

MEETING**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE****DATE AND TIME****MONDAY 23RD APRIL, 2018****AT 6.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ****TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Cllr Eva Greenspan

Vice Chairman: Cllr John Marshall

Councillors

Arjun Mitra

Cllr Alan Schneiderman Cllr Shimon Ryde

Cllr Jim Tierney Cllr Melvin Cohen

Substitute Members

Ross Houston Graham Old Jack Cohen

Reuben Thompstone Anne Hutton Alon Or-Bach

Gabriel Rozenberg

In line with the Public Participation and Engagement Rules in the Constitution, requests to submit public questions or comments must be submitted by 10:00 hrs on the third working day before the date of the committee meeting. The deadline for this meeting is

10:00 hrs, Wednesday 18 April. Requests must be submitted to

Tracy.Scollin@barnet.gov.uk Tel: 020 8359 2315.

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

Andrew Charlwood – Head of Governance

Media Relations contact: Sue Cocker 020 8359 7039

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ASSURANCE GROUP

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4.	Report of the Monitoring Officer (If any)	
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Decisions of the Finchley and Golders Green Area Planning Committee

26 March 2018

PRESENT:-

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

Councillors:

Councillor Arjun Mittra
Councillor Alan Schneiderman

Councillor Melvin Cohen
Councillor Shimon Ryde

Councillor Jim Tierney

Apologies for Absence

1 MINUTES OF LAST MEETING

An error was reported under Item 3 (Declaration of Member's Disclosable Pecuniary and Non Pecuniary Interests):

Cllr Cohen's interest under item 6 (1069 Finchley Road) was in relation to his work address (rather than home address as stated in the minutes).

The minutes were otherwise approved as a correct record.

2 ABSENCE OF MEMBERS (IF ANY)

Councillor Marshall stated that he needed to leave the meeting early (he left after the first item).

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

AGENDA ITEM 1

Councillor Greenspan declared a non-pecuniary interest in relation to Item 2 (205 Regent's Park Road). Some of the objectors lived in her Ward and were known to her.

Councillor Cohen declared a non-pecuniary interest in relation to Item 1. An objector, Mr Elvio Gambaruto, was known to him.

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

None.

5 **ADDENDUM (IF APPLICABLE)**

An addendum was received in relation to items 6, 7, 9 and 11.

6 **18 DINGWALL GARDENS 17-8219-FUL AND 17-8220-FUL**

The Planning Officer presented the reports for both applications to the Committee.

He also presented an addendum for Item 17-8219-FUL.

A representation was heard from Mr Elvio Gambaruto in objection to both applications.

An agent for the applicant addressed the Committee.

The Chairman moved to DEFER the items to the next meeting to allow the members of the Committee to visit the site. This was duly seconded.

The vote was recorded as follows:

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

Carried – it was resolved that both applications were DEFERRED until the next meeting.

7 **205 REGENT'S PARK ROAD - 17-5758 FUL**

Cllr Marshall left for the remainder of the meeting.

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

A representation was heard from Mr Joseph Sassoon in objection to the application.

A representation was heard from Mr Geoffrey Bernstein in objection to the application.

An agent for the applicant, Mr Rhodri Williams, addressed the Committee.

The vote was recorded as follows:

For (approval) – 0

Against (approval) – 5

Abstained – 1

The Chairman moved to REFUSE the application and was duly seconded. Reasons were discussed.

The proposed change of use would result in harmful noise and disturbance from associated activity, customer collections, vehicular and pedestrian movements, and deliveries. The proposals would be harmful to neighbouring residential amenities, especially those of 42, 44, 46 and 37 North Crescent and be contrary to policy DM01 and DM04 of the Adopted Barnet Development Management Policies 2012.

The vote was recorded as follows:

For (refusal) – 5

Against (refusal) 0

Abstained - 1

Carried – it was **resolved** that the application was **REFUSED** for the reasons given above.

8 **35 CYPRUS ROAD 17-1557-FUL**

The Planning Officer presented the report to the Committee.

A representation was heard from Mr Stewart Wild in objection to the application.

The applicant was not present.

The vote was recorded as follows:

For (approval) – 0

Against (approval) – 6

The reasons were discussed:

The proposed conversion would fail to provide adequate usable amenity space for the occupiers of the first-floor flat given its siting. This would be contrary to policies DM01, DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) - 0

Resolved – that the application was **REFUSED** for the reason above.

9 **35 DOLLIS AVENUE 17-4984-FUL**

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

A representation was heard from Mr Mark Newton in objection to the application.

Mr Nicholas Taylor spoke to the Committee on behalf of the applicant.

The vote was recorded as follows:

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

The Chairman moved a motion to refuse the application and was duly seconded. The reasons were discussed:

The proposals by reasons of the size and amount of development, intensive nature of the use and associated activity would be detrimental to the character of the locality and to neighbouring visual and residential amenity. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and policy CS5 of the Adopted Barnet Core Strategy 2012.

The vote was recorded as follows:

For (refusal) 5
Against (refusal) – 0
Abstained – 1

Resolved – that the application was **REFUSED** for the reasons given above.

10 **BRITANNIA HOUSE 17-5201-FUL**

The Planning Officer presented the report to the Committee.

Mr David Alton addressed the Committee on behalf of the applicant.

There were no objectors present.

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

The reasons for refusal were discussed:

1. The proposals provide inadequate amenity space for the occupiers of the proposed flats. This would be contrary to policy DM02 of the Adopted Barnet Development Management Policies 2012 and the SPD on Sustainable Design Construction and Residential Design Guidance.

2. The proposal fails to provide a legal undertaking to enable an amendment to the Traffic Regulations Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD, policy CS9 of the Adopted Barnet Core Strategy 2012 and the Planning Obligations SPD.

The vote was recorded as follows:

For (refusal) – 6

Against (refusal) – 0

Resolved – that the application was **REFUSED** for the reasons given above.

11 **89 AND 91 HIGHFIELD AVENUE 18/0034/FUL**

The Planning Officer presented the report to the Committee.

Mr Byder addressed the Committee on behalf of the applicant.

There were no objectors.

The Committee could not gain clarity on the proposed development. The Chairman moved to DEFER the item to allow officers to confirm that they are satisfied that the information contained in the application form is correct. This was duly seconded.

The vote was recorded as followed:

For (deferral) – 6

Against (deferral) – 0

Carried – it was resolved that the application was **DEFERRED** for the reason given above.

12 **23 GROVE ROAD - 18-0496-FUL**

The Planning Officer presented the report to the Committee.

The applicant, Mr Dominic Dear addressed the Committee.

There were no objectors.

The vote was recorded as follows:

For (approval) – 3

Against (approval) – 3

The Chairman used her casting vote in favour of the application.

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

13 **ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 7.40 pm

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COMMITTEE REPORT

LOCATION: 10 Manor Hall Avenue, London, NW4 1NX

REFERENCE: TPF/0778/17 **Received:** 12th January 2018
WARD: Finchley Church End **Expiry:** 9th March 2018
CONSERVATION AREA N/A

APPLICANT: MWA Arboriculture Ltd

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

RECOMMENDATION:

That Members of the Planning Sub-Committee determine the appropriate action in respect of the proposed removal of Oak (applicant's ref. T1) - T3 of the Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

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

Or:

APPROVE SUBJECT TO CONDITIONS

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

Reason: To maintain the visual amenities of the area.

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

Reason: To maintain the visual amenities of the area.

Recommended Informative if consent is approved:

The applicant should note that the felling of the tree has ground heave potential which may affect neighbouring properties.

Consultations

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

Date of Site Notice: 25th January 2018

Consultees:

Neighbours consulted: 10

Replies: 3

1 support (received on the 11th April 2018 – several weeks after the end of the public consultation period for this application).

2 objections (one of which was received shortly after the end of the public consultation period).

The grounds of support can be summarised as:

- Concerns about seasonal detritus (falling leaves/branches).
- *“This tree has been causing immense damage and cracking to walls and foundation, causing subsidence. When I built my extension a couple of years ago, with Barnet’s knowledge the builders had to put down concrete over 10 feet down to prevent problems.”*

The grounds of objection can be summarised as:

- Concerns about ground heave causing damage if the tree is removed.
- The loss of the tree would be detrimental to the character and beauty of the area.
- The tree is a beautiful, healthy, extremely large specimen (one of the objector’s states that the tree is “over 200 years old”) and is highly visible.
- The Oak may not be the cause of the damage.
- The houses should be piled/underpinned rather than the tree removed.
- Other recommendations made in the Arboricultural Report have not been implemented.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

Oak Tree

TREW02818B – Reduce crown density by 15% and remove epicormics growth of Oak – T3

- Conditional approval 15th September 1992

TREW02818C – Reduce and thin Oak by 20% T3 of Tree Preservation Order.
- Refused 16th November 1995

TREW02818D – Oak thin crown by 20% T3 of Tree Preservation Order.
- Conditional approval 1st March 1996

TREW02818E – Turkey Oak – Remove, T3 of Tree Preservation Order.
- Refused 12th November 1998

TREW02818F/01 – Oak – crown thin by 15% and deadwood, T3 of TPO.
- Conditional approval 19th March 2001

TREC16165/05 – Oak – Reduce crown 30%, Prune to Shape and Tidy up. T3 of Tree Preservation Order.
- Refused 11th April 2005

TREC16165A/05 – Oak – Thin crown 25% Removing Deadwood. Reduce Spread by no more than 25% as Specified. T3 of Tree Preservation Order.
- Conditional approval 27th June 2005

TPO/17892/08/H – 1 x Oak - Reduce Crown 30%, Prune to Shape and Tidy. T3 of Tree Preservation Order.
- Refused 30th October 2008

TPO/00109/09/H – 1 x Oak - Lift to 5.5m, Thin by 25%. T3 of Tree Preservation Order.
- Conditional approval 14th April 2009

TPO/00754/12/F – 1 x Oak (T1 Applicants Plan) - Lift to 6m all Round, Thin by 25%, (Deadwood). T3 of Tree Preservation Order.
- Conditional approval 5th February 2013

TPP/00292/15 – 1 x Oak (applicant's ref T1) - Reduce Crown overall by 10m cutting back to leave a bare framework. T3 of Tree Preservation Order.
- Refused 8th July 2015

TPP/0284/16 – 1 x Oak (applicant's ref. T1) - Crown reduction by 1.5 - 2 metres leaving balanced crown. T3 of Tree Preservation Order.
- Conditional approval 29th June 2016

The property of 10 Manor Hall Avenue is shown on the historic Ordnance Survey map dating from 1936 – but not on the map dating from 1914.

Linksway, London, NW4

The terraced properties of 9 to 15 Linksway are shown on the historic Ordnance Survey map dating from 1970 map – but not on the map dating from 1968 (the Council's records indicate building control approval was granted for these properties in August 1968).

F/05621/13 – Demolition of existing end of terraced property and creation of a new two-storey end of terraced property. At 15 Linksway, London, NW4 1JR
- Conditional approval 13th February 2014

The CIL form submitted as part of F/05621/13 described the development as “Demolition of existing end of terraced property and reconstruct to match existing following subsidence damage”

The Council’s Building Control records show that an Initial Notice was received from Assent Building Control Ltd on the 18th December 2013 in respect of “Demolition and Rebuild End of Terrace Property” at 15 Linksway, London, NW4 1JR. This was cancelled on the 9th January 2017 (see I/13/18209).

A second Initial Notice was received from Salus on the 28th September 2016 in respect of “Replacement Dwelling” at 15 Linksway, London, NW4 1JR. A Final Certificate of Completion was received on the 26th May 2017 (see I/16/03371).

PLANNING APPRAISAL

1. Introduction

An application form proposing felling of the Oak tree in the rear garden of 10 Manor Hall Avenue in connection with alleged property damage at 14 Linksway was submitted via the Planning Portal in October 2017. There were discrepancies and shortcomings in the information - clarification and additional information was thus requested.

Following the receipt of further information and correspondence from the agent and the application was registered on the 12th January 2018.

The application has been submitted by MWA Arboriculture Ltd acting on behalf of loss adjusters dealing with alleged subsidence at 14 Linksway.

14 Linksway stands in a line of seven terraced houses (9 to 15 Linksway – the properties are numbered sequentially). Number 14 is the second house in the row when counting from the north and stands between numbers 13 and 15 Linksway. These dwellings were constructed in the late 1960’s / 1970. As noted above, 15 Linksway (the end of terrace property, immediately adjacent to 14) has recently been demolished and rebuilt. The BASE Engineering Report dated 13th July 2017 (which has been submitted in support of this application) states: “In November 2016, the adjoining property, No 15, was demolished and rebuilt on a piled raft. This work has only recently been completed.” The commencement of these adjacent building works is of relevance to the monitoring data submitted with the current treeworks application as it coincides with a significant downward movement observed in the submitted levels monitoring data. The BASE Engineering Report dated 13th July 2017 also notes: *“It is evident that some brickwork to the rear elevation [of number 14 Linksway] was replaced during the reconstruction to No 15.”*

A group of unprotected Ash trees at the Golf Club growing in proximity to the site were removed in December 2015.

2. Appraisal

Tree and Amenity Value

The subject Oak stands in the rear garden of the property immediately adjacent to the rear boundary between 10 Manor Hall Avenue and 12 Linksway.

The mature Oak subject of this application is approximately 20 metres in height and has a trunk diameter of over 90cm (measured over the bark at 1.5 metres above ground level). The tree has been previously lifted, thinned and with some minor previous reduction (see relevant planning history above). There has been regrowth from the previous treatment and the tree has buds of apparently good form throughout its crown, there is some minor deadwood, but the Oak appears to be in reasonable condition with no major faults apparent. The trunk forks at about 4M from the ground.

It is clearly visible and prominent above and between the properties from Manor Hall Avenue and Linksway. It makes an important contribution to the appearance of the area, dominating the local landscape and forming part of a line of mature trees at the end of the gardens of properties in Manor Hall Avenue. The Oak is one of the mature trees which are remnants of the former wooded belt / shaw / elongated copse that was part of the agricultural landscape shown on the 1896 Ordnance Survey map, and retained on the edge of Hendon Golf Club on the 1914 Ordnance Survey map. Part of the original Golf Club land was subsequently developed for housing – including Linksway. The tree would have been within the wooded belt and is estimated to be considerably in excess of 100 years old – it significantly predates the construction of the surrounding houses and was retained when development took place.

The application

The application submitted by MWA Arboriculture Ltd was registered on the 12th January 2018. The reason(s) for the proposed removal of the Oak (applicant's reference T1) cited on the application form are:

The above tree is considered to be responsible for continuing root induced clay shrinkage subsidence damage to the subject property – 14 Linksway, Hendon. London NW4 1JR.

A previous application for reduction of the tree in April 2016 was consented by the Council on 29th June 2016 (Application Number: TPP/0284/16). The works were undertaken in November 2016.

Level monitoring of the building has recorded further subsidence to the rear of the property during the summer of 2017 confirming an ongoing influence from the oak tree and that reduction works have failed to arrest movement associated with the effects of the tree on soil volumes below foundation level.

Since the original application expert engineering opinion has been obtained and the associated reports are attached to this application together with the other technical reports/evidence previously submitted.

The removal of the oak offers the only predictable long term arboricultural solution in abating the influence of the tree. In the event the tree is retained underpinning costs are currently estimated at £160,000.

The installation of a root barrier has been considered and discounted on the basis that it would have to extend across the gardens of several properties and consent by the respective owners is unlikely to be obtained.

A replacement tree will be funded by insurers.

The supporting documentation comprises:

- Crawford Technical Report on a Subsidence Claim 14 Linksway Hendon London NW4 1JR dated 22nd January 2015

- Crawford Addendum Technical Report 14 Linksway Hendon London NW4 1JR Subsidence Claim dated 21st April 2016

- Crawford Addendum Technical Report No. 2 14 Linksway Hendon London NW4 1JR Subsidence Claim dated 17th October 2017

- CET Site Investigation Factual Report dated 27th January 2015

(including trial pit / borehole data 27/01/2015; soil testing 28/1/15; root id 01/02/15)

- MHN Ltd Level Monitoring – Relative Survey Readings 29/07/2015 – 09/01/2018

- BASE Engineering Report dated 13th July 2017

- MWA Arboricultural Appraisal Report dated 30th March 2015

- MWA Arboricultural Review report dated 9th January 2018

- Heave Calculations

- Confirmation that the data for the control bore used in the heave calculations was “*an assumed suction profile...based on past analysis of control borehole data in London Clay. This is considered conservative given tests are carried out on remoulded samples of overconsolidated clay which will, by its geological stress history, have some natural suction.*”

- Confirmation that in relation to the estimated costs of options to repair the damage “*the original estimate for underpinning in the Crawford Addendum Report of 13th April 2016 was £80,000 but this was based on a partial piling scheme. Subsequent level monitoring has shown the degree of movement would require a full piled slab at an estimated £160,000, as discussed in the Crawford Addendum report of 17 October 2017.*”

The Council’s Structural Engineer having assessed all the submitted information, notes:

Damage

Cracking occurred to 14 Linksway in 2013 and got significantly worse in 2014. Damage occurred to No. 14 following the rebuilding of No. 15 on a piled raft started 2013.

