

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 16TH APRIL, 2019

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Brian Gordon LLB,
Vice Chairman: Councillor Elliot Simberg

Councillor Gill Sargeant Councillor Nizza Fluss Councillor Helen Richman
Councillor Golnar Bokaei Councillor Ammar Naqvi

Substitute Members

Councillor Val Duschinsky Councillor Lachhya Gurung Councillor Charlie O-Macauley
Councillor Mark Shooter Councillor Zakia Zubairi Councillor Linda Freedman
Councillor Alex Prager

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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

Andrew Charlwood – Head of Governance

Governance Services contact: Hendon@Barnet.gov.uk

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	5 - 10
2.	Absence of Members (if Any)	
3.	Declaration of Members' Disclosable Pecuniary and Non Pecuniary Interests (if Any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	Planning Enforcement and Planning Committee Appeals Update - 2018	11 - 20
	Hendon Ward	
7.	82 Kings Close London NW4 2JT - 19/0278/FUL	21 - 40
8.	4 Green Lane London NW4 2NN - 19/0865/S73	41 - 58
	West Hendon Ward	
9.	94 Audley Road London NW4 3HB - 19/0080/FUL	59 - 96
10.	Any Item(s) the Chairman decides are urgent	

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Decisions of the Hendon Area Planning Committee

27 March 2019

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Simberg (Vice-Chairman)

Councillor Gill Sargeant
Councillor Bokaei
Councillor Fluss

Councillor Ammar Naqvi
Councillor Helene Richman

1. MINUTES

RESOLVED that the minutes of the meeting held on 18 February 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. 49 FINCHLEY LANE LONDON NW4 1BY - 19/0081/FUL

The planning officer introduced the report which related to 49 Finchley Lane London.

An oral representation in objection was made by Mr Ilan Sherr and Mr Howard Lederman.

An oral representation by the applicant by Mr Maddalena.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report which was to approve subject to conditions.

The votes were recorded as follows:

For: 5

Against: 1

Abstain: 1

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

6. 366 WATFORD WAY LONDON NW4 4XA -19/0102/FUL

The planning officer introduced the report which related to 366 Watford Way London.

An oral representation in objection was made by Dr Jeannette Antonian.

An oral representation was made for the applicant by the agent Mr Dominic Dear.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For -	5
Against -	2
Abstain -	0

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

7. 31 RAVENSHURST AVENUE LONDON NW4 4EG - 18/7156/FUL

The item was withdrawn prior to the meeting.

8. 130 COLINDALE AVENUE LONDON NW9 4AX - 19/0017/FUL

The planning officer introduced the report which related to 130 Colindale Avenue London.

An oral representation was made for the applicant by the agent Mr David Pickford.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For -	7
Against -	0
Abstain -	0

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

9. 21 ELMGATE GARDENS EDGWARE HA8 9RU - 18/7271/HSE

The planning officer introduced the report which related to 21 Elmgate, Edgware.

An oral representation in objection was made by Dr Anikier.

An oral representation was made by the agent on behalf of the applicant, Mr Grey.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report which was to approve subject to conditions.

The votes were recorded as follows:

For: 6
Against: 0
Abstain: 1

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

10. 6 NEELD CRESCENT LONDON NW4 3RR - 18/6354/FUL

The planning officer introduced the report and addendum which related to 6 Neeld Crescent London.

An oral representation in objection was made by Mr Goh on behalf of Mrs Singh and on behalf of Ms De Pon.

An oral representation was on behalf of applicant by Mr Breslin.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to the conditions in the report and addendum.

Votes were recorded as follows:

For - 1
Against - 5
Abstain - 1

As a consequence of the vote the chairman was advised that if the Committee was minded to refuse the application that the Committee must give its reasons for refusal before a vote was taken by the Committee on any motion to refuse. Following discussion and before the vote Chairman informed the Committee, that he had decided to refer the planning application at 6 Neeld Crescent London NW4 3RR to the main Planning Committee by virtue of paragraph 2.3 (e) of the Council's constitution.

The reasons being that the Committee could not agree on reasons for refusal, and because there was no other motion on the table, as such Councillor Gordon considered that the application would be more appropriately determined by the main Planning Committee.

RESOLVED: The application be referred to the Planning Committee.

11. 5 NEELD CRESCENT LONDON NW4 3RP - 18/6978/FUL

The planning officer introduced the report and addendum which related to 5 Neeld Crescent London.

An oral representation in objection was made by Mrs Shella Alam and Mr Jimmy Hakim.

An oral representation was on behalf of applicant by Mr Kemp.

Following discussion Councillor Simberg moved an amendment to Condition 3, that was duly seconded by Councillor Naqvi, to read as follows:

Before the building hereby permitted is first occupied, all of the proposed windows on the flank walls at first-floor level of the main building and all of the rear-facing windows within the outbuilding, shall be glazed with obscure glass only and shall be permanently retained as such the thereafter and shall be permanently fixed shut with only a fanlight opening.

Votes were recorded as follows:

For - 5
Against - 1
Abstain - 1

The motion was therefore carried.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report and addendum which was to approve subject to conditions, as amended.

The votes were recorded as follows:

For: 4
Against: 2
Abstain: 1

The Committee therefore **RESOLVED TO APPROVE** the application subject to conditions as outlined in the officer's report.

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

The Chairman invited the Planning Officer to present an urgent item relating to Land at the Rectory. The committee was asked to approve a minor modification to the heads of terms for the S106 agreement (the trigger mechanism in the review clause) that had been presented to the Hendon Area Planning Committee on the 16th October 2018. Councillor Gill Sargeant stepped out of the room and did not take part in the discussion or the vote.

The Chairman then moved to vote on the recommendation in the addendum which was to approve the amendments.

The votes were recorded as follows:

For: 6
Against: 0
Abstain: 0

The Committee therefore **RESOLVED TO APPROVE** the amendments as outlined in the addendum.

13. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

The meeting finished at 9.40 pm

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	<p>Hendon Area Planning Committee</p> <p>16th April 2019</p>
<p style="text-align: right;">Title</p>	<p>Planning Enforcement and Planning Committee Appeals Update – 2018</p>
<p style="text-align: right;">Report of</p>	<p>Service Director – Planning and Building Control</p>
<p style="text-align: right;">Wards</p>	<p>All</p>
<p style="text-align: right;">Status</p>	<p>Public</p>
<p style="text-align: right;">Urgent</p>	<p>No</p>
<p style="text-align: right;">Key</p>	<p>No</p>
<p style="text-align: right;">Enclosures</p>	<p>None</p>
<p style="text-align: right;">Officer Contact Details</p>	<p>Fabien Gaudin, fabien.gaudin@barnet.gov.uk, 020 8359 4258</p>

Summary

The report provides an overview of the planning enforcement function and planning appeals overview in the period between January 2018 and December 2018.

Recommendation

1. That the Committee note the Planning Enforcement and Planning Committee Appeals Update for the year 2018

1. WHY THIS REPORT IS NEEDED

- 1.1 Members' involvement is crucial in maintaining an effective enforcement service because Members often have to be the public face of the Council when faced with issues which might require the taking of formal (or informal) enforcement action. This report has been prepared to provide an overview of the enforcement function in 2018.

2. ENFORCEMENT UPDATE:

2.1 Number of service requests

In 2018, the Council received 1948 requests to investigate an alleged breach of planning control which is a significant increase from 2017 when 1596 requests were received. In 2018, the Council completed 1899 investigations.

2.2 Formal Enforcement Action

Enforcement Action should always be commensurate with the breach. When considering enforcement action the alleged breach of planning control and associated development must be assessed against relevant planning policies and other material planning considerations.

A notice, if it is considered appropriate to serve one, must state the reason why the development is unacceptable (the same principles as a planning application). The role of planning enforcement is not to automatically rectify works without consent. Also, when considering enforcement action the Planning Authority should not normally take action in order to remedy only a slight variation in excess of what would be permitted development. The serving of a formal notice would in most cases follow negotiations with land owners to voluntarily resolve the breach and a number of cases are resolved in this way (see next section). Furthermore, the majority of cases are resolved without the need to take formal enforcement action and the table in section 2.4 shows details of such cases resolved in the last quarter.

In 2018, 195 Enforcement Notices (of all types but excluding Planning Contravention Notices) were authorised which is an increase from 135 in 2017 and an all-time high for the Council over a calendar year.

2.3 Benchmarking

The Ministry of Housing, Communities & Local Government recently released enforcement statistics for the year ending December 2018.

(<https://www.gov.uk/government/statistical-data-sets/live-tables-on-planning-application-statistics>)

According to those statistics, the Council served the most enforcement and breach of conditions notices in England in 2018.

Rank	Local Planning Authority	# enforcement notices and breach of conditions notices
1	Barnet	194
2	Brent	155
3	Newham	152
4	Westminster	124
5	Haringey	116

2.4 Cases Closed and Investigation Conclusion

Cases resolved without the need to take formal enforcement action:

	2018	2017
Full compliance following serving of enforcement notice	142	113
Informal compliance Works carried out and/or use ceased with breach resolved informally	305	320
Lawful development No breach of planning control was identified following investigation	885	955
Breach detected but harm insufficient to justify enforcement action	419	244
Other duplicate referrals, anonymous or withdrawn requests, dealt with through alternative legislation etc	134	239
Total	1899	1871

2.5 Investments in pro-active enforcement

At the beginning of 2018 and as a way to reinvest an uplift in planning fees, the planning service increased officer's capacity in the enforcement team by appointing the Council's first compliance officer.

The past year has been the first time that the Council has been actively looking for potential breaches of planning control rather than responding to requests to investigate. Barnet is one of the very few Local Planning Authorities in the country to provide such a service.

Since his appointment the compliance officer has been using data from a number of Council's departments to investigate non-compliance with planning law in a proactive manner. The data used is current data from Environmental Health HMO (EH) licensing, current data from Council Tax as well as other historic data from EH dating back to 2014.

Cross referencing of multiple data sources has proved so successful that it has been impossible for the officer to investigate all historic data due to workload number of cases generated. The number of cases that have been investigated between 1st March and 30th October is very high at 244. Of that number, 132 have been HMO's referred from EH. Work is continuing to investigate all potential breaches that have been discovered.

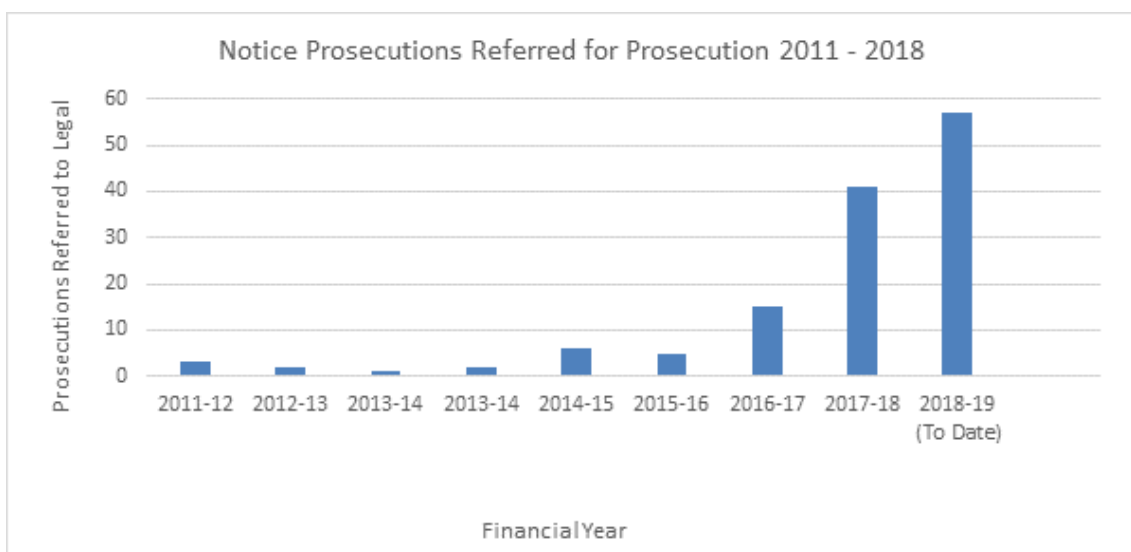
In a period of 9 months, 15 Enforcement Notices have been served and 39 planning applications to regularise works have been submitted which equates to 38.2% of applications investigated generating an application.

The benefit to the residents of Barnet is a reassurance that the Local Planning Authority is proactively monitoring and enforcing planning law. The council therefore ensures that properties have been developed in accordance with the legislation, have the appropriate approvals and where they haven't officers ensure that the necessary changes to revert to the actual planning permission or apply for planning permission to become compliant are made.

A second compliance officer is now in post to support these efforts.

