 10th December 2018

Applicant: Mr Amir Mashkooor

Proposal: Installation of new automatic gate. Erection of new brick wall and timber fence to side boundary.

AGENDA ITEM 10

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:

0 001 01 - Site Location Plan

0 001 02 - Site Block Plan

1 001 01 - Existing Site Plan

1 002 01 Rev B - Existing Wall / Gate Elevation

2 001 01 - Proposed Site Plan

2 002 01 Rev B - Proposed Wall / Gate Elevation

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)/ walls 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 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

1. Site Description

The application site is located on the corner of Harman Close and Harman Drive with its frontage on to Harman Close, within the Childs Hill ward.

The application property is a two-storey, detached, single family dwelling house.

The property is not listed nor does it lie in a Conservation Area.

2. Site History

Reference: 15/03861/HSE

Address: 1 Harman Close, London, NW2 2EA

Decision: Approved subject to conditions

Decision Date: 13 August 2015

Description: First floor side extension, Insertion of new window in existing side gable end
1no rooflight to ground floor, relocation of front fence white render to entire house

Reference: C15811A/05

Address: 1 Harman Close, London, NW2 2EA

Decision: Approved subject to conditions

Decision Date: 15 June 2005

Description: Single storey rear extension.

Reference: C15811/04

Address: 1 Harman Close, London, NW2 2EA

Decision: Approved subject to conditions

Decision Date: 12 July 2004

Description: Single storey rear extension.

3. Proposal

This application seeks consent for the installation of new automatic gate in front of the existing garage. The scheme has been amended since the initial submission to show a reduction in height for the proposed gate; it is now shown to be approximately 1.2m in height, instead of the previously sought 1.9m.

A replacement brick wall and timber fence to side boundary is also proposed.

4. Public Consultation

9 consultation letters were sent to neighbouring properties.

11 objections have been received.

The views of objectors can be summarised as follows;

- New wall to frontage out of character
- Too tall
- Overbearing
- Description misleading as new fence and gate is to front elevation
- New gate would result in substantial precedence for area

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was 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 2018

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

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

5.3 Assessment of proposals

This application seeks consent for the installation of new automatic gate to the front of the application property along Harman Close, in front of the existing detached garage building, as well as the replacement of the existing wall and fence arrangement to show the continuation of the existing low wall and fence above to the same height as the existing. The scheme has been amended since the initial submission to show a reduction in height of the proposed new gate, from 1.9m to 1.2m height.

Under permitted development it is lawful to erect a new boundary treatment to a single-family dwelling house of up to 1m height without planning permission. The amended scheme shows the height of the gate to be 1.2m high and is therefore close to the permitted height. It is not considered that the additional 0.2m would give rise to any of residential amenity to neighbouring occupiers.

Whilst it is recognised that the existing low wall and fence arrangement exceeds the permitted development allowance, the proposed replacement to the same height with new details is not considered to result in any loss of amenity as the resultant appearance will be the same as the existing wall/ fence feature on this boundary.

Having taken all material considerations into account, the proposed development as amended, is not considered to detrimentally impact on the qualities of the host building and protects the character and appearance of the street scene and would not result in any loss of amenity to neighbouring occupiers. Approval is recommended.

5.4 Response to Public Consultation

The concerns raised by objectors are noted, however, the scheme has been amended to reduce the height of the new gate fronting the garage from 1.9m to 1.2m.

As noted above, the amended scheme is considered to be acceptable and will not give rise to any loss of amenity of neighbouring occupiers, as well as providing an addition to the property frontage which will not appear out of character with other properties in the vicinity.

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, the proposed development as amended, is not considered to detrimentally impact on the qualities of the host application building and protects the character and appearance of the street scene and would not result in any loss of amenity to neighbouring occupiers. Approval is therefore recommended.



Location 546 Finchley Road London NW11 8DD

Reference: 18/6196/FUL

Received: 16th October 2018

Accepted: 17th October 2018

Ward: Childs Hill

Expiry 12th December 2018

Applicant: Mr Joey Ben Yoav

Proposal: Conversion of the existing dwelling into 2no self-contained flats. Demolition of the existing garage. Associated refuse/recycling, parking, cycle store and amenity space

AGENDA ITEM 11

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: Planning statement, Drg. no.U-54-LP001, Drg. no.U-54-LP002, Drg. no.U-54-PP001, Drg. no.U-54-PP002, Drg. no.U-54-EP001, Drg. no.U-54-EP002, Drg. no.U-54-EP003, Drg. no.U-54-PP003, Drg. no.U-54-EE001, Drg. no.U-54-EE002, Drg. no.U-54-EE003, Drg. no.U-54-PS001, Drg. no.U-54-ES001, Drg. no.U-54-PE001, Drg. no.U-54-PE002, Drg. no.U-54-PE003, Drg. no.U-54-PE004, Drg. no.U-54-PV001, Drg. no.U-54-PV002 and Drg. no.U-54-EV001.

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) 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).

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

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

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

5 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).

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

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

7 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.

- 8 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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.

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

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

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

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

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees

on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. U-54-LP002 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

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

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

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

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

Officer's Assessment

This application is brought before committee because it has been called in by Cllr Greenspan for the committee to consider due to the objections received.

1. Site Description

The application site is a two-storey detached property located on the eastern side of Fernside. Although, the application site has a Finchley Road address, due to its location, the property can be accessed via Finchley Road and via Fernside.

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 electricity 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

Reference: 18/3477/FUL

Address: 546 Finchley Road, London, NW11 8DD

Decision: Refused

Decision Date: 14 September 2018

Description: 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

Whilst the application was recommended for approval by officers, it was refused at committee for the following reasons:

"1. The proposed development, by reason of its size, siting, bulk and design, would be out of character within this part of Fernside/ Finchley Road and would be detrimental to the character and appearance of the streetscene and wider locality, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance (2016)."

"2. The proposed development would result in the loss of a single family house and would be detrimental to the established character of the area which comprises predominantly single family dwelling houses, contrary to policies CS NPPF, CS1 and CS5 of the Adopted Local Plan Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016)."

Reference: 18/6045/HSE

Address: 546 Finchley Road, London, NW11 8DD

Decision: Approved subject to conditions

Decision Date: 6 December 2018

Description: Two storey side extension following demolition of the existing garage. New front hardstanding to provide off-street parking

Reference: 18/6046/192

Address: 546 Finchley Road, London, NW11 8DD

Decision: Lawful

Decision Date: 22 November 2018

Description: Two storey rear extension

Reference: 18/6446/192

Address: 546 Finchley Road, London, NW11 8DD

Decision: Lawful

Decision Date: 8 November 2018

Description: Roof extension involving side/rear dormer windows

3. Proposal

The application seeks to convert the existing single family dwellinghouse into 2no self-contained flats. Demolition of the existing garage. Associated refuse/recycling, parking, cycle store and amenity space

The proposed flats would be as follows:

Flat 1- Ground Floor 152.49sqm GIA- 3 bed 5 people

Flat 2- first & second Floor 131.93sqm GIA - 4 bed 7 people

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties.

2 responses have been received.

The response can be summarised as follows:

- Noise and dust nuisance concerns
- Parking concerns and highways safety concerns
- Out of Character
- Dropping the kerb would become an ugly space

Internal Consultation

Highways Department Comments:

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.

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.

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, DM07, DM08 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

Residential Design Guidance (October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of flats at this location
- Whether the proposal provides satisfactory living accommodation for future occupiers
- 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.
- Parking and Highways
- Refuse and recycling storage

5.3 Assessment of proposals

Whether the principle of residential units is appropriate for the area

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 an important 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.

Within Chapter 2 of the Council's Development Management Policies, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street particularly where they are highly accessible. However, even in such locations they 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."

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 properties that have been converted to 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, it is deemed that the area is sufficiently mixed in its character to support the principle of conversion at the application site. Therefore the principle of the proposed conversion is considered to be acceptable and is not considered to detract from the mixed character of the area, which comprises of a mixture of converted properties and single family dwelling houses.

The London Plan 2016, Policy 3.8 states that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location. Development proposals should seek to ensure they meet local needs by providing an adequate mix of dwelling sizes (in terms of occupancy defined in terms of bed spaces), and mix of tenures to reflect local and strategic demand. Local dwelling mix policies which take into account design occupancy provide an important complementary mechanism to secure the effective implementation of occupancy related space standards. Furthermore, the Strategic Housing Market Assessment (SHMA) has highlighted that Barnet needs more family sized accommodation and therefore maintaining and increasing the supply of family housing is a priority in Barnet.

One of the reasons for refusal of the recent application was on the grounds of the loss of a single family dwelling house. It should be noted that the two flats proposed comprise a 3 bed and a 4 bed unit, which is family sized accommodation.

Whether the proposal will provide suitable accommodation for future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

The London Plan 2016, Policy 3.8 states that development proposals should demonstrate how the mix of dwelling types and sizes and the mix of tenures meet strategic and local need and are appropriate to the location. Development proposals should seek to ensure they meet local needs by providing an adequate mix of dwelling sizes (in terms of occupancy defined in terms of bed spaces), and mix of tenures to reflect local and strategic demand. Local dwelling mix policies which take into account design occupancy provide an important complementary mechanism to secure the effective implementation of occupancy related space standards.

Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 3 bedrooms, 5 person, 1 storey - 86m²
- 4 bedrooms, 7 person, 2 storey - 115m²

The applicant's drawings show each flat has provided:

- Flat 1- Ground Floor 152.49sqm GIA- 3 bed 5 people
- Flat 2- first & second Floor 131.93sqm GIA - 4 bed 7 people

Flat 1 and Flat 2, each exceed the minimum space standards.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;

- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms for flat 1 and Flat 2 meet and exceed these requirements.

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.

Flat 1 and Flat 2 each comply with this standard.

Glazing:

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room.

All proposed habitable rooms meet this requirement.

Light/outlook:

Due to the fact that the application site is a detached property, both flats will be dual aspect, which allows for sufficient amount of light, ventilation and outlook.

Furthermore, it is noted that the proposed flats exceed the required space standards and therefore the layout is considered to be acceptable.

Room stacking:

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors. The proposed layout is acceptable and there are no concerns with regards to stacking. Furthermore, a condition with regards to sound insulation will be attached, requiring sound insulation between units to 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.

Amenity Space:

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

Flat 1 requires: 25m²

Flat 2 requires: 30m²

The application site benefits from a large rear garden of approximately 109 m², which could be subdivided to provide adequate amount of amenity space to Flat1 and Flat2. A condition will be attached requiring the applicant to provide details of subdivision of the rear garden to provide amenity space to for both flats.

It is considered that the application site is able to meet the outdoor amenity space standards included in section 2.3 of the Sustainable Design and Construction SPD (2016).

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 neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

The use of the building is remaining as residential, however with an additional unit. This is not however considered to be detrimental to the amenities of neighbouring occupiers.

The existing property is a 6 bed, 11 person, single family detached house. The proposal involves the creation of an additional unit and will have a cumulative amount of 12 persons living at the premises, which would be a potential increase of 1 person. It is not considered that this additional occupancy would give rise to unacceptable noise disturbance to the detriment of the amenities of neighbouring properties to an unacceptable level.

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

Whilst the proposal will involve internal alterations, it will not involve extending the footprint of the dwelling. The only external alterations will involve the demolishing of a detached existing garage. Officers do not consider that there would be an unacceptable level of overlooking into the gardens of adjacent occupiers as no additional windows have been proposed.

Refuse

The property includes the location of the bin store for two self-contained units. The applicant has provided details of the location of the structure, however in the absence of elevations we are unable to assess the height of the bin store and the suitability of the location.

It is suggested that a condition could be attached requiring a revised refuse storage plan to be submitted for approval.

Parking

The site benefits from a fairly large front forecourt which has been landscaped. Whilst the proposal involves creating a hardstanding surface to the front, it will still retain an area of landscaping. It is noted that as the property benefits from permitted development rights, this element of the proposal could be undertaken without planning permission. Due to the fact that the property will still retain a portion of the forecourt for landscaping, it is considered to be acceptable in terms of character and appearance.

In terms of parking provision it is considered that the application would not significantly intensify the use of parking space at the site, given that the building is already used as a dwellinghouse. The planning statement states that the proposal will provide 3no. parking spaces on the front court and yet provided sufficient landscaping on the forecourt. Policy DM 17 states that a development of this nature should provide between 2.5 and 3.5 spaces, so the provision of three spaces is suitable. Any over spill parking by the proposed development will be minimal as adequate off street parking spaces have been proposed. Furthermore the site has a PTAL rating of 6a, which is deemed to be very good and has good accessibility to public transport.

Highways officers have been consulted and they have no objections to the proposal.

The applicant has not shown the location of bike stores for each flat. It is suggested that a condition can be attached requiring a revised cycle plan to be submitted for approval.

TPO

It is noted that 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. Subject to a condition requiring details of the temporary tree protection, it is considered that there will be no detrimental harm to the TPO's on site and the TPO's at the adjacent properties.

Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6 % CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

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 is not considered to be CIL liable.

5.4 Response to Public Consultation

Comments have been mainly addressed in the body of the report. Due to the scale of the proposed works, it is not considered to cause noise and dust nuisance to an unacceptable

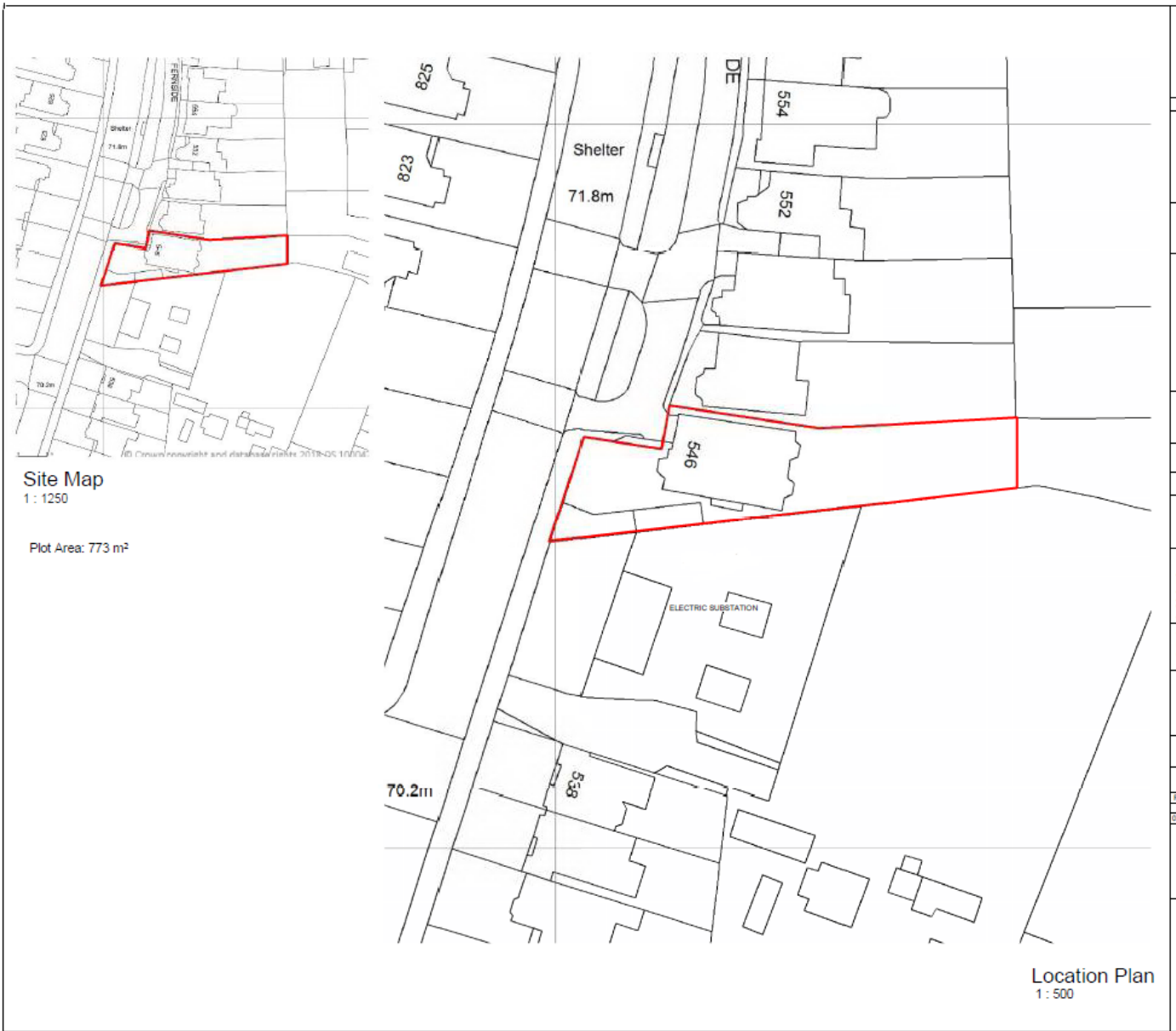
level. Highways officers were consulted and they have raised no highways safety concerns. The area is sufficiently mixed in its character to support the principle of conversion at the application site. Furthermore, the proposal does not involve any external alterations, other than hardsurfacing for parking, and therefore the proposal is not considered to have an impact on the character of the site or the immediate vicinity.

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 Map
1 : 1250

Plot Area: 773 m²

Location Plan
1 : 500

This page is intentionally left blank

Location 18 And 20 Hoop Lane London NW11 8JL

Reference: 18/3554/FUL

Received: 7th June 2018

Accepted: 9th July 2018

Ward: Childs Hill

Expiry 3rd September 2018

Applicant: Mr Sami Aslan

Proposal: Redevelopment of no. 18 including erection of a two-storey building with rooms in the roof space and basement level with lightwell to provide 4no. self-contained flats and associated alterations to hard and soft landscaping. Alterations and extension to no. 20 including part single, part two storey front and rear extensions following partial demolition of existing ground floor level. New side access. Formation of basement level with lightwell. Extension to roof including 1no. replacement rear dormer, 1no. side dormer and new front dormer following removal of existing dormer. Associated alterations to fenestration. Formation of front access steps and hard and soft landscaping. New front porch and with joint canopy to no. 18 and no. 20. Provision of 8 self-contained units overall.

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:

OS Map 1:1250

am214-DSP-AR-900001-R00 (Site plan - Existing Prior 180430)
 am214-DFP-AR-061001-R00 (Architecture GF - Existing Prior 180430)
 am214-DFP-AR-061002-R00 (Architecture FF - Existing Prior 180430)
 am214-DFP-AR-061003-R00 (Architecture Loft - Existing Prior 180430)
 am214-DFP-AR-061004-R00 (Architecture Roof-top - Existing Prior 180430)
 am214-DEL-AR-062001-R00 (East Rear Elevation - Existing Prior 180430)
 am214-DEL-AR-062002-R00 (North Elevation - Existing Prior 180430)
 am214-DEL-AR-062003-R00 (South Elevation - Existing Prior 180430)
 am214-DEL-AR-062004-R00 (West Front Elevation - Existing Prior 180430)
 am214-DSC-AR-063001-R00 (S-01 Longitudinal section - Existing Prior 180430)
 am214-DSC-AR-063002-R00 (S-02 Trasversal section - Existing Prior 180430)

am214-DSP-AR-900011-R00 (Site plan - Existing)
 am214-DFP-AR-061011-R00 (Architecture GF - Existing)

am214-DFP-AR-061012-R00 (Architecture FF - Existing)
am214-DFP-AR-061013-R00 (Architecture Loft - Existing)
am214-DFP-AR-061014-R00 (Architecture Roof-top - Existing)
am214-DEL-AR-062011-R00 (East Rear Elevation - Existing)
am214-DEL-AR-062012-R00 (North Elevation - Existing)
am214-DEL-AR-062013-R00 (South Elevation - Existing)
am214-DEL-AR-062014-R00 (West Front Elevation - Existing)
am214-DSC-AR-063011-R00 (S-01 Longitudinal section - Existing)
am214-DSC-AR-063012-R00 (S-02 Trasversal section - Existing)

am214-DSP-AR-900021-R01 (Site Plan - Proposal)
am214-DFP-AR-061021-R01 (Architecture LGF - Proposed)
am214-DFP-AR-061022-R01 (Architecture GF - Proposed)
am214-DFP-AR-061023-R00 (Architecture FF - Proposed)
am214-DFP-AR-061024-R00 (Architecture Loft - Proposed)
am214-DFP-AR-061025-R00 (Architecture Roof-top - Proposed)
am214-DEL-AR-062021-R01 (Rear Elevation - Proposed)
am214-DEL-AR-062022-R01 (North-East Elevation - Proposed)
am214-DEL-AR-062023-R01 (South-West Elevation - Proposed)
am214-DEL-AR-062024-R01 (Front Elevation - Proposed)
am214-DSC-AR-063021-R00 (S-01 Longitudinal section)
am214-DSC-AR-063022-R00 (S-02 Trasversal section)

Design and Access Statement & Flood Risk Assessment (dated Oct 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 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.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 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) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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 Before the building hereby permitted is first occupied the proposed window(s) in both side elevations facing No. 16 Hoop Lane and No.22 Hoop 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 October 2016).

9 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. am214-DSP-AR-900021-R01 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

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

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

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

11 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).

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 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.

14 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.

- 15 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.

- 16 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.

- 17 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 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 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.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the eastern side of Hoop Lane, within the ward of Childs Hill. The site previously consisted of a pair of two-storey, semi-detached properties. However, No.18 has recently been demolished as it was structurally damaged due to the basement excavation carried out in the adjoining property No.20. The building envelope of No.20 remains largely intact, however, the single-storey rear elements have also been demolished.

The properties previously had an 'H' shaped footprint with large single-storey rear extensions. The ground floor level of both properties lies approximately 1.5m above the public highway. No.20 has a much larger rear curtilage which extends and bends eastwards behind No.24. There are areas of hardstanding to the front of both properties which provides off-street parking provision.

According to previous planning history, No.18 consisted of 3no. self-contained flats, while No.20 has received permission for 4no. self-contained flats.

The character of the street scene is comprised of residential properties of varying design and size and mainly of semi-detached nature. There is a mixture of single-family dwellings and flat conversions.

The town centre of Golders Green is located approximately 115m to the south-west.

2. Site History

No.18 Hoop Lane

Reference: 18/2792/PND

Address: 18 Hoop Lane London NW11 8JL

Decision: Prior Approval Required and Approved

Decision Date: 01.06.2018

Description: Demolition of existing two-storey semi-detached building

Reference: C08595E

Address: 18 Hoop Lane London NW11

Decision: Approved subject to conditions

Decision Date: 23.08.1990

Description: Alteration to single storey building in rear garden involving rebuilding of flank wall 2 metres from boundary with 20 Hoop Lane.