Site Investigation

CET site investigation 27th January 2015 indicates desiccated soil for full depth of borehole, 3m deep.

Oak tree roots in rear borehole full depth.

Monitoring

Foundation movement consistent with enhanced seasonal movement. Movement reduced following tree work to Oak tree

Heave

Potential ground heave calculated as 87mm at rear of property.

Conclusion

It appears the stabilising of the adjacent property has resulted differential movement between 15 and 14 causing cracking to No. 14.

The Oak tree T1 would be implicated in the damage to the rear of No. 14.

The Oak tree T1 predates the building of Linksway. The heave calculation indicates there was an existing moisture deficit when Linksway was built. Hence the removal of Oak tree T1 could result in heave damage to the rear of the building.

In the MWA Arboricultural Appraisal Report dated 30th March 2015 it is stated that the owner/occupier of 14 Linksway *“has been aware of subsidence to no 15 Linksway since 2011... [He] was served with a party wall notice in November 2013, for the demolition and rebuilding no. 15 on a piled raft. Minor damage developed internally to no 14 in 2013, with significant deterioration in mid-2014...[He] alerted insurers through his brokers, but took no further action as he was anticipating developments from his neighbour and their representatives. The current damage primarily affects the rear elevation of the property with damage also recorded to the front elevation and adjoining areas. Cracks of up to 30mm in width have been recorded...At the time of the engineers’ inspection 20th January 2015 the structural significance of the damage was found to fall within Category 5 (Very Severe) of Table 1 of BRE Digest 251.”*

BRE Digest 251 *Assessment of damage in low-rise buildings* includes a ‘Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry’. It describes category 5 damage as *“Structural damage which requires a major repair job, involving partial or complete rebuilding. Beams lose bearing, walls lean badly and require shoring. Windows broken with distortion. Danger of instability. Typical crack widths are greater than 25mm, but depends on number of cracks.”*

The BASE Engineering Report dated 13th July 2017 contains a more detailed description of the alleged damage. In section 5 of that report it is stated:

“The initial Engineer’s report describes the following damage to the Property:

INTERNAL

Rear bedroom – outward rotation of the rear wall with a 6 mm gap along the rear at ceiling level, extending down the rear left corner; 1 mm ceiling crack parallel to the right hand party wall.

Hall – 6 mm gap along the top of the wall and over the bathroom door, airing cupboard door and front bedroom door; 1 mm crack at the top of the right hand party wall; 1 mm ceiling crack parallel to the right hand party wall.

Front bedroom – 3 mm crack over front window; 1 mm crack along the top of the left hand party wall.

Living room – 2 mm crack along the top of the right hand party wall; 3 mm diagonal crack to the right of the patio door; cracks and gaps between the frame to the patio door and the reveal, with gaps around the patio door up to 30 mm where it has jumped off the runners.

Kitchen – 3 mm diagonal crack to the rear wall.

EXTERNAL

Front elevation – 3 mm diagonal crack above front door up to the party wall line.

Rear elevation – 2 mm diagonal crack over the patio door; gap at damp proof level, adjacent to the patio door, maximum 27 mm wide, and up to 100 mm deep; distortion to patio door with gaps up to 2 mm width to the frame.

5.2. The damage was opined [in the 2015 Crawford Engineers Report] to be Category 5 according to the classification in BRE Digest 251.

5.3. A selection of photographs taken during my inspection on 09/05/2017 is presented in Appendix I. On the basis of this inspection, I can confirm that the current damage is broadly similar to that described in para 5.1, although the rear patio door has now been replaced with an infill panel (Plate I.1).

5.4. I also noted that the floor slab along the rear wall appears to have dropped (Plate I.2) and there is no longer a gap at damp proof level visible externally. It is evident that some brickwork to the rear elevation was replaced during the reconstruction to No 15 (Plate I.1).

5.5. The current damage is consistent with subsidence that has principally affected the rear elevation. In particular, it appears that the rear elevation has rotated outwards slightly causing the gap to develop at ceiling level in the rear bedroom (Plate 1.3).”

The majority of the cracks referred to in the BASE Engineering Report are stated to be between 1 and 6mm (which would correspond to Categories 2 and 3 of the BRE classification). The largest cracks are stated to be around and adjacent to the rear patio door, which the report states *“has now been replaced with an infill panel.”* In the Crawford report dated 17th October 2017 it is stated: *“If tree removal were carried out...Remedial works would be limited to structural repairs and redecorations of the affected areas,”* rather than *“a major repair job, involving partial or complete rebuilding.”*

In the Crawford Addendum Technical Report dated 21st April 2016 it is recommended that *“It is understood that the Oak tree holds high amenity value, however, it is important that the influence of the tree is removed to avoid further damage occurring to 14 Linksway.*

As a first step towards mitigation, we recommend a 30% crown reduction to see if this will abate the tree’s influence. If stability is confirmed via the level monitoring exercise, the superstructure repairs will be introduced.” It should be noted that application TPP/0284/16 for crown reduction by 1.5 – 2 metres was granted conditional approval on 29th June 2016 and appears to have been implemented in November 2016. The treatment specified in application TPP/0284/16 was less than the 30% recommended in the Crawford Addendum Technical Report.

In the Crawford Addendum Technical Report No. 2 dated 17th October 2017 it is stated that: *“Whilst reduction of T1 Oak has had some impact, this has not been sufficient to stabilise the rear of the property... It would therefore be concluded that removal of the Oak tree is the only realistic tree mitigation option available to stabilise the property in the long term.”*

Levels monitoring data submitted in support of this application shows a significant downward movement between May 2016 and November 2016. In excluding cyclical tree reduction as a management option the author of the BASE Engineering Report has referred to this stating: “In my experience, it would be very unusual for canopy reduction to be fully effective on a tree that is capable of causing seasonal foundation movements of 48 mm.”

However, it should be noted that the 14th November 2016 monitoring reading coincided not only with the pruning works but also with the commencement of the demolition and rebuilding works at 15 Linksway. The cumulative impact of these factors has contributed to the apparent large downward movement between 25th May and 14th November 2016 - the downward movement during the summer months in both the year before and after 2016 was significantly less. The historic rainfall data for the Heathrow weather station (taken from metoffice.gov.uk) confirms that in 2015 there was 562mm of rainfall (380.4mm between May and November); in 2016 there was 590.6mm of rainfall (341.6mm between May and November); and in 2017 there was 574.4mm of rainfall (364.4mm between May and November). 2016 does not therefore appear to have been significantly drier than either 2015 or 2017 (indeed there appears to have been more rain in 2016 – the slightly drier summer following a wetter winter) and the downward movement noted in 2016 does not therefore appear to be solely due to the presence of the subject tree and given the timing of the building works (and that such works involved replacement of some bricks in the rear elevation of 14 Linksway) it seems probable that the building works had a major influence on the downward movement that was recorded.

As noted above our structural engineer has noted that “Movement reduced following tree work to Oak tree.”

It should be noted that alleged subsidence damage was a reason for (or mentioned) in submissions for the five previous applications for treatment to this tree (see “Relevant Recent Planning History” above). However, all of those applications were for pruning treatment to the tree and all except the most recent previous application (TPP/0284/16) did not include technical evidence about the alleged damage or that would implicate the tree as a causative factor in any alleged damage.

There appears to have been no application for treatment of the subject Oak tree associated with the damage and subsequent demolition and rebuilding of 15 Linksway.

The potential heave calculations submitted as part of this application are 87mm in the borehole at the rear of the property and 50mm in the borehole at the front of the property.

In the BASE Engineering Report it is stated: “As a general rule, tree removal is a safer and surer option unless there is an unacceptable risk of long term heave” Continuing “In this case, the soil tests indicate a significant heave potential in the soil. As the appointed claim handler, it would be for Crawford & Co to assess the effect that this heave may have on the insured property and the left hand adjoining property that is closer to the tree.”

In the Crawford Addendum Technical Report No. 2 dated 17th October 2017 it is stated:

“With tree removal, the issue of heave has to be considered carefully. Calculations of heave risk were undertaken after the initial site investigation in January 2015 and indicated 50mm at the front and 85mm at the rear. Since removal of trees at the front, there has been 7mm upward movement indicating that the heave calculation was significantly pessimistic. One reason is the difficulty in carrying out a control borehole in this area away from the influence of any trees, and hence conservative assumptions were used for equilibrium suction values.

Based on the level monitoring, it would be estimated that between 40-50mm of this ‘heave’ was seasonal recovery of the subsoil and hence a more realistic heave estimate is approximately 40mm. If the same errors as occurred at the front, then the overall heave estimate would reduce to between 10-15mm.

We also take into account the pattern of movement shown by the level monitoring. This showed a persistent moisture deficit following the dry Autumn and Winter 2016/17 which suggest that, in Winter 2015, the soil was closer to its natural moisture content. We are also aware that No.15 was deemed to be stable following tree reduction works, indicating that the desiccation is at the edge of the zone of influence of the tree. In such cases, a persistent moisture deficit which gives a heave issue is less likely to build up since the soil is more likely to fully rehydrate during winter months.

Accordingly, whilst heave cannot be entirely discounted, we consider the risk of adverse heave movement to be low if the tree is removed.”

Even with the revisions suggested above Crawford’s state that they are unable to “entirely discount” the possibility of heave and, having reviewed the evidence the Council’s own Structural Engineer has also concluded that “the removal of Oak tree T1 could result in heave damage to the rear of the building.”

In discussing the cost of repairing the damage it is stated in the Crawford report dated 17th October 2017 that: *“Given the depth of desiccation, any underpinning would need to be in the form of a piled slab to include the party wall with No. 13. We consider that this, in turn, is likely to cause differential movement across No. 13 and their Party Wall Surveyor can, from an engineering perspective, argue that underpinning should encompass the whole of No. 13 given the influencing distance of the tree. Theoretically, this argument would apply along the whole terrace, rendering underpinning realistically very difficult from a logistical and financial perspective. We estimate that the costs of underpinning No. 14 would be approximately £160,000 and the whole terrace, approximately £400,000-£450,000. Given that Buildings cover is limited to the Sum Insured for No. 14, this would not be financially possible. Accordingly, underpinning is only a realistic option if the whole terrace (excluding No.15 which has been rebuilt) are amenable, which is extremely unlikely.”*

It is stated in the reasons for this application that *“The installation of a root barrier has been considered and discounted on the basis that it would have to extend across the gardens of several properties and consent by the respective owners is unlikely to be obtained,”* in the Crawford report dated 17th October 2017 it is written: *“Given the location of the tree relative to the property, any tree root barrier would need to extend across the back of at least 3 gardens. It is very unlikely that consent would be granted by 2 neighbours, especially when we understand they have no issues at present,”* and in the BASE Engineering Report that: *“There is a range of opinion within the industry as to whether a root barrier can provide a satisfactory long term solution and there are many*

cases where roots have, in the fullness of time, been found to grown under, round or through a barrier. However, in this case, there is the added disadvantage that the root barrier would have to extend across the back gardens of four or five separate properties. For this reason alone, it is unlikely to be acceptable.”

The applicant, agent and their advisers appear to have ruled out both the potential root barrier and underpinning the whole terrace (except 15) owing to difficulty in gaining consent for works that stretch across more than one property.

It should also be noted that the person who wrote in support of this application (and who lives in another property in the same terrace as 14 Linksway) stated that *“When I built my extension a couple of years ago, with Barnet’s knowledge the builders had to put down concrete over 10 feet down to prevent problems.”* Given the depth of these foundations there may be some differential movement between the extension referred to and the adjacent properties.

The person who wrote in support of this application also referred to concerns about seasonal detritus (falling leaves and branches from the tree). Trees are dynamic living organisms and will drop seasonal detritus from time to time (in the form of twigs, fruit, leaves...), this is a natural process. Concerns about such seasonal detritus are not considered sufficient to justify the removal of this mature Oak which makes a significant positive contribution to public amenity.

Given the significant public amenity value of the Oak; the possibility that lesser works may be a solution; and the potential heave implications (especially in the light of the implications for neighbouring properties which apparently have “no issues at present”), it may be questioned whether the proposed removal of the TPO Oak at this juncture is excessive / premature. However, our Structural Engineer has noted that *“The Oak tree T1 would be implicated in the damage to the rear of No. 14”* – he does also advise that *“the removal of Oak tree T1 could result in heave damage to the rear of the building.”*

3. Legislative background

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

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

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and

particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the tree is considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

In the Crawford report dated 21st April 2016 it is stated: *"Repairs are estimated to be in the region of £7,000 if the tree works are introduced promptly, before the next dry season. Underpinning localised to the affected area of the damage will be needed if the tree works are denied. The cost of this work is estimated to be approximately £80,000."* However, in the Crawford report dated 17th October 2017 it is stated: *"If tree removal were carried out...Remedial works would be limited to structural repairs and redecorations of the affected areas. The extent depends on the amount of soil recovery but we estimate the overall costs to be in the region of £7,000-£10,000...Given the depth of desiccation, any underpinning would need to be in the form of a piled slab to include the party wall with No. 13. We consider that this, in turn, is likely to cause differential movement across No. 13 and their Party Wall Surveyor can, from an engineering perspective, argue that underpinning should encompass the whole of No. 13 given the influencing distance of the tree. Theoretically, this argument would apply along the whole terrace, rendering underpinning realistically very difficult from a logistical and financial perspective. We estimate that the costs of underpinning No. 14 would be approximately £160,000 and the whole terrace, approximately £400,000-£450,000. Given that Buildings cover is limited to the Sum Insured for No. 14, this would not be financially possible."*

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

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management that may reduce the risk of alleged tree-related property damage (either to the subject TPO Oak tree – or to any other adjacent vegetation). If it is considered that the amenity value of the tree is so high that the proposed felling is not justified on the basis of the reason put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council's Structural Engineer has noted that *"The Oak tree T1 would be implicated in the damage to the rear of No. 14."* - albeit having significant concerns about heave implications.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it). Thus the cost of rectifying any damage that occurs before the date of the decision would not be subject of a compensation payment. In this case it is to be noted that *"At the time of the engineers' inspection 20th January 2015 the structural significance of the damage was found to fall within Category 5 (Very Severe) of Table 1 of BRE Digest 251"* and that the

July 2017 Engineering Report confirms that *“the current damage is broadly similaralthough the rear patio door has now been replaced with an infill panel.”* Also *“It is evident that some brickwork to the rear elevation was replaced during the reconstruction to No 15.”*

If it is concluded that other factors (including the rebuilding of No. 15 Linksway) were a substantial cause of the damage and / or addressing such factors together with pruning would resolve the alleged problem, regardless of the proposed tree removal; or if the removal would create even greater problems due to heave; it may be argued that loss or damage would not be in consequence of a refusal of TPO consent to fell.

However, if it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there may be a compensation liability (the applicant/agent indicates repair works for No. 14 Linksway may be an extra £150,000 if the tree is retained) if consent for the proposed felling is refused.

COMMENTS ON THE GROUNDS OF OBJECTION

Matters addressed in the body of the report.

EQUALITIES AND DIVERSITY ISSUES

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

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

CONCLUSION

The agent, MWA Arboriculture Ltd, proposes to fell the significant mature Oak standing in the rear garden of 10 Manor Hall Avenue because of its alleged implication in subsidence damage to 14 Linksway.

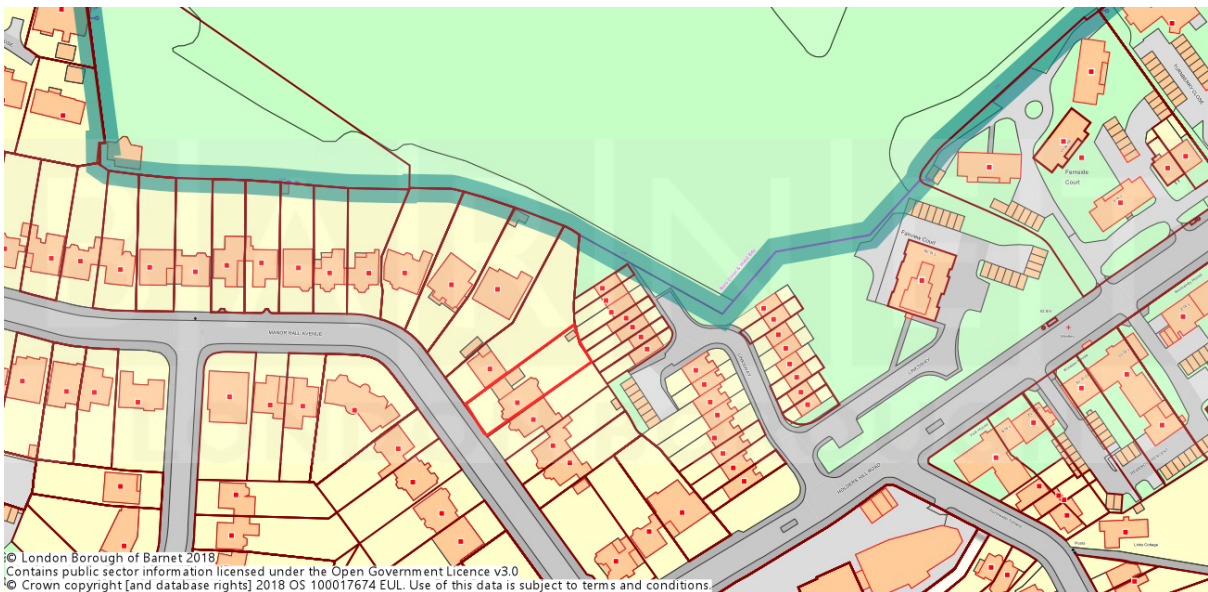
The Council's Structural Engineer has assessed the supporting documentary evidence and has noted that the subject Oak is likely to be implicated in damage 14 Linksway. However, there are shortcomings in the information provided. There are also concerns about heave implications for 14 Linksway and other properties, some of which are closer to the tree and which are currently unaffected.