2.6 Prosecutions and notable cases updates

In the past year, the Council has increased efforts in ensuring that it meets the growing need to ensure that the full force of the law is applied to those who would willingly ignore valid and justified demands for remedial works by prosecuting where there is a public interest in such action. Current levels of prosecutions are unprecedented for our authority as shown below:



Notable cases in Finchley and Golders Green

97 Hendon Way, NW2 2LY

The owner of this property converted the dwellinghouse into sub-standard flats. Retrospective permission to retain them was refused and an enforcement notice subsequently issued. The notice required the building to be restored to its previous state. It seems that the owner left the country at some point after the application and has not returned to answer charges in court despite still apparently receiving rent.

The Criminal Justice Act holds that where a defendant has absconded from the country and has not therefore attended court to answer a charge made against

him the prosecuting authority may seek confiscation in the absence of a conviction. The Council was successful in its request and the owner was ordered to pay back a sum of £223,751.31 that was received in unlawful rent. The Council may seek enforcement through bailiffs and retain a large proportion of the money realised.

Notable cases in Hendon

5 Sturgess Avenue, London, NW4 3TR

The case concerned the unauthorised erection of a single storey rear conservatory extension. The freeholder was convicted and sentenced to £1,000 fine and ordered to pay prosecution costs of £3,862.60. The service of a summons prompted the owner to comply with the notice. The conservatory has been demolished. The challenges that the case involved was the defence attempt to force the Council into withdrawing the prosecution by providing it with sham evidence allegedly invalidating the notice. The Council investigated the evidence thoroughly and unveiled the fraud which resulted in a successful prosecution.

7 Glebe Crescent, London, NW4 1BT

The case concerned the unauthorised conversion of a single family dwelling into four flats. Two refused planning applications, one dismissed appeal and further prolonged Company's failure to act upon the notice led to the prosecution. Only the service of a summons prompted the real estate company (the owner) to comply with the notice before the trial. The property has been reverted back to a single family dwelling. One of the challenges that the case involved was the change of ownership throughout the process of enforcement. The Council had to prove the current owner's knowledge of the notice which required close cooperation with other Council's departments (Land Charges) and thorough examination of archives when preparing evidence. Upon the successful prosecution, the case has been committed to Crown Court for Confiscation Proceedings with an estimate of financial benefits of £61,598.05

Notable cases in Chipping Barnet

1 Kings Close, London, NW4 2JU

The case concerned the unauthorised construction of an outbuilding in the rear garden and its use as three studio flats. The real estate company (the owner) was convicted and sentenced to £10,000 fine and ordered to pay prosecution costs of £2,755.60. A requirement to demolish the outbuilding outlined in the notice remained valid. The case involved complex legal argument concerning grey areas in planning law. It also involved the owner's attempts to deceive the Council as to the nature of the development. The Council took risk in going ahead with legal proceedings considering the legal uncertainty underpinning the case. Thorough analysis of the key facts of the case and a number of announced and unannounced site visits assisted greatly in revealing the owner's criminal behaviour and brought success in court.

The Jester, Mount Pleasant

The Jester pub suffered a fire in March 2018. Following the fire the owner began demolition works. However, the demolition appeared to commence on the side of the building undamaged by the fire. Planning permission is required to demolish a pub and despite application for various schemes being made no such permission has never been granted.

Demolition works were halted after the Council's intervention and in September 2018 a 's.215 notice' was served by the Council requiring that the building be restored to its former state

The owner was unsuccessful in his appeal against the notice and the court upheld the Notice on 28 March 2019. The owner was ordered to pay the Council's costs in defending the Notice.

Restoration is required within the next 9 months

3. PLANNING APPEALS

3.1 Overview of appeal decisions

In 2018, the Council received 289 appeal decisions from the Planning Inspectorate. The number of appeal decisions was higher than in 2017 (249 decisions) but in line with volumes of 2016 (294).

Appeals following a delegated decision:

Most appeals were made against the refusal of an application authorised by officers under delegated authority. 63% of appeals made following a delegated decision were dismissed by the Planning Inspectorate. This level of performance benchmarks well nationally as 61% of appeals were dismissed in England last year:

(<https://www.gov.uk/government/statistics/planning-inspectorate-statistics>)

Appeals following a committee decision:

29 of the 289 appeal decisions made by the Planning Inspectorate in 2018 related to a decision made by Planning Committee or an Area Planning Committee. 28% of appeals made following a committee decision were dismissed by the Planning Inspectorate. This compares with 21% in 2017 (for 28 decisions) and 29% in 2016 (for 31 decisions). The performance of each committee in 2018 was as follows:

- Chipping Barnet: 13 decisions of which 3 were dismissed (23%)
- Finchley and Golders Green: 17 decisions of which 4 were dismissed (23%)

- Hendon: 8 decisions of which 3 were dismissed (37%)
- Planning Committee: 1 appeal that was allowed.

79% of these appeals related to major or minor residential planning applications, 13% to house extensions and 8% to changes of use.

3.2 Overview of cost applications

In 2018, the Council settled 11 costs claims following a full award from the Planning Inspectorate about overturns of an officer's recommendation at a Planning Committee.

3 related to decisions made by the Chipping Barnet Planning Committee, 3 by the Hendon Planning Committee and 5 by the Finchley and Golders Green Planning Committee. There are 5 outstanding claims that remain to be settled.

4. REASONS FOR RECOMMENDATIONS

4.1 Not Applicable

5. ALTERNATIVE OPTIONS CONSIDERED AND NOT RECOMMENDED

5.1 Not Applicable

6. POST DECISION IMPLEMENTATION

6.1 Not Applicable

7. IMPLICATIONS OF DECISION

7.1 Corporate Priorities and Performance

7.1.1 Not applicable

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

7.2.1 Not applicable

7.3 Social Value

7.3.1 Not applicable

7.4 Legal and Constitutional References

7.4.1 Not applicable

7.5 Risk Management

7.5.1 Not applicable

7.6 Equalities and Diversity

7.6.1 Not applicable

7.7 Consultation and Engagement

7.7.1 Not applicable

5.8 Insight

5.8.1 Not applicable

5.9 CORPORATE PARENTING

5.9.1 NO IMPLICATIONS IN THE SCOPE OF THIS REPORT.

6. BACKGROUND PAPERS

6.1.1 None

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Location	82 Kings Close London NW4 2JT	
Reference:	19/0278/FUL	Received: 17th January 2019 Accepted: 18th January 2019
Ward:	Hendon	Expiry 15th March 2019
Applicant:	Weiss	
Proposal:	Demolition of existing outbuildings and erection of a two storey dwelling with rooms in the roofspace. Associated refuse/recycling	

AGENDA ITEM 7

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. Payment of £3000 + VAT towards provision of 5 street trees.
4. Monitoring of legal agreement (£100)

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:

10-001
10-002
11-001
11-001/P1
11-002/P2
11-003/P2
11-004/P2
11-005/P2

Planning and Sustainability Statement by UPP (s.a.)

Flood risk assessment by Innervision Design dated December 2017

Parking Stress Survey Report by Alpha Parking dated December 2018

Trevor Heaps Arboricultural Consultancy Ltd Arboricultural Impact Assessment & Method Statement (to BS:5837 2012) For 82 Kings Close, London NW4 2JT dated 19 November 2018 (ref TH1630/B)

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

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

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

- 3 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, noise 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 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.
- b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or the first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

- 6 Before the development hereby permitted is occupied 1 car parking space as indicated on drawing No. 82KC/11-001/P2 submitted with the planning application including the access to the parking spaces shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 7 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.

- 8 No works on public highway as a result of the proposed development including provision of a new vehicular access shall be carried out until detailed design drawings have been submitted and approved by the highway authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Prior to occupation of the development refuse collection and bin store as shown on Drawing No. 82KC/11-001/P2 shall be provided and retained thereafter. The refuse collection store shall be located within 10 metres of the Public Highway

Reason: To ensure that the access to the refuse store is satisfactory in terms of highway safety development and to protect the amenity of the area and 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 development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

- 11 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 (Trevor Heaps, Arboricultural Consultancy Ltd. Arboricultural Impact Assessment & Method Statement (to BS:5837 2012) For 82 Kings Close, London NW4 2JT Prepared for: UPP - Urban Planning Practice Date:

Date: 19th November 2018 Ref: TH 1630/B and Tree Protection Plan dwg no TH/A3/1630B/TPP) 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
- 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.

- 13
- Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of A, B, E or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of building hereby approved.

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

- 14
- a) No site works (including any temporary enabling works, site clearance and demolition or any investigative works referred in any other conditions, or development) shall be commenced until an ecological survey has been undertaken which details any mitigation strategy that may be necessary and has been submitted to and approved in writing by the Local Planning Authority.

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details approved under this condition.

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).

RECOMMENDATION III:

1 That if an agreement has not been completed by 30/05/2019 unless otherwise agreed in writing, the Service Director - Planning and Building Control should REFUSE the application 19/0278/FUL under delegated powers for the following reason:

1. The development fails to provide a legal undertaking to secure the provision of 5 street trees to mitigate the loss of trees on site, contrary to Policy DM01 of the Development Management Policies DPD and the Planning Obligations SPD.

Informative(s):

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

2 The applicant is advised that the maximum width of crossover allowed from the public highway is 4.8m.

3 The applicant is advised that the maximum width of crossover allowed from the public highway is 4.8m.

Informative: For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the

Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a continuous crossover allowed for a property from a public highway is 4.8 metres.

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

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

- 4 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.

- 5 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o 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. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For smaller developments -confirmation that an asbestos survey has been carried out.
- 7 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

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

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance

applications, problems accessing key council services and most importantly delays in an emergency situation.

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

Officer's Assessment

1. Site Description

The application site is land adjacent to an end of terrace property on the east side of Kings Close in the ward of Hendon which is currently occupied by a garage.

The property is close to the junction of Boyne Avenue and south-west of the A1 (Great North Way).

The property backs onto Dollis Brook and the Dollis Valley Greenwalk open space. Tree planting along the course of the Dollis Brook and to the rear of Kings Close properties dominate the area which is otherwise residential in character.

The terrace that the site adjoins consists of three properties which have a front elevation design featuring two storey projecting bay windows and ground floor projections.

It is not within a designated conservation area and is not a listed building. Land to the rear of the site is a Site of Importance for Nature Conservation (SINC).

2. Site History

Reference: 18/0171/FUL

Address: 82 Kings Close, London, NW4 2JT

Decision: Refused

Decision Date: 9 March 2018

Description: Demolition of existing outbuildings. Erection of a two-storey single family dwellinghouse with rooms in roofspace attached to existing dwelling

Reasons for refusal;

Trees growing on land beyond the control of the applicant will have a significant impact on liveability post-development by reason of shading, future pressure for removal and seasonal nuisance. This will be to the detriment of the use and enjoyment of the private garden area and rear habitable rooms of the proposed dwelling. Insufficient information has been submitted by the applicant to counter these concerns.

In the absence of a parking survey the applicant has failed to demonstrate that there is sufficient on street parking capacity for the potential parking overspill caused by the proposed development. The application is therefore considered unacceptable and contrary to Policy CS9 of the Local Plan Core Strategy (2012) and Policy DM17 of the Local Plan Development Management Policies DPD (2012).

Reference: 18/4091/FUL

Address: 82 Kings Close, London, NW4 2JT

Decision: Refused

Decision Date: 30 August 2018

Description: Demolition of existing outbuildings and erection of a two storey dwelling with rooms in the roofspace. Associated refuse/recycling

Reasons for refusal;

Trees growing on land beyond the control of the applicant will have a significant impact on liveability post-development by reason of shading, future pressure for removal and seasonal nuisance. This will be to the detriment of the use and enjoyment of the private garden area and rear habitable rooms of the proposed dwelling. Insufficient information has been submitted by the applicant to counter these concerns.

In the absence of a parking survey the applicant has failed to demonstrate that there is sufficient on street parking capacity for the potential parking overspill caused by the proposed development. The application is therefore considered unacceptable and contrary to Policy CS9 of the Local Plan Core Strategy (2012) and Policy DM17 of the Local Plan Development Management Policies DPD (2012).

3. Proposal

The application seeks to demolish two existing garages and a shed adjacent to the existing flank elevation of no.82 Kings Close and the erection of a two-storey dwelling with rooms in the roof space dividing the existing outdoor amenity area between the two properties.

The proposed dwelling would seek to match the existing design and size of no.82 adjoining to the current end of terrace property elongating the existing terrace.

The dwelling would have a maximum height of 8.6 metres reducing to 5.5 metres at eaves level. The roof form would be pitched to match the existing roof form along the terrace incorporating a dormer to the rear with a depth of 2.1 metres, height of 1.5 metres and width of 2.8 metres.

The maximum depth of the property would be 10.2 metres, incorporating a staggered rear façade and bay window to the front to match the architectural design and detail of no.82 Kings Close.

The proposal seeks the introduction of a porch to the front elevation to replicate the porch at no.82 with a depth of 1.3 metres, height of 3 metres and width of 3.5 metres incorporating a mono pitched roof.