Reference: C08595D

Address: 18 Hoop Lane London NW11

Decision: Refused

Decision Date: 24.08.1988

Description: Alteration to single storey building in rear garden (Rebuilding of flank wall two feet from boundary with 20 Hoop Lane)

Reference: C08595C
Address: 18 Hoop Lane London NW11
Decision: Approved subject to conditions
Decision Date: 06.05.1987
Description: Retention of patio door on side elevation

Reference: C08595B
Address: 18 Hoop Lane London NW11
Decision: Refused
Decision Date: 17.06.1987
Description: Retention of single storey building in rear garden

Reference: C08595A
Address: 18 Hoop Lane NW11
Decision: Approved subject to conditions
Decision Date: 14.06.1985
Description: Conversion to three self-contained flats, side and rear roof extension, single storey rear extension, front dormer window.

Reference: C08595
Address: 18 Hoop Lane NW11
Decision: Approved subject to conditions
Decision Date: 28.01.1985
Description: Conversion into three self-contained flats, formation of side and rear dormer windows, provision of vehicular access, two parking spaces and dustbin enclosure.

No.20 Hoop Lane

Reference: F/04373/14
Address: 20 Hoop Lane, London, NW11 8JL
Decision: Approved subject to conditions
Decision Date: 11.02.2015
Description: Creation of new basement level to provide additional accommodation.

Reference: F/02486/14
Address: 20 Hoop Lane, London, NW11 8JL
Decision: Approved subject to conditions
Decision Date: 27.06.2014
Description: Conversion of house to four flats (2 one bedroom and 2 two bedroom).
Provision of refuse stores.

Reference: F/00704/14
Address: 20 Hoop Lane, London, NW11 8JL
Decision: Prior Approval Not Required
Decision Date: 03.04.2014
Description: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall and flat roof with maximum height of 3 metres.

Reference: F/00029/14
Address: 20 Hoop Lane, London, NW11 8JL
Decision: Withdrawn
Decision Date: 31.03.2014

Description: Conversion of existing dwellinghouse into 4 self-contained flats following single storey rear extension to replace existing rear extension. Roof extension including hip to gable and rear dormer window to facilitate extension of the existing loft conversion.

Reference: F/06129/13

Address: 20 Hoop Lane, London, NW11 8JL

Decision: Prior Approval Process not Applicable

Decision Date: 21.01.2014

Description: Single storey rear extension with a proposed depth of 6 metres (including existing s/s 4.85 metres extension) and flat roof with maximum height of 3 metres.

Reference: C11111

Address: 20 Hoop Lane, London, NW11 8JL

Decision: Approved subject to conditions

Decision Date: 03.03.1992

Description: Creation of vehicular access onto Hoop Lane

3. Proposal

The application seeks permission for the redevelopment of No.18 to erect a two-storey building with a basement level and rooms in the roof space, alterations and extensions to No.20 including new basement level, part single, part two-storey front and rear extensions, following partial demolition of existing ground floor level. Extensions to the roof are proposed comprising of the erection of 1no replacement rear dormer, 1no. side dormer and new front dormer. Overall a total of 8no. self-contained flats would be provided within the new building.

In addition, it is proposed to construct a new front porch, front access steps and formation of new hard and soft landscaping, off-street parking and refuse and recycling stores.

The scheme has been amended to include the following changes:

- Reduction of outdoor basement level;
- Alterations to internal arrangement in basement level; and
- Relocation of proposed bin store.

4. Public Consultation

Consultation letters were sent to 206 neighbouring properties.

9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Conversion to flats is not in keeping
- Provision of basement level is out of character
- Insufficient parking;
- Inadequate provision for bins
- Basement will increase risk of flooding
- Disruption caused by construction works

Following the submission of amended plans, a period of re-consultation for 14 days was undertaken.

1 letter of objection was received. This can be summarised as follows:

- Lack of parking
- Impact on character of Hoop Lane through the loss of single family dwellings

- Inadequate construction methods of current works
- Noise impact from proposed cinema rooms
- Storage rooms should not been used as habitable rooms

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, CS4, CS5, CS9, CS13, CS14, CS15
- 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:

- Principle of flatted development;
- 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;
- Any other material considerations.

5.3 Assessment of proposals

Principle of flatted development

In assessing whether flats are appropriate in this location, Barnet policy DM01 states that consideration should be given to the character of the road and where proposals involve the loss of houses in roads characterised by houses, this will not normally be appropriate.

From conducting a site visit and reviewing the records on the Valuation Office Agency (VOA) website, the following properties are registered as:

Address in Hoop Lane	Tenure	Address in Hoop Lane	Tenure
No. 6	2 Flats	No. 25	Dwelling
No. 8	Dwelling	No. 26	Dwelling
No. 10	3 flats	No. 27	Dwelling
No.12	Dwelling	No. 28	Dwelling
No. 14A	3 flats	No. 29	5 flats
No. 14B	4 flats	No. 30	Dwelling
No. 16	12 flats	No. 31	Dwelling
No. 17	3 flats	No. 31a	5 flats
No. 18	3 flats	No. 32	Dwelling
No. 19	Dwelling	No. 33	Dwelling
No. 20	Dwelling	No. 34	Dwelling
No. 21	3 flats	No. 36	Dwelling

No. 22A	Dwelling	No. 38	2 flats
No. 22B	Dwelling	No. 40	Dwelling
No. 23	3 flats	No. 42	Dwelling
No. 24	Dwelling		

The above table illustrates that this stretch of Hoop Lane comprises of 31 properties including the application site. Of these, 12 (39%) are in occupation as flats. In addition, No.18 which forms part of the application site, was in occupation as 3 flats. No.20 had received planning permission to convert to 4 flats and is likely to have been implemented when the proposed basement works had commenced.

As such, it is evident that the street does comprise of a mixture of single-family dwellings and flat conversions. Taking into account this evidence and the previous uses of the application site, the principle of a flatted development is acceptable subject to compliance with all other relevant policies.

Impact on character and appearance

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

The proposal would take the external form and appearance of the existing semi-detached properties on the site and those that are present within the street. The proposed arrangement of plots with regards building lines and spaces between neighbouring properties would be reflective of the existing position and surrounding pattern of development. At the front of the site, it is proposed to infill the central section between Nos 18 and 20 which results in a continuous building line. This is considered to be acceptable and similar in appearance to neighbouring properties Nos.10-12 and 21-23. At the rear, the existing properties had deep single-storey extensions which projected in close proximity to the neighbouring boundaries. As part of the proposal, the rear elements would be set further away from the neighbouring properties and would either project no further or marginally project further in depth than those previous extensions. As such, the proposed rear layout is considered to be acceptable and not materially harmful compared to the previous existing layout.

In terms of scale, massing and height, the proposal would have a similar size and scale to the existing building and is considered to maintain the existing street scene appearance. Although the proposal would result in the creation of a crown roof, it is considered fairly small in scale and will not be overly visible or dominant from the street scene. The proposed redevelopment of No.18 would mimic the appearance, design detailing and fenestration of the adjoining No.20. The proposed layout and design of the proposed rear extensions helps to reduce its overall bulk and massing. Due to the topography of this side of Hoop Lane, the ground floor level sits approximately 1.5m higher than street level. Between the proposed retaining wall and front elevation, it is proposed to have 2no. small lightwells which would serve the proposed basement rooms. It is considered that the external manifestations would not be significant in size or visibility within the street scene as to cause any harmful impact. From the street scene level, the presence of a basement would not be readily visible. At the rear, there would be two individual sunken garden areas for two of the proposed units. It is

considered that these are relatively small in area and as they are located at the rear of the site, they are not considered to have significant impact on the character and appearance of the site or surrounding area.

Whilst the proposed rear and side dormers are large in size and scale, they are similar to what previously existing on the buildings. Therefore, the proposed dormers are not considered to be visually detrimental in terms of character and appearance.

In terms of external appearance, the proposed finishing materials would match the existing and neighbouring properties.

The proposal would have an area of hardstanding to the front of the site to accommodate off-street parking provision which is again consistent with other properties in the street.

Overall, the proposed redevelopment of No. 18 and alterations and extensions to No.20 are considered to be acceptable in terms of design, layout, scale, massing, bulk and height and will result in a form of development that is similar to those buildings already in the street scene.

Impact on amenity of neighbouring occupiers

It is expected that new development should have due regard to the amenity of existing occupiers in neighbouring buildings.

The application site is located within a residential area where the adjacent properties at No.16 and 22 have the most potential to be adversely affected by the proposed development. The properties to the east along Finchley Road and south to Golders Green Crescent are not considered to be affected by the proposal due to the large separation distances between the sites.

The proposed layout would be similar to the adjacent property at No.16 in terms of projections at ground and first floor levels. The separation between the buildings would be unchanged and therefore, the proposal is not considered to have any more impact in terms of overshadowing or overbearing appearance than the previous existing situation. While the proposed window arrangement would be altered, it is not considered to be significant. However, the side windows would serve either a bathroom, stairwell, study room or act as secondary windows to a bedroom. As such any potential overlooking impact could be mitigated through the use of obscure glazing and would not compromise the quality of the rooms.

The relationship between the proposal and No.22 is different as this property has a smaller footprint and different design. This property does not extend as deep within the site. At ground floor level, the proposed rear element would be set further away from the existing extension and project no further in depth. At first floor level, the main element would remain unaltered, with the proposed first floor extension positioned centrally and approximately 4m from the neighbouring boundary. Due to the layout and design of the roof slope, it is not considered that the neighbouring property would be harmfully affected in terms of overbearing appearance and loss of light. It is acknowledged that there are a number of existing windows which face onto the neighbouring site. The proposed window arrangement would be altered, however it is not considered to be significant. The side facing windows would serve either a bathroom, stairwell, study room or act as secondary windows to a bedroom. As such any potential overlooking impact could be mitigated through the use of obscure glazing and would not compromise the quality of the rooms.

Overall, the proposal is considered to have an acceptable impact on the residential amenity of neighbouring properties.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, Barnet policy DM02 and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

On the proposed first and loft floor levels, a study/ storage room is proposed in each proposed flat. It is considered that the size of these rooms could be used as a single bedroom and therefore have been assessed on this basis. The proposed units would measure:

Flat 1 - 1B2P - 119.27sqm
Flat 2 - 1B2P - 112.85sqm
Flat 3 - 2B3P - 85.37sqm
Flat 4 - 2B3P - 86.84sqm
Flat 5 - 3B5P - 95.00sqm
Flat 6 - 3B5P - 95.49sqm
Flat 7 - 2B3P - 70.6sqm
Flat 8 - 2B3P - 72.02sqm

Following a review of the plans, all of the proposed units would comply or exceed the minimum space requirements. All of the units would benefit from dual aspect outlooks with the main habitable room windows facing from the front or rear elevations. The existing or proposed side windows either serve bathrooms, studies/ storage or act as secondary windows. This is considered to be acceptable.

In terms of stacking, the lower ground and ground floor units are duplexes and positioning of rooms should not have a significant noise impact. Between first floor and loft levels, the proposed layout of rooms is that with similar uses on top of each other and should not raise any significant noise impacts. However, there is a conflict of room uses between the proposed ground and first floor levels. Here there are two instances where Living/ Dining/ Kitchen areas are located above bedrooms. However, in this instance consideration has been given to the rebuild nature of construction in this proposal. It is not a simple conversion where noise issues may be more of an issue with less insulation. However, large elements of this proposal will be constructed using new build methods which should have a greater level of insulation between levels. Therefore, on balance, while there is a potential conflict, it is considered that it could be appropriate limited and/ or mitigated.

In terms of outdoor amenity space, Barnet policy DM02 and the Sustainable Design and Construction SPD (2016) require the provision of 5sqm of amenity space per habitable room. The rear facing basement/ ground floor duplex flats would be provided with small sunken terraces leading up to the communal garden. The remaining garden is substantial and would exceed the overall SPD requirement.

As such, it is considered that the proposal provides for acceptable levels of amenity for future occupiers.

Highways 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.

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

For 1 bedroom units 0.0 to 1.0 space per unit
For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal comprises of 2 x 1-bed, 4 x 2-bed and 2 x 3-bed units. This would require a provision of between 6 and 11 spaces. Four off-street spaces are proposed. However, the existing situation was that there were 7 flats within the site and a provision of 4 car parking spaces.

The proposal results in the increase of 1 additional flat. The site is located within a PTAL area of 6a which is classed as excellent. The site is also located within close proximity of Golders Green Town Centre, with good accessibility to local transport services.

Taking into account these factors, the proposal is not considered to result in a significant incremental impact over and above the existing provision and would not have significant impacts on highways and pedestrian safety.

5.4 Response to Public Consultation

Conversion to flats is not in keeping - An analysis of the properties along Hoop Lane has illustrated that 39% of the existing properties are in use as flats. In addition, No.18 was in use as three flats and No.20 likely had an implemented consent for conversion to four flats. Therefore, the principle of flatted units on this site is considered to be acceptable.

Provision of basement level is out of character - The basement level is not considered to be readily visible from public views and therefore is unlikely to be visible within the street scene.

Insufficient parking - Consideration has been given to the existing position which is for 7 flats. Taking into account that there will be 1 additional unit, the resultant impact on the highway is not considered to be detrimental.

Inadequate provision for bins - A large bin storage area has been proposed within the frontage of the site.

- Basement will increase risk of flooding - The site is not located within an area which is subject to high risk of flooding.

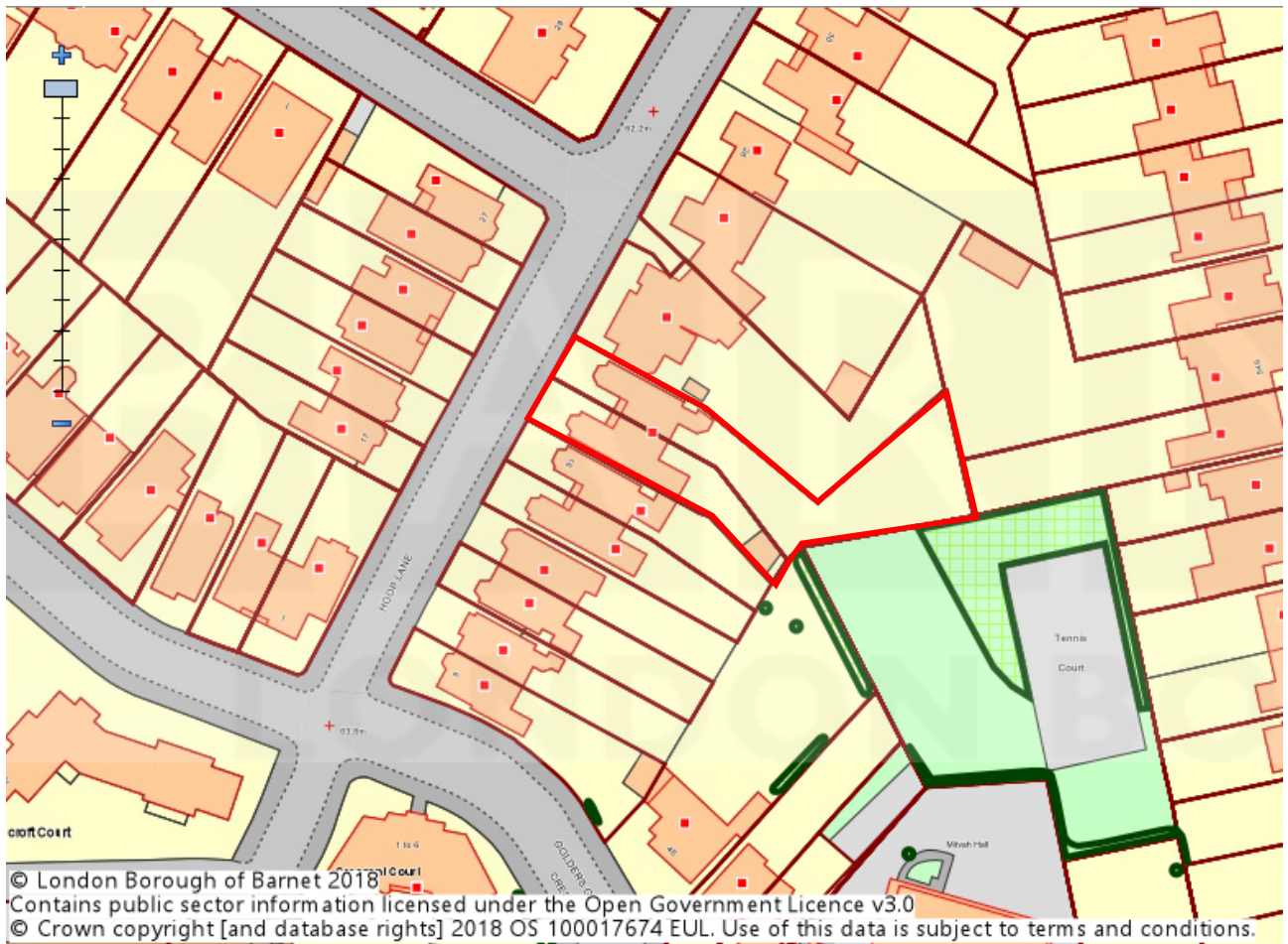
Disruption caused by construction works - A condition will be attached seeking the submission of a construction management plan. Any nuisance or disturbance caused by construction works are controlled by the Environmental Health department under separate legislation.

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 or future occupiers. The proposal is not considered to have a significant impact on highways matters. This application is therefore recommended for approval.



This page is intentionally left blank

Location 213 - 215 Golders Green Road London NW11 9BY

Reference: 18/0579/RCU

Received: 26th January 2018

Accepted: 4th June 2018

Ward: Golders Green

Expiry 30th July 2018

Applicant: Mr Samuel Grosz

Proposal: Erection of a part three storey, part four storey building with rooms in roofspace, following partial demolition of existing building. Use as synagogue (Class D1) at ground floor level. Internal alterations to reduce 9no existing unauthorised self-contained flats to 7. Associated Alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces. Erection of a single storey outbuilding with basement level as use as a Mikveh pool following demolition of existing outbuilding. Works are partly retrospective.

AGENDA ITEM 13

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 part-three, part-four storey building would represent an overly dominant form of development within the application site and streetscene by reason of its bulky and out of scale roof structure, and would be inappropriate and out of context with the prevailing character of the streetscene and would introduce a building detrimental to the character and appearance of the area, contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012) and policy DM01 of the Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 The plans accompanying this application are:
 - GGNRD - L301 (Pre-Existing - Location Plans)
 - GGNRD - P301 (Pre-Existing - Ground Floor)
 - GGNRD - P302 (Pre-Existing - First Floor)
 - GGNRD - P303 (Pre-Existing - Loft Plan)
 - GGNRD - P304 (Pre-Existing - Roof Plan)
 - GGNRD - E301 (Pre-Existing - Front/ Rear Elevations)
 - GGNRD - E302 (Pre-Existing - Side Elevation 1)
 - GGNRD - E303 (Pre-Existing - Side Elevation 2)

GGNRD - L201 A (Existing - Location Plans)
GGNRD - P201 A (Existing - Ground Floor)
GGNRD - P202 A (Existing - First Floor)
GGNRD - P203 A (Existing - Second Floor)
GGNRD - P204 A (Existing - Loft Plan)
GGNRD - P205 A (Existing - Roof Plan)
GGNRD - E201 A (Existing - Front and Rear Elevations)
GGNRD - E202 (Existing - Side Elevation 1)
GGNRD - E203 A (Existing - Side Elevation 2)

GGNRD - L401 B (Proposed - Location Plans)
GGNRD - P401 B (Proposed - Ground Floor)
GGNRD - P402 B (Proposed - First Floor)
GGNRD - P403 B (Proposed - Second Floor)
GGNRD - P404 B (Proposed - Loft Plan)
GGNRD - P405 B (Proposed - Roof Plan)
GGNRD - E401 B (Proposed - Front and Rear Elevations)
GGNRD - E402 B (Proposed - Side Elevation 1)
GGNRD - E403 A (Proposed - Side Elevation 2)
GGNRD - E404 B (Proposed - Front Street Elevation)
GGNRD - S401 B (Proposed - Section AA')
GGNRD - S402 (Proposed - Section BB')
GGNRD - D401 (Proposed - Cycle Storage)

GGNRD - RO401 (Proposed - Rear Outbuilding)

Planning, Design and Access Statement

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

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify

named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

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

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

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

- 3 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

Officer's Assessment

1. Site Description

The application site is located on the south-western side of Golders Green Road, within the ward of Golders Green.

The site comprises of a two-storey building with rooms in the roofspace and currently comprises of a Synagogue at ground floor level and 9no. self-contained flats (unauthorised) on the upper floor levels. At the front of the site there are 8no. off-street parking spaces which are accessed from Golders Green Road. At the rear of the site, a large outbuilding has been constructed with a Mikveh pool and associated changing and washing facilities.

The site is located close to the corner of Golders Green Road and Limes Avenue, directly opposite the Jewish Care Building. This section of Golders Green Road is characterised by residential properties of varying types and styles.

2. Site History

Reference: 18/0580/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 14.03.2018

Description: Demolition of existing outbuilding. Erection of a replacement outbuilding with basement level including a communal Mikvah pool

Reference: 15/04047/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 01.09.2015

Description: Conversion of upper floors into 8 no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: 15/02152/FUL

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 11.06.2015

Description: Conversion of upper floors into 9no. self-contained flats including two storey front extension; first floor rear extension; alterations and extensions to roof including partial hip to gable to both sides and 4no. rear dormers; creation of a 3rd floor level to provide and additional flat; alterations to hard/soft landscaping, refuse/recycling facilities and 6no. off street parking spaces

Reference: F/04598/11

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 16.01.2012

Description: Removal of existing outbuildings and erection of outbuilding at rear of 213 & 215 Golders Green Road incorporating a communal Jacuzzi/ plunge pool and associated changing and wash facilities.

Reference: F/02675/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 23.09.2010

Description: Extension to roof including front, side and rear dormer windows to facilitate a loft conversion to 213 & 215. Part single, part two-storey rear and front extension to 213 & 215.

Reference: F/01505/10

Address: 213 - 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 27.05.2010

Description: Part single, part two storey rear extension to existing synagogue. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer. Change of use of first floor from residential to synagogue and ancillary facilities.

Reference: F/01506/10

Address: 215 Golders Green Road London NW11 9BY

Decision: Withdrawn

Decision date: 26.05.2010

Description: First floor front and rear extension. Provision of additional 1x 1 bedroom flat in loft, following alterations to roof including wrap-around side and rear dormer and alterations to front dormer.

Reference: C01687D/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 26.09.2000

Description: Single storey rear extension to Synagogue.

Reference: C01687C/00

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Variation to condition 5 of planning permission ref.C01687B dated 13th September 1999 which relates to the hours of use of the synagogue.

Reference: C01687B

Address: 213 Golders Green Road London NW11 9BY

Decision: Approved subject to conditions

Decision date: 17.04.2000

Description: Change of use of ground floor from residential to a synagogue. Continued residential use of first and second floors as two flats. Car parking area at front with access onto Golders Green Road. Associated car parking at front of 215 Golders Green Road.