Bearing in mind the potential implications for the public purse, as well as the public amenity value of the tree, it is necessary to consider whether or not the proposed felling is justified as a remedy for the alleged subsidence damage on the basis of the information

provided, particularly in the light of the Structural Engineer's concerns about heave, and the potential that lesser works may address the damage.

If it is concluded on the balance of probabilities that the Oak's roots are the 'effective and substantial' cause of the damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the tree's removal, there may be a compensation liability (the applicant indicates repair works to 14 Linksway may be an extra £150,000 if the tree is retained) if consent for the proposed felling is refused.

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



Location 72 Hendon Lane London N3 1SL

Reference: 18/0220/FUL

Received: 11th January 2018

Accepted: 1st February 2018

Ward: Finchley Church End

Expiry 29th March 2018

Applicant: Mr & Mrs Halperin

Proposal: Demolition of existing building and erection of three storey building to provide 7no self contained flats with associated parking, refuse and landscaping

AGENDA ITEM 7

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in her 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; 3946/01(Proposed Site Plan), 3946/02(Proposed Ground Floor Plan), 3902/03 (Proposed Floor Plans and Elevations), 3946/04 (Proposed First Floor Plan), 3946/05 (Proposed Third Floor Plan), 3946/06 (Proposed Elevations), 3946/10 (Proposed Street Elevation), Site Location Plan, Design & Access Statement.

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

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

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

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the 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 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies

DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

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

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

- 8 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 9 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011

- 10 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.

- 11 The level of noise emitted from any plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

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

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

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

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

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

- 13 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).

- 14 Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved by the Local Planning Authority. The approved mitigation scheme shall be implemented in its entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.3 of the London Plan 2011.

- 15 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a scheme drawing No. 3946/01 submitted with the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 Policies CS9 and DM17 of the London Borough of Barnet Local Plan 2012

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

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

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

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

- 17 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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

- 18 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 London Plan (2015).

- 19 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 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

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

Reason:

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

- 21 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards. 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.

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

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown

on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

- 4 Any highway approval as part of the planning process for the alteration or removal of the existing crossovers or provision of new crossovers will be subject to detailed survey by the Crossover Team in Environment, Planning and Regeneration as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Development Regulatory Service, Traffic and Development, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 5 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 6 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the

provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

- 7 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. 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. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The application site is located on the north-west side of Hendon Lane, between St Marys Avenue and Cyprus Avenue in the Finchley Church End ward. The site adjoins Golda Court (formerly 70 Hendon Lane) a three storey development comprising of six flats.

The existing host building is a detached, two-storey residential dwelling house. The site holds no specific designation and is not located within a Conservation Area

2. Site History

Reference 15/06645/FUL

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 15 December 2015

Description: Demolition of existing building and erection of three storey building to provide 7no self contained flats with associated parking, refuse and landscaping.

Reference: F/00635/13

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 3 April 2013

Description: Extension to the time limit for implementing planning permission F/02922/10 granted 28/09/2010, for 'Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking'.

Reference: F/02922/10

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 28 September 2010

Description: Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking.

Reference: C00806L/07

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 19 November 2007

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking. (OUTLINE)

Reference: C00806K/04

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 7 February 2005

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking. (OUTLINE)

Reference: C00806H/01

Address: 72 Hendon Lane, London, N3 1SL

Decision: Approved subject to conditions

Decision Date: 26 November 2001

Description: Three storey block of six flats with eight car parking space. (Renewal of Planning Permission Ref. C00806F dated 26.8.1997).

Reference: C00806J/04

Address: 72 Hendon Lane, London, N3 1SL

Decision: Refused

Decision Date: 9 September 2004

Description: Demolition of existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 8no. self-contained flats with associated provision of off-street parking. (OUTLINE)

3. Proposal

This application seeks consent for the demolition of existing building and erection of three storey building to provide 7no self-contained flats with associated parking, refuse and landscaping.

This application follows planning permission reference: 15/06645/FUL which was for the demolition of existing building and erection of three storey building to provide 7no self-contained flats with associated parking, refuse and landscaping. Permission was also granted on 28th September 2010 for the "Erection of a three storey building plus accommodation in roof space to facilitate 7No. flats following demolition of existing building. Associated parking". A further application for an extension to the time limit was approved in 2013 under reference F/00635/13. The current application shows the same proposals as these earlier approved applications.

Prior to this, a number of previous applications for outline planning permissions have been granted for the demolition of the existing building and erection of a three-storey block (plus rooms in roofspace) to provide a total of 7no. self-contained flats with associated provision of off-street parking.

The proposed scheme consists of 2 x 1 bedroom, 4x2 beds and 1 x 3 bedroom flats arranged in a single building of 3-storeys with rooms in the roofspace, together with on-site car parking 2 spaces at the front and 5 spaces through an undercroft at the side of the house. The ground floor would comprise of 1 x 1 bed/ 1 person and 1 x 3 bed/ 6persons flats measuring 45sqm (Flat1) and 114sqm (Flat 2) respectively.

First floor and second floor - each floor would comprise of 2 x 2 bed/ 4persons flats; the dimensions of the units are 90sqm (flat 3 and 5) and 91sqm (flat 4 and 6).

Third floor 1 x 1 bed/ 2persons flat (Flat 7) measuring 70sqm and a roof terrace .

The proposed development would have four dormers, one on each of the side elevation and two on the rear elevation with four rooflights.

A lift serving all floors would be provided as part of the development.

The bin enclosure store would be located at the front of the property close to the adjoining property at No.70.

Two parking spaces will be located at the front including a bay for people with disabilities and five parking bays to the rear. The parking bays will be accessed via an undercroft adjacent to No 70 Hendon Lane.

The proposed development would have balconies to the front and rear on the first and second floors respectively.

A communal amenity space measuring 126sqm would be provided for future occupiers.

The design of the building would be contemporary with one main gable end to the front and two gables to the rear. The proposed height would be approx. 8m to the eaves and 11m to the ridge. The width of the proposed development is approx. 14.9m.

The property has a staggered front and rear building line. The front building line would be the same as No 70 on the right hand side but would stagger back to respect the setting of No 74. This is repeated on the rear wall where similar relationships are evident. The depth of the side flank wall facing No 74 is approx. 16.5m and the side flank wall facing No 70 is approx. 15.5m. The maximum depth of the building would be approx. 19m .

The proposed development would be set back from No 74 by approx. 2.7m at the front and 2.9m at the rear. The separation distance between the proposed development and No 70 would be 2.7m.

The site is undulating, it slopes upwards towards No 70 and also from the front to the rear of the site itself.

4. Public Consultation

Consultation letters were sent to 170 neighbouring properties.

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

The objections received can be summarised as follows:

- Existing property in character with the area
- Insufficient parking provision
- Impact on traffic
- Poor visibility on the road next to the site
- Impact of parking on neighbouring properties
- Noise and disturbance
- Loss of light
- Loss of view
- Property value
- Poor quality design
- Loss of privacy
- Drainage
- Damage to public pavement

Consultee Comments:

London Fire and Emergency Planning Authority: The Brigade is satisfied with the proposals for brigade access only; subject to advice to install sprinklers and the requirement of Building regs.

Highways: Recommend approval subject to conditions and informatives

A site notice was erected on 08/02/2018.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The acceptability of the proposal and the impact of the proposals on adjoining properties were considered in full when the original application was considered and approved in 2010 and 2015 respectively. The current planning permission (15/06645/FUL) for the site is extant and would expire on 14 December 2018. This current application shows the same scheme as these approved applications from 2010 to 2015.

It is noted that the immediate surroundings are characterised by purpose-built flats and houses converted into residential units as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a flatted development is considered acceptable in this location. The proposed density is in line with policy CS3. The current application is for two 1-bed flats, four 2-beds flats, and one 3-bed flat. Surrounding sites have or are being re-developed for higher densities. The design and built form in relation to the size of the plot on previous applications was not considered to be a result for refusal considering surrounding sites for similar schemes.

Impact on the character of the area

The proposed footprint would respect the character and pattern of buildings in this part of Hendon Lane and allow for sufficient gaps in between the site and surrounding buildings.

The proposed front building line aligns with the previously consented scheme. The front building line would align with No 70 to the right and staggers back to respect the setting to No 74. The same relationships would exist at the rear of the building. The footprint of the proposed development is the same as previously approved, which is considered to relate well to surrounding development. Overall, it is considered that the size, height, mass and appearance of the building would be harmonious with and not over dominate the scale or adversely affect the character of adjacent development.

The proposed design replicates elements from the neighbouring properties and as such would respect the general proportions of the surrounding urban fabric.

Seven parking spaces are proposed, of which five will be accessed through an undercroft accessed along the boundary by no. 70.

Four dormers are proposed to the side and rear of the development including four rooflights. These would be in keeping with the character of the area.

The design of the proposed building is contemporary with front and rear gables with rooms in the roof space and balconies to the front and rear. The materials proposed will be a

combination of brick and render, with tiles for the roof. This part of the Hendon Lane consists of a mixture of single-family dwellings and purpose-built blocks of flats. Most dwellings are no more than 2-storeys, however the blocks of flats are generally three stories in height. The proposed design, scale, bulk and height will be in keeping with the character of the immediate area which has various roof forms and building design.

Impact on the amenities of Existing & Future Occupiers

All units would provide adequate internal space and therefore comply with policies CS5, DM01 and DM02. The stacking of flats/rooms is generally acceptable.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a communal garden to the rear and additional private space in the form of balconies and terraces which is in line with policy. The communal garden would provide an acceptable quality of outdoor amenity space. Details of landscaping are required by condition.

The outlook from the rooms and accessible daylight to the rooms would comply with Councils Sustainable Design and Construction SPD, and would provide a good level of amenity for the future residents. The units have been designed so rooms are laid out on a 'like above like' basis to ensure that there is no inappropriate stacking between units.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

It is noted that the existing residential units have access to a communal amenity space. The amenity space requirement is 135sqm (27 habitable x 5sqm). The rear garden measuring 126sqm would be communal. In addition, the proposed development would include private balconies and terraces. The 1st and second floors balconies would equate to 18sqm and the third floor flat terrace would be 15sqm. The total provision would equate to 159sqm. It is considered that the proposed development would provide a satisfactory level of amenity for future occupiers.

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

An appropriate area for the storage of recycling and refuse bins has been provided at the front of the proposed building. This is considered to be acceptable.

The proposed intensification of use from a single dwelling to seven is not expected to result in a detrimental loss of amenity for occupiers of this part of Hendon Lane or future occupiers of the adjacent flatted development.

Impact on the amenities of Neighbours

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 states that all development should represent

high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposal like the previous approval would have a minimal impact on the residential amenity of neighbouring occupiers.

The proposal has been designed to reduce the impact of the proposal at the rear by setting away from the neighbouring buildings to achieve a significant gap between 74 Hendon Lane and the proposed building (minimum set back will be 2.7m) and between the proposed building and 70 Hendon Lane (minimum set back will be 2.7m).

The proposal would include windows and balconies to the front and rear; windows to the north east and south- west elevations. The windows would not give rise to overlooking or loss of privacy due to the relationship with the adjoining properties. The windows serving Nos 70 and 74 respectively serves non-habitable rooms. The Council's Residential Design Guidance states that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. In this instance, the distance from the rear building line to the rear boundary fence abutting the neighbouring garden of No 2 St Mary's Avenue is more than 20m.

In addition, the rear balconies would be recessed behind enclosing walls to prevent oblique views over the neighbouring sites and gardens.

It is not considered that the proposed development would result in overlooking and loss of privacy to any neighbouring occupier.

Impact on Highways

Barnet's Local Plan Development Management Policies approved in September 2012 sets out Parking Standards as follows for the residential use:

For 1 bedroom units- 0.0 to 1.0 parking spaces per unit

For 2/3 bedroom units - 1.5 to 1.0 parking spaces per unit

This equates to a range of parking provision of 5 to 9.5 parking spaces to meet the Barnet Local Plan Parking Standards contained in the Development Management Plan Policies approved in September 2012. The maximum parking provision would be more appropriate in an area with the lowest Public Transport Accessibility Level (PTAL) for the site.

The Public Transport Accessibility Levels (PTAL) is graded from 1 for poor accessibility to 5/6 for excellent accessibility. The site has PTAL rating of 2 which is considered as a poor public transport accessibility.

7 parking spaces are proposed as part of the application, which is in accordance with the Parking Policy DM17.

Cycle parking space would be required in accordance with the minimum standards on the London Plan.

There are 2 vehicular accesses for the site. Proposal is to use one of the accesses for the vehicular access. Therefore, the redundant access will need to be reinstated at footway level at the applicant's expense and which require the applicant to enter into S278

Agreement of the Highways Act. The applicant is also advised that the maximum width of crossover allowed from public highway is 4.8m in accordance with the council's current policy. Therefore, it may be necessary to review the existing crossover proposed for reuse.

The proposed vehicular access within the site is 3m wide for approximately 12m of length. Passing places are proposed at either end of the narrow access to allow vehicles to wait until the access is clear to pass. This is acceptable on highway grounds.

A communal refuse store for the proposed development is located at ground level in the frontage within 10m of public highway which is acceptable on highway grounds.

Any works on highway if required necessary to facilitate the proposed development would need to be carried out at the applicant's expense under S278 of the Highways Act including relocation of the lamp column.

The proposal is acceptable on highway grounds subject to conditions and informatives

Impact on Trees

The Maple on left side of property is a protected tree (Tree Preservation Order TRE/FI/13/T32). Additional planting along the rear boundary is proposed. In order to safeguard trees on and adjacent to the site, a tree protection plan and method statement would be required prior to commencement. In addition to ensure adequate landscaping is providing, conditions requiring a detailed landscape plan for the front and rear gardens, that will add to the local visual tree amenity in the local area would be required to be submitted prior to commencement of the development.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

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

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

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

5.4 Response to Public Consultation

The concerns raised are noted. The principle of this development has already been established under the previous applications.

As detailed above, this application site has had outline consent for a scheme of redevelopment into flats since around 1997. The scheme proposed under this application has had consent on site since 2010, renewed in 2015 and the proposed development is considered to accord with current policy.

Most of the objections raised and the impact on adjoining properties has been fully assessed in the sections above. One of the objections relates to property values; this is not a matter for planning consideration and therefore cannot be taken into consideration in assessing the plans.

In view of the above, it is considered that the concerns raised are not sufficient to warrant refusal of this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring dwellings. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings. The proposal is in accordance with the NPPF and Policies contained within the adopted Local Plan. It is recommended that the application be approved subject to the discharging of attached conditions.

It is therefore recommended that the application be APPROVED



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Location **452 Finchley Road London NW11 8DG**

Reference: **18/0726/FUL**

Received: 1st February 2018

Accepted: 13th February 2018

Ward: Childs Hill

Expiry 10th April 2018

Applicant: N/A

Proposal: Roof extension to existing building comprising of an additional fourth floor level to provide 1no self-contained flat

Recommendation: Approve subject to conditions

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

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

1509-EX-154 (Existing Roof Plan)
 1509-EX-160 (Existing West Elevation)
 1509-EX-161 (Existing South Elevation)
 1509-EX-162 (Existing East Elevation)
 1509-EX-163 (Existing North Elevation)

1509-PL-200 (Site Plan)

1509-PL-251 (Car Park and Entrance Level)
 1509-PL-252 (Upper Ground and First Floor)
 1509-PL-253 (Second and Third Floor)
 1509-PL-254-C (Fourth Floor and Roof Plan)

1509-PL-260-B (Proposed West Elevation)
 1509-PL-261-A (Proposed South Elevation)
 1509-PL-262-B (Proposed East Elevation)
 1509-PL-263-B (Proposed North Elevation)

1509-PL-265-B (Proposed West Elevation)
 1509-PL-266-A (Proposed South Elevation)
 1509-PL-267-B (Proposed East Elevation)
 1509-PL-268-B (Proposed North Elevation)

Daylight & Sunlight to Neighbouring Buildings & Proposed Accommodation:
 Addendum Report (dated February 2017)

Planning Statement (dated 01.02.2018)

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

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

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

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

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

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

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

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

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

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

5 a) The approved residential unit shall not be occupied until details of the means of enclosure for the fourth floor terrace 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).