The provision of 1 off street car parking space is proposed with soft landscaping and refuse storage to the front elevation

4. Public Consultation

Consultation letters were sent to 31 neighbouring properties.
6 response has been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Concerns regarding character of proposed development in the context of the existing street scene and wider locality.
- Concerns regarding increased pressures on parking and subsequent congestion.
- Concerns regarding deterioration of the character of street.
- Concerns regarding lack of allocation of off street refuse and subsequent harm to health and safety due to obstruction on roadside and potential attraction of wildlife.
- Potential additional traffic could result in increased pollution in the area to the detriment of local residents along the street including children.
- Concerns regarding future occupiers due to the minimal outdoor amenity space proposed and potential

- Concerns regarding copycat developments
- Concerns regarding devaluation of existing property prices.
- Concerns regarding conversion of property into a HMO and potential antisocial behaviour.

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 19 February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future residents.
- Whether harm would be caused to parking and highways
- Whether there is a risk of flooding

5.3 Assessment of proposals

The application site has been subject of an identical proposal which was refused under application reference (18/0171/FUL) on the 09 March 2018 and (18/4091/FUL) on the 30 August 2018. The previous applications were refused on trees and highways grounds. The applicant has provided additional information in the form of an arboricultural report and Parking Survey.

Principle of development:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and

to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The proposed development would result in the demolition of two existing garages and the erection of a new home.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing.

The land is located within walking distance of a number of bus stops, is close to local amenities and services, and utilises existing access.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

Impact on character and appearance of the street scene and surrounding area:

Policy CS5 of Barnet's Core Strategy (2012) seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The applicant seeks consent to demolish the existing two outbuildings on site and erect a two storey family dwellinghouse, which is to be attached to the flank elevation of the existing property at No. 82 Kings Close.

Planning Officers acknowledge that this road is characterised by pairs of semi-detached properties and terraces formed of three or four properties, falling within a 'suburban terrace' typology as defined by Barnet's Residential Design Guidance SPD (2016).

In this sense, the addition of a fourth property to the end of this terrace would be in keeping with the established pattern of development.

The existing terraces in the street benefit from balanced appearance(s) typical of the interwar period, with well-placed bay windows, gable end front projections, timber framing and hipped roofs.

The terrace of which No. 82 forms part of is an anomaly as it is formed of only three properties. It is not clear from the Council's historic GIS mapping how this has come to be.

Nevertheless, as existing, the terrace is unbalanced in appearance by way of its placement of bay windows.

Although the addition of the proposed dwelling would not counter or address this (contrary to what the submitted plans imply), it would mimic consistent design features and materiality of these properties and would not cause any greater harm to the street scene than the

existing unbalanced terrace already does. The building widths and depths would be consistent with the adjacent buildings.

The ground floor access to the proposed dwelling's rear garden would be concealed by a timber gate, which is a common feature in residential streets such as this one. In order to ensure that the resultant development is characteristic of the street a condition will be attached for provision of soft landscaping to the front of the property continuing the pattern of development along the street.

Overall, it is not considered the design of the proposed dwelling subject to approved materials via condition would harm the character and appearance of the street scene and wider area.

Impact on the amenities of existing neighbours

Policy DM01 states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The front building line of the proposed dwelling house would not project beyond the front wall of No. 82 Kings Close.

The rear wall of the proposed dwelling would align with that of No. 82's for 2.7 metres (of the width of the rear elevation) before projecting a further depth of 0.9 metres. This increase on depth would be sited 3.8 metres from the boundary adjacent to No. 82. This is deemed an acceptable distance.

The plans submitted indicate that the windows in the existing flank elevation of No. 82 (facing the proposed dwelling) serve non-habitable rooms/areas of the dwelling. It was observed on site that they were obscure-glazed, and any which weren't did not appear to be primary windows. As such, this is deemed acceptable.

Overall the proposed dwelling would preserve the residential and visual amenities of neighbours occupying the existing dwelling at No. 82 Kings Close.

In order to ensure that the development does continue protect the amenity of neighbouring occupiers and contribute positively to the character of the street and wider locality a condition shall be attached revoking parts A, B, C, D, E and F of Part 1 of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification).

Quality of amenity for future occupiers:

Policy DM01 of Barnet's Development Management Policies DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers and users.

Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings in accordance with the London Plan and outdoor amenity space in accordance with Barnet's Sustainable Design and Construction SPD (updated 2016).

The proposed dwelling would meet the relevant floorspace standards as set out in the London Plan.

Paragraph 2.3.1 of Barnet's Sustainable Design and Construction SPD (2016) states: Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable. Paragraph 2.3.2 lists areas not considered usable.

Barnet's Residential Design Guidance SPD (2016) explains good design for outdoor amenity space. Paragraph 8.8 states: In designing high quality amenity space, consideration should be given to privacy, outlook, noise, sunlight, trees and planting, materials (including paving), lighting and boundary treatment...The size, shape and slope gradient of amenity space is key to its usability. Awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided and will not be considered to count towards usable outdoor amenity space.

Paragraph 8.9 states design principles for communal garden areas, should receive adequate sunlight relative to the defined purpose of the space, which can also be applicable to private gardens. Paragraph 8.13 lists the functions and uses of private dwelling gardens.

The dwelling has six habitable rooms (four bedrooms and the living/dining room which is counted as two as it is over 20 sqm in floor area). Table 2.3 of the Barnet's Sustainable Design and Construction SPD (2016) states a requirement of 70 sqm of outdoor amenity space for a house up to six habitable rooms.

The total garden for the proposed dwelling is in excess of 90 sqm. Although towards the rearmost section of this space is less usable it is considered the overall size and shape of the garden would still provide future occupiers with an appropriate level of outdoor amenity space.

An Environmental Health Officer has assessed the application and concluded that the A1 is only 50 metres from the eastern side of the development which means that without acoustic mitigation it likely traffic noise levels will exceed World Health Organization guidelines. They have therefore recommended a number of conditions in the event of an approval.

Trees:

British Standard 5837:2012 Trees in relation to design, demolition and construction - Recommendations clearly sets out the requirements for tree retention in proximity to development and will be used as the benchmark for considering development proposals.

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can

be justified appropriate replacement should consider both habitat creation and amenity value.

National Planning Policy Framework section 118: Planning permission should be refused for development resulting in the loss or deterioration of irreplaceable habitats, including ancient woodland and the loss of aged or veteran trees found outside ancient woodland, unless the need for, and benefits of, the development in that location clearly outweigh the loss.

In the previous application concerns were raised regarding the impact of adjacent trees with trees growing within the site and on third party land owned and managed by the London Borough of Barnet, Green Spaces.

However since that application there has been a change of circumstance on site and 7 trees on the application site has been removed as well as adjacent poplar trees and objections centred on the mature poplar trees growing in close proximity to the new house which would place unacceptable pressure post development for tree maintenance is not a concern and thus this reason for refusal is now removed.

The persons behind the felling of these council owned trees is unknown, notwithstanding the planning justification for this reason for removal is now absent and as such the reason for refusal cannot be applied.

S106 Agreement:

As part of the acceptability of the project on tree grounds the Local Authorities Tree Officer has stated that the planting of 5 street trees should be provided to mitigate the loss of trees on site. This has been discussed and accepted by the applicant who is willing to pay £3000 + VAT (£600 per tree + VAT) to the Local Authority to ensure these trees are provided and mitigate the loss of on site trees.

Ecology/biodiversity:

London Plan Policy 7.19 states that development proposal should wherever possible, make a positive contribution to the protection, enhancement, creation and management of biodiversity. Point c states that proposals should not adversely affect the integrity of European sites and be resisted where they have significant adverse impact on European or nationally designated sites or on the population or conservation status of a protected species or a priority species or habitat identified. Policy DM16 of Barnet's Development Management Policies Document DPD (2012) provides similar protection for biodiversity and identified/designated sites.

The application site is adjacent to a Site of Importance for Nature Conservation (SINC) and thus special consideration must be taken when assessing impacts of development on or adjacent to these sites. The proposal must make positive contribution to the protection, enhancement, creation and management of biodiversity. Officers consider that introduction of a residential unit on the site would not have a detrimental impact on the adjacent SINC considering the existing use of the site and surrounding residential properties. However it is considered that the demolition and construction works for the development may impact the adjacent site and as such mitigation measures should be conditioned in order to ensure the protection of biodiversity on the adjacent site. A condition shall be attached to the application

requesting an Ecological Report with mitigation measures to be approved by the Local authority prior to any works taking place on the site

Risk of flooding:

The site is adjacent to Dollis Brook to the rear.

The Environment Agency classify this as a main river. All of the public space abutting the rear boundary of the site is classified Flood Zone 3 by the EA. However the site is located outside of the flood risk zone.

The Environment Agency has reviewed the information provided and consider there to be a low risk of flooding and therefore have no objections subject to the following informative:

"Flood Risk Activity Permit Informative Under the terms of the Environmental Permitting Regulations a Flood Risk Activity Permit is required from the Environment Agency for any proposed works or structures, in, under, over or within 8 metres of the top of the bank of the Dollis Brook, designated a 'main river'. Details of lower risk activities that may be Excluded or Exempt from the Permitting Regulations can be found on the gov.uk website. Please contact us at PSO-Thames@environment-agency.gov.uk."

Impact on highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states:

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:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

One car parking space is provided. Public Transport Accessibility Level (PTAL) rating for the site is assessed as 1b which is considered as poor accessibility. Base on the PTAL rating for the site the parking provision of 2 parking spaces is required for the proposed development. Therefore, provision of 1 parking space will result in a shortfall of 1 parking space.

However, the applicant has submitted a parking beat survey which took place between 01:00 and 05:30 on Wednesday 5th and Thursday 6th December 2018. The result of the survey indicated that the average parking stress on roads in the vicinity site is 79.72%. Therefore,

there are parking spaces available on street to accommodate any potential overspill parking from the proposed development.

On balance, the proposed development with 1 parking space is acceptable on highway grounds.

The applicant is proposing no changes to the vehicular access. The applicant should note that part of the existing vehicular crossover may need to reinstate as footway as it will not be leading to a car parking space. The applicant must contact our crossovers team to make an application for this reinstatement, an informative to this effect is included below.

Cycle parking and cycle storage facilities should be provided in accordance with the London Plan, in the event of an approval.

5.4 Response to Public Consultation

- Concerns regarding character of proposed development in the context of the existing street scene and wider locality; As assessed the proposed building would be consistent with the scale, form and design of neighbouring buildings along the street scene. As such, it would not appear out of character.
- Concerns regarding increased pressures on parking and subsequent congestion; this has been addressed within the main 'assessment of proposals' section of this report.
- Concerns regarding deterioration of the character of street; the application is proposing a single family dwelling house and assessed on this basis, which is the predominant characteristic of the street.
- Concerns regarding lack of allocation of off street refuse and subsequent harm to health and safety due to obtrusion on roadside and potential attraction of wildlife; details of the proposed storage of refuse would have been required via condition if the application was approved.
- Potential additional traffic could result in increased pollution in the area to the detriment of local residents along the street including children; officers do not consider that the proposed increase in traffic would result in unacceptable harm to the health and safety of resident or result in significant increase pollution.
- Concerns regarding future occupier's due to the minimal outdoor amenity space proposed and potential HMO with associated antisocial behaviour; The application is proposing a single family dwellinghouse and has been assessed on this basis. The use of the property as HMO would require additional planning permission.
- Concerns regarding devaluation of exiting property prices; this is not a material planning consideration.

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 the application does conform with the development plan and relevant planning policy. It is therefore recommended for APPROVAL.



Location **4 Green Lane London NW4 2NN**

Reference: **19/0865/S73**

Received: 14th February 2019

Accepted: 15th February 2019

Ward: Hendon

Expiry 12th April 2019

Applicant: Dylon Development Ltd

Proposal: Variation of Condition 1 (Approved Plans) of planning permission 18/3509/FUL dated 01/10/2018 for 'Demolition of existing building. Erection of a three storey building with rooms in roofspace and basement level to provide 6no self-contained flats. Provision of 6no off-street car parking spaces in basement area. Associated alterations to landscaping. Provision of refuse, recycling and cycle storage'. Variation to include alterations to parking provisions including omission of underground parking, addition of 4no car parking spaces, 1no cycle store, and addition of storage space at basement level, and alterations to refuse bins

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: 7062/ 01

Existing Block Plan: 1804.1.EX.P00

Existing Plans: 1804.1.EX.P01

Existing Elevations: 1804.1.EX.E01

Proposed Plans: 1804.4.PA.P02 Rev D

Proposed Elevations: 1804.4.PA.E01 Rev C

Section A-A, B-B, C-C, D-D: 1804.4.PA.S01 Rev C

Section E-E, F-F, G-G: 1804.4.PA.S02 Rev C

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 before the 1st October 2021.

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) 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.

- 6 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 7 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).

- 8 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).

- 9 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 10 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 11 a) Discharged under 18/7489/CON

b) The development shall be implemented in accordance with the measures detailed within the 'Demolition & Construction Method Statement' approved under 18/7489/CON

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

- 12 a) Discharged under 18/7489/CON

b) The development shall be implemented in accordance with the measures detailed within the 'Demolition and Construction Management and Logistics Plan' approved under 18/7489/CON

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).