Enforcement

Reference: ENF/00350/15

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Building works without the consent of planning permission

Reference: ENF/01549/17

Address: 213 - 215 Golders Green Road London NW11 9BY

Status: Pending Consideration

Nature: Erection of an Outbuilding not built to approved plans

3. Proposal

The application seeks retrospective permission for the erection of a part-three, part-four storey building with rooms in the roofspace, comprising of a mixed-use building with the retention of Synagogue at ground floor and residential flats above.

Permission is sought for alterations to reduce the number of self-contained units from nine to seven at upper floor levels. The proposal will remove the existing unlawful outbuilding to the rear and erect a single-storey outbuilding with basement level for the use of a Mikveh pool. The proposal also includes the provision of 3no off-street parking spaces at the front of the site with new areas for refuse/recycling facilities.

New landscaping is proposed at the front and rear of the site.

The application has been amended to include the following changes:

- Internal alterations to ensure proposed residential units comply with the minimum space standards;
- Alterations to front courtyard, including reduction in parking provision, provision of cycle parking spaces and alterations to the proposed refuse/recycling waste stores.

4. Public Consultation

A call-in request has been received from Councillor Dean Cohen that the application should be referred to the committee for the following reason: " I would like this brought to committee as I believe the retention of the synagogue and the reduction in the unauthorised flats would then be in keeping with the character and appearance of the surrounding area. The proposal supports the use of a community and religious facility in the borough. I don't feel the proposal would have a detrimental impact on the residential amenities of neighbouring occupiers."

The application was referred to the Finchley and Golders Green Area Planning Committee on 15th October 2018 where it was deferred to allow further amendments to be discussed with Officers.

Consultation letters were sent to 195 neighbouring properties.
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Overdevelopment
- Lack of green open space / landscaping
- Increase in noise from Mikveh
- Poor visual appearance of the proposed outbuilding

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, CS4, CS5, CS9, CS10, CS13, CS14, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM13, 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:

- Principle of development and 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 safety and parking provision.

5.3 Assessment of proposals

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

In terms of the principle, the site has historically, since 2000, been in use as a synagogue with associated ancillary office and residential accommodation on the upper levels. The retention of a synagogue use (Class D1) at ground floor level raises no in-principle policy objection as the site is located in an area of good public accessibility and is within walking distance of the Golders Green Town Centre. Referring to the previous lawful consent (ref: F/02675/10), the synagogue floorspace measured approximately 130sqm over ground and first floor levels. Within this application, the floorspace is increased to approximately 200sqm and is only located at ground floor level. The net increase is therefore 70sqm. The applicant has submitted an indicative activities plan illustrating the normal activities/events that occur during the week and the number of people attending each activity. There are activities proposed on each day at various times but between the hours of 07:15 and 22:00. The attendance varies between 20 to 100 people at any one time on site. The proposed times and capacity does not appear to be unreasonable and is generally proportionate in terms of other synagogue uses. However, there are certain times of the year where activities may occur earlier or later than the stipulated times. These would not be frequent events but celebratory and only take place in certain parts of the year. In order to control the level of use on site and to limit any adverse impacts, the applicant would be expected to submit a full and detailed Activities Management Plan which sets out all of the activities/ events that take place throughout the year. A number of appropriate conditions could also be attached to limit hours of use and maximum capacity within the synagogue.

The site originally consisted of a pair of two-storey semi-detached properties which received permission under reference: F/02675/10 to extend the roof and to erect part-single, part two-storey rear and front extensions. This proposal is illustrated under the submitted 'Pre-Existing' plans. However, as illustrated by the submitted 'Existing' and 'Proposed' plans, the existing buildings were partially demolished and a significantly larger and different scheme has been constructed on site. The agent has confirmed that the two side elevations and part of the front elevation were retained but the rear elevation and roof was rebuilt from scratch. In addition, a large outbuilding was constructed within the rear grounds of the site.

In terms of layout, the ground floor footprint of the as-built main building is broadly similar to that previously existing. The difference being the as-built projects approximately 1m further forwards. The overall width of the building is similar to the existing. At first floor level, the as-built and proposed plans project further by approximately 1-3m than the previous building. The second floor has been increased considerably extending out flush to the front and side elevations. New accommodation has been provided at the top level of the roof.

From an elevational perspective, the as-built and proposed scheme is considerably different to the original building from a scale, massing and appearance perspective. The traditional and proportional features of the front gable bay windows, subordinate side and rear dormer windows have been lost and replaced with much larger and bulkier features. While the

overall ridge height is only slightly higher than was existing, the as-built and proposed roof structure is significantly larger, bulkier in scale, resulting in a dominant visual appearance within the building. This is further emphasised by the roof form of the side and rear elevations.

This increased bulk and massing is particularly evident from all elevations and as such is considered to have a significant harmful impact on the character and appearance of the existing building and the streetscene.

Permission for an outbuilding incorporating a plunge pool and associated changing and wash facilities for use as a Mikveh was originally granted permission in 2012 under Barnet reference F/04598/11. However, a significantly larger outbuilding was constructed unlawfully which occupied the majority of the rear area. This building is subject to enforcement action which requires the applicant to remove the building. Under this current application, it is proposed to remove the outbuilding completely and erect a new outbuilding which would be identical in scale and layout as was previously approved. In addition, the proposed outbuilding would have a basement level below but this element would not contain any external manifestations which would make it visible. It is considered that the scale, design and height of the proposed outbuilding would not be harmful to the character and appearance of the area.

It is also proposed to introduce new landscaping at the front of the site and between the rear elevation of the synagogue and the proposed outbuilding.

Impact on the residential amenity of neighbouring occupiers

The synagogue floorspace would be increased by 70sqm which on balance is not considered to be highly significant and all of the main activities would take place inside the building. The applicant has submitted an indicative activities plan for the week which illustrates that events and members attending occurs at several times throughout the day. In order to mitigate/ limit any harmful impacts, relevant conditions could be attached to limit, hours of use, noise etc.

In terms of the proposed outbuilding, it is not considered that the scale and height of the building would have any significant adverse impact on the residential amenities of neighbouring properties. Environmental Health (EH) officers have raised concerns regarding the potential noise / disturbance when the building is in use with previous complaints being received. However, EH officers have suggested a number of mitigation measures that could be incorporated to help reduce any potential impact. These include restricting the hours of use of the building, construction of acoustic fencing along the neighbouring properties and submitting an acceptable noise report. In the space remaining at the rear of the site, it is proposed to introduce new landscaping which would cover approximately half of the outdoor space, meaning that this space is restricted from accommodating a large number of people with the associated noise which would adversely harm the neighbouring occupiers. The proposed landscaping could be secured through a landscaping condition.

The proposed entrance to the upper level residential flats is located along the side entrance facing No. 111 Golders Green Road. A site visit has confirmed that there are a number of windows along the side elevation of No.111. However, it is acknowledged that in the existing building, the entrance to the lady's gallery on the first floor was located in a similar position. This would likely have possible greater movements and noise /disturbances than the proposed residential units. As part of this application, the number of flats proposed is seven

which will decrease the number of occupiers using this entrance. On balance, this element is considered to be acceptable.

Provision of adequate accommodation for 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. There are 9 no flats (unauthorised) within the as-built existing building. However, a couple of these do not comply with the minimum space standards. As such, the proposal seeks to reduce the number of self-contained units from nine to seven. The proposal provides for 2 x studio units, 2 x 1B2P unit, 2 x 2B3P units and 1 x 2B4P unit. All of the proposed units would meet or exceed the minimum internal space standards.

The proposal does not provide any outdoor amenity space. However, the rear of the site has historically been in use with the synagogue with a form of outbuilding present. As part of application F/02675/10, there were four bedsits approved which had no access to outdoor amenity space. On balance, the non-provision of outdoor amenity space is accepted in this instance.

Highways safety and parking provision

Policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- 0 to 1 space per unit for development consisting mainly of flats (1 bedroom)
- 1 to 1.5 spaces per unit for terraced houses and flats (2 to 3 bedrooms)

The application proposes 4 x 1-bed and 3 x 2-bed. Therefore, it is expected that the proposal should provide between 3 to 8.5 spaces. The proposal provides 3 off-street parking spaces to be sited at the front of the site.

The Council's Traffic and Development service has reviewed the proposal and stated that the site is located within a CPZ, has a good PTAL and the provision of 3 parking spaces would be compliant with policy DM17 standards. It is considered that the overspill parking from the Synagogue would generate a minimal parking stress at peak times of use and existing residents' parking amenity would not be detrimentally impacted upon. In summary, the Highways Officer considers that the proposal will not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

The parking arrangement at the front of the site has been amended so that there is a 6m distance from the back of the parking space so that any vehicle can turning safely within the site and exit the site onto Golders Green Road in a forward gear.

5.4 Response to Public Consultation

Overdevelopment - The layout of the building is broadly similar to the existing building. However, the LPA shares the concern that the increased massing and bulk at the upper floor levels is excessive, out of scale and has a harmful visual impact.

Lack of green open space / landscaping - It is noted that historically that the site has had no or limited landscaping. New soft landscaping is proposed as part of this proposal which is considered to be an improvement upon the previous position.

Increase in noise from Mikvah - It is acknowledged that there have been previous noise complaints regarding the use of the outbuilding. It is unclear whether this relates to the current unlawful building, however, this is to be removed and replaced with a much smaller building which has a smaller capacity. Environmental Health has suggested a number of further additional mitigation measures to help limit any associated noise.

Poor visual appearance of the proposed outbuilding - It is acknowledged that the proposed outbuilding is of limited architectural interest. However, it will only appear as a single-storey outbuilding located at the rear of the site and is not considered to have a significant harmful impact on the character and appearance of the site or streetscene which would warrant a reason for refusal.

6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have 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."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to refuse planning permission for this proposed development will comply with the Council's statutory duty under this important legislation.

The proposed development would provide for an enlarged and improved Synagogue facility with associated outbuilding. It is stated the residential units are currently occupied by students and their families studying at the Synagogue.

However, the building has been constructed without the benefit of planning permission and a considerably larger building has been constructed than previously approved.

The Local Planning Authority does not object to the principle of a mixed-use development comprising of a synagogue at ground level with associated outbuilding and residential units on the upper levels, but considers that the proposal would result in a considerable harmful effect on the character and appearance of the site, streetscene and wider locality. The proposal is therefore considered contrary to Policies CS NPPF, CS1, CS5 and CS13 of the Barnet's Adopted Core Strategy (2012) and Policy DM01 of the Adopted Development Management Policies DPD (2012).

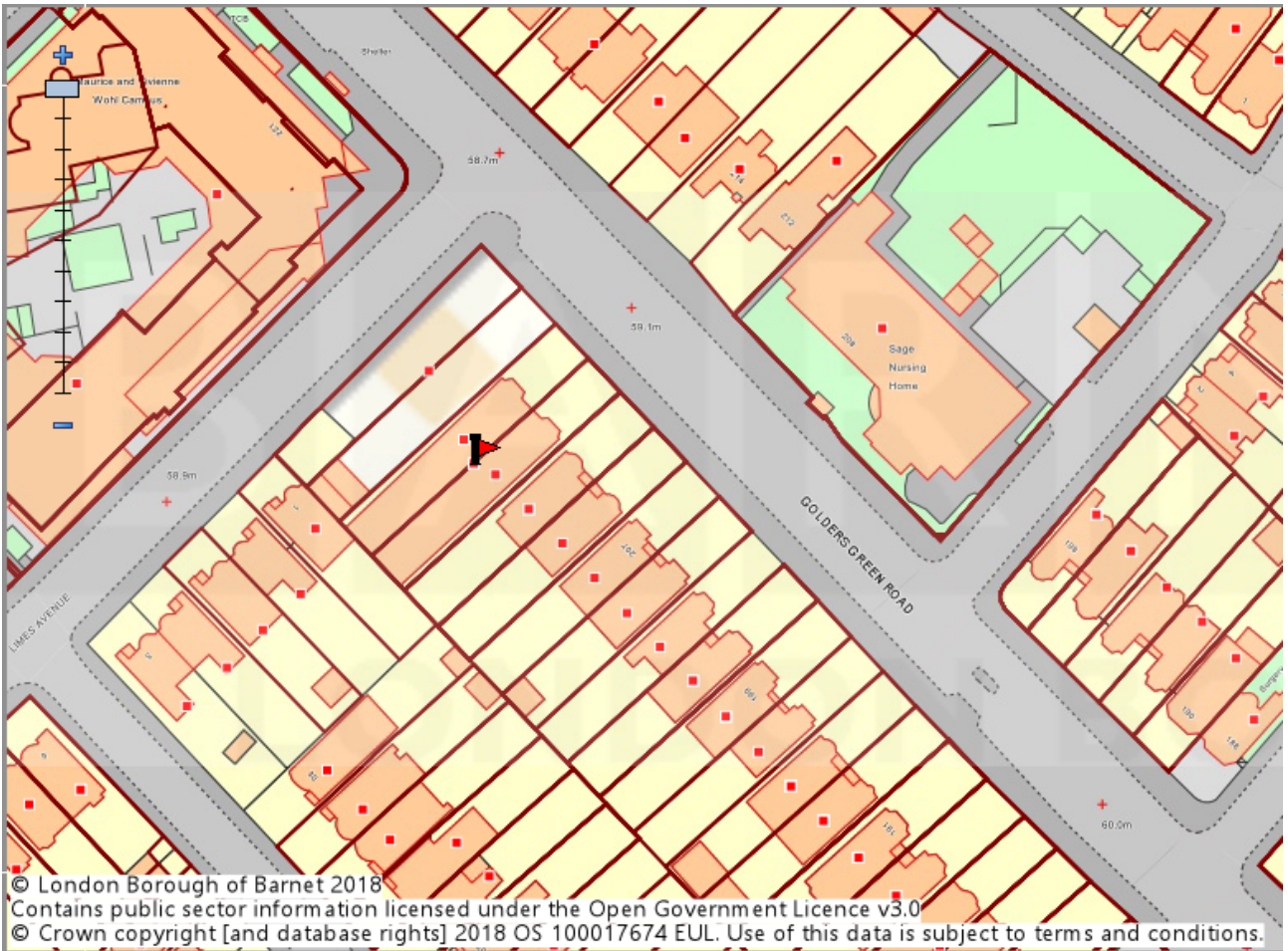
The positive impacts created by the proposed development are not considered to carry sufficient material weight to justify the construction of an unacceptable and harmful building in terms of character and appearance which is contrary to policy.

It ought to be possible to provide the positive impacts that are sought by the applicant and at the same time, constructing a building that accords with development plan policy by amending and reducing the proposed design. Such improvements could include reducing the bulk, scale, massing and height of the roof structure. It is considered that it could be possible to make such changes without creating a negative impact on the protected characteristics of the users of the Synagogue.

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. This application is therefore recommended for refusal.



Location 37 Cheviot Gardens London NW2 1QD

Reference: 18/6271/HSE

Received: 19th October 2018

Accepted: 22nd October 2018

Ward: Golders Green

Expiry 17th December 2018

Applicant: Mr & Mrs Justin and Theodora Nathan

Proposal: Part single and part two storey side and rear extension. Roof extension including hip to gable, rear dormer window, 3no rooflights to front roof slope

AGENDA ITEM 14

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 proposed part two storey side and rear extension and roof extension including hip to gable and rear dormer window, by reason of their size, design and siting would result in an incongruous and awkward form of development which would not appear subordinate in scale, and would be overbearing and visually obtrusive to the detriment of the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan Core Strategy (2012) and policy DM01 of the Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Existing:

Block Plan Rev 01

Site Plan Rev 01

Ground Floor Plan Rev 01

First Floor Plan Rev 01

Sections AA and BB Rev 01
Sections CC and DD Rev 01
Roof Plan Rev 01
Front and side 1 elevation Rev 01
Rear and side 2 elevation Rev 01

Proposed
Block Plan Rev 02-WIP
Ground Floor Plan Rev 02-WIP
First Floor Plan Rev 02-WIP
Roof Plan Rev 02-WIP
Second Floor Plan Rev 02-WIP
Sections AA and BB Rev 02-WIP
Sections CC and DD Rev 02-WIP
Front and side 1 elevation Rev 02-WIP
Rear and side 2 elevation Rev 02-WIP

Design and Access Statement

- 2 In accordance with paragraphs 38-57 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.

- 3 The applicant is advised that any future application should be designed so that there is no eaves overhang over the public highway.

Officer's Assessment

The application has been referred to the committee by Councillor Zinkin who believes the committee need to consider the way in which planning policies are currently being interpreted by officers in this application.

1. Site Description

The application site is a two storey semi detached single family dwellinghouse located on the southern side of Cheviot Gardens. The property is bounded by a footpath along the northern boundary of the site which links Cheviot Gardens to The Vale. It has not been extended and benefits from a modest sized rear garden and hardstanding to the front of the property. The character of the area is predominantly residential in nature.

There are no local designations and the property is not listed or located within a Conservation Area.

2. Site History

Reference: 18/3500/HSE

Address: 37 Cheviot Gardens London NW2

Description: Part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope

Decision: Refusal

Decision Date: 09.08.2018

Reason for refusal:

"The proposed part single and part two storey side and rear extension and roof extension including hip to gable and rear dormer window, by reason of their size, design and siting would result in an incongruous and awkward form of development which would not appear subordinate in scale, and would be overbearing and visually obtrusive to the detriment of the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan Core Strategy (2012) and policy DM01 of the Barnet Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)."

Reference: C00081A

Address: 37 Cheviot Gardens London NW2

Description: Conversion of loft into boxroom

Decision: Approve

Decision Date: 22 September 1966

Reference: C00081

Address: 37 Cheviot Gardens London NW2

Description: Erection of garage with bedroom and toilet over

Decision: Approve subject to conditions

Decision Date: 24 June 1965

3. Proposal

The applicant is applying for planning permission for the erection of part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope.

Since the previously refused application the applicant has reduced the single storey full width extension from 4.6m to 3.5m in depth, set back the first floor 0.5m from the front building line and down 0.1m from the ridge of the roof of the existing dwelling.

The proposed rear dormer has been marginally reduced; the rear dormer being reduced by approx. 1.2m in width, 0.1m in height and 0.2m in depth.

- The proposed single storey side and rear extension would extend full width and 3.5m in depth from the original rear wall. It would be built up to the northern boundary of the site and provide for an enlarged kitchen and dining area.

- The proposed first floor side to rear extension will be built up to the northern boundary and be built up to the front building line of the main house at ground floor, set back 0.5m at first floor. The proposed first floor side to rear extension would be set down 0.1m from the ridge of the main roof. The rear first floor element would have a flat roof.

- The proposed rear dormer spans across a significant proportion of the width of the existing roofslope. It will provide for a bedroom, en-suite and dressing rooms. The rear dormer incorporates a set of sliding doors in the rear elevation. The extended roof would incorporate a gable end roof form.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

1 letter of support was received stating that there would be no impact on the neighbouring property and the application is supported in its entirety.

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 July 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 (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, streetscene and the wider locality;

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

5.3 Assessment of proposals

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

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.

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

Planning permission is sought for the erection of part single and part two storey side and rear extension. Roof extension including hip to gable, 1no rear dormer window, 3no rooflights to front roof slope.

According to paragraph 14.21 of the Residential Design Guidance, 2016 "the depth of a single storey rear extension, normally considered acceptable for semi-detached properties is 3.5m. The amended proposed 3.5m deep single storey side to rear extension, will appear subservient to the main house and respects the character of area. It is considered acceptable as it is in accordance with paragraph 14.21 of the adopted Residential Design Guide, 2016.

Amendments have been requested to the proposed plans, in order to ensure compliance with paragraphs 14.15, 14.16 and 14.17 of the adopted RDG but these have not been forthcoming. These advise that first floor side extensions should normally be set back 1m from the front building line, be set in 1m from the side boundary and be set down at least 0.5m from the ridge of the main roof. Paragraph 14.26 states that flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house.

The first floor extension would be built up to the northern boundary of the site, be set back 0.5m from the front building line of the main house and be set down 0.1m from the ridge of the main roof. The two storey part of the rear extension would have a flat roof. Therefore, the proposal is contrary to paragraphs 14.15, 14.16, 14.17 and 14.26 of the adopted RDG. The reason for the requirement to set first floor side extensions in 1m from the boundary is normally to avoid a terracing effect between properties. In this case, given the property abuts a footpath, it is considered that building up to the edge of the footpath would create a significant sense of enclosure and appear oppressively overbearing to users of the footpath.

It is considered that the proposed first floor extension in terms of its siting, depth and design built up to the northern boundary of the site, would be unsympathetic to the design of the existing property, represent an incongruous and overbearing development which would be visually obtrusive, causing demonstrable harm to the visual amenities of the immediate streetscene and surrounding area. There are no other examples of similar large first floor rear extensions in the area such that the proposal is considered detrimental to the character and appearance of the dwelling, the streetscene and the wider locality.

With regard had to paragraph 14.33 of the RDG, roof extensions should not exceed more than half the width and depth of the main roof slope. Also, attention should be paid to such matters as the shape and height of extensions, the roof and design of windows which should reflect the proportion of windows on the lower levels. The proposed rear dormer including hip to gable would be extended across almost the entire width of the original roof and to the side of the original hip roof of the property. Paragraph 14.35 states that, in relation to hip to gable roof extensions, the gable should not unbalance a pair of semi-detached houses, should not reduce the degree of visual separation between houses, should not form an overbearing wall facing a street ... or other public place and should not appear out of character within the streetscene. The other half of the pair of semi-detached properties is unextended at roof level and the roof extensions would unbalance the pair of properties, contrary to the RDG. It would not appear sympathetic to the existing roofslope of the main house and as such, would detract from the character of the pair of properties, the streetscene and wider locality, contrary to the adopted RDG.

It is considered that the overall cumulative massing, scale and design result in an unduly obtrusive and overly dominant form of development which is out of keeping with the established character of the surrounding area and would appear overbearing and visually obtrusive contrary to council policies and guidance.

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

Attached property no 39 to the south of the application site has built an existing modest sized single storey rear extension. The proposed single storey side to rear extension will not extend beyond the existing extension at no 39. Further, as it is at single storey level and given its minimal depth of 3.5m, it will not result in any significant impact on the amenities of occupiers at no 39.

It is noted that the proposed first floor side to rear extension is sited on the opposite of the dwelling along the northern boundary of the site. Given its siting and adequate 3m separation distance, it would not appear overbearing or harm the amenities of occupiers at no 39.

No 35 lies to the north and is separated via a public footpath. Given the adequate 2-3m separation distance, it is considered that the proposed development will not have a detrimental impact on the amenities of occupiers at no 35.

The proposed rear dormer and its sliding patio doors are positioned approximately 37sqm from the nearest residential dwellings located on The Vale. Upon consideration of the above, the proposed rear dormer will not harm the amenity of neighbouring occupiers.

The proposed development is considered acceptable in terms of potential impacts on residential amenity.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the visual amenities of the immediate street scene, and the general locality. This application is therefore recommended for REFUSAL.