6 The flat roof surrounding the fourth floor level (with the exception of the illustrated terrace area) 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).

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

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

8 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4 (2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and

adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site lies at the junction of Finchley Road and Hermitage Lane, which forms part of a cross-roads junction, which includes Cricklewood Lane. The site previously consisted of a vacant set of buildings part occupied by a public house and associated hotel. The site is currently under redevelopment for a four-storey building plus basement comprising of commercial space and 13no. residential units.

The site is located in an area of mixed use and mixed character. To the rear of the site is Elm Park. To the north and west of the site are significant residential tower blocks which dominate the local street scene in the immediate locality. Hermitage Lane and Cricklewood Lane consist of lower level buildings arranged over three storeys. Land levels change significantly around the site. Cricklewood Lane rises from west to east to the junction of Finchley Road where the site is located and the site is visually dominant in long distance views along Cricklewood Lane.

The site is not located in a Conservation Area and there are no statutory listed buildings which may be affected by the proposed development. The park at the rear contains trees subject to a Tree Preservation Order (TPO).

2. Site History

Reference: 18/0725/S73

Address: 452 Finchley Road, London, NW11 8DG

Decision: Pending consideration

Decision Date: N/A

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 16/1974/FUL dated 03/02/2017 for 'Redevelopment of the site comprising five-storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof. 'Amendments include internal alterations to the layout of the approved units, provision of additional lobbies to 2 residential units at ground floor level, alteration of the alignment of the lower ground floor level, provision of fixed fanlights to windows above ground floor level on east, south and west elevations and realignment of main entrance door.'

Reference: 17/2291/NMA

Address: 452 Finchley Road, London, NW11 8DG

Decision: Refused

Decision Date: 18.05.2017

Description: Non-material amendment to planning permission 16/1974/FUL dated 03/02/17 for 'Redevelopment of the site comprising five-storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof. 'Amendments include alterations to fenestration to west, south and east elevations to introduce fanlights.'

Reference: 16/1974/FUL

Address: 452 Finchley Road, London, NW11 8DG

Decision: Approved following legal agreement

Decision Date: 03.02.2017

Description: Redevelopment of the site comprising five-storey building to provide offices and retail shops at upper and lower ground floor levels and 13no residential units at first, second and third floor levels, with parking at lower ground/part-basement level, cycle storage, refuse storage. Solar panels to roof

Reference: F/03607/14

Address: 452 Finchley Road, London, NW11 8DG

Decision: Approved following legal agreement

Decision Date: 31.10.2014

Description: Demolition of the existing building and erection of a four-storey building plus basement comprising of 9no. self-contained flats with B1 (a) (Office space) at ground floor level. 13 car parking spaces, secure cycle parking and refuse stores at basement level. Alterations to increase width of access road.

Reference: F/05428/13

Address: 452 Finchley Road, London, NW11 8DG

Decision: Refused

Decision Date: 24.06.2014

Description: Demolition of the existing building and erection of a six-storey building over a basement level to provide 13 self-contained units. Including B1 (Office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alterations to increase width of access road.

Appeal reference: APP/N5090/W/14/3001633

Appeal Decision: Appeal dismissed

Appeal Decision Date: 03.07.2015

Reference: F/01393/13

Address: 452 Finchley Road, London, NW11 8DG

Decision: Refused

Decision Date: 11.07.2013

Description: Demolition of the existing building and erection of a six-storey building over a basement level to provide 13 self-contained units. Including A1 (retail) and B1 (Office space) at ground floor level. New car parking spaces, cycle parking, provision of refuse stores and alterations to increase width of access road.

3. Proposal

The application seeks consent for the erection of an addition fourth floor level to provide 1no. self-contained unit. The proposed unit would be a two-bedroom 4-person unit measuring approximately 148sqm. There are no other proposed alterations to the existing building as part of this application.

The proposal has been amended during the course of the application to include:

- Reduction in footprint from the front (west) and side (north) elevations.

4. Public Consultation

Consultation letters were sent to 345 neighbouring properties.

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

The objections received can be summarised as follows:

- overdevelopment;

- additional bulk/massing is out of character in terms of appearance and is overbearing;
- loss of privacy in terms of overlooking;
- loss of light
- obstruction to the view and in general light to the park and surrounding housing
- increased traffic and parking pressure;
- air and noise pollution.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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, CS13, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future residents; and
- Highways and parking.

5.3 Assessment of proposals

There has been a varied planning history on this site which proposed various scales and forms of development.

In 2014, a planning inspector dismissed an appeal (LPA reference F/05428/13) for the erection of a six-storey building over a basement level. Due to the varying levels and heights across the site, it was commented that the proposal had an overall impression of seven floors from certain views. The Inspector concluded that the proposal would be unacceptably tall, would have significant width and depth and these combined with its prominent siting on a prominent site, would unacceptably dominate this part of the street scene. Following this, a revised scheme was approved later in 2014 for a four-storey building plus basement.

In 2016, a revised application was submitted for a four-storey building plus basement. This proposed quite a dissimilar form of development than was previous approved. Overall it was considered that this proposal had a much simpler and ordered finish and appearance. The previous design was largely cluttered with an incoherent frontage and so was considered to represent an overall improvement in terms of character and appearance.

Impact on the character and appearance of the host building, street scene and surrounding area

The key principles whether the additional storey is appropriate is its relationship to the development at the four corners of the junction and the views of the proposed additional storey from longer distance views.

In comparison with Portman Heights, the proposal would be higher, partly due to the rising topography. The building under construction was considered to have a much simpler and ordered appearance, giving rise to a less bulky and dominant building. In this instance, the proposed additional floor would be considerably set back from the front and side (north) elevations and as such is not considered to be overly prominent or visual obtrusive within this street scene. The nature of the additional level reflects the simple and ordered appearance of the host building which is considered to satisfactorily integrate with the host building.

Due to the proposed set-back from the south elevation facing Hermitage Lane, the proposal is not considered to result in a dominating overbearing or dominating impact on the three-

storey terraces to the south. There will be some views when approaching from the east along Hermitage Lane. The planting of Elm Park and other vegetation along Hermitage lane helps mitigate / limit views of the whole building. The subordinate nature of the proposal is not considered to detrimentally affect the character of this area. Approaching the site to the west, the proposal due its appearance and set-backs, would not appear as prominent or visually obtrusive.

At street scene level, at the cross-road, views of the proposed additional storey would be very limited or not possible.

Overall, while the proposal would introduce additional height and massing, it has been designed in such a way that the proposal appears as a subordinate addition and does not appear prominent or visually obtrusive within the context of this site. It would have an acceptable impact on the character and appearance of the street scene and wider locality.

Impact on the amenity of neighbouring residents

There are a number of residential buildings surrounding the application site; Portman Heights to the north, 713 Finchley Road opposite to the west and terrace properties to the south on Hermitage Lane.

While the proposal would introduce additional height and massing, it is set back considerably from each of the building elevations. In addition, the scheme has been further reduced in footprint particularly at the northern end. For this reason, the proposal is not considered to have an overbearing impact on the neighbouring occupiers. The revised proposed north elevation is now set back approximately 11m from the north boundary with Portman Heights. In terms of overlooking, there are no proposed windows along the north elevation facing Portman Heights. The front elevation is considerably set back from the front elevation, resulting in a separation distance of approximately 31m between elevations with 713 Finchley Road. The Council's Sustainable Design and Construction SPD Meets SPD advises that there should be a distance of 21m between habitable rooms. The proposal would comply with this requirement and as such is considered to have any harmful effects in terms of overlooking. The proposed external terrace is limited to the rear of the building where it would overlook onto Elm Park. The opportunities for overlooking would be very limited and as such this element is considered to be acceptable.

The applicant has submitted a revised daylight/sunlight report which considers the potential impact from the proposed development as a whole. The report concludes that the amenity values of daylight and sunlight to neighbouring residential properties would be retained to a level that satisfies BRE criteria. Officers have inspected and reviewed the submitted report and are satisfied that the additional storey would not have a detrimental impact on the levels of light received by neighbouring buildings.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within policy 3.5 of the London Plan 2016 provides minimum spaces standards for new dwellings.

The proposal would provide a two-bedroom four-person unit measuring approximately 148sqm. This would be significantly above the minimum internal space requirements. The proposed unit would benefit from dual aspect outlooks and is considered to provide

adequate levels of daylight/sunlight for future occupiers of the unit. It is proposed to provide a south-facing terrace area overlooking Elm Park, measuring approximately 35sqm. This would exceed the Council's Sustainable Design and Construction SPD for the provision of outdoor amenity space.

Overall, the proposal is considered to provide adequate accommodation for the future occupiers of the unit.

Highways and parking provision

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

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

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

Within the basement level, 16 parking spaces are proposed. The previous approved scheme consisted of 13 units which equated to 1 space per each residential unit, with the remaining serving the proposed commercial use. The provision of an additional unit requiring 1 space could be accommodated within the proposed basement parking level with spaces still remaining for the commercial space. The access arrangements are unchanged and as such the proposal is considered to satisfactorily comply with the highways requirements of policy DM17.

Sustainability

The proposed additional would be served by a lift and would therefore be compliant with Building Regulation requirement 'M4 (2).'

On the previous approved scheme, it was proposed to install a number of photovoltaic panels on the roof in order to help reduce the scheme's carbon emissions. This is no longer proposed as the additional storey will occupy this roof space. The agent has provided further details and reports to confirm that the building will achieve a 35% reduction in carbon emission through alternative means. The submitted details are considered to be acceptable.

5.4 Response to Public Consultation

Overdevelopment - The proposal is not considered to represent overdevelopment.

Additional bulk/massing is out of character in terms of appearance and is overbearing - Address in the assessment section of the report. The proposal due to its set-back layout and simple external appearance is considered to be appropriate and does not appear out of character.

Loss of privacy in terms of overlooking - Addressed within assessment section of the report. It is not considered that the proposal would create harmful overlooking impacts.

Loss of light - Addressed within assessment section of the report. It is not considered that the proposal would result in a detrimental reduction of light to neighbouring properties.

Obstruction to the view and in general light to the park and surrounding housing - Addressed within assessment section of the report. It is not considered that the proposal would result in a detrimental reduction of light to the surrounding area.

Increased traffic and parking pressure - The proposal is for the provision of 1no 2-bedroom unit. This is not considered to result in a significant level of traffic. The proposed parking provision for the unit can be accommodation within the existing parking space at basement level.

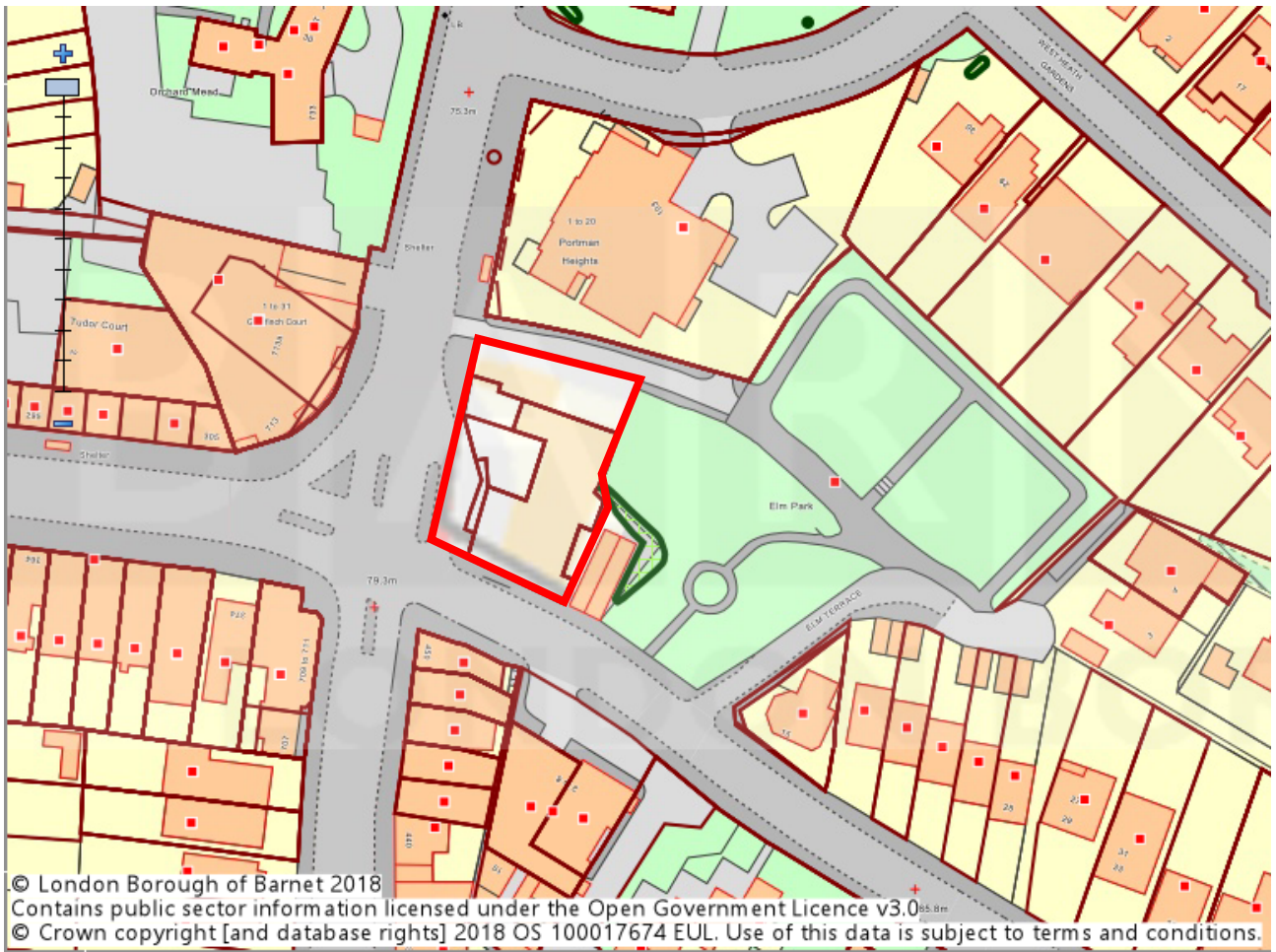
Air and noise pollution - Associated disturbances resulting from the construction phase is a non-planning consideration. This is covered by separate Environmental Health legislation.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **707 High Road London N12 0BT**

Reference: **18/0782/FUL**

Received: 5th February 2018

Accepted: 5th February 2018

Ward: West Finchley

Expiry 2nd April 2018

Applicant: Mr P Lyons

Proposal: Two storey extension to existing podium , creating 9 new residential units with a roof garden with associated parking at ground and basement level; additional bike and bin stores to serve additional residential units within the wider scheme; and elevation upgrade to the whole building

AGENDA ITEM 9

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to Traffic Management Order (£2,000)
4. Review of surrounding CPZ once the development is 85% occupied (£20,000).

RECOMMENDATION II:

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

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

OS Map 1:1250

S01 (Existing Basement Floor Plan)
S02 (Existing Ground Floor Plan)
S03 (Existing First Floor Plan)
S04 (Existing Second Floor Plan)
S05 (Existing Third Floor Plan)
S06 (Existing Fourth Floor Plan)
S07 (Existing Fifth - Eight Floor Plan)
S08 (Existing Elevations)
S09 (Existing Elevations)

P01 A (Proposed Basement Floor Plan)
P02 A (Proposed Ground Floor Plan)
P03 A (Proposed First Floor Plan)
P04 A (Proposed Second Floor Plan)
P05 A (Proposed Third Floor Plan)
P06 A (Proposed Roof / Fourth Floor Plan)
P07 A (Proposed Fifth - Eight Floor Plan)
P08 A (Proposed Elevations)
P09 A (Proposed Elevations)

Air Quality Report (dated October 2016)
Air Quality Assessment (dated February 2018)
Daylight and Sunlight Study (dated 19.10.2016)
Daylight and Sunlight Covering Letter (dated 05.02.2017)
Design and Access Statement (dated January 2018)
Energy Assessment (dated 01.02.2018)
Noise Impact Assessment (dated 13.03.2018)
Transport Statement (dated 12.12.2017)

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

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

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

- 3
 - a) No development 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 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
 - vii. noise mitigation measures for all plant and processors;
 - viii. details of contractors compound and car parking arrangements;
 - ix. details of interim car parking management arrangements for the duration of construction;
 - x. details of a community liaison contact for the duration of all works associated with the development.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

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

- 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 before the development hereby permitted is commenced.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be

replaced with trees or shrubs of appropriate size and species in the next planting season.

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

- 6 Prior to the occupation of the residential units, the development shall be fully constructed and implemented in accordance with acoustic glazing details stipulated within the approved Noise Impact Assessment dated 13.03.2018.

Reason: To order to protect the amenity of the future occupiers of the residential units.

- 7 a) Before the development hereby permitted is first occupied, details of the window panels to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 a) Before the development hereby permitted is first occupied, details of the glass screening and balustrades to be installed on second and third floor terraces and fourth floor roof garden shall be submitted to and approved in writing by the Local Planning Authority.

b) The screening and balustrades shall be installed in accordance with the details approved under this condition before first occupation and retained as such thereafter.