- 13 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).

- 14 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 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 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).

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

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

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

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

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

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

- 20 Before the development hereby permitted is occupied the car and cycle parking spaces and the necessary revisions to the existing crossovers to afford access to the car parking spaces from public highway shall be provided in accordance with the approved drawing 1804.4.PA.P02 Rev D and those areas shall not thereafter be used for any purpose other than for the parking and turning of vehicles and cycles associated with the development.

Reason: To ensure and promote easier access to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 21 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 10% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 10% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

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

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

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

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

Informative(s):

0 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.

0 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.

- 0 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.

- 1 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 3 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 4 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 5 The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Refuse collection point should be located at a ground floor level and within 10m of the Public Highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for the works proposed on the public highway to facilitate the development - being the widening of existing vehicular accesses in order to accommodate independent access to all car parking spaces. The works on the public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Highway Authority for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.
- 9 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
- 10 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.

- 11 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

Officer's Assessment

1. Site Description

1.1 The application site is situated on Green Lane, close to the junction with Brent Street. The site is presently occupied by a double-fronted detached dwellinghouse which has been vacant for some time. As a result, there is hoarding up around the property. The area is predominantly residential, and the site itself represents the point of transition between the two-storey detached dwellinghouses of a similar period and design along Green Lane and the three-storey flatted development - known as Holmbush Court - which wraps around the junction. The opposing development at the junction between Green Lane/Brent Street - Hendon House - also comprises flats. The property is served by a relatively generous rear garden which abuts properties on Danescroft Avenue and garages to a block of the Danescroft development to the southern side boundary.

1.2 The site is not located in a conservation area and the building on the site is not Listed. There is a group of trees on the boundary with the block of flats - though they are not subject to a Preservation Order (TPO).

1.3 The neighbouring property at No6 Green Lane has been extended at ground floor and basement levels and has a raised terrace to the rear at both ground and first floor. The block of flats to the other side follows the curve of the road and its rear elevation is therefore orientated away from the property.

1.4 Permission was previously granted (18/3509/FUL) for the demolition of the existing building and the erection of an ostensibly three storey building - with rooms in roof and at basement level - to provide 6no self-contained flats. Work has not yet begun on-site and this application seeks to make a material amendment to the approved plans.

2. Relevant Planning History

2.1 The following decisions are considered to be material to this application:

Reference: 18/3509/FUL

Address: 4 Green Lane, London, NW4 2NN

Decision: Approved subject to conditions

Decision Date: 01 October 2018

Description: Demolition of existing building. Erection of a three-storey building with rooms in roofspace and basement level to provide 6no self-contained flats. Provision of 6no off-street car parking spaces in basement area. Associated alterations to landscaping. Provision of refuse, recycling and cycle storage.

3. Proposal

3.1 The application seeks amendments to the initial proposal in the form of:

- Alterations to the footprint of the proposed basement level excavations
 - o Narrowing of the basement excavation beneath the new building and to the rear
 - o Deletion of contiguous excavation to the front of the footprint of the new building
 - o Deletion of openings for ventilation to the front
 - o Deletion of basement level parking provision (see below)

- Corresponding internal alterations to the accommodation at basement level
- o Narrowing of the footprint of Flat Nos 01 & 02 at basement level
- o Expansion in the Gross Internal Area of Flat Nos 01 & 02
- o Relocation of cycle storage to surface level
- o Reconfiguration of space for technical equipment associated with the operation and maintenance of the new building
- Corresponding changes to the layout at surface level to the front, including:
 - o Hard & Soft Landscaping
 - o Location and configuration of refuse storage
 - o Introduction of surface level cycle storage
- Formation of 4no surface parking spaces

4. Public Consultations

4.1 Consultation letters were sent to 84 neighbouring properties.

4.2 6no objections have been received

4.3 The comments received can be summarised as follows:

- Insufficient parking
- Loss of privacy to properties in Danescroft Avenue from rear balconies
- Potential for combined future development together with No 6

5. Planning Considerations

5.1 Issues for Consideration

The consideration in this case is whether the proposed amendments are acceptable with regard to:

- Principle
- Character & Appearance
- Amenity of Future Occupiers
- Amenity of Neighbouring Occupiers
- Vehicle & Cycle Parking Capacity
- Access & Highway Safety
- Refuse & Recycling Storage
- Cycle Storage
- Boundary Treatments

5.2 Policy Context

National Planning Policy Framework

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 current iteration of the National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.

Development Plan

The relevant Development Plan comprises:

The London Plan (2016)

London Borough of Barnet: Local Plan (Core Strategy) DPD (2012)

London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012)

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, DM08, DM17

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

Relevant Supplementary Planning Guidance

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.

6. Assessment

Principle

6.1 The principle of basement excavation has been established by the original consent (18/3509/FUL). The continuing provision of a revised basement beneath the proposed new building and to the illustrated depth beyond the rear elevation remains consistent with that decision.

Character & Appearance

6.2 Notwithstanding the proposed changes to the layout, the bulk of the amendments are subterranean. As a result, they do not have a consequence for character and appearance. Whilst there is a slight increase is proposed in the area of hard surfacing to the front of the property from that illustrated in the approved scheme, it would be comparable with regard to the existing situation. As such, the amendment is considered acceptable in that regard - subject to details of the final hard and soft landscaping which remain reserved by Condition 5 of the parent permission (18/3509/FUL). Amendments to refuse & recycling and cycle storage are discussed below.

Amenity of Future Occupiers

6.3 The proposed amendments bear a material effect only on Flat Nos 1 & 2. The principle of habitable room accommodation at basement level has already been established. However, despite the slight narrowing of the footprint, the bedrooms maintain the minimum GIA and operating width required by the Nationally Described Space Standard - as adopted by the London Plan and LB Barnet Sustainable Design and Construction SPD (2016) - whilst

the overall GIA of the two units is also increased and remains substantially in excess of the required standard.

6.4 With regard to the 'TV' rooms, as a result of the amendments these would fail the glazing ratio set out in the Sustainable Design & Construction SPD (2016). However, given the layout of those rooms and that they are secondary living spaces (with both flats retaining principal reception rooms at ground floor level), the LPA do not raise an objection.

Amenity of Neighbouring Occupiers

6.5 The amendments are not considered to materially affect the residential amenity of neighbouring occupiers. Highways and parking matters are discussed separately below.

Vehicle & Cycle Parking Capacity

6.6 The proposal incorporates a reduction in the number of vehicle parking spaces from 6no to 4no, though retains a total of 12no cycle spaces (discussed separately below).

6.7 On the basis of the approved schedule of accommodation (4no x 2-bed; 1no x 3-bed; 1no x 1-bed), with reference to Policy DM17(1)(g) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), parking provision would fall within the range of 5no and 8.5no spaces.

6.8 The site benefits from a PTAL rating of 3 (out of 6) - pitching it in the middle of the range. On that basis, the scheme would be expected to provide c6no spaces. The reduction in vehicle parking from 6no basement level spaces to 4no surface level spaces therefore represents an under-provision in off-street capacity.

6.9 However, with regard to Policy DM17(2)(i), "residential development may be acceptable...with limited or no parking outside a Controlled Parking Zone (CPZ)...where it can be demonstrated through a survey that there is sufficient on street parking capacity".

6.10 In that regard, the application is supplemented by a Parking Beat Survey. The survey results demonstrate an average parking stress of less than 40%, indicating that sufficient on-street parking capacity exists such as to justify the proposed amendment - in line with Policy DM17(2)(i). The Local Highway Authority have reviewed the survey and have not objected to the findings - subject to amendments to the layout as discussed below.

Access & Highway Safety

6.6 Notwithstanding the above, within the context of the existing situation and extant approval, the proposal is not expected to have a detrimental impact on the surrounding public highway. Access will be made via the augmentation of the 2no existing crossovers - each providing access to 2no spaces perpendicular to the highway. Following amendment to the scheme during the progress of the application to consolidate that arrangement, the Local Highway Authority do not raise any objection - subject to the necessary future application to them under Section 184/278 of the Highways Act 1980.

Refuse & Recycling Storage

6.7 The amended scheme condenses the proposed refuse and recycling store from 8no 240L bins into 2no 1100L Euorbins. This represents an overall increase in capacity, whilst maintaining separate facility for both household refuse and recycling. These remain along the northern boundary however, are relocated towards the front boundary. The Local Highway Authority have not determined any objection in respect of the effect on egress from the driveway. As such, this is considered to be acceptable - subject to details to be brought forward under Condition 23.

Cycle Storage

6.8 The scheme has been amended both as a result of the proposed changes to the basement level excavation and during the process of this application. As a result, 1no 8-cycle vertical rack and 1no 4-cycle vertical rack are now proposed to the front of the site. These are considered to be appropriate in terms of provision, scale, siting and access. As a result, Condition 21 is amended accordingly.

Boundary Treatments

6.9 Details of the final means of enclosure remain reserved by Condition 6 of the parent permission (18/3509/FUL) and will be subject to further consideration before discharge.

7. Response to Public Consultation

7.1 Objections with regard to parking provision have been addressed in the above report.

7.2 Objection was raised with regard to the potential for a loss of privacy to properties on Danescroft Avenue arising from the rear extension and balconies. However, these are not proposed to be amended and as such remain consistent with the scheme previously approved under grant of consent 18/3509/FUL.

7.3 Concern was also raised that the development may become combined with (or precede) future re-development of No 6 Green Lane. However, this possibility cannot be considered material to the application under consideration - which is limited to the scope of the development description. However, were permission to re-develop No 6 be subsequently sought, it would be considered within the context of any works carried out in pursuit of this consent (or 18/3509/FUL) - or with regard to those permissions (for so long as they remain extant).

8. Equality and Diversity Issues

8.1 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.

9. Conclusion

9.1 In light of the above appraisal and within the context of the previous approval, it is considered that the proposed surface level parking solution and corresponding internal and external alterations would remain appropriate with regard to both the character and appearance of the host property and street-scene and the amenities of future and neighbouring residents. This application is therefore recommended for APPROVAL - subject to the re-imposition of conditions as accordingly revised.

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Location **94 Audley Road London NW4 3HB**

Reference: **19/0080/FUL**

Received: 7th January 2019

Accepted: 8th January 2019

Ward: West Hendon

Expiry 5th March 2019

AGENDA ITEM 9

Applicant:

Proposal: Alterations and extensions to existing 11no. flats involving three storey side and rear extension at lower ground, ground and first floor levels. Roof extension including 2 rear dormer windows and alterations to front dormer window. Removal of existing single storey building to the front of the Coach House and removal of Coach House. Provision of private and communal amenity space, refuse/recycling storage, 5no. off-street parking spaces with associated access and 11no. cycle parking spaces (amended description)

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:

Proposed Lower Ground Floor and Ground Floor Plan Drawing No 94AR-PP1-04 Rev C

Proposed First and Second Floor Plan Drawing No 94AR-PP1-05 Rev B
Received 29 March 2019

Existing Floor Plans Drawing No 9AAR-PP1-02
Existing Elevations Drawing No 94AR-PP1-03
Received 7 January 2019

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 flat roof of the ground floor 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 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).

- 6 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.

- 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 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.

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.

Officer's Assessment

1. Site Description

The application site relates to a large detached corner property located on the junction of Audley Road and Graham Road. The immediate area is predominately residential dwelling houses and various flat conversions.

The building was formally known as Peacehaven Hotel. The property is now occupied as 11 self-contained flats. Lawful use has been confirmed for the existing 11 flats.

The building has four floors. The basement is unoccupied except for storage, the ground floor has 5 self-contained units, the first floor has 4 units and the second floor has 2 units. The units are all studio units.

In the rear garden is a detached part 2 storey out building known as the 'coach house'. The coach house has been empty since 1999, before which time it was used as a commercial printers.

2. Site History

Reference: H/04521/14

Address: Rear of 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 13.10.2014

Description: Refurbishment and first floor rear extension of the existing coach house. Alterations to roof including side roof lights to both side elevations to provide rooms in roof space.

Reasons:

1. The proposed use would result in an over intensification of the site which would lead to increased comings and goings within close proximity to residential units and particularly residential windows serving habitable rooms which would be out of character and result in harm to the amenities of future residential occupiers contrary to Policy DM01 of the Development Management Policies (2012), CS5 of the Core Strategy (2012) and Residential Design Guidance (2013).

Reference: H/05901/14

Address: Peacehaven Hotel, 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 04.12.2014

Description: Submission of details for condition 15 (Contamination Report) pursuant to planning permission H/02203/11, dated 02/11/2011.

Reference: H/03943/14

Address: Peacehaven Hotel, 94 Audley Road, London, NW4 3HB

Decision: Approved

Decision Date: 05.09.2014

Description: Submission of conditions 3 (Parking details), 4 (Visibility), 6 (Refuse), 7 (Ventilation/Extraction details) 8 (Landscaping details) pursuant to planning permission H/02203/11 dated 2/11/11.