Location **Menorah Primary School 1 - 3 The Drive London NW11 9SP**

Reference: **18/0216/S73** Received: 11th January 2018 **AGENDA ITEM 15**
 Accepted: 11th January 2018

Ward: Golders Green Expiry 8th March 2018

Applicant: Menorah Primary School

Proposal: Variation of condition 3 (limited activities) and condition 4 (day/time restriction) pursuant to planning permission C01178A dated 7/12/1967 for "re-erection of the existing Menorah Primary School on extended site".
 Variation to allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday, and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday. [ADDITION OF NOISE IMPACT ASSESSMENT AND AMENDED DESCRIPTION]

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 proposed variation to conditions 3 and 4 of planning permission reference C01178A would, by reason of the increased comings and goings and intensification of use, result in an increase in noise and disturbance, to the detriment of the residential amenities of occupiers of the neighbouring properties.

The application is therefore found unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012), London Plan Policy 7.15 and the guidance set out in Barnet's Sustainable Design and Construction SPD (2016).

Informative(s):

1 The plans and documents accompanying this application are:

Planning Statement by E.M. Pick Planning
Document entitled 'Proposed Noise Management Plan'
Noise Impact Assessment Report reference 13879-NIA-01-RevA by clements
acoustics dated 02 August 2018
Shaded Plan showing areas proposed for use
Copy of Shabbat times
Site Location Plan
Email from E M Pick Planning dated 29 October 2018
Email from Kenny Macleod of clement acoustics dated 30 October 2018
Block plan
Application form

Officer's Assessment

This application is recommended for refusal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission.

This would allow the local authority to assess the effect of the development on the area on a trial basis. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought.

On the 09 February 2018 Councillor Thompstone called the application into committee if Planning Officers were recommending refusal. The planning reason for the referral was: "The potential impact of this further use on the parking within the area means the parking and traffic consideration bears greater scrutiny."

The application was deferred from November 2018 committee as it was considered by members that the description was incorrect. The description has been amended (with the agreement of the agent) and neighbours have been re-consulted.

The Environmental Health Officer has commented: "I have read the updated information as proposed. There are no changes to our advice on this matter." Their objections in the main report therefore remain.

1. Site Description

The application site is currently occupied by Menorah Primary School, a primary school located in the ward of Golders Green.

The site is not located within a designated conservation area and there are no statutory or locally listed buildings on site. There are no Tree Preservation Orders on the site.

The school building is located on the junction of The Drive and Woodstock Avenue. The playground is located on the junction of The Drive and Montpelier Rise.

The main entrance to the school building is on The Drive (to the east). There are also entrances to the playground along the eastern boundary on The Drive.

The school building directly abuts residential properties to the west (on Woodstock Avenue and Montpelier Rise).

The site abuts the public highway on the northern, eastern and southern boundaries. Opposite are residential properties on Woodstock Avenue and The Drive.

Some off-street parking is provided, which is accessed from The Drive. Although parking spaces are not demarcated, at the time of the Planning Officer's site visit, three cars were parked.

The boundaries are formed by a mixture of close boarded timber fencing and/or wire fencing.

2. Site History

In summary, the school was granted planning permission under planning application reference C01178A, dated 07 December 1967.

Under planning application reference C01178L, dated 01 November 1978, the school was granted consent for the 'Continued use of premises for Sunday classes between 9.30 a.m. and 12.30 p.m.' There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Under planning reference C01178R, dated 12 June 1995, the school was granted consent for the 'Use of premises on two Sunday afternoons per calendar year'. This was for school fetes on two Sundays per calendar year. There were no temporary restrictions placed on this consent i.e. it is a permanent permission.

Permissions were granted on a temporary basis for the use of the premises for religious classes on Sunday morning under application reference C01178G (dated 18 December 1974, for a limited period only expiring 25 December 1975) and application reference C01178J (dated 22 September 1976, for a limited period only expiring 29 September 1977).

Planning application reference C01178U, dated 10 December 1997 granted temporary consent to enable activities to take place until 11:00 pm (as opposed to 10:30 pm as the original consent of C01178A stated). The consent expired on 10 June 1999 after which date the original condition took effect (i.e. 10:30 pm). It was limited to ten occasions per term and not at all on any Saturday, Sunday and Bank Holidays. It was restricted to extra-curricular activities only.

Planning application reference C01178AC/03, dated 25 September 2003, refused planning permission for the variation of conditions 3 and 4 of planning permission reference C01178A, dated 07/12/1967, to enable activities to take place until 11:00 pm. This would have allowed extra-curricular activities to take place until 11:00 pm, potentially on any day of the week.

The reason for refusal read:

"The proposed variation would, by reason of increased comings and goings and intensification of usage, result in an increase in noise and disturbance to the detriment of the amenities of neighbouring occupiers and the residential character, contrary to policies T1.1, L5.2 and E6.1 of the Barnet Adopted Unitary Development Plan (Adopted 1991) and D2, L24, L27, CS1, CS5 and Env12 of the Revised Deposit Draft Unitary Development Plan (March 2001)."

3. Proposal

The applicant seeks consent for the variation of condition 3 (Limited activities) and condition 4 (Day/time restriction) pursuant to planning permission reference C01178A dated 7/12/1967 for the "re-erection of the existing Menorah Primary School on extended site".

The variation would allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday, and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday.

4. Public Consultation

A site notice was erected 18 January 2018.

Consultation letters were sent to 109 neighbouring properties.

72 responses have been received, comprising 53 letters of objection, 15 letters of support and 3 letters of comment.

The objections received can be summarised as follows:

- The school is in close proximity to residential dwellings. Allowing social events etc at times when local residents should be able to enjoy some peace and quiet would be a gross injustice and cause considerable noise and disturbance. This is why when considered approximately 10 years ago the council reached the same decision, and it remains true today.
- Noise will arise from, amongst other things: people coming and going, a large amount of people singing, clapping etc, children playing in the playground, the fact the hall was built that windows and doors are directly onto the playground and close to windows of No. 2 Montpelier Rise.
- The School is already being used on Sundays on a regular basis, in contradiction of Condition 4, causing noise, traffic, parking problems, and disturbance on the weekend day of Sunday. To add the other weekend day, Saturday, as well would be reprehensible and appalling, showing no consideration for the entitlements of the neighbours who already have to endure many inconveniences and nuisances during the week from the school.
- Not all of the community are of this faith and should also be considered.
- Noise already arises from the use of the School on a Sunday and it's only the children having normal day at school.
- 150 people is a misrepresentation when there is an estimated Jewish population of 20,000 within 15 minutes' walk of the site
- There are plenty of other spacious venues with ample parking where events can be hosted with minimal impact to the neighbours.
- The council has rejected such applications from the school in the past. Nothing has changed.
- Saturday is the one day in the week when the school is quiet, we want to continue enjoying peaceful Saturdays and after school hours.
- The school is clearly in violation of current planning dated 2005 which allows for a maximum of 410 pupils (C01178AD/05) [based on Ofsted Reports]. It may be prudent for the School to relocate rather than further prejudice the neighbourhood. Noise and traffic will increase as school expands.
- The events would be permitted till 10.30pm which is several hours after the Sabbath ends during winter, meaning increased traffic and parking issues when events finish.
- There are several facilities that could accommodate such events so there is no need for the school to be turned into a source of additional noise and disturbance.
- Parking problems, traffic, road rage and aggression is stressful for residents
- London Borough of Barnet did not consult residents
- The proposed use after 5.00pm on Saturdays is: (a) irrelevant for Sabbaths in the winter and (b) unnecessary for Sabbath activities in the summer - functions at this times would be rare. The intention appears to be to use the premises on Saturday evenings in the winter. I object to this on the grounds of the huge pressure on parking that this would imply, and because of the noise that would no doubt be generated from the hall and associated with large number of people coming to and leaving the hall. This is a residential

area not designed for this sort of activity. Usage up to 5.00pm would not give me a problem

- Usage up to 5.00 pm acceptable
- The benefit of allowing this application would not outweigh the detrimental impact on residents living nearby
- The nature of Orthodox Jewish events is for people to pop in for a few minutes, throughout an event. Thus, there would be in and out traffic causing sustained noise the whole evening. Saturday evenings in the winter functions will be able to include Music. The beginning of the road is considered the best parking place for attendees at the school this result in increased noise from hooting and shouting loudly from their cars, as happens on parent's evenings etc.
- There are orthodox Jewish halls with the same capacity in the area
- Have previously put in support for this however need to add that the permission should run till 6pm only
- Concern it could be extended further if permitted
- The time extension until 10:30 pm will provide a period of time after the sabbath to hold more events which would create noise and traffic
- Numbers of attendees unrealistic
- Unlikely that those third party users who will rent the hall for events will adhere to conditions/restrictions.
- Nothing is stopping people from coming before the Sabbath and parking their cars and leaving them there until after the Sabbath which will leave local residents without parking which is already compromised by the school.
- We have already experienced when planning was violated and the school was used on the Sabbath day and we could not sleep all afternoon from noise coming out of the hall (singing, banging etc.) This was under controlled conditions being used by the school, not by third party
- Disagreements with the finding of the noise assessment - does not include the gathering of people outside and questioning of the timings of the recordings undertaken, noise measurements should be taken from neighbouring residential properties
- The school is a voluntary aided school receiving grants from the government and council. This is a commercial enterprise.
- Sabbath is the only time when I can actually rest undisturbed.
- There is no promise that Hall is rented to non Sabbath observers therefore loud music and large quantities of people are high probability
- Concerns of pollution and rubbish
- Increased risk of crime
- Devalue property prices
- Those who have submitted comments of support live further away from the School
- Under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to gain entry. This would be in addition to the area then being open to further use which is unacceptable.

The letters of support received can be summarised as follows:

- The predominant number of those in support stated that it would be a benefit to the local community, many of whom are associated with the school, and that given the times requested are during the Jewish Sabbath period, this would avoid any issues of traffic outside or (loud) music being played, which is disallowed on the Sabbath.

- It's a pleasure to hear children playing outside rather than looking at electronic screens. The information provided intends to keep noise levels to a minimum. We hear loud amplified music from rooms/houses/cars along this street at all times of the day and night which I find very disturbing. Parents/carers together with a security personnel will keep the noise of the children down. The noise assessment provided was taken on school days in the summer when noise levels would have been at their highest.

The representations received can be summarised as follows:

- Most who provided general comment raised concerns with noise and parking
- While there may be a need for more facilities for various social events I do not believe that there is a requirement for them to last that late. I would suggest that the social events be allowed but only till say 13:00 hours.
- The opening until 10:30 pm has been allowed for a long time and does not seem to cause trouble. The agreement to allow extended opening hours must include a rider stating that people should leave quickly and quietly after 10:30 pm to show consideration for local residents
- Please clarify the meaning of "Sabbath days". Does it mean only on Saturdays or also special Jewish days when the school is normally closed?
- Many dinners/receptions go on beyond 10:30pm. I suggest it should be between the hours of 8:30 am - 11:30pm. 11:30 pm would not impact detrimentally on local residents
- The 'Proposed Noise Management Plan' is not part of the actual application.
- No comparable halls are located in residential areas- they are located on main roads or just a few metres away from it on a side road
- While we respect the views of those residents who feel that there is a need for more function Halls, this certainly needs to be balanced against the adverse affect and considerable disturbance this will cause to many neighbouring residents if it is located at the Menorah Primary School which is surrounded on all sides by a very dense residential population.
- We think that the figure of 150 mentioned in the Planning Statement is a significant underestimation with the number of participants likely to be, on many occasions, at least double that figure and more.
- Could only support the application if it is strictly limited to the hours of Sabbath with an additional period at its conclusion of one hour to enable caterers to clear the hall and on the condition that the school do not submit any further planning application to vary the conditions

Since reconsultation, the objections received are as follows:

- Numerous valid objections were made by the last time and nothing has changed in this new application. The properties in the immediate area are subjected to another round of having to inform the Council of our strong objections. These comprise: highways and parking issues; noise; the school is not a place of entertainment or of religious and social events, nor a synagogue or place of worship. No need for such a venue when there are ones in the area.
- Under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to gain entry. This would be in addition to the area then being open to further use which is unacceptable.
- More concerns related to parking and finding parking

- In addition to the previous comments which have not been dealt with, the new proposal is still unenforceable as most neighbours would not use the phone on the Sabbath so they will not be able to complain if the noise is excessive.
- The end time for functions does not help the immediate neighbours as they will still suffer from the noise of catering clear up and building cleaning after the function ends and attendees fraternising in the street after closing. This will create a noise problem 7 days a week for all neighbours as the school is in operation 6 days a week already. It is a school that we moved next to many years ago not a function hall which is now being sought.
- Nothing has changed in application. Please confirm that you have added to the report/recommendations that under no circumstances should permission ever be granted (even temporarily) for the use of the playground as a means of entry into the school hall. This would contradict the applicants statement that the windows and doors would be kept closed, as anyone entering the premises would then have no choice but to open the doors to gain entry. This would be in addition to the area then being open to further use which is unacceptable.

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
- Relevant Development Management Policies: DM01, DM04

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted. Proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted. Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed variation constitutes a minor material amendment
- Whether harm would be caused to the living conditions and amenities of neighbouring residents

5.3 Assessment of proposals

The Planning Practice Guidance states that an application can be made under section 73 of the Town and Country Planning Act 1990 to vary or remove conditions associated with a planning permission. One of the uses of a section 73 application is to seek a minor material amendment, where there is a relevant condition that can be varied.

There is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved.

Planning permission was granted under application reference C01178A, dated 07 December 1967, for the rebuilding of the school, subject to conditions.

Condition 3 of this consent stated: "That the use of the premises shall be limited to those activities which are directly associated with the functioning of the school as such."

Condition 4 of this consent stated: "That no activities shall take place on any Saturday, Sunday or Bank Holiday or any other day except between the hours of 08:30 am and 10:30 pm."

The reasons for the conditions were to protect the amenities of adjoining occupiers (condition 3) and to ensure that the amenities of residential locality are not prejudiced by noise at times normally available for recreation or rest (condition 4).

Since the original consent, the school has been permitted to use the premises on Sundays between the hours of 9.30 a.m. and 12.30 p.m. for Sunday classes. It has also been permitted two Sunday afternoons per calendar year to hold fetes.

This application currently under consideration proposes the variation of conditions 3 and 4 of the planning permission reference C01178A, dated 07/12/1967, to allow religious and social events on Jewish Sabbath days from the commencement of the Sabbath on Friday afternoon until 10.30 p.m. on Friday, and from 8.30am until the end of the Jewish Sabbath (i.e. nightfall) or 10.30pm, whichever occurs earlier, on Saturday.

The Sabbath is commonly defined as a day of religious observance and abstinence from work, kept by those of Jewish faith, from Friday evening (sunset) to Saturday evening (sunset).

The agent representing the applicant has clarified that events would finish by the end of Sabbath on Saturdays i.e. in the winter earlier, and the summer later.

The Planning Statement submitted states that the parts of the school proposed for this purpose would be the school hall, the kitchen and the sanitary facilities. This is shown on the shaded plan submitted by the applicant.

It states that the entrance would be through the school playground, leading into the hall.

The Planning Statement states that no music or amplification would be played. The document also states that the use of vehicles on the Sabbath is forbidden, and therefore it is anticipated that visitors would be pedestrians only.

The applicant has also submitted a 'Proposed Noise Management Plan' and 'Noise Impact Assessment' by Clement Acoustics (Report 13879-NIA-01-RevA) dated 02 August 2018.

The documents state that up to 150 people could attend. The accompanying documents state that expected events could include a 'kiddush', which may be followed by a family meal to celebrate a Bar Mitzvah / Bas Mitzvah; a birth, 'Aufruf' (the Sabbath before a wedding) or 'Sheva Brochos' (the Sabbath after a wedding).

An Environmental Health officer has assessed the application and accompanying documents. They have concluded that the application cannot be supported by the local planning authority.

Their comments on the Acoustic Report by Clement Acoustics are as follows:

1. BS4142:2014 is useful as an indicative guide but cannot be used to assess noise levels from "people" in a planning situation. Section 1.3 f of BS 4142 states that, amongst other things, the standard is not intended to be applied to the rating and assessment of sound from people.

2. The report bases the reduction of noise on the distance to one metre to the nearest façade whereas the rear garden of No. 2 Montpelier Rose will be affected continually throughout the day on Saturday from noise impact due to it being very close to the hall. This will directly impact on the neighbouring residents' use of their garden and so have a negative impact on their amenity throughout summer months when they may want to use

their garden. As is seen from the background noise readings, the ambient background noise level is quite quiet.

3. There are no scale diagrams of the openable doors/ windows in the side of the hall facing the garden which would give a good indication of the noise outbreak; nor is there any assessment of any barriers between the garden and school hall. If there are openable windows and doors then it would be likely with the large numbers congregating in the room that they would want to fully open the windows and doors during the hot months at the same time as the neighbours wish to open their windows and the noise reduction of 15dBA (from a "partially open" window would not apply); thus increasing the noise impact. It is hard to enforce keeping windows and doors partially open as is assumed within the report. This is not considered within the report.

4. If there is any singing then this would result in higher noise levels and impact. This is not considered.

5. The sounds of people talking, as well as coming and going, in a residential road at 10:30 pm is not considered in the report.

6. The noise monitoring position should be explained - it is closer to the main traffic on road by 20m compared to the garden at the neighbouring residential. The background noise in this corner surrounded by hard acoustic surfaces may be noisier too. I would have advised on placing the meter closer to 2 Montpellier or explained by methodology.

The applicants acoustic consultant has responded accordingly:

"1. BS4142 is as robust as we can be. Otherwise, we'd be looking at WHO/BS8233, which is less robust

2. We do not deny that some noise of talking may be heard from neighbouring gardens. However, this is an established urban area with no proposed activities taking place during unsocial hours.

We have undertaken a further assessment to the closest residential gardens, which are approximately 10m from the facade of the school hall. This results in an external noise level of 43dB(A), in line with the criteria specified in BS8233 for external amenity areas, even when the school hall windows are assumed to be partially open.

3. The possibility of open windows has been assessed in the report. However, mechanical ventilation already exists and will be used. Opening windows prevents the effective use of air conditioning, so there is no concern, even in hot weather. The calculated levels shown in our assessment are therefore very worst case, and in reality noise breakout levels will be significantly lower.

4. We are advised that there will not be any prayer sessions, so no singing or music will occur.

5. We have pointed out that no cars will be used, owing to religious constraints. We have considered that people may be talking when leaving at 10.30pm, but we have concluded that this would be low impact.

It is noted that entry points to the building are more screened and / or distant from sensitive receptors. Additionally, entry points are on the front facade, which is already busy with vehicular traffic and pedestrians."

The agent confirmed in an email dated 29 October 2018, that:

"The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used."

In response to all of the above the Environmental Health officer has stated that for the British standards and European guidelines: BS4142:2014 and BS:8233:2014 and WHO guidelines on noise, none of these are truly able to represent the noise impact from people.

The additional impact of opening the school to large numbers of people on Saturdays removes the only day for rest and respite for the neighbouring residents. Standards often average out noise impacts over time periods thus removing the impact of single events such as raised voices which are most likely to cause disturbance. This is particularly given the hours of use that have been requested (8:30 am to 10:30pm). Deliveries before and after the event will also have a noise impact. This has not been assessed by the applicant.

To have a trial period with a restricted number of events in one year is more appropriate as this will give the local authority, and neighbouring residents, the opportunity to establish whether the events are, in fact, a nuisance or not.

"Discouraging" children and adults from going outside and preventing windows from being opened, as proposed by the applicant, is unenforceable from a planning perspective. It is also unreasonable to expect this in the warmer months. Furthermore, the doors will have to be open for entrance/exit of users. No evidence has been provided to demonstrate that the mechanical ventilation in the hall would be adequate, especially in the summer months.

Even if events finish at the end of Sabbath on Saturdays as the agent has stated, the summer months where the Sabbath finishes later is the time of year where neighbours are more likely to have their windows and doors open and will be using their gardens. This is where harm from noise would arise most.

In conclusion, the proposed variation would increase noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of surrounding residents. It is considered that the proposed variations are of a scale and nature that results in a development which is substantially different from the one which has been approved.

The application is therefore recommended for refusal, in accordance with Policy DM04 of Barnet's Development Management Policies Document (2012); London Plan Policy 7.15 and the guidance set out in Section 2.14 of Barnet's Sustainable Design and Construction SPD (2016) about noise quality.

Policy DM04 states that proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses (such as residential) will not normally be permitted.

London Plan Policy 7.15 states that development proposals should seek to manage noise by avoiding significant adverse noise impacts on health and quality of life as a result of new development.

The local planning authority are satisfied that conditions 3 and 4 applied to the original consent in 1967 (reference C01178A) meet the 6 tests for conditions set out in Paragraph 206 the National Planning Policy Framework (2018). They should therefore should remain imposed.

5.4 Response to Public Consultation

The majority of objections related to noise and disturbance, and concerns with impact on the highways and parking.

The objections regarding noise and disturbance have been noted and addressed in the main report.

The objections regarding highways have been carefully considered. The applicant has stated that the school would be used in the hours of sabbath, whereby use of the car is forbidden. This is accepted by the local authority.

The proposal currently under consideration is different from the application previously refused (reference C01178AC/03, dated 25 September 2003). The previous application proposed to allow extra-curricular activities to take place until 11:00 pm, potentially on any day of the week. The current application under consideration proposes to allow extra-curricular activities to take place on Friday evenings and Saturdays.

If the conditions for the hours of use of the school on a Sunday are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have queried that there is a period of time in the winter months, between the end of Sabbath and 10:30pm, which could potentially allow the use of cars, as well as music. The agent has clarified in writing that: "The Sabbath starts at sundown on Friday and finishes at nightfall on Saturday. Calendar times have previously been submitted to you. In mid summer, the Sabbath does not finish till 10.30pm. However, in mid winter, the Sabbath finishes with darkness setting in at 5.00pm. What we are proposing is that the proposed use would finish earlier on winter days before the termination of the Sabbath, because it is on the Sabbath that no cars are used." Notwithstanding this, Officers are of the position that the proposal remains unacceptable, as explained in the main report.

If the conditions for the number of students at the school are not being complied with as residents state, then they are advised to contact the Planning Enforcement department to investigate on 020 8359 3000 or on email: planning.enforcement@barnet.gov.uk

Objectors have raised concern that they have not been consulted. Under this particular application, the local planning authority have advertised the application on the website,

have erected a site notice and have sent notification letters to those properties which directly abut the site. Statutory publicity requirements have therefore been met.

Objectors have raised concern that the 'Proposed noise management plan' is not part of the application and is not 'legally binding' and thus not enforceable. The 'Proposed noise management plan' does form part of the application and in the event of an approval would have to be complied with.

Objectors have raised concern with the methodology of the submitted noise report. The noise report would have been done to get a base or background reading to establish what the lowest level of noise was in the surrounding; therefore, the quieter the better for the local residents as it would better reflect the quieter days and evenings. The Environmental Health department always ask for the quietest times to be done so as to give a worst case scenario.

Any further applications at the school would be assessed on their own merits.