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

- 9 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of

(i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider; and
(ii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 Prior to the erection and installation of photovoltaic panels, details of the size, design and siting of all photovoltaic panels to be installed as part of the development shall be submitted and approved in writing by the Local Planning Authority. Calculations demonstrating the additional carbon emission reductions that would be achieved through the provision of additional panels shall also be submitted. The development shall be carried out and constructed in accordance with the approved details.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies CS5 and DM01 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

- 11 Prior to first occupation the amenity space atop the podium as show on Proposed 4th Floor Plan, Dwg No. P06 shall be made available to all occupiers of the flats hereby approved and retained as such in perpetuity.

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

- 12 Before the development hereby permitted is occupied cycle parking spaces in accordance with London Plan Cycle Parking Standards 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.

- 13 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. P01 and P02 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of

the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 14 Before the development hereby permitted is occupied a Car Parking Management Plan detailing the allocation of car parking spaces, all on-site parking controls and charges and enforcement measures to be put in place to deal with any unauthorised parking shall be submitted to and approved in writing by the Local Planning Authority. The development shall be managed in accordance with the approved Car Parking Management Plan from the first occupation of the building and in perpetuity thereafter.

Reason: To ensure that parking is provided and managed at the development in the interests of highway safety and the free flow of traffic in the area and in accordance with policies CS9 and DM17 of the Barnet Local Plan.

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

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

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

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

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 36.44% 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.

- 18 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no installation of any structures or apparatus for purposes relating to telecommunications shall be installed on any part the extensions to the building(s) hereby approved, including any structures or development otherwise permitted under Part 24 and Part 25 of Schedule 2 of the Town and Country Planning (General Permitted Development) Order 2015 or any equivalent Order revoking and re-enacting that Order.

Reason: To ensure that the development does not impact adversely on the townscape and character of the area and to ensure the Local Planning Authority can control the development in the area so that it accords with Policies DM01 and DM18 of the Development Management Policies DPD (adopted September 2012).

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

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

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 30 June 2018, that unless otherwise agreed in writing, the Head of Development Manager should REFUSE the application 18/0782/FUL under delegated powers for the following reasons:

1. The proposed development does not include any provision to restrict the parking permits of future occupiers or carry out a review of the surrounding CPZ following occupation of the building that would be needed as a result of the development contrary to policy CS9 of Barnet's Adopted Core Strategy (2012) and policy DM17 of the Adopted Development Management Policies DPD (2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

at

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

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

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

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

- 3 The applicant is advised that Woodhouse Road A1003, Kingsway and A1000 High Road N12 is Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 4 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 5 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
- 6 The applicant is advised that the development is located on or will have an impact on the Strategic Road Network (SRN)/Transport for London Road Network (TLRN). The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 7 No works shall commence on site until a Traffic Management Act Notification is submitted to and approved in writing by the Local Planning Authority and agreed with Transport for London. All works must be carried out in full accordance with the approved details unless previously agreed in writing by the Local Planning Authority.
- 8 Prior to occupation the applicant must submit highway works required on the public highway necessitated by development proposals for approval and works must be implemented to substantial completion.

- 9 The applicant is advised that the layout as illustrated on the submitted floor plans as being consider under planning reference 17/6746/PNO are not approved under this application.
- 10 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.

- 11 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Officer's Assessment

1. Site Description

The application site is located on the corner of Kingsway and the High Road and lies within the southern boundary of the North Finchley Town Centre. The site consists of a nine-storey office building with a two-storey podium.

There are a variety of uses surrounding the site given its town centre location.

The site is located within the area of the North Finchley Town Centre Supplementary Planning Guidance (SPD).

2. Site History

Reference: 17/6746/PNO

Address: 707 High Road, London, N12 0BT

Decision: Pending Consideration

Date: N/A

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (63 Units)

Reference: 16/7575/FUL

Address: 707 High Road, London, N12 0BT

Decision: Approved following legal agreement

Date: 31.05.2017

Description: Two storey extension to existing podium and one storey extension to existing tower, to create 9no additional residential units with associated parking at ground and basement level, cycle store and refuse and recycling store

Reference: 16/7473/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Approved

Date: 20.01.2017

Description: Change of use of 1st to 8th floors from Class B1 (Office) to Class C3 (Residential) (43 Units)

Reference: 16/5692/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Approved

Date: 10.10.2016

Description: Conversion of existing building from B1 (a) office use to residential use (46 flats)

Reference: 16/3986/PNO

Address: 707 High Road, London, N12 0BT

Decision: Prior Approval Required and Refused

Date: 27.07.2016

Description: Change of use from Use Class B1 (office) to Use Class C3 (residential) to provide (46 Units)

Reference: C01760AB/03

Address: 707 High Road, London, N12 0BT

Decision: Finally Disposed Of

Date: 31.12.2003

Description: Extension at 2nd, 3rd, 4th and 5th floor levels above existing west wing of building including new fire escape stairway (scheme B). Provision of one additional car parking space at basement level in place of existing storage enclosure.

Appeal Reference: APP/N5090/A/03/1135811

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22.04.2004

Reference: C01760AC/03

Address: 707 High Road, London, N12 0BT

Decision: Finally Disposed Of

Date: 30.12.2003

Description: Extension at 2nd, 3rd, 4th, 5th, 6th and 7th floor levels above existing west wing of building including new fire escape stairway (scheme A). Provision of one additional car parking space at basement level in place of existing storage enclosure.

Appeal Reference: APP/N5090/A/03/1135804

Appeal Decision: Appeal Dismissed

Appeal Decision Date: 22.04.2004

3. Proposal

The application seeks consent for the construction of a two-storey extension to the existing podium to create 9no self-contained flats. The application also seeks the alterations to re-clad the existing elevations, provision of a roof terrace above the proposed podium extension, associated amenity space, parking and cycle parking and bin and refuse storage.

The proposal would provide 4 x studio units and 5-bedroom units.

4. Public Consultation

Consultation letters were sent to 442 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Proposed third will be cantilevered which increases the podium's dominance and bulk;
- Increase in parking pressure on surrounding streets;
- Insufficient parking within surrounding area;
- Increase in traffic generation;
- Addition noise and disturbance;
- Overshadowing
- Loss of light and privacy to neighbouring properties;

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital 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, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

North Finchley Town Framework SPD (adopted February 2018)

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking.

5.3 Assessment of proposals

Under application reference 16/7575/FUL, consent was granted in May 2017 for the construction of a two-storey extension to existing podium and one-storey extension to existing tower to create 9no. additional units with associated parking at ground and basement level. The proposal also involved the re-cladding of the existing building.

This application is similar but only seeks consent for the construction of an extension to the existing podium and recladding of the building.

Also under consideration is a prior approval application (LPA reference 17/6746/PNO) to convert the existing office space into 63 residential units. At the time of this report, the application is still under consideration but remains a separation consideration to this application. While the proposals are related to the same building, they are not inter-related or dependent upon each other in order to be constructed or facilitated. The proposed 9no. self-contained units would have access via a separate staircase from the ground floor level which leads directly to the second and third floor areas. Access is not reliant upon the main entrance which is included within the PNO application. From the submitted plans, the proposal is seen as self-contained from the rest of the building is not directly connected on any levels to the PNO plans. There are no changes to the PNO layout. The application is for 9no units which is therefore not liable for the provision of affordable housing.

Impact on the character and appearance of the host building, street scene and surrounding area

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character. The recently adopted North Finchley Town Centre Framework SPD is intended to be a high-level strategy for North Finchley that sits within Barnet's overall development plan. The site lies within a Key Opportunity Site (KOS) - KOS 3: Finchley House - and plays an important role in that it is located on a highly prominent site at the southern gateway to the town centre.

The principle of a two-storey extension to the existing podium has previously been established through 16/7575/FUL. Given the site's town centre location, residential uses are considered to be appropriate in this location and is supported by the SPD.

The proposal would extend across the entire podium depth and width at second floor level and would be stepped back from the southern building line facing Rosemont Avenue. The proposed layout, siting and scale is similar to the development previously approved. Within this stretch of Kingsway, there is a four-storey flatted development adjacent to the site to the west. The overall height of the proposal would be of proportionate height to this adjacent building and as such would appear appropriate within the street scene. In fact, it is considered that the proposed podium extension fills a gap in the street scene resulting in a more continuous and positive urban environment. A comment has been received that there is additional adverse bulk created on the west elevation where the second-floor cantilevers over the outdoor terrace area of flat 2 on the second floor. While this is a variation from the previously approved plans, it is not considered that this would result in a detrimental impact on the character and appearance which would warrant refusal of the application.

The proposed changes to the external fabric in terms of recladding are considered to be positive and would improve the overall appearance of the existing building and the gateway to the town centre.

Overall, the proposal is considered to be acceptable, having an appropriate and improved impact on the character and appearance of the host building, street scene and surrounding area. The application is considered to be in compliance with the North Finchley Town Centre Framework SPD. Comments have been received from the Finchley Society commenting that as the site does not include the High Road properties to the south, the proposal is not in accordance with the SPD and the overarching vision for KOS 3. However, the applicant is not in control of these sites and therefore the application is assessed on its own merits.

Impact on the amenity of neighbouring residents

During previous appeals in 2003 about a scheme featuring a four and six storey podium extension (LPA reference C01760AB/03 and C01760AC/03), an Inspector dismissed the appeals on the basis that the existing residents on Rosemont Avenue would be negatively affected due to the impacts on rear garden privacy and overbearing. Within the previous application this was reduced to two storeys, with the third storey stepped back. This was considered to increase the separation from the residents on Rosemont Avenue and High Road and provide them more privacy.

Due to the proposed third-floor set back, the proposal is not considered to have a detrimental impact in terms of overbearing on the residents on High Road and Rosemont Avenue. Previously the applicant submitted a daylight and sunlight report which concluded that the proposal will not have a noticeable impact on the light received by the neighbouring properties. This was accepted within the previous officer's delegated report. The applicant has submitted an updated cover letter from their light consultants who state that the revised drawings are relatively minor in comparison to the previous scheme and their assessment is that the proposal will not be materially different from the findings of the previous report. Given that the level of reduction of light previously was considered to be acceptable and the proposal is not significantly different, it is considered that the findings of the previous light report are still relevant and accurate. As such, it is considered that the proposal will not have a detrimental impact in terms of loss of light on the neighbouring properties.

The Council's Residential Design guidance SPD (2016) advises that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings. In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

There are a number of proposed units which have south facing private terrace areas with a communal roof garden at fourth floor level. At second floor level, there are 2 x 5sqm terraces which are inset and measure approximately between 14 - 18m from the boundaries of the residents on Rosemont Avenue. This exceeds the minimum distance as prescribed in the SPD. Due to inset arrangement, it is considered that any impacts to the properties along High Road to the south would be reduced. At third floor level, the terraces are stepped back 2.5m from the rear building and has a planted landscape inset between the terraces and rear building line. The third-floor walkway and terraces would have a separation distance ranging between 12 - 19m which again would comply with the SPD requirements. The fourth-floor communal garden would be stepped approximately 5m away from the rear building line with a planted landscape inset. This would provide separation distances between 16 - 23m. The proposal is not considered to result in any detrimental levels of overlooking from on the neighbouring residential occupiers.

Provision of adequate accommodation for future occupiers

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 London Plan and the Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed units would measure:

Flat 1 - 1B2P - 50sqm
Flat 2 - 1B2P - 50sqm
Flat 3 - 1B2P - 50sqm
Flat 4 - Studio - 40.2sqm
Flat 5 - Studio - 37sqm
Flat 6 - 1B2P - 50sq.m
Flat 7 - Studio - 39.9sqm
Flat 8 - Studio - 39.9sqm
Flat 9 - 1B2P - 56.9sqm

Following a review of the internal floor plans, all of the proposed units are deemed to meet the minimum internal space standards. The majority of units would have dual aspect outlooks with the exception of flats 4 and 5 on the second floor. While generally not considered ideal, these units are studios and would have glazing across the entire width of the front elevation, providing good access to sunlight and daylight. On consideration it is considered that on balance these units would be considered acceptable in terms of provide adequate accommodation for future occupiers.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. It is noted that amenity space is proposed to be provided through a combination of private balconies and a large communal floor terrace (87sq.m). Two thirds of the units would have private 5sqm terraces. Overall, as the site is located within a town centre location and through a combination of the private and communal terraces, it is considered that the proposal would provide adequate levels of outdoor amenity space for future occupiers.

Highways safety and parking provision

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

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

For studio and 1 bedroom units 0.0 to 1.0 space per unit

The proposal would provide 9no one-bedroom units. The application proposes 33 parking spaces at ground floor and basement levels. The application is located within the North Finchley Town Centre and has a PTAL rating of 3. Consideration has been given to the wider development proposals within the site where there are prior approval applications for the conversion of office space to residential previously approved and currently under

consideration. Within the submitted transport documentation, it is stated that parking spaces will be allocated to individual residential units. Given the site's sustainable location in terms of access to public transport, the Council's Traffic and Development service state that the proposal would be acceptable if future occupiers were restricted from applying and obtaining parking permits. In addition, as a result of the potential cumulative increase in flats when considering the prior approvals, they have also requested that a financial contribution be sought to assess the impact on the existing CPZ areas and to allow for any resulting actions to be undertaken. These contributions will be sought via a legal agreement.

Subject to the completion of this legal agreement, the proposal is not considered to result in any significant impacts on the public highway and any future issues will be mitigated by the contributions sought.

5.4 Response to Public Consultation

The issues raised in the letters of representation have been addressed within the assessment of the report. The following additional comments are made:

Proposed third will be cantilevered which increases the podium's dominance and bulk - addressed within the assessment section of the report. This additional bulk is not considered to be detrimental to the character and appearance of the host building, street scene or surrounding area.

Increase in parking pressure on surrounding streets - Application will provide 33 off-street parking spaces. Future occupiers will also be restricted from obtaining parking permits so there will not be increased pressure within the surrounding streets.

Insufficient parking within surrounding area - Application will provide 33 off-street parking spaces. Future occupiers will also be restricted from obtaining parking permits so there will not be increased pressure within the surrounding streets.

Increase in traffic generation - Proposed traffic generation resulting from the development is not considered to be detrimental.

Addition noise and disturbance - Residential units are considered to be an acceptable use in this location.

Overshadowing - Addressed within the assessment section of the report. Proposal is not considered to result in detrimental levels of overshadowing.

Loss of light and privacy to neighbouring properties - Addressed within the assessment section of the report. Proposal is not considered to result in detrimental levels of loss of light or privacy.

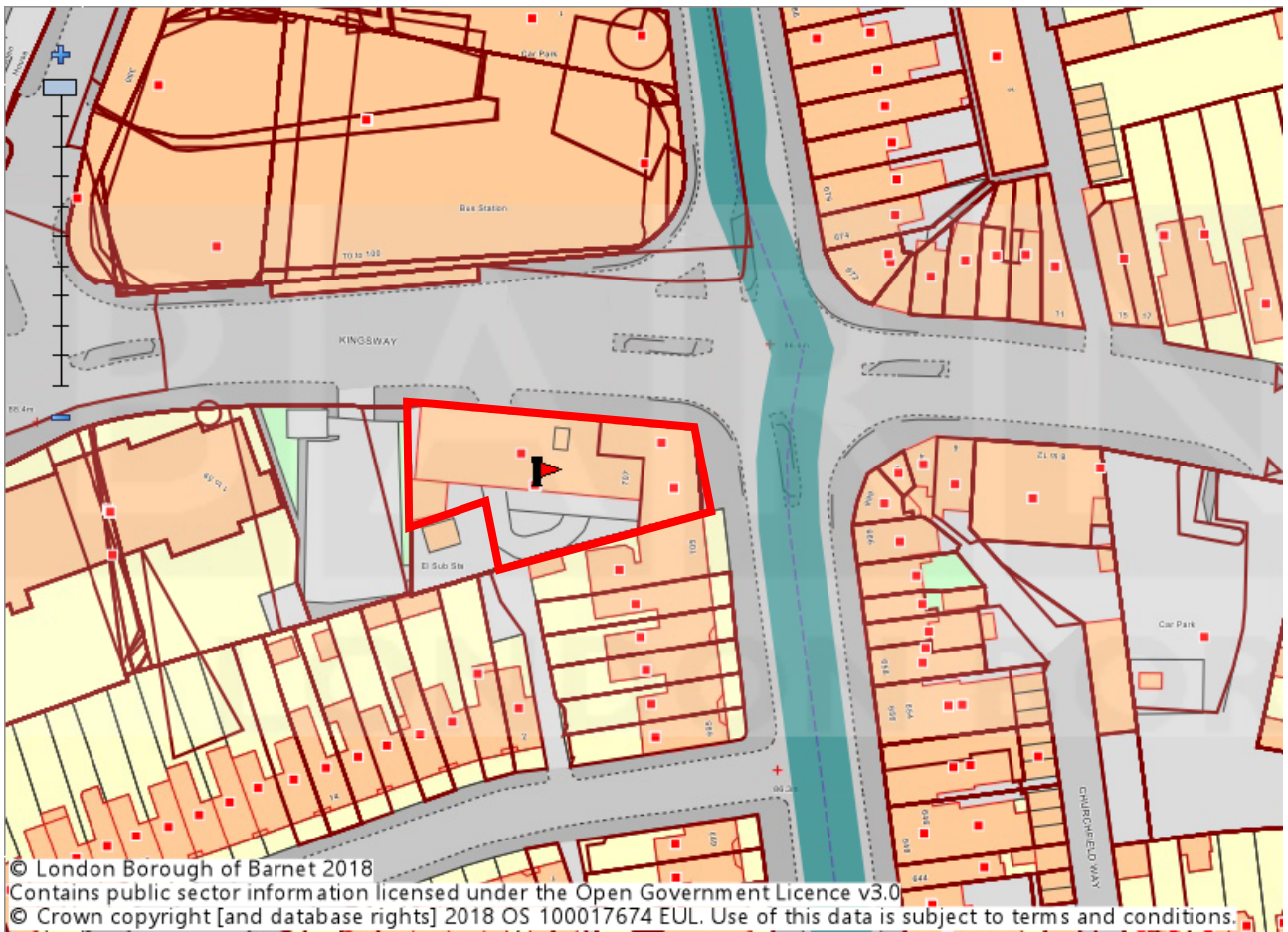
Much more value placed on the building as residential - Not a planning matter.