Reference: H/02329/13

Address: 21 Graham Road, NW4 3HB

Decision: Refused

Decision Date: 28.10.2013

Description: Conversion of existing coach house into a 3-bed family dwelling and first floor rear extension.

1. The proposed first floor obscure glazed side windows in the proposed dwelling will provide inadequate outlook for the future occupiers and would not provide an acceptable level of amenity contrary to Policy DM01 of the Development Management Policies (2012).

2. The existing rear windows in 94 Audley Road will overlook the proposed amenity space for the application site to an unacceptable degree, the proposal will not provide adequate private usable amenity for future residential occupiers contrary to Policy DM01 of the Development Management Policies (2012) and Residential Design Guidance (2013).

3. The scheme provides no off-street parking and the cumulative impact of this along with the loss of car parking spaces permitted as part of application H/02203/11 would have a detrimental impact on local parking conditions and the highways network contrary to Policy DM17 of the Development Management Policies (2012).

Appeal Dismissed

Reference: H/00913/12

Address: 21 Graham Road, NW4 3HB

Decision: Deemed refusal (Appeal)

Decision Date: 10.07.2012

Description: Conversion of existing coach house into self-contained residential unit with associated car parking and amenity space and associated first floor rear extension.

Reason:

1. The garden of the proposed dwelling would be less than 10.5m from the upper floor habitable room windows at the existing building at 94 Audley Road, resulting in undue overlooking from these windows into the garden of the proposed property, to the detriment of the privacy enjoyed by the future occupiers, contrary to policies H5, H16 and H17 of the Barnet Adopted Unitary Development Plan (2006), policy CS5 of the Local Plan Core Strategy (Adoption Version) 2012, policy DM01 of the Local Plan Development Management Policies (Adoption Version) 2012 May 2012 and Council's Design Guidance Note No.5: Extensions to Houses.

2. The proposed change of use of the building to residential use would result in undue overlooking from the upper floor windows of the proposed dwelling into the communal amenity space of the existing building at 94 Audley Road to the detriment of the privacy enjoyed by these occupiers, contrary to policies D5, H16 and H17 of the Barnet Adopted Unitary Development Plan (2006), policy CS5 of the Local Plan Core Strategy (Adoption Version) 2012, policy DM01 of the Local Plan Development Management Policies (Adoption Version) 2012 May 2012 and Council's Design Guidance Note No.5: Extensions to Houses.

3. The proposed development would result in undue overlooking between the first floor window of the proposed dwelling facing Graham Road and the first floor habitable room rear window at number 19 Graham Road closest to the boundary with number 21, to the detriment of the privacy enjoyed by both occupiers, contrary to policies D5, H16 and H17 of the Adopted Unitary Development Plan (2006), policy CS5 of the Local Plan Core Strategy (Adoption Version) 2012, policy DM01 of the Local Plan Development Management Policies (Adoption Version) 2012 May 2012 and Council's Design Guidance Note No.5: Extensions to Houses.

4. The proposed first floor rear extension, by reason of its size, height and siting, would be unduly overbearing to the adjacent occupiers at number 92 Audley Road, to the detriment

of their ability to enjoy their home and garden, contrary to policies D5, H16 and H27 of the Adopted Unitary Development Plan (2006), policy CS5 of the Local Plan Core Strategy (Adoption Version) 2012, policy DM01 of the Local Plan Development Management Policies (Adoption Version) 2012 May 2012 and Council's Design Guidance Note No.5: Extensions to Houses.

5. The proposed development, by reason of the approach to the dwelling via steps, would fail to support the changing needs of individuals and families at different stages of life, contrary to policy 3.8 'lifetime homes standards' of the London Plan 2011 and policy DM02 of the Local Plan Development Management Policies (Adoption Version) 2012 May.

6. The proposed development does not include a formal undertaking to meet extra education, health and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to policies CS2, CS8, CS13 and IMP2 of the adopted London Borough of Barnet Unitary Development Plan 2006, Supplementary Planning Document, Planning Obligations, Supplementary Planning Document, Contributions to Education, Supplementary Planning Document, Contributions to Libraries and Supplementary Planning Document, Contributions to Health Facilities.

7. The proposed development does not include a formal undertaking to prevent the implementation of permission ref: H/02203/11. This would be necessary because in the event permission ref: H/02203/11 was to be implemented, the proposal would not be acceptable for the following reasons:

- The proposed development would result in a deficiency of amenity space to serve the flats permitted under application ref: H/02203/11, contrary to policies H16 and H18 of the Adopted Barnet Unitary Development Plan (2006) and policies DM01 and DM02 of the Local Plan Development Management Policies (Adoption Version) 2012 May.

- The proposal would result in overlooking between the first floor window of the proposed dwelling facing Graham Road and the rear habitable room windows on the approved side extension, to the detriment of the privacy enjoyed by both occupiers, contrary to policies D5, H16 and H17 of the Adopted Barnet Unitary Development Plan (2006) and policy DM01 of the Local Plan Development Management Policies (Adoption Version) 2012 May.

Appeal Dismissed

Reference: H/00191/11

Address: 94 Audley Road, London, NW4 3HB

Decision: Lawful

Decision Date: 4 March 2011

Description: Lawful use of the property as 11 self-contained flats.

Reference: H/02203/11

Address: 94 Audley Road, London, NW4 3HB

Decision: Approved following legal agreement

Decision Date: 02.11.2011

Description: Two storey side extension from basement to ground floor level and three storey rear extension from basement to first floor level to facilitate conversion of No. 94 into 3no. self contained maisonettes and 4no. self-contained flats, following demolition of the existing side structure. Formation of parking for 2 spaces.

Reference: H/00318/10

Address: 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 15 March 2010

Description: Two storey plus basement side and rear extensions, together with internal and external alterations to the existing property to provide 7 self-contained flats. Demolition of existing out-building. Alterations to the existing front dormer window. Provision of two off-street parking spaces.

Reasons for Refusal:

1. The proposed development represents an overdevelopment and over-intensive use of the site, by reason of the number of units proposed and scale and bulk of the extensions, including the basement, to the detriment of the character and appearance of the area and residential amenities of occupiers of neighbouring properties, contrary to policies GBEnv1, GBEnv2, D1, D2, D4 and H16 of the Adopted Barnet Unitary Development Plan 2006.

2. The development does not include a formal undertaking to restrict the future occupiers of the flats from obtaining residents parking permits and to meet the extra education and health services costs together with associated monitoring costs arising as a result of the development, contrary to Policies CS8, CS13, M14, H16, IMP1 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document- Planning obligations, Supplementary Planning Document- Contributions to Education, Supplementary Planning Document- Contributions to Health.

Appeal dismissed

Reference: H/02167/09

Address: 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 20.11.2009

Description: Part single, part two storey plus basement rear extension together with internal and external alterations to existing property to provide 8 self-contained flats. Demolition of existing out-building and erection of a two storey building to provide 3 self-contained flats. Provision of two off-street parking spaces.

Reasons for Refusal:

1. The proposed development represents an over intensive use of the site, leading to an appreciable increase in comings and goings, detrimental to the character of the area, contrary to policies GBEnv1, GBEnv2, D1, D2, D4 and H16 of the Adopted Barnet Unitary Development Plan 2006.

2. The proposal would provide an unacceptable level of useable amenity space, detrimental to the residential amenities of future occupiers, contrary to policies H16 and H18 of the Adopted Barnet Unitary Development Plan 2006 and Supplementary Planning Design Guidance Note: Sustainable Design and Construction.

3. The proposed development would form sub standard residential accommodation, by virtue of a poor level of outlook from and light into the basement rooms of Flats 1, 2 and 9 detrimental to the amenities of any future occupiers, contrary to policies, D5 and H16 of the Adopted Barnet Unitary Development Plan 2006.

4. The proposed development would form sub standard residential accommodation as it would allow direct overlooking into the lower bedroom and living windows of flats 9 and 10, leading to a significant amount of loss of privacy, detrimental to the residential amenities of any future occupiers, contrary to policies, D5 and H16 of the Adopted Barnet Unitary Development Plan 2006.

5. The proposed development does not provide sufficient on-site parking to the detriment of highway safety, free flow of traffic and residential amenity, contrary to policies GParking, M14 and H16 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

6. The proposal does not include a formal undertaking to meet the additional educational and monitoring costs arising as a result of the development, contrary to policies

CS2, CS8, CS13, IMP1 and IMP2 of the adopted Unitary Development Plan and the adopted Supplementary Planning Documents 'Contributions to Education', "Contributions to Health Facilities", and "Planning Obligations".

Reference: H/02295/08

Address: 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 3 September 2008

Description: Three-storey rear extension to existing hotel. Demolition of coach house and erection of two-storey (plus basement) building to be used as extension to hotel.

Reasons:

1. The proposed development by reason of the increased number of bedroom units for the use as a hotel would result in an over-intensive use of the site and an increased level of comings and goings detrimental to the residential character of the locality and the residential amenities of neighbouring occupiers contrary to policies GBEnv1, D2, D4 and L10 of the Barnet Adopted Unitary Development Plan (2006).

Reference: F/03704/08

Address: 94 Audley Road, London, NW4 3HB

Decision: Unlawful

Decision Date: 28 October 2008

Description: Single storey rear extension.

Reference: W02393G/03

Address: Peacehaven Hotel, 94 Audley Road, London, NW4 3HB

Decision: Refused

Decision Date: 18.03.2003

Description: Erection of three-storey plus basement rear extension to provide five additional hotel rooms. Provision of 3no. additional car-parking spaces accessed from Audley Road.

Reference: W02393E/99

Address: 94 Audley Road, London, NW4 3HB

Decision: Lawful

Decision Date: 19 June 2000

Description: Internal alterations in connection with continued use as a hotel (Class C1).

3. Proposal

The proposal is for alterations and extensions to 11 existing flats and to demolish the rear outbuilding.

The extensions involve a three storey side and rear extension. The side extension is three storeys high with a width of 5.1 metres and height of 11.9m² to the roof of the ridge. The eaves height is 8.8 metres in line with the main property. The roof is hipped over the extension.

At the rear, the property will be extended a maximum of 3.7 metres at lower ground floor from the existing basement wall. This is the maximum depth which is reduced at each side creating a staggered building line. A private sunken patio is included at the rear outside unit

2. The extension measures 2.3 metres in depth at ground floor from the existing rear wall. An entrance landing will be included in the rear elevation, above the lower ground floor. At first floor, the extension has a depth of 3.1 metres from the existing elevation with additional 0.8 metre bay projections.

At roof level, the roof space will be enlarged to extend over the new floor space. A dormer window will be included in the centre as well as one to the rear roof slope of the side extension. Two gable features are set down from the main ridge. One rooflight is added above the side extension.

At the front of the property, an existing front dormer will be amended with a pitched roof. An additional rooflight is also added. Rooflights are also included in the top of the roof and in the east elevation.

At the side of the property adjacent to Audley Road, a sunken patio/lightwell is proposed to serve as private patio space for units 2 and 4. The elevations do not show the detail of any doors to access these patios. To the front of the property is a lightwell approximately 1.7 metres in depth. At lower ground floor this creates a private patio area for Unit 5.

The existing units are studios. The proposed units are rearranged as follows:

Unit 1: 2 bed, 3 person 92.6m²
Unit 2: 1 bed, 2 person 90m²
Unit 3: studio unit 37m²
Unit 4: 2 bed, 3 person 93m²
Unit 5: 2 bed, 3 person 101m²
Unit 6: studio unit 37m²
Unit 7: studio unit 36.7m²
Unit 8: studio unit 39.6
Unit 9: studio unit 37.3m²
Unit 10: 1 bed, 2 person 51.1m²
Unit 11: 1 bed, 2 person unit 50m²

The remaining rear garden is shown as a communal garden with soft landscaping.

The two storey outbuilding, also known as the coach house to the rear is to be demolished. A single storey building is also proposed to be removed from the front of the outbuilding to make way for the extensions. This has been partly undertaken at the time of the site visit.

Five off street parking spaces are shown in the site plan. Two space are shown at lower ground floor level off Graham Road and four parking spaces are shown accessed via an existing and proposed crossovers on Audley Road. Cycle storage and bin storage is shown at the side of the property along the boundary with Audley Road.

The proposal has been amended to remove the existing outbuilding from the scheme. Concerns were raised with the cumulative impact to the neighbouring property as a result of the wider side extensions and the retention of the existing two storey outbuilding.

Previous schemes have sought removal of this feature to facilitate the side extensions. The balcony on the roof of the first floor has also been removed from the scheme. An additional rear dormer has been included in the scheme. The layouts of units have been rearranged to secure better outlook and ensure any studios are clearly studio units. This has resulted in some reduction to occupancy.