It is not considered the proposal would increase crime or risk of crime.

Impact on property prices is not a material planning consideration.

It is not considered the increase in pollution would constitute a reason for refusal in this particular instance.

Rubbish and refuse could be adequately addressed through conditions in the event of an approval.

Comments of support:

The comments of support are noted.

General comment:

Those who submitted a general comment (neither objection or support) suggested amendments to the hours of use. The application has been assessed on the hours proposed by the applicant.

The definition of 'Sabbath' has been addressed in the main report.

In the event of an approval, the 'Proposed Noise Management Plan' would be included within the conditions of the consent. The implications of this is, if the hours of use were not abided by, it would be a planning enforcement matter.

The local authority could not prevent or stop the applicant from submitting any further planning applications.

Residents have queried the number of people in attendance at these events. The application has been based on the information provided by the applicant.

6. Equality and Diversity Issues- Equalities Act 2010 and other material considerations

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (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) 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-
 - (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 to 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.

- (3) 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.

- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Tackle prejudice, and
 - (b) Promote understanding

- (5) 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.

- (6) The relevant protected characteristics are-
 - Age;
 - Disability
 - Gender reassignment

- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed development on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The proposal, if approved, would provide a place to hold social and religious events for those under a protected characteristic. This is the potential equality impact of the proposal.

Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme and the benefits it will confer on those of a protected characteristic.

No justification or evidence has been provided by the applicant of why the needs of persons who share a relevant protected characteristic cannot be met at an alternative site.

In this particular instance, Officers consider that the benefits to the applicant and users (within a protected characteristic) would not outweigh the harm to the residential amenities of the neighbouring occupiers as a result of the proposal.

Whilst assessing this application, the local planning authority offered the applicant the opportunity to explore the option for a temporary planning permission. The applicant however has rejected an option of a temporary permission, and wished for the application to be assessed based on what was sought, which officers conclude is harmful to neighbouring residents.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed variation is of a scale and nature which results in a development that is substantially different from the one that was originally approved. Furthermore, the proposed variation would result in an increase in noise and disturbance on Friday evenings and Saturdays which would detrimentally harm the living conditions of surrounding residents.



This page is intentionally left blank

Location 78 Woodstock Avenue London NW11 9RJ

Reference: 18/5387/FUL

Received: 4th September 2018

Accepted: 10th September 2018

Ward: Golders Green

Expiry 5th November 2018

Applicant: Ms Mehri Shahriari

Proposal: Conversion of existing dwelling into 3no self-contained flats involving basement extension with private terrace, single storey rear extension and roof extension involving hip to gable, rear dormer window and 2no rooflights. Erection of rear outbuilding. Associated refuse/recycling store, cycle store, amenity space

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:

930.000 (received 04/09/2018)
930.001 Rev A (received 04/09/2018)
930.002 Rev A (received 04/09/2018)
930.003 Rev A (received 04/09/2018)
930.005 Rev A (received 04/09/2018)
930.006 Rev A (received 04/09/2018)
930.007 Rev A (received 10/09/2018)

930.101 Rev B (received 02/11/2018)
930.102 Rev B (received 02/11/2018)
930.104 Rev C (received 14/11/2018)
930.106 Rev C (received 14/11/2018)
930.107 Rev C (received 14/11/2018)
930.108 Rev C (received 14/11/2018)
930.109 (received 14/11/2018)

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation at first floor and roof level facing No.76 Woodstock 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).

- 6 Prior to occupation of the development, cycle parking shall be provided in accordance with the submitted application 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 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) Before the development hereby permitted is first occupied, details of privacy screens to be installed around the patios/ garden amenity areas 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).

9 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, 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.

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

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

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

10 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).

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 2016.

12 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).

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

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

- 14 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) and policies 5.2 and 5.3 of the London Plan (2015).

- 15 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).

- 16 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.

- 17 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).

- 18 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be provided in accordance with the approved plans submitted with this planning application.
- b) The development shall be implemented in accordance with the details approved 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 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 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 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 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

- 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. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. An estimate for this work could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ
- 5 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

Works on public highways to facilitate the development will be carried out under the S278/184 Agreement of the Highways Act 1980 or can be charged under a rechargeable works agreement.

- 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 or

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 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,

Officer's Assessment

1. Site Description

The application site relates to a two storey semi-detached dwelling located on the southern end of Woodstock Avenue. The property benefits from a partial lower ground floor level due to difference in ground levels. It is noted that the dwelling sits at a lower level from the adjacent highway.

The property does not fall within a Conservation Area and is not a listed building.

There are no tree preservation orders on site.

2. Site History

No recent planning history.

3. Proposal

The application seeks planning permission for the conversion of the existing dwelling into 3no self-contained flats involving a basement extension, single storey rear extension, roof extension, and the erection of a rear outbuilding. The amended plans have been considerably amended included reductions to the proposed subdivision as well as to the external changes.

The proposed basement would measure the full footprint of the property, 12.5 metres along the boundary with No.76 Woodstock Avenue and 14.7 metres along the boundary with No.80 Woodstock Avenue. The basement would benefit from a maximum head height of 2.5 metres. A front lightwell would measure 1.6 metres in depth.

The proposed single storey rear extension at ground floor would measure a maximum of approximately 4.5 metres along the boundary with No.80. The extension would benefit from a flat roof measuring 2.7 metres in height (3 metres to parapet) and would match the existing depth of the original part single part two storey rear wing projection.

The proposed loft conversion would involve the creation of 1no side dormer and 1no rear dormer. This element of the proposal has been considerably amended since the original submission which sought permission for a larger hip to gable extension and rear dormer window.

The side dormer will measure 1.3 metres in height, 1.6 metre in depth and 2 metres in width. The rear dormer will measure 3.16 metres in width, 1.85 metres in height, and 2.4 metres in depth.

Subdivision

The original submission proposed the following subdivision:

Flat 1 Basement 2 Bed 4 Person
Flat 2 Ground Floor 2 Bed 4 Person
Flat 3 First Floor 2 Bed 3 Person

The amended proposal reduced the size of the proposed units as follows:

Flat 1 Basement 1 Bed 2 Person
Flat 2 Ground Floor 1 Bed 2 Person
Flat 3 First Floor 2 Bed 3 Person

The development would provide for associated refuse and recycling storage as well as cycle parking spaces.

4. Public Consultation

Consultation letters were sent to 124 neighbouring properties.
6 responses have been received, comprising 6 letters of objection

The objections received can be summarised as follows:

- Conversion will exacerbate the shortage of suitable family housing
- Proposal will create precedent
- Gym to be converted into further accommodation
- Impact of construction
- Overdevelopment of the site- Family accommodation to be protected
- Highway pressure due to additional parking provision
- Outwards project will create pressure on soil and risk to neighbouring properties to the rear along Montpellier Rise
- Overlooking
- Increased occupancy

A document of objection was received from a neighbouring consultee. The document included 6no additional properties 'copied in' as part of the objection. It is noted that the objection letter has not been formally signed by all members and is therefore counted as 1 objection.

The document can be summarised under the following topics relating to impacts on:

- Parking and traffic - Additional occupation
- Trees and hedges - Impact of outbuilding on existing trees
- Biodiversity
- Surrounding area - Character
- Design principle - outbuilding to be used as additional occupation
- Massing and scale
- Daylight
- Impact on amenity, noise and overlooking
- Topography of the site - does not allow for basement extensions

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 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, 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.
- 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:

- Principle of development
- 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 appropriate amenities are provided for future occupiers
- Impact on highways

5.3 Assessment of proposals

The application seeks planning permission for the conversion of the existing dwelling into 3no self-contained flats involving a basement extension, single storey rear extension, roof extension, and the erection of a rear outbuilding.

Principle of Development

Policy DM01, of the Development Management Policies (2012), states that the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate as the loss of a single-family dwelling would change the character of the area.

6.2 The supporting text to Policy DM01 sets out the rationale behind this, which results in part from the characterisation study undertaken as part of the production of the Local Plan. This sets out the character of different parts of the borough and how the character changes over time.

Preamble 2.8.1 to Policy DM01 further states that conversions of existing dwelling into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street, particularly where they are highly accessible. However, even in such locations they can harm the character of area by changing external appearances 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.

The local area is suburban in character and mainly features two storey semi-detached dwellings evenly spaced between each other. Due to ground level differences, properties located along the south-western side of Woodstock Avenue sit lower than the adjoining highway.

Woodstock Avenue is characterised by a mixture of single family dwellings and conversions to flats. Following research of the area, it has been identified that a considerable number of properties in the immediate vicinity have been converted. This has been identified at No.80, No.88, No.90, and No.92 Woodstock Road.

The host site benefits from 4 bedrooms on the first floor. Two of the existing bedrooms have been considered large enough to be assessed as double bedrooms. The total potential occupancy therefore results in 6 people.

The original submission would have resulted in a total projected occupancy of 11 people. Following concerns raised by officers, with regards to the excessive increase in density, the proposal has been amended in order to reduce the number of bedrooms at basement and ground levels. In consequence the total projected occupancy would result in 7 people.

On balance, it is not considered that the increase in density by a total of 1no person would materially harm the established residential use of the host site or materially impact on neighbouring properties by way of additional people movements, car movements and associated residential uses. It is also recognised that, as a single family dwelling, the property could potentially benefit from an additional bedroom at loft level, created through extensions under permitted development rights (if built as a single family dwelling). This would increase the occupancy to 7 people.

Taking into consideration the varied character of the local area, coupled with a reduction in occupancy numbers, the principle of converting No.78 Woodstock Avenue into 3no. self-contained units is accepted.

Details on the Proposed Development and Impact on Neighbouring Occupiers

Ground Floor Rear Extension

The application site currently benefits from a part single part two storey rear wing projection which extends along the boundary with No.76 Woodstock Avenue. The rear wing projects approximately 4.5 metres past the rear elevation of the host site closest to the boundary with No.80 Woodstock Avenue. It is noted that, in total, the side flank facing No.76 Woodstock Avenue measures approximately 13.5 metres in depth (including porch). The side elevation does not project past the neighbouring rearmost elevation. This would not change under the proposed development.

The proposed extension at ground floor would infill the existing gap between the two rear elevations at No.78 Woodstock Avenue and would match the existing depth of the existing part single part two storey rear wing. The extension would measure a maximum of approximately 4.5 metres along the boundary with No.80. It is noted that the side elevation is currently set back from No.80 as the neighbouring property benefits from an existing extension. The proposal will therefore project a maximum of approximately 1.5 metres past the neighbouring rear wall. The extension would be constructed with a flat roof measuring 2.7 metres in height and 3 metres including the parapet.

The Council's Residential Design Guidance SPD states that single storey rear extension on semi-detached properties should generally not exceed 3.5 metres in depth. Whilst in this instance the proposed element would exceed the Council's guidance, it is considered that the extension will appear subordinate and will respect the original size and massing of the host site. The extension is further considered to project a moderate 1.5 metres past the neighbouring rear wall at no. 80, thus mitigating harmful overbearing and overshadowing impact to neighbouring occupiers. The extension would not project past the existing rearmost elevation and is therefore not considered to impact on the amenities of the neighbouring occupiers as it would not be visible.

It is further noted that a considerable number of neighbouring properties benefit from single storey rear extensions. These have been identified at No.70, 72, 76, 80, 84, 92. It is therefore considered that the proposed extension at ground floor would be in-keeping with the original character of the host site and would not detract from the established character and appearance of the local surroundings.

Basement Extension

The proposed basement extension would sit under the full footprint of the proposed ground floor and would extend an additional 2 metres in depth along the side elevation facing No.80 Woodstock Avenue. As existing, the property partially benefits from a lower ground floor level. This is mainly due to a difference in ground levels. The Council's Residential Design Guidance states that basement extensions should not exceed a total depth of 3 metres beyond the rear elevation. In this instance, due to existing differences in ground levels, the majority of the basement would be lowered by an additional 0.6 metres. The front half of the host site would however have to be lowered by a total of 2.5 metres.

The proposed basement would not increase the depth of the flank wall along the boundary with No.76 Woodstock avenue. Additionally, it will be set back by approximately 1.5 metres from the neighbouring rear wall. The proposal is therefore not considered to materially harm the visual and residential amenities of neighbouring occupier at No.76 Woodstock Avenue.

With the benefit of a site visit, it is noted that the attached property at No.80 Woodstock Avenue benefits from a basement level which sits in line with the projection at ground level. The basement does not appear to project further in depth. The proposed basement would therefore project approximately 3.5 metres past the neighbouring rear wall at basement level. Taking into consideration the relationship of the existing dwelling the proposed basement would only be partially viewed from the neighbouring ground floor level. It is therefore considered that the proposal will not materially impact on the neighbouring visual and residential amenities. A condition has been attached requiring submission of details of privacy screens to be installed. This is considered to further mitigate any overlooking and privacy impacts towards neighbouring occupiers.

The basement would be served by a flush lightwell to the front elevation. The Council's Residential Design Guidance states that front lightwells should not be excessive in depth and should generally benefit from a flush grill rather than metal railings in order to mitigate visual impacts on the local street scene. In this instance, the property sits at a lower level from the adjacent highway. The proposed light-well would therefore not be entirely visible from the local street scene. The proposal is considered acceptable and in keeping with the local character.

Basement extensions have been identified at No. 92, 90, 88, 86, 84, 82 and 80. Whilst it is considered that ground levels have favoured these properties to benefit from such features, the proposal is considered to remain in keeping with the established character and appearance of properties along this part of Woodstock Road.

Loft Conversion

The proposed loft conversion would involve the creation of 1no side dormer facing No.76 Woodstock Avenue and 1no rear dormer. This element of the proposal has been considerably amended since the original submission which sought permission for a hip to gable extension and large rear dormer window.

The Council's Residential Design Guidance states that dormer extensions should appear as subordinate and sympathetic additions to the roof slope. Proposed dormers should not exceed half the width or half the depth of an existing roof. In this instance the proposed dormers have been amended in order to comply with the above guidance. The proposed side dormer would allow for a staircase to the proposed loft bedroom whilst the rear dormer will allow for adequate outlook and light.

It is noted that loft conversions appear to be a common feature amongst neighbouring properties. Similar side and rear dormers have been identified at the neighbouring premises at No.76 and No.92 Woodstock Road, whilst other properties benefits from full hip to gable roof extensions. It is appreciated that a number of these may have been constructed under permitted development rights.

Taking into consideration the amendments at roof level, it is considered that the proposed dormers will respect the size and massing of the existing roof and will remain in-keeping with the established character of the local area. The proposed side dormer extension will appear smaller in size than the adjacent one at No.76. Whilst the dormer will allow for access to the loft bedroom, a condition has been attached for the dormer to be obscure glazed in order to mitigate any overlooking and privacy impact to neighbouring occupiers.

Whilst it is noted that the proposal will contribute to additional windows at roof level, it is not considered that these will materially increase overlooking into neighbouring amenity areas when compared to the outlook currently enjoyed at first floor.

Overall, it is considered that the proposed loft conversion will respect the original size, character and massing of the host site and the roof topography of the local surroundings. The extensions are not considered to impact on neighbouring amenity by way of overlooking to a level which would warrant a reason for refusal.

Outbuilding

The proposed development would include an outbuilding to the rear garden. The outbuilding would measure a maximum of 2.5 metres in height and would abut the boundary with No.80 whilst being detached by approximately 0.77 metres from the boundary with No.76. The outbuilding would provide for a gym, shower room, and storage. It is considered that the proposed use would be ancillary to the enjoyment of the main dwelling and is therefore acceptable in principle. Similar outbuildings have been identified at Nos. 84, 86 and 88 Woodstock Road. The proposed would therefore remain in keeping with the character and appearance of the local surroundings as well as the pattern of development along the rear gardens of this part of Woodstock Avenue. Whilst it is appreciated that the application is not for a Certificate of Lawfulness, the height and

dimensions of the proposed outbuilding are considered to fall within the parameters of Class E, Part 1 Schedule 2 of the General Permitted Development Order.

Finally, taking into consideration the moderate height of 2.5 metres, it is considered that this element of the proposed development will remain subordinate to the main dwelling and will not appear overbearing and obtrusive towards neighbouring occupiers.

Following a site visit, it is noted that two larger trees are sited along the rear boundary with No.32 Montpellier Rise. Whilst it is acknowledged that the outbuilding would not abut the rear boundary the outbuilding would be in proximity to the larger trees. A condition has therefore been attached for the provision of a Tree Protection and Method Statement which will detail precautions to minimise damage to existing trees in accordance with Section 6.1 of British Standard BS5837: 2012.

Provision of Amenities of Future Occupiers

The existing property benefits from 4no. bedrooms located on the first floor. The existing plans suggest that two bedrooms would be sufficiently large to be classified as double-bedrooms. It is therefore considered that the total potential occupancy of the existing dwelling would result in 6 people.

The proposed subdivision would not increase the number of bedrooms but would allow for 3 x double bedrooms and one single room. The total proposed occupancy of 78 Woodstock Road would therefore result in 7 people.

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.' The proposed units would be subdivided as follows:

Flat 1 (Basement) 1 Bed 2 Person 76sq.m

Flat 2 (Ground Floor) 1 Bed 2 Person 64sq.m

Flat 3 (First and Second Floor) 2 Bed 3 Person 75sq.m (2 Storey Dwelling)

The Council's Sustainable Construction and Design (SPD) requires all new development to comply with the space standards as identified in the London Plan (2016). As stated in Table 2.1 of the SPD, the minimum residential space standard for a 1 Bed 2 Person flat should be 50m². The proposed basement (Flat 1) and ground floor (Flat 2) flats will therefore comply with and exceed the standard by 26sq.m and 16sq.m respectively.

With regards to 2 Bed 3 Person flats for 2 storey dwellings, the Council's guidance suggests that a minimum of 70m² should be provided. The proposed first and second floor unit will benefit from a total internal area of approximately 75sq.m, thus complying with the above requirement.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided".

The proposed unit at ground floor (Flat 2) and first floor (Flat 3) will benefit from adequate levels of fenestration to the front, side, and rear. It is considered that suitable outlook (mainly over the rear garden and the front garden) would be provided for the future occupiers of the above mentioned flats.

The basement flat, would benefit from a moderate lightwell to the front elevation and lightwell-come-private amenity to the rear. The proposed double bedroom would be located to the front of the unit facing Woodstock Avenue.

It is acknowledged that the outlook provided for the basement unit would not be ideal, especially to the front bedroom. Nevertheless, it must be noted that the proposed unit will be generous in size as it would exceed the minimum internal standards by 26sq.m. The property will benefit from a private rear patio which will contribute towards the provision of adequate residential amenity and will have direct access to the communal garden. On balance, it is therefore considered that, the generous size of the basement flat, combined with an acceptable provision of internal and external amenity space, would allow for comfortable living spaces and would not materially impact on the amenities of future occupiers to a level which would warrant a reason for refusal.

Part (d) of Policy DM04 (Development Management Policies 2012), states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless mitigation measures can be demonstrated. 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 proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units.

Outdoor Amenity

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5m² per habitable room (definition of a habitable room is set out in the glossary including the maximum size considered before a room is counted as two (20sq.m)).

The scheme includes the provision of a communal garden to the rear which would serve the future occupiers of the basement, ground floor and first floor units. The garden would be accessed through a side passage extending along the boundary with No.76 Woodstock Avenue. The total habitable rooms would result in 11 with a required provision of 55m² of outdoor amenity space.

In this instance, the proposed scheme would provide for approximately 56m² of outdoor amenity space within the rear garden. Additionally, the proposed outbuilding will contribute to an additional 17.5m² of internal amenity as it would provide for a gym, shower room, and storage.

The ground floor and basement units would benefit from 3 habitable rooms requiring 15m² of outdoor space. It must be noted that each unit will benefit from 7.6m² and 10.6m² respectively of additional private amenity space which contributes to the total provision. It is therefore considered that the proposed scheme would comply with the above requirements and would provide an acceptable and generous level of amenity space in compliance to the Council's Sustainable Construction and Design (SPD).

Taking all of the above into consideration, the proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Highways

The application site benefits from a PTAL rating of 2 (poor accessibility) notwithstanding its proximity to the Golders Green Town Centre. Woodstock Road is also included in a one hour Controlled Parking Zone in operation from Monday to Friday between 11am and 12pm.

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and the promotion of more environmentally friendly transport networks. This requires that developments are matched to capacity and promote the delivery of appropriate transport infrastructure.

Parking provision must meet Council's guidelines and the number of spaces must be in compliance with DM Policy Maximum standards. Policy DM17 of the Development Management Policies DPD states that normally up to 1 space should be provided for 1 bedroom units, 1-1.5 spaces should be provided for 2-3 bedroom units, 1.5-2 spaces for 4 bedroom units. As existing, the host site would have to provide a minimum 2 parking spaces. The property does not benefit from any off-street parking.

The proposal is for the conversion of the existing dwelling to the 2x1 bedroom units and 1x2 bedroom unit. Taking into consideration Policy DM17, the new occupancy, and the PTAL rating, the proposed development would have to provide for 3 off-street parking spaces.

The proposal would not provide for off-street parking and would result in need for of 1 additional parking space when compared to the existing dwelling. The following should be taken into account:

- o The site location is within walking distance from Golders Green Town Centre
- o The proposal is for a conversion
- o Observations show that there is on-street parking available in the vicinity of the site

Taking into consideration the above, it is not considered that the lack of 1 parking spaces would materially impact on the existing parking stress levels along Woodstock Avenue. The proposal is therefore considered acceptable on highways grounds and in compliance with policies CS9 and DM17.

With regards to cycle spaces, the proposed development will provide 6 cycle parking spaces located to the rear garden. The proposal is considered to comply with the London Plan Cycle Standards.

Sustainability

In respect of Carbon Dioxide emission reductions, a condition is attached requiring the scheme to achieve a minimum of 6% Carbon Dioxide reductions against 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.

With regard to water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency

measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

It is noted that a number of objections received were in response to the original proposal as submitted to the Local Planning Authority. It is noted that the proposal has been considerably amended since the original submission. Planning considerations and topics such as character, neighbouring amenity, highways, principle of development, overlooking, impact on trees, and design, have been addressed in the report above.