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 the completion of a legal agreement and 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 proposal would provide 9no additional housing units. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or highways. This application is therefore recommended for approval.



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Location **39 Nethercourt Avenue London N3 1PS**

Reference: **18/1507/HSE**

Received: 8th March 2018

Accepted: 9th March 2018

Ward: West Finchley

Expiry 4th May 2018

Applicant: Mr Omer Dansky

Proposal: Part single, part-two storey rear extension

AGENDA ITEM 10

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - M-100 Revision 1
 - M-101 Revision 1
 - M-102 Revision 1
 - M-104 Revision 2
 - M-105 Revision 2
 - M-106 Revision 2

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extension hereby approved, facing no. 37 and no. 41 Nethercourt Avenue.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

Officer's Assessment

1. Site Description

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

2. Site History

Reference: 17/7393/PNH

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Prior Approval Not Required

Decision Date: 21 December 2017

Description: Single storey rear extension with a proposed depth of 4m, eaves height of 2.7m and maximum height of 3.6m

Reference: 17/7416/192

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Lawful

Decision Date: 30 November 2017

Description: Single storey rear extension and new front porch. Extension to roof including hip to gable end, rear dormer window, 3no roof lights to front elevation and gable window to side elevation. Insertion of windows at ground floor level

Reference: 18/0891/192

Address: 39 Nethercourt Avenue, London, N3 1PS

Decision: Lawful

Decision Date: 12 February 2018

Description: Single storey rear extension. New front porch with pitched roof. Extension to roof including hip to gable end, with 1no rear dormer and 3no rooflights to front elevation. Associated alterations to fenestration

3. Proposal

This application seeks planning permission for:

Part single, part-two storey rear extension.

The proposed ground floor rear element would measure 4 metres in depth, taking full width of the property and measuring 2.7 metres in height to the eaves, with a maximum height of 3.6 metres. It has been noted that prior approval was not required for a single storey rear extension with a proposed depth of 4m, eaves height of 2.7m and maximum height of 3.6m. It was found during the site visit that this element of the proposed scheme has been largely implemented.

The proposed first floor rear extension would measure 2 metres in depth and 3 metres in width. This element would be sited on the side which neighbours with no. 41 and would be set away from the neighbouring boundary with no. 37 by 3 metres.

4. Public Consultation

Consultation letters were sent to 9 neighbouring properties, 6 objections have been received, including an objection from the West Finchley Residents Association. The objections can be summarised as follows:

- Proposal does not comply with Barnet's Residential Design Guidance
- Overdevelopment of the site which would create undesired precedent for future proposals.
- Out of character and out of proportion with the existing building and surrounding area.
- Impact to neighbouring amenity in terms of appearing overbearing, creating a loss of light and a sense of enclosure.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 (MALP)

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

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

Barnet's Local Plan (2012)

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

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

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

development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Barnet's Residential Design Guidance; paragraph 14.21 sets out that single storey rear extensions on semi-detached properties should not normally exceed 3.5 metres in depth which in this case it would. Although the proposed ground floor element of the scheme would exceed Barnet's Residential Design Guidance, it has been noted that this element has not required prior approval under the larger home extension scheme, and has been largely implemented at the time of the site visit. Therefore, this element of the proposed scheme is considered acceptable, given the fall-back position of it being implemented under permitted development.

Paragraph 14.23 sets out that first floor rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally acceptable. Given the scale of the proposed first floor rear extension and that it would comply with the guidance set out above, it is not considered that it would cause detrimental impact to the character of the host property, given that it would be an

appropriate addition that would appear sympathetic to the host property, in terms of its scale and design.

It has been noted that first floor rear extensions are not characteristic of the surrounding area, however, given the appropriate scale of the proposed first floor rear extension, it is not considered that the proposed scheme would cause detrimental impact to the character of the surrounding area.

Impact on Neighbouring Amenity:

The host property adjoins no. 37 Nethercourt Avenue to form a pair of semi-detached properties. It has been noted that the neighbouring property at no. 37 benefits from a single storey rear extension which measures approximately 2.7 metres in depth. Given that the proposed first floor element would be set away from the party wall by 3 metres, it is not considered that with a depth of 2 metres the proposed extension would cause significant adverse impact to neighbouring amenity in terms of appearing overbearing or creating a significant loss of light or outlook.

The other neighbouring property at no. 41 Nethercourt Avenue also benefits from a single storey rear conservatory extension. At first floor level, the nearest window to the shared boundary is an obscure-glazed window which appears to serve a bathroom. Given the appropriate scale of the proposed first floor rear extension and that the nearest window at first floor level does not serve a habitable room, it is not considered that the proposed extension would cause significant impact to neighbouring amenity at no. 41, in terms of the extension appearing overbearing or creation a significant loss of light or outlook.

5.4 Response to Public Consultation

-Proposal does not comply with Barnet's Residential Design Guidance: Addressed in appraisal.

-Overdevelopment of the site which would create undesired precedent for future proposals: The scale of the proposed scheme is considered to be appropriate in comparison with the host property. Each case is assessed on its own merits, therefore if any future applications would be put in for a two-storey rear extension, the site-specific circumstances would be taken into consideration.

-Out of character and out of proportion with the existing building and surrounding area: Addressed in appraisal.

-Impact to neighbouring amenity in terms of appearing overbearing, creating a loss of light and a sense of enclosure: Addressed in appraisal.

6. Equality and Diversity Issues

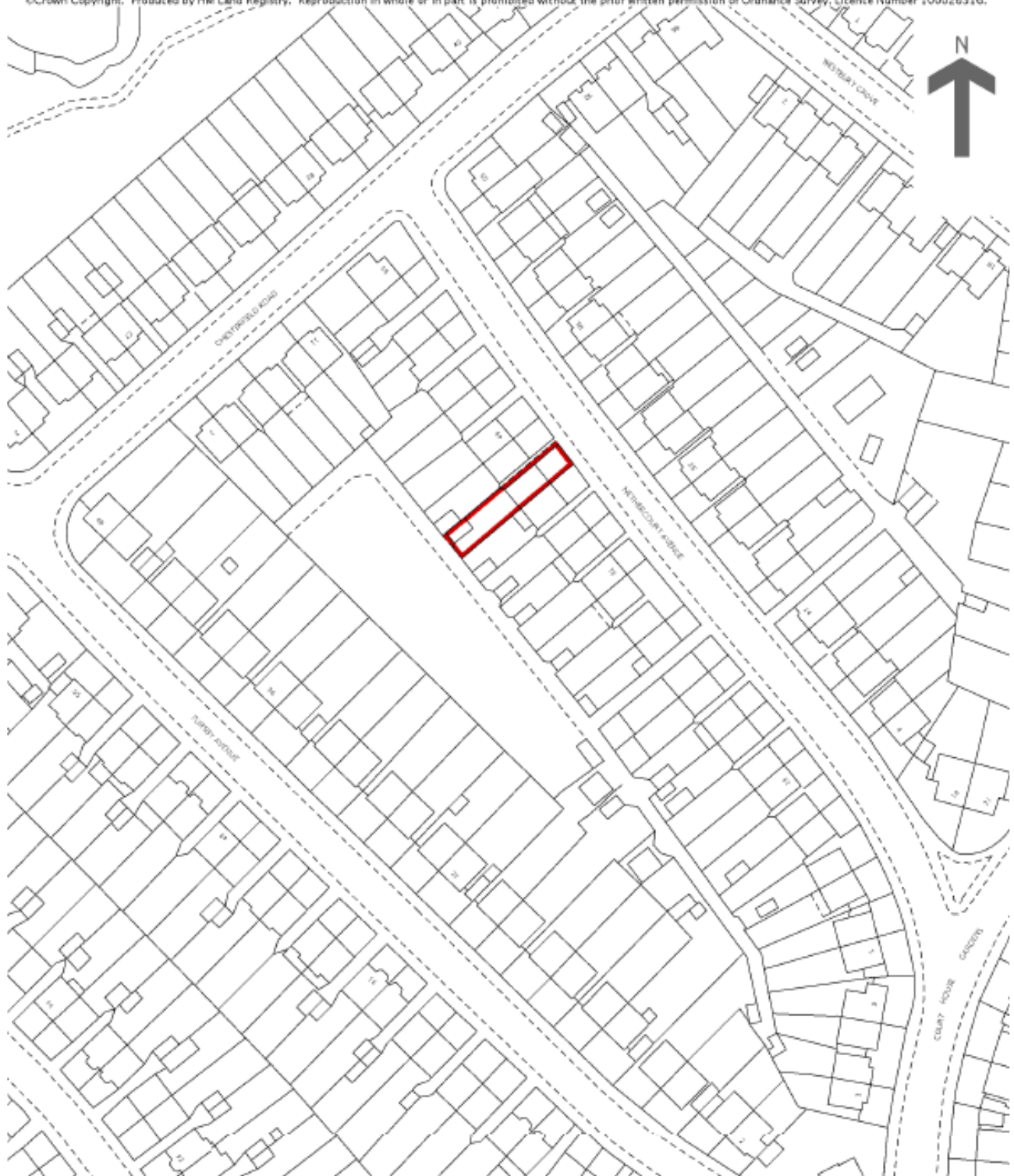
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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

impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

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Location **1B And 1C Sneath Avenue London NW11 9AJ**

Reference: **18/0590/FUL**

Received: 29th January 2018

Accepted: 29th January 2018

Ward: Golders Green

Expiry 26th March 2018

Applicant: Mr & Mrs George & Stella Constant

Conversion of existing 1 bedroom flat (Flat C) to a 2 bedroom flat, roof extensions including hip to gable and 3no. rooflights to front and new gable window to side elevation to facilitate a loft conversion. Changes to front and rear fenestration (Flat B)

Proposal:

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1230/11, 1230/12, 1230/14, 1230/15, 1230/16, 1230/17, 1230/18.

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

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

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

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

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

- 4 No 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).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing 188 Golders Green Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 6 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).

Informative(s):

- 1 Submitted Plans are: 1230/11, 1230/12, 1230/14, 1230/15, 1230/16, 1230/17, 1230/18,

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

applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 3 The applicant is advised that condition 9 pursuant to planning permission planning reference F/03767/13 states that the floor plan layout as shown on the hereby approved plans must not be changed. The applicant is advised if they are seeking to implement this planning application then the condition would need to be removed or varied.
- 4 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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.

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

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

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

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

- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. 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. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

Officer's Assessment

1. Site Description

The site features a two storey semi-detached property that is located on the north side of Sneath Avenue close to the junction with the Golders Green Road. The application site has an existing first floor rear extension and wrap around rear/side dormer for a loft conversion. The site falls within the Golders Green ward and is outside any of the Borough's Conservation Areas. Sneath Avenue is a residential street where a number of properties have had alterations and there are a number of converted properties.

The majority of properties in Sneath Avenue do not have the benefit of off street parking and a Controlled Parking Zone (CPZ) operates between the hours of 11am-12pm and 2-3pm Monday to Friday for the on-street parking.

2. Relevant Site History

Reference: F/03352/14

Address: 1 Sneath Avenue London NW11 9AJ

Description of Development: Variation of Condition 1 approved plans pursuant to planning permission F/00558/12 dated 21/06/12 amendments to include alterations to internal layout.

Decision: Approve subject to conditions

Decision Date: 3 September 2014

Reference: F/03767/13

Address: 1 Sneath Avenue London NW11 9AJ

Description of Development: Removal of Condition No 9 (layout) pursuant to the previously approved application ref F/00558/12 dated 21 June 2012 for conversion of dwellinghouse into three no self-contained flats including two storey side/rear extension. Provision of refuse and 6no bicycle storage in front. Alterations to roof including 1no rooflight to the front and 1no rooflight to the rear elevation. Removal to include changes to layout.

Decision: Refused

Decision Date: 17 October 2013

Reference: F/00558/12

Address: 1 Sneath Avenue London NW11 9AJ

Description of Development: Conversion of single dwellinghouse into three self-contained flats including two storey side/rear extension. Provision of refuse and 6no bicycle storage in the front. Alterations to roof including 1no rooflight to the front and 1no rooflight to the rear elevation

Decision: Approve subject to conditions

Decision Date: 21 June 2012

Reference: F/03916/11

Address: 1 Sneath Avenue London NW11 9AJ

Description of Development: Alterations to roof including wrap around rear/side dormer to facilitate a loft conversion

Decision: Lawful

Decision Date: 16 November 2011

3. Proposal

Planning permission is sought for the conversion of an existing 1 bedroom flat (Flat C) to a two bedroom flat to include roof extension involving hip to gable and 3no. rooflights to front and new gable window to side elevation to facilitate a loft conversion. Changes to front and rear fenestration (Flat B).

- The second floor would be extended to increase the floor area from 52.6sqm (Flat C) to 69sqm.
- The proposed roof extension involving hip to gable rooflights to front and new gable window to side elevation to facilitate a loft conversion would provide for a two bedroom property on the second floor
- To the front elevation a larger window would be added at first floor and one window at ground level
- To the rear elevation a larger window would be inserted at first floor of the first floor rear extension and a three panned window in the existing rear dormer.
- It would result in the insertion of one window in the south flank elevation.

4. Public Consultation

21 consultation letters were sent to neighbouring properties.

9 objection received.

The objection received can be summarised as follows:

-Impact on parking, noise and the roof will be overbearing and will result in harmful loss to the street scene outlook.

It is out of character and harm the streetscene, conversion to flats will result in overcrowding, small rear garden will result in loss of privacy, reduce light which will harm residential amenity.

Internal Consultation-

Highways - No objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposal would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers
- Whether the development would be sustainable

5.3 Assessment of proposals

Whether the proposal would detract from the character and appearance of the street scene

The proposed extensions to the roof would enlarge existing extensions that are considered to detract from the appearance of the existing dwelling. The existing two storey side extension roof and dormer relate awkwardly to the remainder of the dwelling. Whilst the proposed extension is somewhat larger it would have a more cohesive design and would have an improved impact character of the area. Furthermore, the proposed roof extension involving the hip to gable and 3 no front rooflights to front and new gable window to side elevation to facilitate a loft conversion is identical to attached property no 3 Sneath Avenue. The introduction of the proposed roof extension involving the hip to gable and 3 no front rooflights to front would balance the pair of semi-detached properties and as such would enhance to the character of the area.

There are many examples of similar large roof extensions in the vicinity including those at no.3 and no.46 approved in 2017.

It is considered that the proposal is not a visually obtrusive form of development which would detract from the character and appearance of the street scene. Therefore, it is considered acceptable.

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

Arguably the most affected properties in this regard are those directly adjoining. Following a site visit, it was noted that attached property no 3 has already built a number of extensions, in the form of an existing single storey rear extension, first floor rear extension and roof extension involving hip to gable and 3no rooflights to front to facilitate a loft conversion. Further, the proposed development is for the most part contained within the second floor level of the building and the alterations are minimal in nature. Therefore, the proposal would not harm the amenity of occupants at no 3.

No 2 Ambrose Avenue is sited approximately 8.5m from the shared boundary with the application site. Given this separation distance and the fact that the new side window in the roof would be obscure glazed, there would not be a harmful loss of privacy. Furthermore given the intervening distance the extension would not appear overbearing or visually domianting. It is considered that it would not harm the amenities of occupiers at no 2 Ambrose Avenue.

Overall, it is considered that the proposed development would not harm the visual or residential amenities of future residents or neighbouring occupiers.

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

Highways Officers have no objection to the increase in size of the existing 1 bed flat to a two bed two person unit or associated roof alterations. This level of intensification will not impact significantly on the performance and safety of the surrounding highway network or its users. The proposals would have an acceptable impact on highway and pedestrian safety and the free flow of traffic.