4. Public Consultation

Consultation letters were sent to 173 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- No design and access statement submitted which is a requirement of planning applications
- No information on materials
- This scheme is much larger than the last approved scheme and retains the coach house which was to be removed with the last scheme. The previous scheme has lapsed so it should not set a precedent.
- there could be little confidence that conditions could restrict the use of the coach house for office and gym only associated with the main property.
- the increased occupancy will result in more parking pressure.
- The outdoor amenity space is reduced by the retention of the coach house and increased occupancy
- Noise and disturbance of construction
- lighting in the rear garden and coach house and new windows in the main property would shine light into neighbouring properties
- proposal shows units which don't have separate bedrooms
- the three storey side extension is higher and wider than the previous extension.
- increased overshadowing by the extension to the rear of the coach house (due to privacy screening) and it is proposed to increase the height of the coach house
- unacceptable impact on 19 Graham Road owing to side extension and extension to coach house creating a continuous wall of high building, which would be overbearing
- new balcony on the flat roof extensions of 94 Audley Road could cause nuisance and loss of privacy to immediate neighbours and users of amenity space.
- excavation is proposed next to boundary with 19 Graham Road of approximately 1 metre.
- LPA previously advised in H/02203/11 that 'the applicant is advised that applications for further development are unlikely to receive favourable consideration.'
- Commercial HMOs like this are destroying the family feel of this street
- This development will force tenants to move while the works are occurring

A site notice was posted 17 January 2019.

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 19 February 2019. 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, DM02, DM08, DM17

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal results in a satisfactory standard of accommodation for future occupiers;
- Impact of development on Highways

5.3 Assessment of proposals

The application site has an extensive planning history. 94 Audley Road has historically been known as a Hotel but is now in use as 11 self contained flats. This proposal seeks to retain the same quantum of units with extensions to the property to enlarge the footprint, and in some cases, the occupancy of these units.

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

The planning history is extensive. The history details several previous applications for side and rear extensions. Application H/00318/10 was refused and dismissed on appeal but the Inspector considered the extensions would not result in any harm to the host building or streetscene stating:

'Overall the mass of built form on the site would increase, particularly at basement level, and the Council considers that this would harm the character and appearance of the area. The extension on the Graham Road frontage, set further forward than the existing structure to be demolished, would make the appeal premises appear larger when seen from Graham Road. However, I consider that this extension has been well designed. It incorporates details from the existing building and in my opinion provides an appropriate step down between the main building and 19 Graham Road, which is set further down the slope. I observed on my site visit that both 94 and 96 Audley Road opposite are substantial buildings providing something of a feature on the corner of Audley and Graham Road. In my view, the proposed extensions to the appeal property, insofar as they can be seen from public viewpoints, would enhance the property's contribution to the street scene. I do not consider that the proposed mass of the extensions would cause any harm in this respect'

Following this dismissed scheme, a subsequent application for similar scale side and rear extensions was granted for the property although have not been implemented. Permission H/02203/11 was granted but has not expired and is no longer valid. Although this permission has lapsed, weight is given to the previously permitted scheme and appeal comments.

The proposed side extension would be set back 1m from the front building line and off the shared boundary with no.19 Graham Road by 1m. The side extension would be well set down from the ridge and design with a pitched roof of similar style and design to the existing lowered roof above the bay windows.

The extensions to the rear would project approximately 2.7m deep, over three stories in height (including basement) which would be designed with lowered roof gable features.

Since the last scheme, the side extension has increased in width. The front elevation is varied at roof level and the rear elevation incorporates two gabled bay features. As the site is a corner property, the extensions to the rear will be particularly prominent.

The Council's Residential Design Guidance SPG states open lightwells and sunken terraces will be resisted.

Bearing in mind, that the proposal involves the removal of the existing outbuilding, the size, bulk and siting of the proposed extensions are considered to have an acceptable relationship with the adjoining neighbouring property and would not prejudice the visual or residential amenities of these occupiers, whilst maintaining an acceptable appearance to the host property and streetscene.

- Whether the proposal results in a satisfactory standard of 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.

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The existing premises accommodates 11 self-contained units within the ground, first and second floors of 94 Audley Road. It is noted that planning permission was not obtained for the current use but the use is lawful as determined by a Lawful Development Certificate. Whilst the number of units would be the same as the existing, the proposal would introduce additional bedrooms to a number of the units. The provision of larger units to the site would result in a recognisable increase in the overall intensity and occupancy of the property. Considering the units are materially changing from studios to a mix of units, including 2 bedroom units, the LPA take a view that the units should be assessed as new flats under the Council policies and London Plan.

Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings.

Studio unit: 39m²

1 bed, 2 person: 50m² or 58m² over two floors

2 bed, 4 person: 70m² or 78m² over two floors
3 bed, 5 person: 86m² or 93m² over two floors

The units are shown as:

Unit 1: 2 bed, 3 person (duplex unit) 92.6m²
Unit 2: 1 bed, 2 person (duplex unit) 90m²
Unit 3: studio unit 37m²
Unit 4: 2 bed, 3 person (duplex unit) 93m²
Unit 5: 2 bed, 3 person (duplex unit) 101m²
Unit 6: studio unit 37m²
Unit 7: studio unit 36.7m²
Unit 8: studio unit 39.6
Unit 9: studio unit 37.3m²
Unit 10: 1 bed, 2 person 51.1m²
Unit 11: 1 bed, 2 person unit 50m²

The existing units are all undersized and insufficient as self-contained units if assessed against National space requirements. The enlargements proposed would be an improvement to the existing situation in terms of internal amenity space. With the enlargements, some of the proposed units have been increased in occupancy but assessed against the London Plan standards, would comply with internal amenity space standards.

Unit 7 is shown as a studio unit. The unit measures only 36.7m² which would be short of the required internal amenity for a studio unit. The shortfall is minimal and considering the unit has been enlarged from the existing unit 7 would be an improvement to the existing situation. As there is no increase in the number of occupants in this unit, the harm to future occupants is acceptable.

Amenity Space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable design and construction SPD advises that 5m² should be provide per habitable room for flats. Rooms over 20m² should be assessed as two habitable rooms.

A communal outdoor area of 181m² is provided at the rear of the property. The removal of the coach house improves the size of rear amenity space. All flats would require at least 10m² of amenity space. Units 1, 4 and 5 require 20m² each. At least 150m² is required. The communal garden provides enough amenity space for all units.

In addition, some of the units are shown with private space. Unit 2 has two small areas of private patio proposed at lower ground floor level within a lightwell. The rear patio has an area of 2.9m² and is no deeper than 1 metre. The Residential Design Guidance states that where balconies or other private spaces are accepted as the only form of amenity space to be provided within a development, they should normally be at least 1.5 metres in depth and width in line with the Mayors Housing SPG. The side patio measures 5.7m² and has a depth of 1.9 metres. These patios are sunken, lower ground floor amenity spaces which are unusable given their limited space to facilitate any outdoor seating. While this is not the only amenity space, it is the only private amenity space being proposed for the unit.

Units 5 and 4 also have private patios in the lightwells. For unit 5 this measures 6m² and for unit 4 this measures 12m² at the side and 6m² at the front. The patios have been shown around the units windows and it is considered screening could be developed to separate these patios and the windows of these units for privacy. While the spaces could be managed

as private areas, the limited size of these spaces render these insufficient to contribute toward any meaningful calculation of outdoor amenity space. The units would be reliant on the communal amenity space for any meaningful outdoor area.

Unit 9 was originally proposed with a private terrace at first floor level of approximately 19.4m. The use of the flat roof for a terrace is not considered suitable for the host property and was removed from the scheme.

While the existing property is in lawful use as 11 flats, these are studio flats. The proposal involves extensions to the property which reduces the opportunities for amenity space on site and also increases the occupancy of the units in the property. Given the number of habitable rooms and occupants has increased, it is relevant to consider the development against these amenity standards.

The exiting outbuilding is proposed to be demolished. This provides a greater provision of rear amenity space and improved outlook for the rear facing windows of Unit 1. Appeal decision APP/N5090/A/12/2178984 (H/00913/12) considered the impact of a development in the Coach house and implications on an extant scheme for flats in the main property. The Inspector found that the appeal proposal, in addition to the extant scheme, would lead to an under-provision of communal amenity space for its future occupiers, causing significant harm to their living conditions. While this decision relates to a previous scheme, there are aspects of the decision which are still applicable to the current scheme. The appeal decision referred to the Barnet policy DM02 which is still in effect and the Council's Supplementary Planning documents which have been updated since the decision. The outbuilding has been removed from the scheme.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The floor levels are indicated on the elevation drawing and indicate most of the roof level would have a floor to ceiling height of 2.6 metres which will comply with the guidance. These units are also existing and the proposal represents an improvement to the overall amenity of these units.

Light/outlook:

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.

The layout of units has been revised in discussion with officers. Changes have been made to Unit 5 to increase the size of the living space and improve the outlook for this unit after concerns were raised. The living area, although at lower ground floor, benefits from two large front windows. One of these windows is partially obscured with the lightwell but the remaining front and side windows offer more substantial outlook.

Units 10 and 11 are shown in the roofspace. These are existing units which have a very low quality of amenity as existing. The proposals improve these units with increased floor space and outlook. Concerns were initially raised with Unit 10 which was shown to be reliant on rooflights only. Even considering the fact this unit was an existing studio with no outlook, increasing this to a 1 bedroom unit with rooflights only for outlook was unacceptable. The applicant was advised the unit should be re-provided with adequate outlook as per the residential design guidance and Mayors SPG for housing standards. Since the initial submission, an additional rear dormer has been added to the rear roofspace. Unit 10 has

been re-arranged with two rear dormers allowing rear facing views over the garden. The outlook of these units is now considered acceptable.

Privacy:

Privacy is an important design issue, particularly for higher density schemes, and all residents should feel at ease within their home. The lower ground floor and ground floor have windows facing onto the communal garden and front and side passages which would have a high likelihood of being overlooked from other occupants. In particular, Unit 1 with windows fronting the side and rear would have little private escape for the bedrooms in the lower ground floor. The existing property has no habitable rooms at lower ground floor. While there is a basement development, the proposal would increase the floor space and create more visible manifestations of the lower ground floor. The proposal shows soft landscaping incorporated down the sides and to the rear of the property. Subject to details of landscaping or subdivision of boundary treatments, the scheme could provide an acceptable level of amenity for future occupiers.

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 shows living and kitchen areas generally overlap one another or bedrooms of the same unit.

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

The proposed side extension would be set back 1m from the front building line and off the shared boundary with no.19 Graham Road by 1m. The side extension would be well set down from the ridge and design with a pitched roof of similar style and design to the existing lowered roof above the bay windows.

No.19 Graham Road does not have any main habitable windows on the side flank of facing the application site, and has been extended to the rear by means of a single storey rear addition. Windows to habitable rooms are proposed in the lower ground, ground and first floor side flank elevation. These windows would directly face number 19 Graham Road. The placement of these windows is considered acceptable given the neighbouring property has no habitable room windows in their flank elevation thereby reducing any concern for overlooking.

The existing property features a two storey outbuilding in the rear garden positioned along the side boundary with 19 Graham Road. The delegated report in H/00318/10 stated 'With regard to the size and positioning of the outbuilding, its flank wall is sited on the boundary with no.19 Graham, and is visually obtrusive as perceived from this property. The removal of the outbuilding represents a significant improvement to the amenities of the occupiers of no.19 Graham Road.' In that case, the removal of the outbuilding was a favourable consideration for approving the side extension. The initial scheme proposed to retain the outbuilding for a gym and office. The increase of the side elevation of the main property at three stories, within 1 metre of the boundary with 19 Graham Road and in conjunction with the two storey outbuilding, would create an almost continuous wall when viewed from the neighbours rear garden. In contrast, the existing placement of the outbuilding with lower level garage in front to the side of the property and greater separation to the main flank wall of number 94 Audley does allow for some view between built structures. The outbuilding has since been proposed for demolition. This reduces the impact of the side extension to the host property and is a supported amendment.

The extensions to the rear would be project approx 2.5m deep, over three stories in height (including basement) which would be designed with lowered roof gable features.

The extensions to the rear are similar to approved. The extensions were previously considered acceptable for the neighbouring property at 92 Audley Road which has a side elevation facing onto the rear elevation of the host property. The garden has a depth of approximately 10 metres from the proposed rear building line.

- Impact of development on Highways

Highways officers have been consulted on the proposal. Officers advised that the PTAL is 3 (average) with bus, tube and train available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied.

The proposed gym is for the use of the existing residents and will therefore not generate any additional levels of trip generation or parking stress.

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.

5.4 Response to Public Consultation

Addressed in main body of report.

6. Equality and Diversity Issues

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

7. Conclusion

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

LOCATION: Peacehaven Hotel, 94 Audley Road, London, NW4 3HB
REFERENCE: H/02203/11 **Received:** 24 May 2011
WARD(S): West Hendon **Accepted:** 15 June 2011
Final Revisions: **Expiry:** 10 August 2011

APPLICANT: Mr Tal
PROPOSAL: Two storey side extension from basement to ground floor level and three storey rear extension from basement to first floor level to facilitate conversion of No. 94 into 3no. self contained maisonettes and 4no. self-contained flats, following demolition of the existing side structure. Formation of parking for 2 spaces.