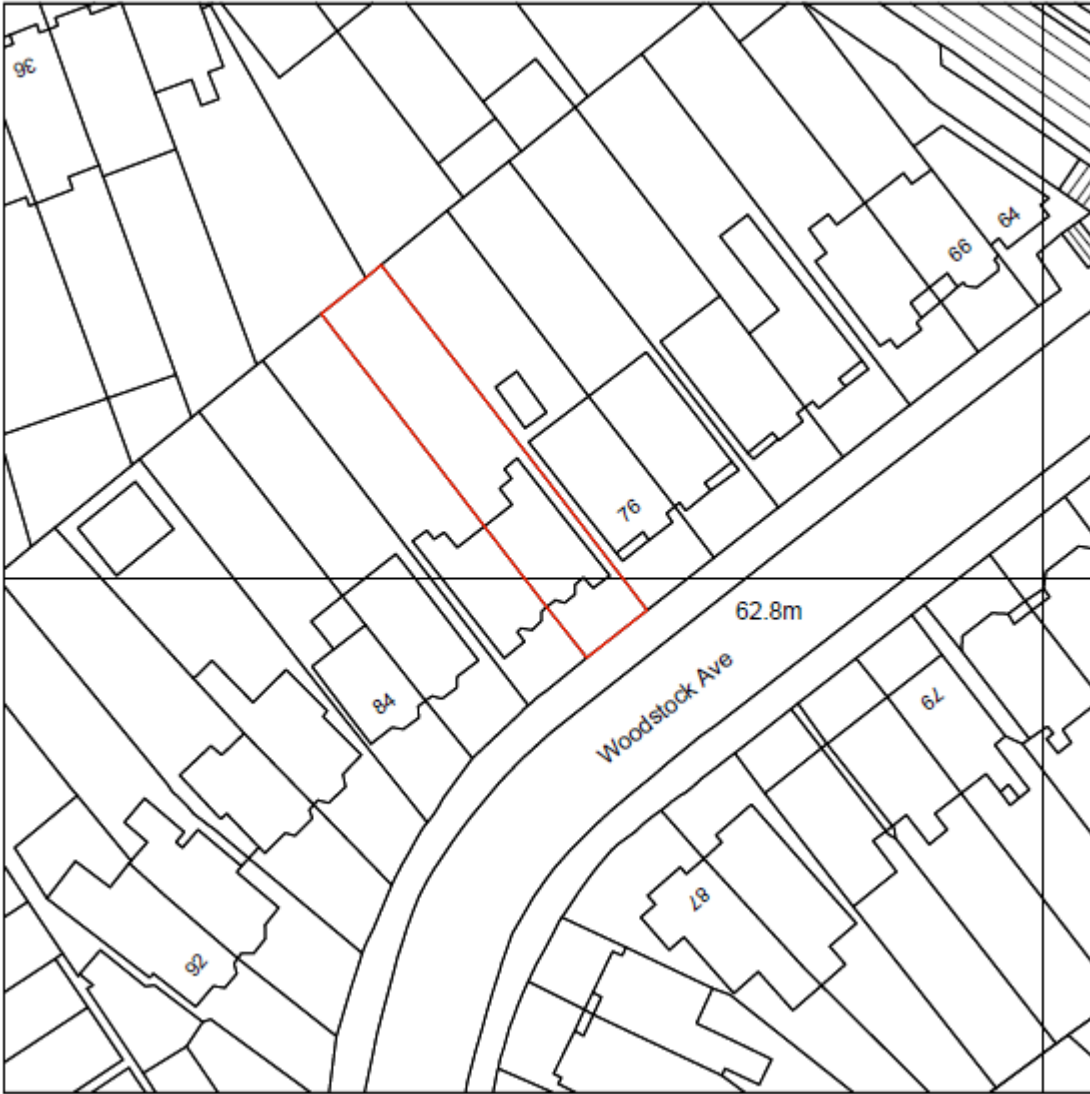
A number of objections address the potential of converting the outbuilding into further accommodation. It is noted that the proposal is only for the provision of ancillary uses. Any proposed conversion of the outbuilding into accommodation would require planning permission. Any residential accommodation of the outbuilding, without planning consent, would be considered a breach of planning control and would be enforceable by the Local Planning Authority.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **Tennis Court Rear Of 3 - 5 Corringway London NW11 7ED**

Reference: **18/4122/FUL**

Received: 3rd July 2018

Accepted: 3rd July 2018

Ward: Garden Suburb

Expiry 28th August 2018

Applicant: Ms Sarah Robinson

Proposal: Installation of 2no. CCTV cameras in the tennis court area

AGENDA ITEM 17

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:

Site Location Plan;

Plan showing positioning of cameras within site;

Photos showing location of cameras;

Camera specification details - HIK VISION DS-2CD2385FWD-I - 8 MP Network Turret Camera;

Design and Access Statement.

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

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

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

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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

Officer's Assessment

The application was deferred from the previous meeting to allow Members of the committee to undertake a site visit.

1. Site Description

The application site is located behind properties in Corringway accessed through a passage positioned between 3-5 Corringway, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The site has historically been used as a community tennis court for the use of residents of Hampstead Garden Suburb. Within the last decade the site fell into disrepair and became over-grown with vegetation. The site is now privately owned.

The Conservation Area Character Appraisal notes;

"Corringway is a cul-de-sac with a block of flats at its head. The immediate impression is pleasingly green. Privet hedges dominate, though some are laurel, while shrub frontages and low wooden gates have been generally retained. Attractive shrubs and trees in beds now line the road and there are no hardstandings to diminish front gardens. Burglar alarms, clamping warning notices, CCTV cameras and views of the phone mast over the roofscape detracts from the appearance of the close. "

2. Site History

Reference: F/03844/13

Address: R/O 3 -5 Corringway, London, NW11 7ED

Decision: Approved subject to conditions

Decision Date: 10/10/2013.

Description: Retention of existing tennis court including laying of new surface, hard and soft landscaping. Replacement fencing and gates. Retention of replacement of existing timber loggia

3. Proposal

This application seeks consent for the installation of 2no. CCTV cameras in the tennis court area.

The cameras will be positioned with one on the rear of the entrance door to the tennis courts, and the second on the front of the wooden shed at the southern corner of the site.

4. Public Consultation

A site notice was erected on 19/7/2018

A press notice was published on 12/7/2018

25 consultation letters were sent to neighbouring properties.

7 responses have been received, comprising of 6 objections and 1 comment

The views of objectors can be summarised as follows;

- No need for cameras as gates, fences and high hedges
- Loss of privacy

- Concerns that CCTV requires electricity supply which will be used for unspecified uses if the owner wanted to develop the site further
- Intrusive
- Impact on traffic and parking

HGS CAAC - No objection.

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 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, 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.

ul 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 (2016)
Sustainable Design and Construction SPD (2016)

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 Preamble

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.

5.3 Assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted.

This application seeks consent for the installation of two white CCTV cameras within the boundary of the tennis court site to the rear of properties in Corringway. Access to the tennis court is through a gated path positioned between 3- 5 Corringway.

The first camera is shown to be positioned above the entrance gate to the tennis court at an approximate height of 2.5m directly facing on to the tennis court. The second camera is shown to be sited on the front face of the existing timber shed within the site, again at an approximate height of 2.5m directly facing towards the main entrance gate.

It should be noted that the Hampstead Garden Suburb Trust has given approval for the cameras on the condition that the background imagery is removed to respect the privacy of neighbours. The type of camera proposed (HIK VISION DS-2CD2385FWD-I - 8 MP Network Turret Camera) can provide this restriction. Furthermore, it should be noted that the Conservation Area Advisory Committee raised no objection to the proposals.

The small nature and discreet positioning of the cameras are considered to ensure that these additions do not detrimentally impact on the character and appearance of the application site, wider Conservation Area or amenity of neighbouring occupiers. There has been an increase in applications for CCTV with in the Conservation Area, but through negotiation none have been refused. The details provided are considered to be acceptable and demonstrate that the cameras will not appear too prominent in their position, or detract from the overall character and appearance of the application site.

Given the positioning of the proposed cameras, the proposals are not considered to give rise to any detriment to trees of a high amenity value.

Having taken all material considerations into account, the proposed alterations would not detrimentally impact on the qualities of the application site 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 site, street scene, conservation area, and area of special character.

5.4 Response to Public Consultation

The concerns raised that there is no need for cameras as gates, fences and high hedges is noted, however, the need for the cameras is not a material planning consideration.

The concerns raised that the proposed CCTV cameras will result in a loss of privacy and will be intrusive are noted, however, the cameras will not be positioned in a way that will overlook any neighbouring site.

The concerns that CCTV requires electricity supply which will be used for unspecified uses if the owner wanted to develop the site further are not a material planning consideration.

There is not considered to be any impact on traffic and parking as a result of the proposals.

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, the proposed alterations would not detrimentally impact on the qualities of the application site 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 site, street scene, conservation area, and area of special character.

© Crown copyright and database rights 2012 Ordnance Survey 100009116.
You are not permitted to copy, sub-license, distribute or sell any of this data to third parties in any form.



Location **Blocks 1-6 Britten Close & Blocks 7-9 Chandos Way London
NW11 7HW**

AGENDA ITEM 18

Reference: **18/3187/FUL**

Received: 24th May 2018

Accepted: 29th May 2018

Ward: Garden Suburb

Expiry 28th August 2018

Applicant: B & C Crestpearl Limited

Proposal: Erection of part 1, part 2 storey rooftop extensions to seven existing blocks to create 19no. self-contained flats, with private amenity space and ancillary gym within Block 7 and external lift shafts to each block. Provision of 21 additional parking spaces, 50 cycle spaces, external children's play space; photovoltaic (PV) panels and upgrading of existing refuse and recycling stores and new landscaping and access arrangements.

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. Contribution of payment towards affordable housing of £641,512. The contribution shall be subject to a late stage review mechanism.
4. Contribution of £48,357 towards off-setting the net zero carbon requirement (62.11%).

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control 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 Control or Head of Strategic Planning:

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

1667-PL-ST-000 A (Site Location Plan, General Arrangement, As Existing)
1667-PL-ST-001 A (Site Plan, General Arrangement, As Existing)
1667-PL-ST-002 A (Chandos Way, Block Plan, As Existing)
1667-PL-ST-003 A (Britten Close, Block Plan, As Existing)
1667-PL-ST-004 (Parking Layout, General Arrangement, As Existing)
1667-PL-ST-600 C (Site Plan, General Arrangement, As Proposed)
1667-PL-ST-601 A (Chandos Way, Block Plan, As Proposed)
1667-PL-ST-602 A (Britten Close, Block Plan, As Proposed)
1667-PL-ST-603 A (Parking Layout, General Arrangement, As Proposed)

1667-PL-DOC-008 (Britten Close View, As Proposed)
1667-PL-DOC-009 (Chandos Way View, As Proposed)
1667-PL-DOC-010 (Roof Light Schedule)
1667-PL-DOC-011 (Sun Tunnel Specification)
1667-PL-DOC-012 A (Area Schedule)

1667-PL-GA-010 A (Block One, Ground Floor, As Existing)
1667-PL-GA-011 A (Block One, Roof Plan, As Existing)
1667-PL-GA-020 A (Block Two, Ground Floor Plan, As Existing)
1667-PL-GA-021 A (Block Two, Roof Plan, As Existing)
1667-PL-GA-050 A (Block Five, Ground Plan, As Existing)
1667-PL-GA-051 A (Block Five, Roof Plan, As Existing)
1667-PL-GA-060 A (Block Six, Ground Floor Plan, As Existing)
1667-PL-GA-061 A (Block Six, Roof Plan, As Existing)
1667-PL-GA-070 A (Block Seven, Ground Floor Plan, As Existing)
1667-PL-GA-071 A (Block Seven, Roof Plan, As Existing)
1667-PL-GA-080 A (Block Eight, Ground Floor, As Existing)
1667-PL-GA-081 A (Block Eight, Roof Plan, As Existing)
1667-PL-GA-090 A (Block Nine, Ground Floor Plan, As Existing)
1667-PL-GA-091 A (Block Nine, Roof Plan, As Existing)
1667-PL-GA-100 A (Site Sections AA, As Existing)
1667-PL-GA-101 A (Site Sections BB, As Existing)
1667-PL-GA-210 A (Block One, West Elevation, As Existing)
1667-PL-GA-211 A (Block One, East Elevation, As Existing)
1667-PL-GA-212 A (Block One, North & South Elevation, As Existing)
1667-PL-GA-220 A (Block Two, West Elevation, As Existing)
1667-PL-GA-221 A (Block Two, East Elevation, As Existing)
1667-PL-GA-222 A (Block Two, North & South Elevations, As Existing)
1667-PL-GA-250 A (Block Five, East Elevation, As Existing)
1667-PL-GA-251 A (Block Five, West Elevation, As Existing)
1667-PL-GA-252 A (Block Five, North & South Elevation, As Existing)

1667-PL-GA-260 A (Block Six, East Elevation, As Existing)
1667-PL-GA-261 A (Block Six, West Elevation, As Existing)
1667-PL-GA-262 A (Block Six, North & South Elevation, As Existing)
1667-PL-GA-270 A (Block Seven, North Elevation 01, As Existing)
1667-PL-GA-271 A (Block Seven, North Elevation 02, As Existing)
1667-PL-GA-272 A (Block Seven, South Elevation, As Existing)
1667-PL-GA-273 A (Block Seven, West Elevation, As Existing)
1667-PL-GA-274 A (Block Seven, East Elevation, As Existing)
1667-PL-GA-280 A (Block Eight, North Elevation, As Existing)
1667-PL-GA-281 A (Block Eight, South Elevation, As Existing)
1667-PL-GA-282 A (Block Eight, East & West Elevation, As Existing)
1667-PL-GA-290 A (Block Nine, East Elevation, As Existing)
1667-PL-GA-291 A (Block Nine, West Elevation, As Existing)
1667-PL-GA-292 A (Block Nine, North & South Elevation, As Existing)

1667-PL-GA-610 A (Block One, Ground Floor Plan, As Proposed)
1667-PL-GA-611 A (Block One, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-620 A (Block Two, Ground Floor, As Proposed)
1667-PL-GA-621 B (Block Two, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-650 A (Block Five, Ground Floor Plan, As Proposed)
1667-PL-GA-651 A (Block Five, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-660 A (Block Six, Ground Floor Plan, As Proposed)
1667-PL-GA-661 A (Block Six, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-670 A (Block Seven, Ground Floor Plan, As Proposed)
1667-PL-GA-671 B (Block Seven, 4th Floor Plan, As Proposed)
1667-PL-GA-673 B (Block Seven, 5th Floor Plan, As Proposed)
1667-PL-GA-674 B (Block Seven, Roof Plan, As Proposed)
1667-PL-GA-680 A (Block Eight, Ground Floor Plan, As Proposed)
1667-PL-GA-681 A (Block Eight, 4th, 5th and Roof Plan, As Proposed)
1667-PL-GA-690 A (Block Nine, Ground Floor Plan, As Proposed)
1667-PL-GA-691 B (Block Nine, 4th and Roof Plan, As Proposed)
1667-PL-GA-700 C (Site Section AA, As Proposed)
1667-PL-GA-701 C (Site Section BB, As Proposed)
1667-PL-GA-810 A (Block One, West Elevation, As Proposed)
1667-PL-GA-811 A (Block One, East Elevation, As Proposed)
1667-PL-GA-812 A (Block One, North & South Elevation, As Proposed)
1667-PL-GA-820 A (Block Two, West Elevation, As Proposed)
1667-PL-GA-821 A (Block Two, East Elevation, As Proposed)
1667-PL-GA-822 A (Block Two, North & South Elevation, As Proposed)
1667-PL-GA-850 A (Block Five, East Elevation, As Proposed)
1667-PL-GA-851 A (Block Five, West Elevation, As Proposed)
1667-PL-GA-852 A (Block Five, North & South Elevation, As Proposed)
1667-PL-GA-860 A (Block Six, East Elevation, As Proposed)
1667-PL-GA-861 A (Block Six, West Elevation, As Proposed)
1667-PL-GA-862 A (Block Six, North & South Elevation, As Proposed)
1667-PL-GA-870 A (Block Seven, North Elevation 01, As Proposed)
1667-PL-GA-871 B (Block Seven, North Elevation 02, As Proposed)
1667-PL-GA-872 B (Block Seven, South Elevation, As Proposed)
1667-PL-GA-873 A (Block Seven, West Elevation, As Proposed)
1667-PL-GA-874 B (Block Seven, East Elevation, As Proposed)
1667-PL-GA-880 A (Block Eight, North Elevation, As Proposed)
1667-PL-GA-881 B (Block Eight, South Elevation, As Proposed)
1667-PL-GA-882 B (Block Eight, East & West Elevation, As Proposed)

1667-PL-GA-890 B (Block Nine, East Elevation, As Proposed)
1667-PL-GA-891 B (Block Nine, West Elevation, As Proposed)
1667-PL-GA-892 B (Block Nine, North & South Elevation, As Proposed)

Air Quality Impact Assessment (dated 16.04.18)
Arboricultural Impact Assessment (dated 10.04.18)
Covering Letter (dated 23.05.18)
Daylight & Sunlight Study (dated April 18)
Design & Access Statement (dated May 18)
Energy Statement (dated 19.04.18)
Financial Viability Assessment (dated 23.05.18)
Flood Risk Assessment (dated 12.04.18)
Drainage Memo from Hilson Moran (dated 26.06.18)
Drainage Memo from Hilson Moran (dated 27.07/18)
Heritage Appraisal (dated May 2018)
Independent Viability Assessment Review (dated October 18)
Noise and Vibration Impact Assessment (dated 11.05.18)
Planning Statement (dated May 18)
Preliminary Ecological Appraisal and Preliminary Bar Roost Assessment (dated 13.04.18)
Overheating Risk Analysis Report (dated 19.04.18)
Roof Light Schedule (dated 18.04.18)
Statement of Community Involvement (dated October 17)
Sun Tunnel Specification (dated April 18)
Sustainability Statement (dated 19.04.18)
Transport Statement (April 18)
Utilities Statement (dated 26.01.18)
Visual Impact Assessment (dated February 18)

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

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

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

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

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

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

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors' compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

- 6 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).

7 a) No development other than demolition works shall take place on site until a noise assessment of the detailed construction scheme, 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 2016.

8 Prior to installation, details of the sun tunnels shall be submitted to and approved in writing by the Local Planning Authority.

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) A scheme of hard and soft landscaping, including levels and details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping and improvements to promote biodiversity, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

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

10 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 2016.

11 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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.

12 a) Before the development hereby permitted is first occupied, a scheme detailing all play equipment to be installed in the communal amenity space shown on the drawings hereby approved 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 that the development represents high quality design and to accord with Policy CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013), the Planning Obligations SPD (adopted April 2013) and Policy 3.6 of the London Plan 2015.

13 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development

shall be carried out and constructed in accordance with the approved details.

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 CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 14 The level of noise emitted from the ventilation/ extraction plant for the residential use 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 2016.

- 15 The gym shown on the plans approved under this application shall be used only as an ancillary facility as part of the scheme hereby approved and solely by the occupiers of the development hereby approved. The gym shall not be operated as a separate stand-alone facility or planning unit. The gym shall only be open during the hours of 7am - 10pm.

Reason: To ensure that the development operates as considered under this application and does not prejudice the amenities of occupiers of neighbouring residential properties and the future occupiers of the proposed residential dwellings in accordance with policy DM01 of the Barnet Local Plan.

- 16 Before the development hereby permitted is occupied the car parking spaces shown on Drawing No. PL-ST-601 Rev. A and PL-ST-602 Rev. A 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.

- 17 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

18 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

19 The mitigation measures as detailed within the approved Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment shall be implemented in full accordance.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

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 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% (2

units) 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.

- 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 37.9% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 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 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).

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 March 2019, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of affordable housing and carbon off-set fund. The proposal would therefore not address the impacts of the development, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of

development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

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

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

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

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

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

- 3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 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."

- 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 or 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.

Officer's Assessment

1. Site Description

The application site is located within the Chandos Way estate, within the Garden Suburb ward. The estate, constructed in the mid-1970s, consists of nine, four-storey blocks comprising of 220 flats. Blocks 1-6 are situated around Britten Close at the eastern side of the estate, with blocks 7-9 situated at the western end of Chandos Way.

The existing buildings are visually imposing brick constructed structures with lead clad mansard roofs. The buildings are constructed with flat roofs and have a series of rooflights providing light to the upper floor flats. The site benefits from large areas of amenity space around the existing blocks, with large mature trees and shrubs planted around the site boundaries.

The site is accessed by a single access road (Chandos Way) from Wellgarth Road and is served by a total of 250 car parking spaces (220 allocated for residential use and 30 visitor parking spaces).

The site is located within an established residential area. The town centre of Golders Green is located approximately 500m to the south. To the north of site, lies the mansion block of Heathcroft and the properties of Reynolds Close. This area forms part of the Hampstead Garden Suburb (HGS) Conservation Area and contains a number of statutory listed buildings. To the east of blocks 3 and 4 is North End Road (A502) which comprises of two-storey and semi-detached properties. Wellgarth Road bounds the application site to the east, which comprises of predominately two-storey semi-detached or detached properties. This street lies within the HGS Conservation Area and consists of a number of locally listed buildings. To the south-west of the site and at the end of Chandos Way is a recently completed residential development of 45 dwellings (Hampstead Reach). To the south of blocks 1-6 and east of blocks 7-9 is the Northern Line Underground tracks with Golders Green Underground Station situated further to the south.

2. Site History

Reference: 15/03208/FUL

Address: Blocks 4 And 5, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of an additional floor at fourth floor level to create four no. 3-bedroom flats, the erection of lift and stair access and the provision of cycle storage.

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: F/01319/12

Address: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road, London, NW11 7HP

Decision: Approved following legal agreement

Decision Date: 22.09.2014

Description: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.

3. Proposal

The application seeks permission for the construction of rooftop extensions to seven of the nine residential blocks. The proposed scheme consists of part single, part two-storey extensions to provide 19no. self-contained flats; 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units. Two of the proposed units would be wheelchair accessible.

Single storey extensions are proposed to blocks 2, part 7 and 9. Two-storey extensions to blocks 1, 5, 6, part-7 and 8. Blocks 3, 4 and part of 7 are not proposed to be extended.

The proposed massing will be set inboard of the parapet on all sides and will have a steep pitch roof facing the inner courtyard, and a larger vertical solid masonry wall with lightweight glazing on the outer facing elevations with a smaller pitch roof. An open gallery is proposed to the inner courtyard elevations to provide access to the new roof units. The extensions are proposed to be clad entirely in a pre-weather red-brown zinc. Each new flat would benefit from private roof terraces.

The proposed extensions will be supported by an independent structural frame. Columns are proposed to be positioned away from window openings, at points of vertical emphasis on the existing facades, running down the stair cores on the courtyard elevations and on solid masonry facades to the rear. The structure is proposed to be concealed behind matching brick cladding.

One of the existing stair cores from each proposed block will be extended and a new lift added. This will provide access to the intermediate floors as well as the new roof extensions. The proposed lift structures will be wrapped in a perforated mesh to allow natural light to filter through. Lightweight canopies are proposed at ground floor level to indicate entrances and at roof level to provide sheltered access.

The proposal would involve constructing over the existing rooflights, which serve communal and private stairwells, bathrooms, living rooms, bedrooms and kitchens. A number of these which serve kitchens would be replaced by new sun tunnels which would allow light to penetrate through the new flats into the existing third floor flats below.

The proposal also consists of the provision of new ancillary gym (52sqm) within the rooftop extension to block 7, improved landscaping (including 140sqm of new children's play space) and enlargement and improvement of existing refuse and recycling stores. A total of 21 additional car parking spaces (including 2 disabled spaces) is proposed, of which 12 are provided by way of below-ground car stackers. 50 new cycle parking spaces are proposed for use by all residents.