Whether there is a sufficient level of amenity for future occupiers

The proposal complies with the internal space standards and standards prescribed by the Sustainable Design and Construction SPD (adopted October 2016) and the current London Plan. Further, all units are double aspect allowing sufficient opportunities for light and cross-ventilation. The rear garden would be only accessible to the occupiers of the ground floor unit. However, taking into account the constraints of the site and the need to provide smaller units as they utilise existing stock, it is considered that the lack of access to amenity space for the upper flat in itself would not cause such harm that it would warrant refusal of this planning application. Therefore, the proposal is considered acceptable in this regard.

The proposed floor layout is considered acceptable in terms of impacts on the living conditions of neighbouring and future residents.

The proposed second floor 1 x 2b flat (flat C) would have a gross internal floor area of 69 square metres in size. The London Plan requires 70sqm and the proposal falls marginally short by 1sqm. However, given that the proposed room sizes are adequate and comply with the London Space standards and the fact that the building is dual aspect, creating adequate outlook, it is considered on balance to create an acceptable living environment for future occupants.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. Sound insulation between units should be in compliance with Requirement E of the Building Regulations 2010 (or any

subsequent amendment in force at the time of implementation of the permission). This is due to the relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels; this will be enforced by an appropriate condition attached to the decision.

No details had been provided for use of the outdoor rear garden amenity area. The rear garden is only accessible to the occupiers of the ground floor unit. This would be unchanged. Taking into account the constraints of the site no objection is expressed to the lack of amenity space for the upper floor flats.

Refuse, recycling and cycle storage would be provided as existing.

5.4 Response to Public Consultation

Planning matters are addressed in the body of the report. It is not considered that the extensions would cause significant impact on neighbouring amenity or the appearance of the area.

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 policy and material considerations into account, the proposal would not detrimentally impact on the visual appeal of the street scene or local character, would not cause unacceptable harm to the living conditions of neighbouring residents, would not result in any impacts on the amenities of future occupants of the site, and would provide a sufficient level of amenity for future occupiers. Therefore, the proposal is recommended for approval subject to the conditions contained herein.



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Location **Ground Floor Flat 18 Dingwall Gardens London NW11 7ET**

Reference: **17/8219/FUL**

Received: 29th December 2017

Accepted: 4th January 2018

Ward: Garden Suburb

Expiry 1st March 2018

Applicant: Mr Joey Ben Yoav

AGENDA ITEM 12

Proposal Single storey side and rear extension to ground floor flat following demolition of existing single storey rear extension including new refuse and recycling storage to front elevation

The application was deferred on the committee of the 26th of March 2018 due to the need of a site visit.

Recommendation: Approve subject to conditions

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

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

U-BY- LP001 (received 27/02/2018)
U-BY- EP001 Rev 1 (received 27/02/2018)
U-BY- EE001 Rev 1 (received 27/02/2018)
U-BY- PP001 Rev 1 (received 27/02/2018)
U-BY- PE001 Rev 1 (received 27/02/2018)

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

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

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

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

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

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

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

- 5 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).

- 6 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, and around the proposed refuse storage, 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 April 2013) and 7.21 of the London Plan 2015.

Informative(s):

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

Material Considerations

Members will recall that this application was deferred at the last meeting (26th March 2018) to enable them to visit the site.

The site visit has now been undertaken and the previous report is attached as an appendix.

Officer's Assessment (Appendix)

1. Site Description

The application site is a two storey terraced property located at No.18 Dingwall Gardens. The property shares a party wall with the neighbouring premises at No.16 and No.20 Dingwall Gardens.

As existing, the property is subdivided into 2no self-contained units. The conversion has been confirmed through a Certificate of Lawfulness with reference 16/1355/191.

The property benefits from a small front garden which is currently a mixture of hard and soft landscaping.

The host property is located north of Golders Green Town Centre and approximately a 10 minute walk from the underground station. The site benefits from a PTAL Rating of 3.

The host property at Dingwall Gardens appears to form part of a larger historical residential development including the neighbouring Forres Gardens, Hampstead Gardens, Alyth Gardens and Clifton Gardens. This local area is characterised by long terraced rows of housing with small gardens separate roads at regular interval. The area appears to involve a mixture of single family dwellings and flat conversions. The latter, are predominantly identified within Forres Gardens, Alyth Gardens, and Clifton Gardens.

The property does not benefit from permitted development rights given its lawful use as two flats

The property is not located within a conservation area and is not a listed building.

2. Site History

Reference: 16/1355/191

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Lawful

Decision Date: 15 April 2016

Description: Retention of conversion of a single dwelling house into 2no self contained flats (use class C3)

Reference: 17/5042/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Refused

Decision Date: 11 December 2017

Description: Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation

Reason for Refusal: The reasons for refusal read as follows: The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction

Reference: 17/8220/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Pending Consideration

Decision Date: No Decision Made. - Considered elsewhere on this agenda

Description: Extension to roof including 1no rear dormer and 3no rooflights to front elevation

3. Proposal

The application seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear projection.

The extension would measure 3.5 metres in depth, 3.2 metres in height, and 6.5 metres in width. It is noted that the ground slopes to the rear. The extension will therefore appear taller when viewed from the rearmost point within the garden. The single storey rear element will extend the full width of the property from the boundary with No.16 to the boundary with No.20. The extension will further benefit from a flat roof.

New refuse and recycling storage to the front elevation. The proposal seeks planning permission for 4 x 240 litre refuse bins. Two bins will be located along the boundary with No.16 Dingwall Gardens whilst two bins will be located along the boundary with No.20 Dingwall Gardens.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
10 responses have been received, comprising 10 letters of objection.

The representations received can be summarised as follows:

- Single storey rear extension too deep and out of character
- Extension will create sense of enclosure
- Extension will set a precedent
- Parking stress / Highways stress
- Noise and disturbance
- Additional metre boxes
- Increase population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application seeks planning permission for a single storey rear extension following the demolition of an existing single storey rear extension. The proposal further seeks planning permission for a new refuse and recycling storage to the front elevation.

It is noted that the current application follows from a previous application, with reference 17/5042/FUL, for a 'Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation'. The application was refused at committee on the 30th of November 2017.

The reasons for refusal read as follows:

"The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction."

It is important to note that the above reason for refusal does not include reference to the single storey rear extension.

It is noted that the host site at No.18 Dingwall Gardens benefits from a Certificate of Lawfulness (16/1355/191) for the retention of the conversion of a single dwelling house into 2no self-contained flats (use Class C3). The property therefore lawfully benefits from a ground floor flat and a first floor flat. The application under reference 17/5042/FUL sought planning permission for an additional third flat. It is recognized that the current application 17/8219/FUL has been submitted together with the application 17/8220/FUL. The latter application seeks planning permission for a loft conversion to the first floor flat.

The current application specifically relates to the ground flat at No.18 and seeks planning permission for a single storey rear extension. It is noted that the property benefits from an existing single storey rear projection. The outrigger currently project centrally and approximately extends 3.7 metres in depth from the existing rear wall. With the benefit of a site visit it is noted that the single storey rear projection appears to be a recurring feature amongst a considerable number of properties along Dingwall Gardens. During the previous application, it was identified that the existing single storey projection also includes a smaller addition of approximately 1.4 metres in depth from the existing rear wall. The addition sits along the boundary with No.16 Dingwall Gardens. It is considered that the existing outriggers were granted permission under reference C01987.

The proposal has been amended and the extension has been reduced in depth following concerns from planning officers. The extension will project a maximum of 3.5 metres along the boundary with the neighbouring property at No.16 Dingwall Gardens. Notwithstanding this, the neighbouring property benefits from an existing single storey rear extension. It is noted that the neighbouring extension does not sit directly along the boundary. Nevertheless, there are no windows between the neighbouring extension and the proposed extension at No.18. The extension will therefore not cause a 'tunnelling' impact. The extension has been reduced in depth and will not project beyond the neighbouring extension. It is therefore considered that the single storey element will not impact on the original character of the host property and the neighbouring visual and residential amenities. It must be noted that the previous application, under reference 17/5042/FUL sought planning permission for a similar extension measuring 3.5 metres in depth. It was considered at the time that the extension would not impact on the character of the property and the neighbouring amenities.

On the other hand, the extension will project 3 metres beyond the original rear wall and will sit along the boundary with the attached property at No.20 Dingwall Gardens, The extension would further benefit from a bay feature which would extend a further 0.6 metres (approx.) deeper than the proposed extension.

As per above, this element of the proposed extension is considered similar in nature to the previously refused scheme.

The neighbouring premise at No.20 Dingwall Gardens does not benefit from a rear extension however, it does benefit from an existing single storey rear projection located centrally within the rear elevation. In contrast to No.16, the property at No.20 benefits from a bay window on the side elevation closest to the boundary with No.18 Dingwall Garden. As per the above guidance, 3 metres are considered acceptable for single storey rear extension on terraced properties. Whilst the extension complies, for the most part, with the above guidance, the proposed bay feature would increase the overall depth further to 3.6 metres.

As per the previous application, due to the angulation and orientation of the bay feature with regards to the neighbouring property, it is not considered that the proposed extension will harmfully impact on the neighbouring property by reducing outlook and sunlight reaching the existing window.

A similar extension, measuring 3 metres in depth has been identified at No.10 Dingwall Gardens (F/01395/14). It is noted that the neighbouring property at No.12 benefits from a central two storey projection. Furthermore, a bay window sits between the two storey projection to No.12 Dingwall Gardens and the extension at No.10 Dingwall Gardens.

The proposed extension to the rear has been amended following concerns raised by planning officers. The amended plans have reduced the overall depth of the extension and it is considered that harmful impacts have been mitigated. A number of single storey rear extensions have been identified amongst properties on Dingwall Gardens. It is therefore considered that the proposed extension at ground floor is in keeping with the character of the area and the established pattern of development.

The single storey rear extension will allow for an additional single bedroom within the ground floor flat. The proposal would therefore change the property from a 1 bedroom flat to a 2 bedroom flat. On balance, it is not considered that the addition of 1no bedroom would materially increase the density and use of the existing ground floor flat. Furthermore, it is not considered that an additional bedroom would materially impact on parking stress along Dingwall Gardens.

Whilst paragraph 14.21 of the Council's Residential Design Guidance (SPD) states that single storey rear extensions on terraced properties should generally not exceed 3 metres in depth from the original rear wall, it is considered that given the relationships set out above, the proposed extension is acceptable in the circumstances of this site.

The proposal seeks to introduce new refuse and recycling storage to the front elevation of No.18 Dingwall Gardens. It is noted that the previous reason for refusal (17/5042/FUL) identified that the refuse arrangements would contribute to a negative on the host site. The previous application proposed 5no bins. Three bins were located along the boundary with No.16 and two bins were located on the side of the property closest to No.20 Dingwall Gardens.

The current scheme seeks planning permission for 4no 240 litre bins to be located in the same way i.e. 2 bins along the boundary with No.16 and 2 bins along the boundary with No.20. It is considered that the current proposal would provide less refuse bins than the previously refused scheme. Furthermore, a condition has been attached to ensure that details of the refuse enclosures and storage will be submitted and approved by the Local Plan Authority; in order to safeguard the character and appearance of the property as well as neighbouring amenity.

A further condition has been attached for the provision of landscaping to the front amenity space. It is considered that through the conditions, the scheme will ensure that no harmful visual manifestations will occur from the proposed refuse provision.

5.4 Response to Public Consultation

Comments have been received with regards to the impact of the single storey rear extension. It has been assessed that, whilst the extension does exceed the general allowance of 3 metres for terraced properties, it would not materially harm the visual and residential amenities of neighbouring occupiers. The extension will not project further in depth than the existing extension at No.16 and it is therefore considered that the proposal will maintain the established pattern of development.

A considerable number of comments have been received with regards to the impact on the character and appearance of the host site due to the proposal of 4no bins. Comments address the harm of changing the look of the property from a house to a block of flats. It must be noted that the host site benefits from Lawful use as 2no self-contained units under reference 16/1355/191. According to Barnet's Waste and Recycling Guidance Documents it

is considered that 2 dwellings within a block would be entitled to 2 x 240 litre bins each. The arrangement and provision of refuse storage has been addressed in the report above.

Further comments have been received with regards to the potential increase in crime, noise and disturbance. It is not considered that the proposed ground floor flat will materially differ from the existing use; to a level of harmfully increasing noise and disturbance to neighbouring occupiers. With regards to increase in crime and antisocial behaviour, it is not considered that the design of the proposed ground floor would lead to such an increase.

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	First Floor Flat 18 Dingwall Gardens London NW11 7ET	
Reference:	17/8220/FUL	Received: 29th December 2017 Accepted: 4th January 2018
Ward:	Garden Suburb	Expiry 1st March 2018
Applicant:	Mr Joey Ben Yoav	
Proposal:	Extension to roof including 1no rear dormer and 3no rooflights to front elevation	

The application was deferred on the committee of the 26th of March 2018 due to the need of a site visit.

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in her 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:

- U-BY-LP001 (received 29/12/2017)
- U-BY-EP001 (received 29/12/2017)
- U-BY-EE001 (received 29/12/2017)
- U-BY-PP001 (received 29/12/2017)
- U-BY-PE001 (received 29/12/2017)
- U-BY-PV001 (received 29/12/2017)
- U-BY-PV002 (received 29/12/2017)

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

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

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

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

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

Informative(s):

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

Material Considerations

Members will recall that this application was deferred at the last meeting (26th March 2018) to enable them to visit the site.

The site visit has now been undertaken and the previous report is attached as an appendix.

Officer's Assessment (Appendix)

1. Site Description

The application site is a two storey terraced property located at No.18 Dingwall Gardens. The property shares a party wall with the neighbouring premises at No.16 and No.20 Dingwall Gardens.

As existing, the property is subdivided into 2no self-contained units. The conversion has been confirmed through a Certificate of Lawfulness with reference 16/1355/191.

The property benefits from a small front garden which is currently a mixture of hard and soft landscaping.

The host property is located north of Golders Green Town Centre and approximately a 10 minute walk from the underground station. The site benefits from a PTAL Rating of 3.

The host property at Dingwall Gardens appears to form part of a larger historical residential development including the neighbouring Forres Gardens, Hampstead Gardens, Alyth Gardens and Clifton Gardens. This local area is characterised by long terraced rows of housing with small gardens separate roads at regular interval. The area appears to involve a mixture of single family dwellings and flat conversions. The latter, are predominantly identified within Forres Gardens, Alyth Gardens, and Clifton Gardens.

The property does not benefit from permitted development rights given its lawful use as two flats.

The property is not located within a conservation area and is not a listed building.

2. Site History

Reference: 16/1355/191

Address: First Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Lawful

Decision Date: 15 April 2016

Description: Retention of conversion of a single dwelling house into 2no self contained flats (use class C3)

Reference: 17/5042/FUL

Address: First Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Refused

Decision Date: 11 December 2017

Description: Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation

Reason for Refusal: The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction.

Reference: 17/8219/FUL

Address: Ground Floor Flat, 18 Dingwall Gardens, London, NW11 7ET

Decision: Pending Decision - Considered elsewhere under this agenda

Decision Date: No Decision Made.

Description: Single storey side and rear extension to ground floor flat following demolition of existing single storey rear extension including new refuse and recycling storage to front elevation

3. Proposal

The application seeks planning permission loft conversion involving a rear dormer extension and 3no roof lights to the front elevation.

- The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The dormer will be set in from the boundaries with No.16 and No.20 Dingwall Gardens.

- 3 no roof lights to the front elevation.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

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

The representations received can be summarised as follows:

- Single storey rear extension too deep and out of character
- Extension will create sense of enclosure
- Extension will set a precedent
- Parking stress/ Highways stress
- Noise and disturbance
- Additional metre boxes
- Increase in population density
- Overcrowding
- Social degradation/crime
- Additional bins to the front elevation
- Dormer not to extend to neighbouring boundary.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application seeks planning permission for a loft conversion involving 1no rear dormer and 3no roof lights to the front elevation. The extension would allow for 2no additional bedrooms to the first floor flat.

It is noted that the current application follows from a previous application, with reference 17/5042/FUL, for a 'Single storey rear extension to extend existing ground floor flat. Creation of new self-contained unit within the loft following internal reconfiguration of first floor flat and extension of roof including 1no rear dormer window and 3no roof lights to front elevation'. The application was refused at committee on the 30th of November 2017.

The reasons for refusal read as follows:

The proposed change of use by reason of the number of units in the property, layout, and design would be an over-intensive use of the property that by reason of associated noise and disturbance, and refuse storage arrangements would be detrimental to the character of the area and neighbouring residential amenity. The proposals would be contrary to policy CM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Sustainable Design and Construction.

It should be noted that the reason for refusal did not include reference to the proposed dormer extension as being unacceptable.

It is noted that the host site at No.18 Dingwall Gardens benefits from a Certificate of Lawfulness (16/1355/191) for the retention of the conversion of a single dwelling house into 2no self-contained flats (use Class C3). The property therefore lawfully benefits from a ground floor flat and a first floor flat. The application under reference 17/5042/FUL sought planning permission for an additional third flat. It is recognized that the current application 17/8220/FUL has been submitted together with the application 17/8219/FUL. The latter

application seeks planning permission for a single storey rear extension to the ground floor flat.