RECOMMENDATION: Approve Subject to S106

Subject to a Section 106 Agreement

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 **Education Facilities (excl. libraries) £30,197.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £196.00**
A contribution towards Health Facilities and Resources in the borough
- 5 **Monitoring of the Agreement £1,519.00**
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 6 **Highways (traffic order) £2,000.00**
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

RECOMMENDATION II:

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/02203/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Design and Access Statement; 1053/S-01; 1053/S-02; 1053/S-03; 1053/S-04; 1053/AP5-01; 1053/AP5-02 rev A; 1053/AP5-03; 1053/AP5-04.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 This development must be begun within three years from the date of this permission.
Reason:
To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.
Reason:
To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic.
- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Graham Road and Audley Road from a point 2.4 from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).
Reason:
To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.
- 5 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s) unless otherwise agreed in writing by the local planning authority.
Reason:
To safeguard the visual amenities of the building and the surrounding area.
- 6 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 7 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 8 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.
Reason:
To ensure a satisfactory appearance to the development.
- 9 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.
Reason:
To ensure a satisfactory appearance to the development.

- 10 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.

- 11 Prior to the occupation of the units a copy of the Pre-completion Sound Insulation Test Certificate of Part E of the Building Regulations 2000 (or any subsequent amendment in force at the time of implementation of the permission) shall be submitted to the Local Planning Authority and shall indicate at least 3 decibels above the Performance Standard.

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 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 on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 13 Before the building hereby permitted is occupied the proposed window(s) in the first and second floor side elevation facing no.19 Graham Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever without the prior specific permission of the Local Planning Authority.

Reason:

To ensure that the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties.

- 15 Part 1

Before development commences other than for investigative work:

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

the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:-

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

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

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

Part 2

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

Reason:

To ensure the development can be implemented and occupied with adequate regard for environmental and public safety.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
 - i) The proposed development accords with strategic planning guidance and policies as set out in the consultation draft replacement London Plan 2009 and the Adopted Barnet Unitary Development Plan (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006):GBEnv1, GBEnv2, GParking, D1, D2, D3, D4, D5, L8, M11, M12, M13, M14, H16, H17, H18, H27, GCS1, CS2, CS8, CS13, IMP1, IMP2.
Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Contributions to Education
Supplementary Planning Document: Contributions to Health
Supplementary Planning Document: Planning Obligations
Core Strategy (Publication Stage) 2010: CS3, CS4, CS5, CS8, CS9.
 - ii) The proposal is acceptable for the following reason(s): -
The proposed development would make efficient use of the site, having an acceptable impact on the character and appearance of the property, wider locality and would not harm the visual or residential amenities of any neighbouring occupier.
- 2 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 In complying with the contaminated land condition parts 1 and 2:
Reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents;
- 2) Planning Policy Statement 23 (PPS 23) - England (2004);
- 3) BS10175:2001 Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 4 If the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

RECOMMENDATION III

That if an agreement has not been completed by 30/09/2011, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/02203/11 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet extra education, health services costs together with associated monitoring costs and contributions towards highway works arising as a result of the development, contrary to policies CS2, CS8, CS13, IMP1 and IMP2 of the Adopted Barnet Unitary development Plan (2006) and Adopted Supplementary Planning Documents.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

Planning Policy Statement PPS1 - Delivering Sustainable Development

Planning Policy Statement PPS3 - Housing

Planning Policy Statement PPS 4 - Planning for Sustainable Economic Growth

Planning Policy Guidance PPG13 - Transport

Planning Policy Guidance PPG 24 - Planning and Noise

The Community Infrastructure Levy Regulations 2010

The Mayor's London Plan:

1.1, 2.1, 2.2, 3.5, 3.10, 5.1, 5.3, 6.13, 7.1, 7.2, 7.3, 7.4.

Relevant Unitary Development Plan Policies:

GBEEnv1, GBEEnv2, GParking, D1, D2, D3, D4, D5, L8, M11, M12, M13, M14, H16, H17, H18, H27, GCS1, CS2, CS8, CS13, IMP1, IMP2

Supplementary Planning Document: Sustainable Design and Construction

Supplementary Planning Document: Contributions to Education

Supplementary Planning Document: Contributions to Health

Supplementary Planning Document: Planning Obligations

Core Strategy (Publication Stage) 2010

The Planning and Compulsory Purchase Act 2004 reformed the development plan system replacing the Unitary Development Plan (UDP) with the Local Development

Framework (LDF). The LDF will be made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the LDF is complete, 183 policies within the adopted UDP remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

The Council published its LDF Core Strategy Publication Stage document in September 2010. The document has been subject to three rounds of public consultation and is in general conformity with the London Plan: therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies: CS3, CS4, CS5, CS8, CS9.

Relevant Development Management Policies: DM01; DM02; DM03; DM04; DM17.

Relevant Planning History:

94 Audley Road -

H/00318/10 - Two storey plus basement side and rear extensions, together with internal and external alterations to the existing property to provide 7 self-contained flats. Demolition of existing out-building. Alterations to the existing front dormer window. Provision of two off-street parking spaces – Refused 9/3/2010 and Dismissed on appeal dated 22/10/2010

Application:	Planning	Number:	H/02167/09
Validated:	30/06/2009	Type:	APF
Status:	DEC	Date:	20/11/2009
Summary:	REF	Case Officer:	Matthew Corcoran
Description:	Part single, part two storey plus basement rear extension together with internal and external alterations to existing property to provide 8 self-contained flats. Demolition of existing out-building and erection of a two storey building to provide 3 self-contained flats. Provision of two off-street parking spaces.		

Application:	Planning	Number:	H/02295/08
Validated:	09/07/2008	Type:	APF
Status:	DEC	Date:	03/09/2008
Summary:	REF	Case Officer:	Emily Benedek
Description:	Three-storey rear extension to existing hotel. Demolition of coach house and erection of two-storey (plus basement) building to be used as extension to hotel.		

Application:	Planning	Number:	H/03702/08
Validated:	10/10/2008	Type:	APF
Status:	WDN	Date:	20/11/2008
Summary:	WIT	Case Officer:	Emily Benedek
Description:	Three-storey rear extension to existing hotel. Demolition of coach house and		

erection of two-storey (plus basement) building to be used as extension to hotel.

Application: Planning Number: H/04730/08
Validated: 18/12/2008 Type: APF
Status: PDE Date:
Summary: Case Officer: Emily Benedek
Description: Refurbishment and three storey rear extension to the existing hotel and the demolition of the existing two storey coach house to the side to be replaced with a two storey plus basement building. 11 no. bedrooms to be provided on entire site. Alterations to basement and incorporation of lightwells to provide habitable accommodation.

Peacehaven Hotel - W02393/G/03 - Erection of a three storey plus basement rear extensions to provide 5 additional hotel rooms. Provision of three additional car parking spaces accessed from Audley Road - Refused - 18/3/03

Application: Planning Number: W/02393/E/99
Validated: 18/10/1999 Type: 191
Status: DEC Date: 20/06/2000
Summary: LW Case Officer:
Description: Internal alterations in connection with continued use as a hotel (Class C1).

Application: Planning Number: W/06675/A/00
Validated: 17/04/2000 Type: APF
Status: WDN Date: 19/01/2001
Summary: WIT Case Officer:
Description: Extension and conversion of existing printing works into a 4 bedroom house including basement.

Outbuilding (Former Coach House building no.21 Graham Road) -

W06675B/03 - SITE ADJOINING PEACEHAVEN HOTEL, GRAHAM ROAD LONDON NW4 3HB - Demolition of outbuilding (former coach house) and the erection of a two storey, 4 bedroom dwelling with habitable rooms in loft space and front facing dormer window, one off street parking space provided - Refuse - 04/06/2003

Consultations and Views Expressed:

Neighbours Consulted: 61 Replies: 4 letters of objection and petition of 50 signatories
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Query on the plans showing a balcony area
- Finish of the materials should match the existing
- Party wall agreements should be met
- Use of the existing building is difficult to establish
- Should the proposal not be built or used in accordance with the plans if approved
- Issues with drainage and sewerage
- Lack of on-site car parking
- Current parking pressures to park close to where you live
- Application was previously refused then dismissed at appeal
- Building too large for the site
- Too many units on the site

- Council's failure in enforcing the planning law previously to the site
- Barnet's failure in defending the appeal and subsequent award of costs against
- Overdevelopment
- Detrimental to the amenities of neighbouring residents
- Applicant has provided misleading information
- Coach house is more recently used as a printers work shop and builders storage
- Impacts on road safety
- Over concentration of flats in the road
- New on site car parking space would remove needed garden space and street parking spaces
- The CPZ is only between 10 and 11am. A car free development would not address concerns that future residents would not place unreasonable demand for kerbside parking
- Extensions are wholly excessive
- There will be more occupants on site
- Increase in noise and disturbance
- Increase demand in public services
- Out of keeping with character or area
- Loud noise and anti-social behaviour
- Light pollution
- Loss of employment
- Residential use would be more disruptive to residents than commercial

Date of Site Notice: 30 June 2011

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a large detached, corner property located at the junction where Graham Road meets Audley Road. The site is approx 500m from Hendon Central Town Centre. The application site includes the former coach house building to the east of 91 Audley Road and is approximately 481 sqm. in total site area. The immediate area is predominantly characterised by single family dwelling houses and various flat conversions. The property is currently used for short term letting's. Previous to this the last known lawful use was for a hotel.

Proposal:

Proposal involves the demolition of the existing outbuilding followed by two storey plus basement side and rear extensions, with internal and external alterations to the existing property to provide in total 7 self contained units. Provision of two off-street parking spaces.

The proposed rear extensions would comprise a two storey plus basement extension designed with a twin rearward projection and gable finished roof. Each rear projection would be approx 4 metres in width, 2.7 metres in depth and approx 8.5 metres in height as measured from pavement level. The basement would extend marginally to the rear by 1m in depth and 10m in width.

The outbuilding would be demolished and replaced by a two storey plus basement

side extension. The basement and ground floor side extension would measure 4.5m in width, 12.8m in length and 6.5m in height. The proposed first floor side extension would be 11m in length, 4.5m in width and 9.8m in height designed with a pitched roof subordinate to the main ridge height.

The proposal would provide the following units -

Unit 1 maisonette - 3 bed

Unit 2 maisonette - 2 bed plus storage areas

Unit 3 maisonette - 3 bed

Unit 4 - 1 bed flat

Unit 5 - 3 bed flat

Unit 6 - 2 bed flat

Unit 7 - 1 bed flat plus study

Planning Considerations:

Policy Context

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of Policy D5 requires new development to safeguard the outlook and light of neighbouring residential occupiers.

Policy H16 requires new residential developments to be well laid out in terms of access, car parking and landscaping, preserve daylight, outlook and residential amenity, provide safe environments, maintain privacy and overlooking and to provide adequate levels of amenity space.

Policy H18 residential housing scheme to have a minimum 5sqm. of amenity space per habitable room

Policy H27 requires proposed extensions to harmonise with existing and neighbouring properties and have no significant adverse effects on the amenity of neighbouring occupiers.

Policy M11 states that the council will taken into account the safety if road users when considering development proposals.

Policy M12 advises that the council will refuse development where proposals will increase conflicting road movements

Policy M14 states that new residential development should meet a minimum

requirement of off street parking.

Policy GCS1 seeks to ensure that there is an adequate supply of land and buildings available for community, religious, educational, health and social care facilities in the borough to meet residents needs.

Planning Policy Statement 3 - Housing requires a high quality of design for new residential developments and states that design which is inappropriate in its context, or which fails to take the opportunities available for improving the character and quality of an area and the way it functions should not be accepted. Furthermore, PPS3 sets out a number of criteria for assessing design quality, including the extent to which a proposed development integrates and compliments neighbouring buildings and the local area in terms of scale, density, layout and access.

Background

The planning application in question follows a recent proposal (ref H/00318/10) for an identical scheme, which was refused at Hendon Area Planning Committee dated 9th March 2010. The application was subject to an appeal which was dismissed by the Planning Inspectorate dated 22nd October 2010. The Inspector concluded that as the application did not include a legal agreement to facilitate amendments to the Traffic Regulation Order, this was sufficient grounds to refuse the application.

The application submitted is for an identical scheme with a supporting legal agreement to accommodate the demands placed on public services outlined in recommendation 1 of the report.

Planning Appraisal

The Inspectors decision of 22nd October 2010 considered the application to be acceptable in principle subject to the completion of the legal agreement and addressed a number of key issues for the proposal.

Character and Appearance

Council policies state that extensions to properties will only be acceptable where it can be proven that there will be no demonstrable adverse impacts on neighbouring residential and visual amenity.

The proposed side extension would be set back from the front building line and off the shared boundary with no.19 Graham Road by 1.5m. The side extension would also be well set down from the ridge and design with a pitched roof of similar style and design to the existing lowered roof above the bay windows.

The removal of the existing outbuilding, followed by the proposed extensions are considered to have an acceptable relationship with the adjoining neighbouring property and would not prejudice the visual or residential amenities of these occupiers, whilst maintaining an acceptable appearance to the host property and streetscene.