The proposed development was amended during the course of the application to include the following changes:

- Reduction of extension to block 9 from two-storeys to single-storey.

4. Public Consultation

Consultation letters were sent to 768 neighbouring properties. Following the submission of amended plans, a period of re-consultation was undertaken for 21 days.

245 responses have been received in total, comprising 242 letters of objection and 3 letters of support. 38 Letters of objection were received following the period of re-consultation.

The objections received can be summarised as follows:

- Previous applications of rooftop extensions were refused;
- Contrary to development plan;
- The proposal does not represent sustainable development;
- Un-aesthetic design;
- Overdevelopment;
- Additional floors will be very visible;
- New design will be unevenly spread across the existing buildings;
- Proposed height is out of proportion;
- Design is out of context;
- Inappropriate external materials;
- Proposed extensions are not subservient;
- Design is ugly and out of keeping with the symmetry, materials and appearance;
- Increase in height and bulk is not acceptable;
- Increase in visual bulk;
- Proposed materials are not in keeping with the look of Hampstead Garden Suburb;
- Negative impact on the listed buildings at Reynolds Close and on the Hampstead Garden Suburb Conservation Area;
- Proposal is overbearing, overpowering and intrusive;
- Proposal will create an enclosed feeling;
- Increased units will result in overcrowding;
- Proposed provision of solar panels will be highly visible;
- Loss of existing rooflights is unacceptable and will result in loss of natural daylight;
- Existing ventilation provided through the rooflights will be lost;
- Proposed sun tunnels will not work and will not provide adequate light;
- Proposal will create overlooking opportunities;
- Impact on privacy, sunlight and would suffer overshadowing;
- Ruin the harmonious, calm, green layout that currently exists;
- Lessen the light and feeling of space and make the area dark, ugly, foreboding and claustrophobic;
- Proposed gym space is not appropriate and unwanted by the existing residents;
- Loss of green space;
- Impact on trees;
- Adverse noise and disturbance through construction;
- Impact on the setting of Hampstead Heath;
- Proposal will result in increased traffic;
- Insufficient provision of parking;
- Loss of visitor parking spaces;
- Provision of car stackers are not appropriate and will be noisy;
- Impact of vibrations of TfL underground;

- Proposed lift shafts will generate adverse noise;
- Asbestos is present on site and its removal could have a harmful effect on residents;
- Impact on waste, sewerage pipes and water supply;
- Provision of new children's play space is not wanted by existing residents and will be noisy;
- Proposed provision of flats will not support the affordable housing crisis;
- Adverse impacts significantly and demonstrably outweigh any benefits;
- Disagree with conclusions of the submitted visual impact assessment;
- Heritage impact assessment is flawed;
- Requirement for increased bins;
- Impact on right of light;
- Impact on air quality;
- Proposed works will impact on structural stability of existing buildings.

The letters of support received can be summarised as follows:

- This is an attractive and well-designed extension;
- Provision of additional much needed homes;
- Ingenious way to create more living space in the cramped London suburbs;
- Good access to public transport and amenities;
- Creative solution which could be scaled and applied across the country.

Internal and External Consultee Comments

Arboricultural Officer – No objection subject to conditions.

Designing Out Crime Officer – No objection.

Drainage – No objection.

Environmental Health – Potential concerns expressed about the potential noise issues from the proposed gym.

Thames Water – No objections in terms of capacity for foul water and surface water.

Traffic and Development – No objection subject to conditions.

Hampstead Garden Suburb Trust – Objection. This is a poorly conceived scheme that would do considerable damage to the architectural and environmental qualities of the existing 1970's buildings, damage the setting of the Hampstead Garden Suburb Conservation Area, cause great harm to the amenities of residents in the conservation area and harm the setting of listed buildings of international significance.

Hampstead Garden Suburb CAAC – Agree with the views of the Trust. Objection.

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, CS4, CS5, CS7, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM10, DM16, DM17,

Supplementary Planning Documents

Affordable Housing (adopted February 2008)

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:

- Principle of development;
- Provision of affordable housing;
- Whether harm would be caused to the character and appearance of the existing buildings, the street scene and the wider locality;
- Whether harm would be caused to the setting of the statutory listed buildings and Hampstead Garden Suburb Conservation Area;

- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways, access and parking provision; and
- Any other material considerations.

5.3 Assessment of proposals

Previously, there were two applications submitted under references: 15/03208/FUL and 15/03207/FUL for the erection of single-storey rooftop extensions to blocks 4 & 5 and 7 & 8 to provide a total of 8no. flats. Both applications were presented to the FGG Planning Committee on 21st January 2016 and were refused for the following reasons:

1. The proposed development by virtue of the size and siting would result in an incongruous form of development that would erode the uniformity of the buildings and the estate as a whole to the detriment of the visual amenities of the area and the character and appearance of the streetscene. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012) and policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012).

2. The proposed development by virtue of its siting over existing rooflights serving the top floor flats would lead to significant reduction of natural light being received to these flats and result in a substandard quality of accommodation giving rise to an unacceptable loss of existing residential amenities. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012) and policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012).

3. The proposed development would result in the loss of existing visitor parking spaces. As such, the proposal is likely to result in an unacceptable increase in parking pressure in the area detrimental to the free flow of traffic and highway and pedestrian safety contrary to policies CS9 of the Adopted Local Plan Core Strategy and Policy DM17 of the Adopted Development Management Policies 2012.

This application seeks to address the above reasons for refusal. Each reason will be addressed within the relevant section below.

Principle of development

The application seeks permission for the rooftop extension to provide additional residential units. Given that the proposed development would be located in a residential context, the proposal for additional flats would be in keeping with the established residential context.

Section 8.3 of Barnet's adopted Core Strategy encourages the efficient use of land and buildings to promote higher densities. Among other areas, locations which are accessible by public transport will be encouraged for higher densities. However, it is one of many important factors to take into account in the decision-making process, along with local context, design, transport accessibility and infrastructure. These factors will be discussed within the report.

The application provides for 12 x 3-bed flats which responds to an established housing need that the Council has established through the evidence gathered to support the development of the Local Plan and policy DM08 states that in meeting housing need, three and four bedroom units are a priority dwelling mix requirement. The scheme would be acceptable in this regard.

Provision of affordable housing

Barnet policy DM10 seeks a provision of 40% of affordable housing, subject to viability, from all new developments providing 10 or more units. The scheme comprises 19 units and therefore would be liable to provide affordable housing.

The applicant has prepared and submitted a financial viability assessment by Douglas Birt Consulting. Savills, were instructed by the LPA to carry out an independent review of the submitted viability assessment. Following their review, a contribution of £641,512 has been agreed with the applicant.

Officers are satisfied that an off-site contribution is acceptable in this instance. Following an independent review of the submitted financial viability assessment, an agreed financial contribution has been agreed between the applicant and the LPA. Therefore, the proposal is considered to comply with the requirements of policy DM10.

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

It is acknowledged that within the existing estate, there is an established uniformity of design and consistent architectural character, including materials, elevational design, size, scale and massing. This has not been significantly altered over the period of time since its construction. The previously refused proposals were heavily criticised and refused for eroding this uniformity by only part extending a number of the blocks. Therefore, the proposal now seeks to extend seven of the nine blocks in order to overcome the reason for refusal. The extensions to Blocks 1, 5, 6, part-7 and 8 will be two-storeys and blocks 2, part-7 and 9 will be single-storey in height.

The proposed massing would be built up from a new floor level above the existing roof, supported by independent structural frame. The footprint will be stepped back from the existing parapet on all sides. On the inner courtyard elevation, there is a semi-open lightweight structure providing an access gallery, with a steep roof pitch incorporated to help reduce the visual mass seen from ground level. At the outer facing elevations, there is a taller vertical emphasis with lightweight glazed elements which sits on top of the existing solid masonry façade. The extensions are to be clad entirely in a pre-weathered red-brown zinc. The proposed lift shafts are to be constructed in a lightweight steel structure and wrapped in a perforated metal mesh.

Officers are satisfied the proposed design, massing, scale, height and external materials are appropriate in this instance. The proposal would provide a comprehensive extension of the existing estate where the design and height has been carefully developed in combination with Officers. The decision not to extend blocks 3 and 4 was informed by the existing buildings being fairly visible from the junction of Wellgarth Road and North End Road. Any extension to these blocks would be highly visible and therefore it was decided to omit these blocks. The location of the single-storey extensions were carefully selected so that in more sensitive parts of the site, such as views from the adjoining conservation area and from the newly constructed Hampstead Reach, the visual impact would be limited. It was considered that single-storey extensions could be introduced to these areas and would not have significant adverse effects on the character and appearance of the site or surrounding area.

With the site being bounded by the stretch of the London Underground, wider views of the site were considered to be limited and the two-storey elements could be proposed to blocks 5, 6, 7 and 8 without any significant harm to the character and appearance of the area.

It was originally proposed to have a two-storey extension to block 9, but was reduced to single-storey during the application process. This reduction was requested as it was considered that a two-storey extension was considered to have a harmful overbearing effect on the adjacent development at Hampstead Reach.

The existing staircase towers will be extended with a lightweight structure to provide a canopy to the proposed new upper level of the staircase. The proposed lift shafts would be stepped in from the existing staircase towers and whilst they will introduce a new tall element within the estate, their design with a perforated mesh is considered to help reduce their visual impact. In addition, only one lift shaft will be constructed to each block, which will reduce any cluttered appearance of the front elevations and within the courtyards.

Whether harm would be caused to the setting of the statutory listed buildings and Hampstead Garden Suburb Conservation Area

The Hampstead Garden Suburb Conservation Area is located adjacent to the site to the north-east and south-east. There are Grade II listed buildings in Reynolds Close and Heathcroft. In the Character Appraisal, this part is known as Area 5 – Rotherwick Road, Hampstead Way. In terms of the nature of the buildings found in this area, buildings are generally larger and detached, with some higher density flatted buildings.

In terms of views from the conservation area, Officers acknowledge that the proposal will be visible from certain parts; blocks 1 and 2 from Wellgarth Road and blocks 6 and 7 on Hampstead Way between Heathcroft and Reynolds Close.

Block 1 would have single-storey and block 2 would be two-storeys in height. The proposal is considered to be apparent only within background views, whilst block 2 is closer to the properties of Wellgarth Road, it will only involve a single-storey extension and the visual impact is not considered to be significantly harmful. In terms of block 1, the extension would be higher, but has a greater separating distance and intervening landscape from Wellgarth Road. Whilst the proposal would be visible from this street, the overall impact taking into account the differing scale of extensions and the separating distance and existing mature landscaping, means the proposal would only be apparent within background views which is not considered to be significantly harmful or overbearing to the character and appearance of the HGS Conservation Area.

Block 6 would have a two-storey extension with block 7 being single-storey at the nearest part to Reynolds Close. The views of the extensions would principally be the side elevations and viewed between buildings. Block 6 would be partially hidden by Heathcroft with a clearer view of block 7 being visible from Hampstead Way. However, the proposal by virtue of its single-storey nature, the separating distance from the public conservation area viewpoint and the intervening landscaping, is not considered to have a significant harmful impact on the character and appearance of the conservation area. Officers consider that the proposal would be visible as a background structure and not as an overbearing or obtrusive development.

Overall, while the proposal will be visible from certain parts of the conservation area, Officers consider that a number of factors limit the proposal's impact and the significance to the

character and appearance of the HGS Conservation Area is considered to result in less than substantial harm.

In terms of the potential impact on the statutory and locally listed buildings, the Estate is separated from the properties to the north-east by substantial mature planting, with a distance of between 35-40m from the proposed development and the buildings in Reynolds Close and Heathcroft. The scale and height of development has been carefully considered so that single-storey extensions are only proposed to blocks 2 and 7 as they have closer links to the surrounding properties than the other blocks. In regard to Reynolds Close and Heathcroft, they would mainly experience the side profiles of the extensions but taking into account the separation distance, it is not considered that the setting of these buildings would be significantly harmful. The extensions would be apparent within wider views when seen from Reynolds Close and Heathcroft. From Wellgarth Road, the proposed development will be visible but not considered to be significantly harmful. Block 2 will be single-storey, whilst this block is located further away from the properties along Wellgarth Road, the distance is considered to help reduce any potential visual impact. Officers consider that that a number of factors mentioned above, limit the proposal's impact on the setting on the listed of locally listed buildings and the overall harm is considered to be less than substantial.

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

The impact of the proposed development on the residential amenity of existing occupiers and neighbouring properties is one of the most significant issues arising out of the public consultation period. The amenity impacts principally relate to the loss of light and ventilation through existing rooflights, impact on privacy through overlooking, sense of enclosure and overbearing and noise and disturbance that would arise from the construction of the proposal and additional occupiers on the site.

Impact on light levels

Notwithstanding the impact from the loss of the rooflights and provision of sun tunnels which is addressed separately below, the applicant has provided a daylight and sunlight survey to assess the neighbouring residential properties that may be potentially affected by the proposed development. This has been carried out in accordance with the methodology and recommendations of the Building Research Establishment (BRE) report and guidance for daylight and sunlight.

The following buildings have been assessed as part of this survey:

- Blocks 1-9 of Britten Close/ Chandos Way;
- Hampstead Reach;
- Reynolds Close;
- Wellgarth Road; and
- North End Road.

This report does not undertake an assessment as to the loss of existing rooflights and the suitability of the proposed sun tunnels This has been considered separately.

A baseline analysis has been undertaken of the existing development in order to compare the existing situation against the results of the proposed development. The survey states that the existing buildings generally received very good levels of light, with the majority of baseline results in excess of the recommended 20% Vertical Sky Limit (VSL). The report explains that where the results are below this figure, it is a result of the building design which is self-obstructing through return elevations and overhead balconies.

In terms of Blocks 1-9, 799 rooms were considered within the nine blocks for VSC. Of these 676 (84.6%) met the BRE guidelines, with 78 (9.8%) experiencing a minor adverse impact (20-29.9%), 13 (1.6%) experiencing a moderate impact (30-39.9%) and 32 (4%) experiencing major effects (>40%). When assessing the distribution of daylight (NSL), 95.9% of the rooms considered met the BRE guidelines. When seeking to justify the impacts, the report notes that the presence of self-obstructing overhangs and articulation of the building can affect the results. A secondary assessment was undertaken which discounted the overhang effects. When run, the figures for VSC compliance increased to 91.9% and 97.6% for light distribution. The results of this assessment illustrate that there is a general good level of compliance and a number of existing units are impacted by the existing self-obstructing nature of the blocks.

The table below summarises the results for VSC and NSL.

VSC	VSC (self-obstructions removed)	NSL	(NSL (self-obstruction removed)
676 (84.6%) passed	734 (91.9%) passed	766 (95.9%) passed	780 (97.6%) passed
78 (9.8%) minorly impact	51 (6.4%) minorly impact	12 (1.5%) minorly impact	7 (0.9%) minorly impact
13 (1.6%) moderately impact	7 (0.9%) moderately impact	4 (0.5%) moderately impact	3 (0.4%) moderately impact
32 (4%) substantially impacted	7 (0.9%) substantially impacted	15 (1.9%) substantially impacted	9 (1.1%) substantially impacted

The survey undertook an assessment of the sunlight analysis (APSH) which states that 260 (98.5%) of the windows tested meet the relevant BRE guidelines. Only 4 windows did not meet the guidelines.

In terms of the neighbouring properties surrounding the site, the results demonstrate that all tested rooms fully comply with the BRE guidelines in terms of VSC, NSL and APSH.

Having considered the submitted report, Officers are satisfied that sufficient information has been submitted to demonstrate that the existing residential units will continue to receive good levels of light. It has been justified that the existing design of the blocks has an existing impact on daylight/sunlight levels and when discounted, the overall compliance number increases.

Loss of light and ventilation from rooflights and provision of sun tunnels

The upper level flats within each of the blocks benefit from a number of rooflights which serve as either the primary source of light to kitchens, bathrooms and stairwells or as secondary windows to bedrooms or living rooms. To the kitchens and bathrooms, these rooflights also serve as a means of providing ventilation to those rooms. Rooflights also provide light to the communal stairwell. The rooflights vary in size depending on the room they serve, however, those windows which serve kitchens are typically the largest. Officers undertook an accompanied site visit and viewed around 4 or 5 different flats which had a variation of layouts or rooflight arrangement.

With the proposed development seeking to extend upwards, it is proposed to remove all rooflights and replace those which serve a kitchen with a tubular sun tunnel. These would

run through vertical voids in the proposal, allowing for sunlight to penetrate down to the existing flats. The sun tunnels would protrude from the top of the roof slope with glass domes.

The loss of these rooflights has caused considerable concern to the occupiers of the upper level units and the value of these was explained to Officers during the site visit. Not considering the kitchen rooflights, Officers do not consider that the rooflights provide significant amenity to the occupiers of those units. These are small rooflights and whilst it is acknowledged that some level of amenity is provided, it is not considered essential to the use of the flat. These rooflights include stairwells and bathrooms and whilst it is considered a benefit to possess, they do not provide essential natural light. Of the rooflights that were located within living rooms or bedrooms, those rooflights are again small and provide secondary lighting to the rooms. Their removal is not considered to have a significant detrimental impact upon the amenity of these rooms.

It is acknowledged that the kitchen rooflights are sizeable and are an attractive feature within the upper level flats. There is a significant conflict between the resident's use of the kitchens and the policy position relating to whether the rooms should be assessed in terms of amenity value. Barnet's adopted Core Strategy defines a habitable room in its glossary as: "A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13sqm, or the dining space if it is divided from the working area by a moveable partition." Whilst this is heavily disputed by the residents, this is a consistent approach taken by the Council across all planning applications. None of the individual kitchens measure greater than 13sqm and are therefore discounted from the habitable room definition. However, these kitchen windows are proposed to be replaced by a sun tunnel. The below table summarises the proposed removal and replacement of rooflights.

Summary of Proposed Removal / Replacement of Rooflights

Summary of Proposed Removal / Replacement of Rooflights					
Block	No. Existing Rooflights	No. Habitable Rooms	No. Rooflights Removed	No. Kitchens (<13sqm)	No. Rooflights Replaced
1	22	0	0	4	4
2	32	0	0	8	8
3	No development Proposed				
4	No development Proposed				
5	31	0	0	8	8
6	22	0	0	4	4
7	76	14	14	17	17
8	27	4	4	4	4
9	27	4	4	4	4
TOTAL	237	22	22	49	49

Concerns and doubts have also been expressed regarding the potential success of the sun tunnels in their ability to providing sufficient light through to the rooms. However, taking into account the Council's policy position on the consideration of habitable rooms, rooms of this size are not expected to meet a required standard of light. Therefore, the provision of sunlight through the proposed sun tunnel is considered to be appropriate and the kitchens would experience a level of natural light. Overall, the loss of the rooflights and provision of

sun tunnels is still considered to provide the existing upper level flats with a high level of amenity.

Ventilation

Another issue raised by residents related to how their existing ventilation or extraction equipment would be affected by the proposal. Within the submitted design and access statement, it is stated that there is a strategy in place for maintaining and re-routing existing boiler flues and extractor ducting at roof level, without the need for internal works to existing apartments. A void between the existing roof and the floor of the extension provides sufficient space for services to be redirected and terminated through the proposed new façade. Therefore, the existing residents will continue to benefit from their existing ventilation.

Privacy, overlooking and overbearing

The general arrangement of the proposed units is that the layouts are orientated so that their main outlooks would face towards the rear of the buildings and the edges of the site. The front facing elevations which front onto the internal courtyard areas between the buildings have a glazed gallery to provide access to the proposed units. The gallery areas would be sited behind the front façade of the existing building and by the nature of a providing an access route, are not considered to create significant levels of harm in terms of overlooking opportunities. The provision of rooflights along the roof slope are not considered to create any overlooking opportunities.

In terms of the rear elevations, these would be generally positioned away from the existing blocks. The exception to this is Blocks 6 and 7 which have direct views towards each other. However, these blocks have a separation distance of approximately 30m between them and the proposal would not result in this separation being reduced. Therefore, the opportunities for harmful overlooking are not considered to be evident.

The distances between the neighbouring boundaries along Wellgarth Road, Heathcroft and Reynolds Close are approximately 25-30m, which is far in excess of the 10.5m stipulated in Barnet's Residential Design Guidance SPD (2016). Any window to window distances would exceed the advised 21m separation distance. Therefore, the proposal is not considered to have any harmful effects on the residential amenity of the surrounding properties.

While the proposal would result in an increase in height, the highest parts of the proposal are located to the edges of the site with a large roof slope profile which minimises the visual impact from the inner courtyards. As such, the proposal is not considered to have a significant overbearing nature harmful to the existing residents of Britten Close/ Chandos Way. The height of block nine has been reduced from two storeys to a single-storey extension in order to reduce the overbearing impact on Hampstead Reach. Due to the separation distances between the proposals and neighbouring sites, the proposal is not considered to have significant overbearing impacts.

Noise and disturbance

Concerns have been raised about the potential impacts and disturbances created during the construction of the extensions. However, these considerations are not directly legislated through the Planning System but through Environmental Health legislation. However, a

Construction Method Statement can be secured through a condition setting out measures to mitigate routing of vehicles, dust, noise and waste.

Concerns have been raised that further units will result in an increase in people within the site, resulting in overcrowding and increased noise. As the proposed development would be used for residential purposes, the use is considered to be compatible with the existing site and the levels of noise would be comparable to existing use. The use of balconies would not be expected to generate a level of noise greater than domestic use.

The introduction of new lift shafts has the potential to generate new noise but given that its associated with a residential use and would only be fairly frequently used, the level of noise is not considered to be significant. The proposed lift shafts would be stepped in from the existing stairwell structures and will be constructed of a translucent material. The lift shaft structures are not considered to have a harmful effect on the amenity of existing occupiers.

In terms of the proposed gym, it would be located within the proposed extension of block 7. A number of concerns have been raised about the potential noise impacts from the letters from objections. However, the potential noise levels would be removed or reduced by the design of the independent structure of the proposed extension, which will result in a gap between the existing level of the existing units and the proposed floor.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the LPA would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan, Barnet policy DM02 and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units.

The scheme comprises of 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units, measuring between 81sqm – 151sqm. Each of the proposed units would exceed the minimal internal space standards. Having reviewed the proposed plans, the units would receive adequate daylight and sunlight level and would benefit from dual aspect outlooks.

In terms of outdoor amenity space, Barnet policy DM02 and the Sustainable Design and Construction SPD (2016) require the provision of 5sqm of amenity space per habitable room. Each of the proposed units would be provided with a private terrace. It is considered that with the provision of private amenity areas and access to the communal gardens, an acceptable level of external amenity would be provided for future occupiers.

Highways, access and parking provision

The existing site consists of 250 car parking spaces located in secure undercroft parking beneath 6 of the blocks and within a number of surface level parking areas. Each property is provided with a parking space, with the remaining 30 spaces available for visitor use. The site has a PTAL rating of 2 and is located within a Controlled Parking Zone (CPZ) which operates from Monday to Friday between 11am and midday.