With regard to the scale and design of the extensions, the Inspector considered that the proposed extensions would, "enhance the properties contribution to the streetscene" and mindful of the existing use, "would not have an adverse impact on the character or appearance of the area."

Amenities of Neighbouring Occupiers

The Inspector viewed, in taking into account the area around the application site to be a mixture of flats and houses that the proposed extensions and the use of the building for 7 residential flats, would not result in any appreciable increase in disturbance to nearby residents.

The proposal involves a significant reduction in building form with the removal of the large Coach House building on the boundary with no.19 Graham Road. The location of the Coach House building on a largely residential road, adjacent to no.19 Graham Road, with a commercial use could have a significant impact on the residential amenities of nearby residential occupiers. Mindful that the building has been vacant for some time, in a state of disrepair and located in an inappropriate area for light industrial purposes, the loss of the building in employment terms would not be sufficient to reasonably warrant refusing the application.

The window arrangement on the side elevations are to be obscured and would not allow for any appreciable overlooking or loss of privacy that would be detrimental to the amenities of neighbouring occupiers.

In concluding, the Inspector stated, "the proposal would not have an adverse effect on the living conditions of occupiers of adjoining residential properties and would comply with the Policy H16 of the adopted Barnet UDP".

Traffic Issues

In assessing the appeal, the Inspector noted, "in order to ensure that parking demand does not ultimately cause highway safety problems in the surrounding area, I agree with the Council that a restriction preventing residents in the development from purchasing parking permits is required."

Without a submitted legal agreement the Inspector did not consider that the matter could be resolved through the imposition of a condition. With this in mind, he stated, "I therefore conclude that the proposal would have an adverse effect on the demand for car parking in the area, and a consequent adverse effect on highway safety, contrary to saved Policies M14 and IMP2 of the adopted Barnet Unitary Development Plan 2006."

The proposed development involves provision of 2 car parking spaces (1 disabled space), for the occupiers of the development. The level of on site parking does not meet adopted standards. However, it is acknowledged that the site is approx 500m away from Hendon town centre and accessible by public transport. The CPZ near the site restricts parking for only residents with permits for one hour Monday to Friday.

Given the amount of off street parking proposed and that there are only limited available parking spaces for residents with permits in the near vicinity to the application site, the development is required to exempt future residents from purchasing residential permits. To address this issue, the applicant has submitted a legal agreement including a contribution of £2000 towards meeting the cost of amending the Traffic Regulations Order.

Overall, the proposal would convert 11 sub standard units into 7 larger units to comply with adopted space standards. The proposal is considered to have an acceptable impact on the appearance of the property and the character of the area, whilst not harming the visual or residential amenities of any neighbouring resident.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections have been carefully considered and addressed within the body of the main report.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. SECTION 106 ISSUES

The contributions are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

The proposed development is required to meet the demands placed upon public services and would be required to make contributions towards education (£30,197), health (£196), and monitoring (£1,519) in line with adopted planning supplementary documents, as well as towards amendments to the Traffic Order.

6. CONCLUSION

The proposed development makes efficient use of the property, and bring sub standard living accommodation to acceptable standards. The proposed development would be in keeping with the established pattern of the built environment, acceptable in scale, size and use. In line with the comments made by the Planning Inspectorate, the submission of a legal agreement addresses the issues of highway impact. The application is consequently recommended for approval.

SITE LOCATION PLAN:
NW4 3HB

Peacehaven Hotel, 94 Audley Road, London,

REFERENCE:

H/02203/11



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Appeal Decision

Site visit made on 1 October 2010

by **Michael J Muston BA(Hons) MPhil**
MRTPI

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

The Planning Inspectorate
4/11 Eagle Wing
Temple Quay House
2 The Square
Temple Quay
Bristol BS1 6PN

☎ 0117 372 6372
email: enquiries@pins.gsi.gov.uk

Decision date:

22 October 2010

Appeal Ref: APP/N5090/A/10/2128913

94 Audley Road, London NW4 3HB

- The appeal is made under Section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
- The appeal is made by Mr Yoav Tal against the decision of the Council of the London Borough of Barnet.
- The application (Ref H/00318/10), dated 11 January 2010, was refused by notice dated 9 March 2010.
- The development proposed is refurbishment, internal alterations, two storey plus basement side and rear extensions to the existing main building to accommodate three self-contained maisonettes and four self-contained flats, involving the demolition of the existing side structure.

Application for Costs

1. An application for costs was made by the appellant against the Council. This application is the subject of a separate decision.

Decision

2. I dismiss the appeal.

Main Issues

3. I consider the main issues in this case to be the effect of the proposal on:
 - the character and appearance of the area,
 - the living conditions of occupiers of adjoining residential properties,
 - the demand for car parking in the area, and the consequent effect on highway safety,
 - the provision of education and health services.

Reasons

Character and appearance

4. The appeal property is a substantial detached building on the corner of Audley Road and Graham Road. The proposal would involve the demolition of some existing extensions to the rear of the building and a sizeable structure set to the side and rear of the property adjacent to the boundary with No 19 Graham Road. A three storey extension (at basement, ground and first floor levels) would be constructed on the Graham Road elevation, set back slightly from the main front elevation of the building and a part two (basement and ground

- floor) and part three storey (basement, ground and first floor) extension to the rear.
5. Overall the mass of built form on the site would increase, particularly at basement level, and the Council considers that this would harm the character and appearance of the area. The extension on the Graham Road frontage, set further forward than the existing structure to be demolished, would make the appeal premises appear larger when seen from Graham Road. However, I consider that this extension has been well designed. It incorporates details from the existing building and in my opinion provides an appropriate step down between the main building and 19 Graham Road, which is set further down the slope.
 6. I observed on my site visit that both 94 and 96 Audley Road opposite are substantial buildings providing something of a feature on the corner of Audley and Graham Road. In my view, the proposed extensions to the appeal property, insofar as they can be seen from public viewpoints, would enhance the property's contribution to the street scene. I do not consider that the proposed mass of the extensions would cause any harm in this respect.
 7. The property has a lawful use as a hotel and has been used in recent years as bedsits. The proposal would result in comings and goings from the premises that would be different from those that the lawful use would generate. However, I do not consider that these differences would cause any material harm to the character of the area. I conclude that the proposal would not have an adverse effect on the character or appearance of the area, and would comply with saved Policies GBEnv1, GBEnv2, D1, D2, D4 and H16 of the adopted Barnet Unitary Development Plan (UDP) 2006 in this respect.

Living conditions of neighbours

8. The Council considers that the use of the building as proposed, including the proposed extensions, would result in increased noise and disturbance being suffered by nearby residents. Some of the proposed units would have two or three bedrooms and could well attract families and visitors. I accept that the noise that may arise from the use of and comings and goings to and from the units would be different from the lawful use of the buildings on site. However, I am not convinced that the disturbance caused to nearby residents would necessarily be greater from the proposed use of the building. I have no convincing evidence before me to suggest that this would be the case.
9. I also noted on my site visit that the area around the appeal site is a residential area comprising both houses and flats. I consider that the noise associated with the use of residential units similar to those proposed here must already be an established feature of the area. I do not consider that, even if any increased noise does emanate from the appeal site as a result of the proposal, it would cause any material harm to the site's neighbours.
10. The occupiers of an adjacent residential unit are concerned, in addition to the matters raised by the Council in its statement, that the bulk of the extensions would be harmful and that the proposal might result in overlooking. In my view, the proposed extension would be no more overbearing than the existing situation, which includes a large coach-house building on the boundary with 19

Graham Road. The window arrangement would not, in my opinion, materially increase any overlooking of neighbouring properties compared to the existing situation, subject to the imposition of appropriate conditions along the lines of those suggested by the Council.

11. I conclude that the proposal would not have an adverse effect on the living conditions of occupiers of adjoining residential properties, and would comply with saved Policy H16 of the adopted Barnet Unitary Development Plan 2006 in this respect.

Car Parking

12. The adopted UDP sets parking standards for new residential development in Policy M14, at a rate that seeks to encourage the use of non-car modes. However, it accepts that in some residential areas restricting car parking may simply displace demand into the area surrounding a development. Paragraph 7.3.35 of the UDP says that, in assessing parking provision, the Council will have regard to the likelihood of parking occurring on-street and any detrimental effect on highway conditions and road safety. It says that the Council may wish to see complementary controls implemented to prevent the displacement of parking demand onto surrounding streets, and that development will be expected to fully or partially fund such controls.
13. The appeal proposal provides for 2 car parking spaces on site, which is less than Policy M14 requires. The site is within the West Hendon Controlled Parking Zone (CPZ). Surrounding streets have parking bays where all day parking is only available for those with parking permits. It seems to me that, for this control to be effective, it is necessary for there to be some spare capacity in these spaces. I am told that the bays around the appeal site are already heavily subscribed. If parking is displaced from the appeal site and occupiers of the proposed units are able to apply for parking permits, I can see that demand for spaces may well exceed supply. This could potentially lead to residents struggling to find a parking space near their home or even to parking taking place in more dangerous locations, such as near corners.
14. The Council has proposed that the appellant should enter into a Section 106 agreement to prevent residents in the proposed development from purchasing residential permits for the CPZ. This would require an amendment to the Traffic Regulation Order (TRO). In his appeal statement, the appellant does not dispute the necessity for this element of the proposed Section 106 agreement or the sums involved, but suggests that the matter could be dealt with by condition. However, in his final comments, the appellant says that the sum requested by the Council has no justification.
15. I accept the appellant's point that I have not been provided with any calculation as to why a sum of £2,000 is required to amend the TRO. However, in order to ensure that parking demand does not ultimately cause highway safety problems in the surrounding area, I agree with the Council that a restriction preventing residents in the development from purchasing parking permits is required. I also agree with the Council that, as set out in paragraph 7.3.35 of the UDP, this should be at least partly funded by the development.

16. The appellant has submitted a draft unilateral undertaking that seeks to deal with this matter. However, this is clearly marked as being for discussion purposes only and is not signed or dated. In order to take a Section 106 agreement or unilateral undertaking into account in reaching my decision, it would need to be both signed and dated. As submitted, it does not achieve its stated purpose and I cannot give it any weight. I have therefore considered whether the matter could be dealt with by the imposition of a condition, as suggested by the appellant, and by the Council at application stage.
17. A condition requiring that a Section 106 agreement be entered into would be contrary to the advice in Circular 11/95 on the use of conditions and paragraph B51 of Circular 05/05 on planning obligations. These both say that permission cannot be granted subject to a condition that the developer enters into a planning obligation under section 106 of the Act or an agreement under other powers. I have considered whether a condition could be imposed that did not specifically require the submission of an obligation, by referring to "a scheme" or "arrangements". However, this would fail the test of precision set out in Circular 11/95. I therefore conclude that a legal agreement is required to deal with this matter.
18. Despite the best intentions of the appellant, I do not have such an agreement before me and do not consider that the matter can be satisfactorily resolved through the imposition of a condition. I therefore conclude that the proposal would have an adverse effect on the demand for car parking in the area, and a consequent adverse effect on highway safety, contrary to saved Policies M14 and IMP2 of the adopted Barnet Unitary Development Plan 2006.

Education and Health Services

19. The Council has also refused the application on the grounds that it does not include a formal undertaking to meet the extra education and health service costs and monitoring costs. The reason for refusal cites Supplementary Planning Documents (SPDs) dealing with Planning Obligations, Contributions to Education and Contributions to Health. I have been sent the first of these. The other two are referred to by both main parties, but I have not been sent copies of either.
20. Policy CS2 of the UDP says that the Council will enter into planning obligations, where appropriate, to secure the provision of community facilities. Policy CS8 says that, where a residential development creates a need for additional school places, the Council will seek to enter into planning obligations with the developer to secure contributions to their provision. However, neither these policies, the SPD on Planning Obligations nor the Council's statement explain whether a contribution to either health or education facilities is necessary in this case.
21. The appellant argues in his final comments that neither the Education nor the Health SPD provides the necessary justification that I am seeking. However, I do not have either of these documents before me, so cannot comment further. The onus is on the Council to justify the need for contributions at appeal. From the evidence before me, I have to conclude that the proposal, even without a signed and dated Unilateral Undertaking, would not have an adverse effect on the provision of education and health services, and would comply with saved

Policies CS2 and CS8 of the adopted Barnet Unitary Development Plan 2006 in that respect.

Other Matters

22. Local residents have raised a number of other matters in letters of objection to the Council and to the Inspectorate. I have considered all the points raised but do not consider that they outweigh my conclusions on the main issues.

Conclusions

23. I have concluded that the proposal would not have an adverse effect on the character or appearance of the area, on the living conditions of occupiers of adjoining residential properties or, from the evidence before me, on the provision of education and health services. However, I have also concluded that it would have an adverse effect on the demand for car parking in the area, and a consequent adverse effect on highway safety. I consider this to be sufficient grounds to warrant dismissing the appeal.

Michael J Muston

INSPECTOR

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