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

Policy DM17 sets out the parking standards as follows for residential use:
For 1 bedroom units 0.0 to 1.0 space per unit
For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit

The proposal comprises of 2 x 1-bed, 5 x 2-bed and 12 x 3-bed units which equates to a provision of between 17 and 27.5 spaces according to policy DM17. The proposal provides an additional 21 car parking spaces, 12 of which are to be provided by two-tier car stackers. The proposed additional car parking provision includes 2 disabled spaces. The existing provision of 30 visitor spaces will remain unaltered.

The Council's Traffic and Development service has reviewed the proposal and considers that the proposal should provide 25.5 parking spaces based on the site's poor accessibility. Therefore, the proposed 21 spaces will result in a shortfall of approximately 4 spaces.

Within the submitted transport assessment, surveys of the existing on-site car parking and that of on-street parking available within a 5-minute walk of the site were undertaken. Four surveys were undertaken, two on weekday nights, a weekday evening and a Saturday afternoon.

The on-street parking survey recorded the use of all on-street parking bays within a 200m walk of the site. In total, the on-street bays provide space to park 110 cars. The results of the survey found that on average 58 (52%) of the spaces were occupied which illustrates that there is sufficient capacity to park on-street in the vicinity of the site overnight, in the evenings and at weekends.

The results of the on-site survey found that of the available 220 resident spaces, an average of 104 spaces (47.5%) were occupied. In terms of the 30 visitor spaces, the surveys recorded an average of 17 spaces (57.5%) being utilised.

The report states that the existing 220 apartments generate a parking demand of 0.62 cars per unit, whilst car ownership in the wider area is 0.91 vehicle per unit. On this basis, the proposed 19 units could be expected to generate a parking demand of between 12 and 18 vehicles, all of which can be accommodated within the 21 additional car parking spaces provided. The parking surveys demonstrate that there is capacity within existing visitor parking bays to accommodate additional demand for visitor parking.

The Council's Highways Officer having considered a number of factors, including the undertaken parking beat survey and that the site is within walking distance of a town centre, is of the view that the proposed provision of car parking spaces is acceptable.

There will be a total of 50 covered cycle parking spaces proposed at ground floor level. This is in exceedance of the London Plan requirements.

A number of the objections received have raised concerns about the resultant increase in cars and the potential impact on access and highway safety. The submitted transport assessment has undertaken an assessment of the potential trip generation and a capacity assessment on the junction of Chandos Way with Wellgarth Road. The trip generation assessment estimates that 39% of residents' travel to work via the underground, with 36% by car. If the residents of the proposed 19 units travel using the same modes as existing, the proposals could result in an additional 7 people travelling on the underground and 6 car trips during the morning peak hour period, with a similar level of trips in the evening peak hour. The capacity assessment found that the proposal would result in an additional vehicle

heading north on Wellgarth Road and 3 vehicles heading south within the AM peak. Within the PM peak, the proposal could generate 2 vehicles heading south on Wellgarth Road. The assessment shows that the development would not have a material effect on the operation of the junction. The assessment has been modelled considering the neighbouring Hampstead Reach development.

Overall, the Council's Traffic and Development service is satisfied that the proposal accords with highway's requirement. The proposal provides an acceptable level of parking provision for the proposed units, without impacting upon existing residents.

Impact on trees, ecology and landscaping

Trees

There is a group Tree Preservation Order which covers the whole of the site.

The applicant has submitted an Arboricultural Impact Assessment which has been assessed by the Council's Arboricultural Officer. Their comments are that as the footprint of the proposal is to be built on existing structures, there will be no direct impact on the existing trees. However, there will be a risk of impacts associated with the construction process and associated infrastructure including car parking, cycle and refuse stores.

The officer states that the arboricultural report states that two trees T36 Cat B (moderate) and T72 Cat C (low) need to be removed in order to accommodate the additional parking spaces. The report states that all other options have been explored to retain the impacted trees. The officer comments that ideally T36 should be retained but could be justified in terms of planning balance. The loss of T72 is considered to be acceptable if suitably replaced. In terms of this balance, it is considered that the provision of the parking spaces is a necessary requirement as part of the overall proposal, which unfortunately results in the loss of the tree. It is not considered that material weight associated with the proposed loss would be so significant as to warrant refusal of the application.

The Officer also notes that there are several minor incursions into the RPA's of retained trees. However, they are considered to be minor and a detailed method statement would be required to prevent excessive harm. This information could be dealt with by an appropriate condition.

There are potential risks that construction activities such as scaffolding, storage of building materials and construction traffic over soft grass areas could cause harm to trees. However, these potential impacts could be managed with care and consideration.

In conclusion, the Council's Arboricultural Officer states that sufficient information to assess the impact from the proposed development has been provided and the likely impact is considered to have an acceptable impact on existing trees. The loss of one tree is considered to be suitably justified in terms of the requirement to provide the required level of parking provision within the site.

Ecology

The applicant has submitted a Preliminary Ecological Appraisal and Preliminary Bat Roost Assessment. The report states that the site contains habitats of negligible ecological importance, with discrete areas of habitat considered to be of importance within context of

the site. Some of the mature trees and buildings are of potential importance to bats. There is scope to improve the biodiversity of the site.

A preliminary bat roost assessment was undertaken and included examining features such as brickwork, lead flashing and tiles for evidence of use by bats, including the presence of bat droppings and staining from fur-oil or urine. The main blocks were assessed as having low potential to support roosting bats, with the single-storey storage units having negligible impact. There were also three trees which were considered to have potential roosting features but considered to have low potential. The remaining trees were assessed as having negligible potential to support roosting bats.

The report recommends a number of measures in relation to further surveys for bats and fauna and opportunities for ecological enhancements.

Landscaping

The existing level and provision of open space will be largely unaffected by the proposed works. In order to accommodate a number of parking spaces and cycle stores, small areas of shrubs will be removed. This is not considered to be significant in terms of the overall provision of green space throughout the site.

In addition, 140sqm of children's play space will be provided in the form of 'doorstep' provision. This is a play space within sight of the home, where children can play within view of known adults. The London Plan policy 3.6 (Children and young people's play and informal recreation) states that new housing developments should make provision for play and informal recreation. The type of provision will be dependent on the needs arising from the development and existing provision in the area. The applicant has calculated a child yield of 14 children. The London Plan states that between 10-29 children, on-site doorstep play space used be provided for use for under 5s and off-site facilities should be available to ages 5-11 and 12+. There are large areas of open space within close proximity of the site, that could be utilised for ages 5+.

A landscaping condition will be attached to seek details of proposed soft and hard landscaping works.

Accessibility and sustainability

In terms of accessibility, Barnet policy DM03 requires developments to meet the highest standards of accessible and inclusive design. Policy DM02 requires compliance with London Plan policy 3.8 which requires 90% of new housing to meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings' and 10% to meet M4(3) 'wheelchair user dwellings'. The proposal seeks to construct new lifts to all blocks which are proposed to be extended. The lifts will stop at each stair landing between ground floor level and the proposed rooftop extensions. This would ensure compliance with the accessibility requirement. Of the total of new units provided, two (10%) would be wheelchair adaptable. These would be provided within block 7.

Barnet policy DM04 requires all major development to comply with the Major's targets for reduction in carbon dioxide emissions. London Plan policy 5.2 expects that residential developments to be zero carbon with an achievement of at least 35% reduction in regulated carbon dioxide emissions (beyond Part L 2013) on site. The applicant has submitted an energy statement which sets out that the proposal can achieve a 37.89% reduction on site which can be achieved by optimised glazing, lighting, mechanical ventilation and installation

of photovoltaic panels. It is proposed to offset the remaining 62.1% reduction by way of a financial contribution to Barnet's carbon offsetting fund. This contribution amounts to £48,357 (based on a price of carbon set at £60/tonne CO₂, stated within the London Plan).

Flood risk and surface water drainage

The application site is located within Flood Zone 1 (low probability). According to the Environment Agency's data, the site also indicates that the majority of the site is considered to be at a very low risk of surface water flooding with areas of the site being at low and high risk of surface water flooding at parts of the existing access road.

The applicant has submitted a Flood Risk Assessment (FRA) which states that the site does not lie within an area susceptible to groundwater flooding, lies within an area which has low susceptibility to surface water flooding and the risk of flooding from sewers is negligible. The proposal seeks to install permeable paving and underground storage tanks to mitigate surface water drainage.

The FRA has been reviewed by the Council's drainage engineers who following a lengthy period of discussion with the applicant's consultants, are satisfied with the document submitted and have no objections to the FRA. The use of permeable paving and underground storage tanks is considered to be appropriate.

5.4 Response to Public Consultation

Objections relating to the loss of property value, increases to service charges and ground rent, changes/ or impacts on existing covenants are not planning issues and cannot be considered to influence the planning outcome for this application. This is also the case of concerns relating to whether the increase of the number of units would harm the sense of community within the estate.

There are implications in the objections that the loss of existing light through rooflights (albeit to non-habitable rooms or spaces) would be theft or a loss of individual property rights. Property rights do not fall for consideration under the planning system. Neither does the Right to Light which is governed by separate legislation. These are matters of civil law and are not planning issues.

Objections concerning the ability of the building to tolerate the stress of additional rooftop extensions are not material planning considerations. Structural integrity of the buildings would be considered under the building regulations.

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.

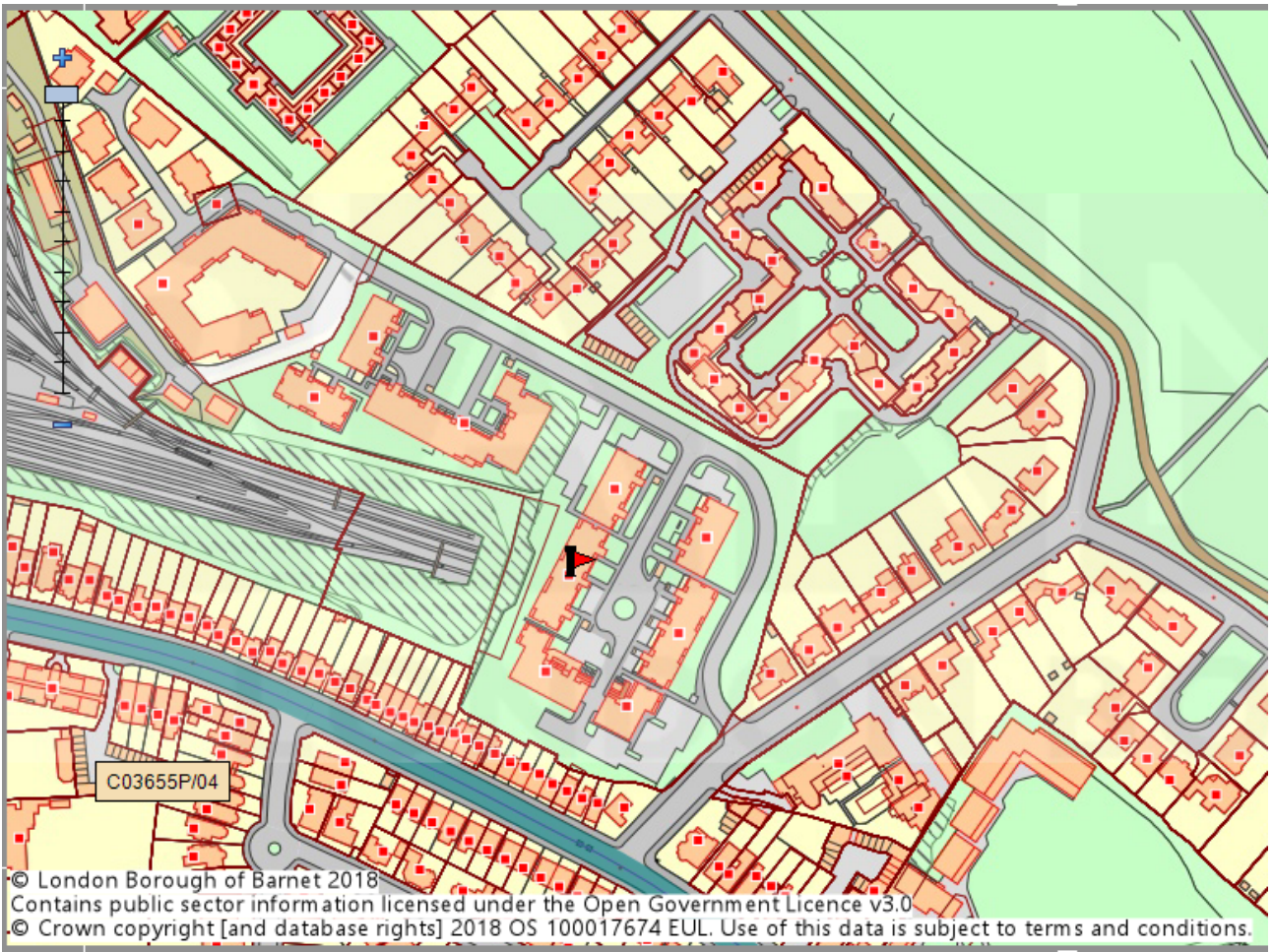
7. Conclusion

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.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and the proposal is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 66 and 72 of the Planning (Listed Building and Conservation Areas) Act 1990. As the proposal has been assessed as having a less than substantial harm and in accordance with the NPPF, this harm is considered to be outweighed by the provision of additional housing in an area identified by the Core Strategy as being capable of accommodating higher density. A number of factors have been assessed and the site is considered to be an appropriate location to accommodate this form of development.

The development is not considered to cause demonstrable harm to the amenities of neighbouring occupiers and provides quality accommodation for future occupiers. The proposal is considered to be acceptable on highways grounds.

This application is therefore recommended for approval.



Location 1069 Finchley Road London NW11 0PU

Reference: 18/6079/CON

Received: 11th October 2018

Accepted: 12th October 2018

Ward: Garden Suburb

Expiry 7th December 2018

Applicant: Daniel Netzer

Proposal: Submission of details of condition 19 (Construction Management and Logistics Plan), pursuant to planning permission 16/7565/FUL dated 04/05/2017

AGENDA ITEM 19

Recommendation: Approve

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)

Informative(s):

- 1 The plans accompanying this application are:
Agent email dated 3rd December 2018 confirming Asbestos survey completion;
Revised Construction Management and Logistics Plan received 13th November 2018.
- 2 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.
- 3 The developer is informed that a gantry on or abutting the public highway requires a licence. To make an application for a gantry licence please contact the council's

Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

- 4 The applicant is advised that Finchley Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. 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.

- 5 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). 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.

Officer's Assessment

The planning application was approved by the Finchley and Golders Green Area Planning Committee on the 9th March 2017 subject to completion of a Legal Agreement and the decision was issued on the 4th May 2017.

Following discussion of the item at the Committee meeting, Members requested that if officers were to recommend approval of the Construction Management Plan (Condition 19), details of this condition should be referred to the Committee for 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 is also a detached two storey block to the rear close to dwellings on Temple Gardens.

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. Works to this development have started and conditions pursuant to the development have been discharged.

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: 18/6035/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Pending consideration

Description: 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

Reference: 18/3599/FUL

Address: 1069 Finchley Road London NW11 0PU

Decision: Refused

Decision Date: 18 September 2018

Description: 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

Reasons for refusal:

Reason 1- The proposed development, by reason of the number of units proposed and inadequate level of amenity space to serve future occupiers, represents an

overdevelopment of the site and would fail to provide satisfactory living conditions for future residents, contrary to policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), policies DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Residential Design Guidance SPD (2016) and the Adopted Sustainable Design and Construction SPD (2016).

Reason 2- 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(2012) and the Planning Obligations SPD (2013).

Reference: 18/1947/S73

Address: 1069 Finchley Road London NW11 0PU

Decision: Approved subject to S106

Decision Date: 01 October 2018

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: 18/5296/S73

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

Decision: Pending Consideration (Committee 11th December 2018)

Description: Variation of condition 2 (Approved Plans) and 11 (Access Arrangement) of planning permission 18/2056/S73 dated 29/06/2018 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 entering the site from Finchley Road

and exiting from Temple Gardens (a reversal of approved access), change the layout of the parking spaces to allow access into parking bays in the same direction as the flow of traffic, and associated changes in the wording of condition 2 and 11

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

The applicant has submitted details relating to other conditions which have been reviewed by the Local Planning Authority as part of separate applications.

3. Proposal

The application is for the submission of details of condition 19 (Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17.

The planning application was approved by the Finchley and Golders Green Area Planning Committee on the 9th March 2017 subject to completion of a Legal Agreement and the decision was issued on the 4th May 2017.

Following discussion of the item at the Committee meeting, Members requested that if officers were to recommend approval of the Construction Management Plan, details of this condition should be referred to the Committee for assessment.

This condition has been previously discharged (17/2924/CON), however a fresh application has been made to address the alternative access for construction vehicles.

4. Public Consultation

No consultation letters were sent to neighbouring properties as it is not standard practice to do so for an application for the submission of details of conditions. However, one objection from a resident on Temple Gardens was received; the comments from this neighbour can be summarised as follows:

- No consultation carried out for this application despite "devastating impact on residents of Temple Gardens";
- The original construction statement stated that all construction traffic would use the Finchley Road entrance and hence no objections on this basis were made. Neighbours objected to a breach of planning conditions as the access on Temple Gardens was being used for the construction traffic, only to find out days later that the development had also been granted suspension of three parking bays in Temple Gardens as well, despite the fact that this access should not have been used.
- Of vehicles cannot access from Finchley Road for construction, the planning permission granted should be withdrawn.
- "The use of the access from Temple Gardens for construction vehicles for the rear development was an unmitigated disaster and residents made numerous complaints, none of which were followed up by the council. As the same construction team is being used for the front development we cannot expect any better adherence to statements made in the construction statement."
- Lack of banksmen and as a result, neighbouring vehicles have been damaged;
- Damage to pavements;
- Early (7.15am) arrival of vehicles;
- Obstruction of Temple Gardens by construction vehicles.
- All construction vehicles using Temple Gardens rather than Finchley Road;
- No attempt to wash wheels of vehicles before leaving;
- Deadline of January 2019 unrealistic;

No attempt was made to wash the wheels of the vehicles before leaving, and Temple Gardens was covered in mud during wetter periods.

- It is unsafe and causes huge disruption to residents and other road users, not to mention the noise disturbance. Temple Gardens is not suitable for vehicles of this type. Planning permission was granted on the basis that only the front would be used.

The Council's Highways and Environmental Health teams were consulted and both teams reviewed the Construction Management and Logistics Plan. The comments from Highways and Environmental Health are discussed in detail below.

5. Policy Context

Relevant Development Plan Policies:

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS9, CS13, CS14, CS15.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM04, DM17.
- Residential Design Guidance SPD (October 2016)
- Sustainable Design and Construction SPD (October 2016)

6. Assessment

Condition 19

Condition 19 (Demolition, Construction Management and Logistics Plan) pursuant to planning permission 16/7565/FUL dated 04/05/17 reads as follows:

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

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

A document titled 'Revised Construction Management and Logistics Plan' concerning 1069 Finchley Road, NW11 0PU (received by the Local Planning Authority on 13th November 2018) was submitted as supporting information with the application. This document was revised following comments from officers.

Barnet's Highways Officers and Barnet's Environmental Health Officers assessed the document and, following clarifications within the document, there were no objections on highways or environmental health grounds.

The Environmental Health Officer required clarification on the following from the applicant:

- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. This was included in the revised document.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation. The applicant confirmed that a mobile crusher will not be used on site.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. The applicant agreed with all the above.
- Confirmation that an asbestos survey has been carried out. The agent provided confirmation that "the asbestos survey/report was carried out approximately 3 years ago and has therefore been completed".

In light of the above, in particular confirmation that the applicant employs best practicable means to minimise the disturbance to neighbouring occupiers, Environmental Health officers recommend approval of the details provided for this condition.

As part of their assessment, Highways officers reviewed the document provided and commented as follows:

"The submitted construction management provides information on;

- Management of vehicles delivering construction materials to facilitate a "just in time" arrangement.
- The management of contractor vehicles and promotion of sustainable travel were possible.
- Management of the interaction between vulnerable road users and HGV's/delivery vehicles entering/exiting the site.
- Details of vehicle routing.
- Wheel washing and dust suppressant's.
- Footway infrastructure will be protected.

The above information is suitable to show the impact of construction vehicles has been considered and suitably mitigated as such the above condition can be discharged."

It must be noted that this condition was previously considered acceptable by the Finchley and Golders Green Area Planning Committee and discharged by both Highways and Environmental Health officers; the application reference is 17/2924/CON. Highways officers previously engaged in formal discussions with the agent to minimise the disruption to local Highways. It is also noted that the proposed site lies within a Strategic Road Network and therefore TfL must be informed of the application by the applicant; this has been added as an informative.

The current Demolition, Construction Management and Logistics Plan states the following in terms of highways:

"- During the superstructure stage of construction vehicular loading and unloading will be within the site via Temple Gardens as the large vehicles required cannot fit through the existing archway fronting Finchley Road. We expect this stage to be until January 2019. Vehicles will enter the site in a safe manor, with a banksmen on hand when reversing in or out of the site, who will help control the movements of vehicles for the safety of pedestrians using the footpath and to control traffic. This access arrangement is being utilised by the builder to the development to the rear.

- During the internal fitout stage vehicular loading and unloading will be within the site via the existing vehicular arched entrance and passageway beneath the building on the A41 [Finchley Road]. Vehicles will enter the site by reversing under the archway, load or offload, and when finished pull out in a forward direction onto Finchley Road. The archway will be demolished per planning drawings to permit all vehicle sizes to access the site.

- Strict material delivery scheduling will be imposed on the project to ensure that congestion is avoided and vehicles will not have to wait along Finchley Road to be admitted into the site, as this would cause disruption to road users and local businesses. Heavy vehicles attending site will be scheduled between the hours of 9:30am and 4.30pm to avoid rush periods."

The previously approved documents relating to this condition sought access from Finchley Road. Highways officers do not consider that access from Temple Gardens is unacceptable or inappropriate during construction.

As with the previously approved condition, an informative has been added to notify that the applicant must apply for a gantry licence. A bond to cover any damage caused to the footway must be provided by the applicant. This is fully refundable upon completion of the works, should there be no damage caused to the footway. Finally, a condition survey will be required to be undertaken prior to the commencement of the works to ascertain the existing state of the footway; an informative has been added to the recommendation.

Highways officers also recommend approval of the details provided for this condition.

7. Response to Public Consultation

It is considered that in general the planning related comments raised by the objector have been addressed in the report above. With regards to the grant of suspension to three parking bays on Temple Gardens, it is noted that this consent would have been granted by the Council's Highways department.

8. Conclusion

It is considered that sufficient information has been submitted to approve Condition 19 (Demolition, Construction and Traffic Management Plan) pursuant to planning permission 16/7565/FUL dated 04/05/2017.



This page is intentionally left blank