The current application specifically relates to the first floor flat at No.18 and seeks planning permission for a dormer extension and 3no roof lights to the front elevation. It must be noted that a loft conversion was included in the previously refused scheme 17/5042/FUL. It was not considered at the time that the proposed loft conversion would be out of character with the local area.

The proposed dormer will measure 2.5 metres in height, 3.3 metres in depth, and 5.5 metres in width. The Council's Residential Design Guidance states dormer extensions must appear as subordinate features towards the original dwelling and should generally not exceed half the width or half the depth of the original roof slope. In this instance, it is acknowledged that the proposed dormer will exceed half the width and half the depth of the original roof slope.

Notwithstanding the above, it is noted that a number of properties along Dingwall Gardens benefit from large dormer windows to the rear. This has been identified at No.16; 20; and 22 Dingwall Gardens. Furthermore, the neighbouring properties at No.4; 8; and 10 Dingwall Gardens also benefit from larger dormer extensions measuring approximately the full width of the original roof slope.

It is therefore considered that such extensions appear to form a predominant feature along Dingwall Gardens. The proposal is considered in keeping with the established character of the area and is not considered to harmfully impact on the original character of the property or the local street scene.

The proposed dormer will allow for 2no additional bedrooms at loft level. It is noted that the two additional bedrooms will change the use of the flat from a 1 bed 2 person flat to 3 bed 5 person flat. National Housing Standards indicate that 3 bed 5 person flats, when situated on two levels, should achieve a minimum GIA of 93sq.m. In this instance, the flat at first floor will benefit from an internal GIA of 97.67sq.m.

Both bedrooms at loft level have been proposed as double bedrooms. Additional housing standards would require that all double bedrooms should benefit from a minimum area of 11.5sq.m and be at least 2.75 metres wide. All bedrooms should have adequate outlook and ventilation. In this instance, both bedrooms would benefit from an internal area of approximately 12.8sq.m; thus meeting national standards.

With regard to fenestration, the front facing bedroom would benefit from 3no roof lights. Whilst in general circumstances the provision of only roof lights may be argued as insufficient, it is considered that due to the bedroom exceeding national internal area standards it would not impact on the amenities of future occupiers. It is further considered that the proposed first floor flat would exceed national housing standards for a 3 bed 5 person unit thus allowing for adequate and accommodating living space for future occupiers.

Whilst no outdoor amenity space can be provided, it should be noted that, as existing, the first floor flat does not have access to outdoor amenity. Notwithstanding this, the host site is located within close proximity to Golders Green Town Centre and Golders Green Underground Station and is a 15 min walk from the Hampstead Heath Extension.

On balance, it is considered that as the proposed first floor flat will exceed the National Housing Standards with regards to internal amenity for future occupiers, this is considered to mitigate the lack of outdoor amenity space provided for the first floor flat at No.18 Dingwall Gardens. It is noted that the previous application 17/5042/FUL did not provide amenity space for the proposed flats at first floor and roof level and this aspect of that proposal did not form part of the reason for refusal.

As existing, the first floor flat would provide for a maximum of 2 people. Following the proposed extensions, the first floor flat would allow for a maximum of 5 people. On balance, it is not considered that the increase would constitute a material harm in density to recommend refusal.

It is noted that the previous planning application 17/5042/FUL was consulted with the Council's Highways Department. Officers considered at the time that the parking provisions required for the new development, would not materially impact on the established use of the property.

The proposed first floor flat will increase from 1 bedroom to 3 bedrooms. It is considered that this would require the additional provision of between 1 to 1.5 additional parking spaces to the existing provision of 1 parking space (1 bedroom flat.) During the previous application at No.18 Dingwall Gardens, it was considered that the current parking provision for the whole property would be between 1-2.5 parking spaces. At the time, the proposal sought the addition of 1no flat and it was recognized that the proposed development would require the provision of 1 - 3.5 parking spaces.

In this instance, it is not considered that the addition of 2no bedrooms, at loft level, would alter the required provision of parking spaces. It is therefore considered that no material impact would be established on highways grounds.

5.4 Response to Public Consultation

Due to the application being submitted alongside the application 17/8219/FUL (ground floor flat) comments have been received regarding concerns related to the proposed extension at ground floor as well as the proposal for new refuse and recycling storages. The current application only seeks planning permission for a loft conversion. No alterations to the front or the rear of the property have been assessed under the current application. Comments regarding the impact of the ground floor extensions and new refuse storage have been addressed in the application 17/8219/FUL.

No major concerns have been raised with regards to the addition of a dormer extension to the rear.

Comments regarding the increase in population density have been addressed within the report above.

6. Equality and Diversity Issues

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

7. Conclusion

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

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





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Location 592 Finchley Road London NW11 7RX

Reference: 17/7949/FUL

Received: 18th December 2017

Accepted: 18th December 2017

Ward: Childs Hill

Expiry 12th February 2018

Applicant: Mr Sunil Kapoor

Proposal: Erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building

AGENDA ITEM 14

Recommendation: Approve subject to conditions

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

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

1712-005

1712-010

1712-011

1712-020

1712-100B

1712-101B

1712-200B

1712-201B

1712-300B

Design and Access Statement

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

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

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

- 3 a) No development 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 2015.

- 4 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).

- 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 before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 6 The outbuilding hereby approved shall only be used for purposes ancillary to the existing physiotherapy centre. Access to the main building from the outbuilding shall be maintained and free from obstruction.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced.

- 7 The hereby approved planning permission shall allow the premises to operate from 8 am to 6 pm Monday to Friday, 8 am to 1 pm on Saturdays and remain closed on Sundays, Bank or Public Holidays.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

- 8 The hereby approved planning permission together with the main premises at 592 Finchley Road shall be occupied by a maximum of five employees only.

Reason:

To safeguard the amenities of occupiers of surrounding residential properties.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

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.

- 3 Refuse storage has been identified within the application. The refuse storage needs to be within 10m of walking distance from public highway otherwise the refuse bins will be required to be brought at the back of the footway on the collection day.
- 4 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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.

Officer's Assessment

1. Site Description

The application site is a three storey semi-detached property located on the eastern side of Finchley Road. The ground floor floor is used as a Pilates centre and the upper floors are in residential use. The property was converted from a residential property to a physiotherapy centre in 1999.

The character of the area comprises a mix of residential, commercial and retail uses and the character of surrounding properties is varied in terms of design. No 594 adjoins the semi-detached property of the application site and benefits from a large garden and rear conservatory sited along the boundary with the application site. No 590 is detached from the application site, and is located to the south of the site.

The rear wall of the site forms part of the boundary wall that enclose Sainsbury's car park, a strip of land approximately 10m wide, which forms a buffer between the store and the rear gardens of residents to the west of the store. Neighbouring properties have been extended, no 590 to the south of the site has ground floor rear extensions and an outhouse at the rear boundary. No 594 has a single storey rear conservatory adjacent to the shared boundary with the application site.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Site Address: 592 Finchley Road LONDON NW11

Application Number: F/03977/12

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 07.01.2013

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address: 592 Finchley Road LONDON NW11

Application Number: C13830

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 22/11/1999

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Change of use from a dwellinghouse to a physiotherapy health centre with ancillary offices and consultation room, and a self-contained one bedroom flat at second floor level. Parking provision for three.

Site Address: 592 Finchley Road London NW117RX

Application Number: C13830D/04

Application Type: Full Application

Decision: Refuse

Decision Date: 28/01/2005

Appeal Decision: Dismissed

Appeal Decision Date: 28/01/2005

Proposal: Variation of Condition 5 of Planning Permission C13830 to allow only 4 consultants to practice at the premises at any one time and Condition 6 "No work shall be carried out on the premises at any time on Sundays or Public Holidays and before 8:00am or after 8:00pm on Monday to Friday and 8:00am to 1:00pm Saturdays". Addition of two off-street car parking spaces.

Site Address:592 Finchley Road London NW117RX

Application Number: C13830F/07

Application Type: Advertisement

Decision: Approve with conditions

Decision Date: 16/03/2007

Proposal: Erection of advertisement boards and installation of ground lights in front forecourt.

Site Address:592 Finchley Road, London, NW11 7RX

Application Number: F/00785/09

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 21/04/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address:592 Finchley Road, London, NW11 7RX

Application Number: F/03318/09

Application Type: Full Application

Decision: Refuse

Decision Date: 30/10/2009

Proposal: Single storey building to rear of garden for use as a physiotherapy/fitness building in conjunction with the main building of 592 Finchley Road.

Site Address:592 Finchley Road, London, NW11 7RX

Application Number: F/02118/10

Application Type: Full Application

Decision: Withdrawn

Decision Date: 05/07/2010

Proposal: Single storey building to rear of garden for use as a physiotherapy/ Pilates building in conjunction with the main building of 592 Finchley Road, including associated alterations to garden and new access ramp.

Site Address:592 Finchley Road, London, NW11 7RX

Application Number: F/02971/10

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 20/09/2010

3. Proposal

Background

This item follows a previous scheme approved by the Planning Committee in 2013. It is similar in nature to this scheme.

The original scheme had proposed larger dimensions 10.65m wide x 5.5m deep x 3.5m to ridge height with a mon-pitched roof. The outbuilding had occupied the width of the site at

the bottom of the garden. Also, the side wall abut the boundary fence with no 590, set in 1m from the rear boundary wall and 1m from the boundary fence to no 594. The case officer had advised the agent to reduce the scheme from the original submission. The applicant has reduced the scheme in size and scale following discussions with officers. This resulted in the following proposed dimensions for the outbuilding which would measure 4.6m deep x 9.8m wide x 2.5m to eaves x 3m high from existing ground level with a gentle sloping roof.

Proposal

The erection of a single storey detached building for use as a physiotherapy and pilates studio ancillary to main building.

The proposed single storey outbuilding would be 4.6m deep x 9.8m wide x 2.5m to eaves x 3m high with a gentle sloping roof. The proposed outbuilding is located approximately 7.5m from the rear building line of the host property. It would be set in 0.8m from the rear boundary of the site that enclose Sainsbury's car park and set in 1m from the shared boundary with no 594 to the north and 590A to the south.

The main house is accessed via stepped access to the main entrance although it is not accessible for wheelchair users. The proposal results in a new access along the southern boundary of the site via a ramp, railings and facing low level masonry wall enclosing pavers which provides direct access for wheelchairs and users of the site into the building. In addition there is adequate turning around space and sufficient ability to maneuver inside the building. The building will accommodate a disabled toilet, store and pilates studio and the footprint of the building will occupy approximately 45qm and an internal footprint of approximately 35sqm. There will be four rooflights above providing light into the pilates studio.

The principal elevation of the building will include four large powder coated aluminium framed window set and one glazed door. The timber cladding will be present on each elevation up to eave and verge heights with a green roof covering the principal north facing roof slope. There would be landscaping and proposed planting within the existing garden and near to the front elevation of the building and along the northern boundary of the site, on the shared boundary with no 594 Finchley Road.

4. Public Consultation

124 consultation letters were sent to neighbouring properties.

A site notice was erected on 28/12/2017

7 objections received and summarised as follows:

- Noise, parking, congestion more traffic, reduce green space as the rear garden is paved, impact on wildlife the building is too 12ft and too high, it will reduce the value of my house, no justification for a new building here.
- Green issues, health and environmental consequences, noise and pollution
- Overshadowing, overlooking and security threat, the 12ft building will block the sun from coming into our garden.
- No of visitors and employees using the site adding to nuisance to the enjoyment of resident's rear gardens.
- Until last year the first floor was used as a pilates studio and has been converted into part of an additional flat. Why would they downsize if they have enough clients?

Highways Officers: No Objection

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016 MALP

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS11, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM13, DM17.

Residential Design Guide October 2016

Supplementary Planning Documents

Residential Design Guidance (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.

5.3 Assessment of proposals

The main issues for consideration in this case are:

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal

The living conditions of neighbouring residents

5.3 Assessment of proposals

The Principle of the development

The existing property is already in use as a physiotherapy and pilates studio. The principle of a studio for these purposes has previously been approved on the site in 2013 and has lapsed. It is not considered that there have been any changes in policy or circumstance on the site which would warrant taking a different view today.

Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal

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

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

The council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene. Developments both individually and cumulatively can have a profound effect on the appearance of neighbourhoods and of the street scene and on the amenities enjoyed by the occupiers of adjoining properties.

All developments should reflect the design of the original building, have regard to the character of the area and amenity enjoyed by your neighbours. This means making sure the development does not disrupt the neighbours' enjoyment of their own home, garden or neighbourhood.

The proposed outbuilding has been reduced in size since the initial submission. The outbuilding would be 4.4m deep, 9.2m wide and 3m high to the top of the ridge. It must be acknowledged that the Committee had previously approved a similar sized scheme in January 2013 planning reference F/03977/12. The dimensions for the proposed outbuilding which the Committee had approved were 9.6m wide x 4.2m deep x 2.5m high with a flat roof and are marginally smaller than the current proposed dimensions for the current planning application.

In this way, the proposals would be of comparable size to the scheme previously approved.

Taking the above into consideration it is not considered that the proposals would harm the character and appearance of the general locality.

The impact on the living conditions of neighbouring occupiers

The site is located on Finchley Road which is a busy arterial road. Both neighbouring properties are in residential use as converted flats. To the rear of the site is Sainsbury's car park.

The size, location and design would not cause undue over shadowing to gardens of neighbouring properties. Outbuilding are common feature within the immediate locality and this outbuilding would not appear alien. The outbuilding will be visible from the supermarket car park to the rear of the site, however the impact will be minimal and not significant enough to warrant refusal. The building has been moved off the rear and side boundaries to address the concerns of officers.

The proposals would seek to introduce an outbuilding to the rear of the site as a pilates/physiotherapy studio to compliment the existing use. Such a use, by its nature is likely to generate a degree of activity. The size of the outbuilding is limited and comparable to previous applications approved on the site. It would also be a comparable distance from the main building, being 8m from the rearmost part of the main building as opposed to 7.6m previously approved.

It is considered that the outbuilding and use if mitigated appropriately will not have significant impact on the residential amenity of neighbouring properties. It is considered that the use would not result in noise and disturbance harmful to the amenities of neighbouring occupiers. In addition, opening hours, numbers of employees, would be conditioned to mitigate noise and disturbance to the detriment of the amenities of neighbouring occupiers. The application describes the use of building as a supplementary facility to the existing health and fitness centre. The application will be conditioned to ensure this use is maintained. This includes limiting the number of employees to no more than 5, and to limit hours of opening.

Taking the above into consideration it is not considered that the proposals would cause harm to neighbouring living conditions.

The impact on Highway and Pedestrian Safety

The proposal is for the construction of a single storey outbuilding to the rear of the site for use as a physiotherapy and pilates studio. No changes to car parking provision (6 spaces) as well as vehicular access are being proposed. Proposed staff numbers are to be 2x full-time staff and 1x part-time staff.

The site lies within a PTAL 6a site which means that there is excellent public transport accessibility to and from the site.

Due to the site where the proposal is located, a Construction Management Plan will be required in order to ensure minimum disruption to local residents and to maintain the free flow of traffic in the area.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

The proposal is acceptable on highways grounds, subject to the following condition and informatives.

5.4 Response to Public Consultation

The principle of the development has been agreed on the previously approved applications and it is considered that there have not been any changes to policy or circumstance that warrant taking a different view.

In regards to the objections made about the alleged environmentally sensitive location, officers have visited the site and there is no evidence of any protected species. The site is not located within an area of ecological designation. The LPA have considered the matter but do not feel there is evidence to support a refusal on ecological grounds.

There is no need for the outbuilding - *There is not a policy that requires medical facilities to demonstrate a need*

Until last year the first floor was used as a pilates studio and has been converted into part of an additional flat. Why would they downsize if they have enough clients? - *The loss of the first floor was addressed in application reference 16/6992/FUL which is quoted below:*

'The first floor of the property on the application site is currently occupied by a Pilates Centre and a beauty salon. The applicant confirmed that the Pilates Centre would continue to operate on the application site, but it would be downsized and it would operate just on the ground floor. The beauty salon would cease to operate on the application site. A beauty salon is a Sui Generis use and Barnet's Development Management Policies (2012) contains no policy specifically relating to the protection of Sui Generis uses. The beauty salon is not considered to be a community facility so it is not protected under policy DM13. For these reasons it is considered that on balance the benefits of the gaining of 2 no. flats on the application site outweigh the loss of the beauty salon and the downsizing of the Pilates Centre.'

The room does not need to be this high - *The height of the building is acceptable in its own right*

A smaller building was refused under reference F/03318/09. - *As amended the proposals would be significantly smaller than the 2009 scheme*

Building will be let as a flat - *As a matter of fact, planning permission has not been sought for a flat. Therefore this cannot be considered. Specific planning permission would be needed for a flat*

Noise Issues - *Assessed in main report. It is considered that any harmful impact can be satisfactorily mitigated by planning conditions*

Lack of Parking - *Assessed in main report*

Loss of light - *The outbuilding has been reduced in size and height. It is now considered acceptable in terms of the impact on neighbouring light*

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location 129 The Vale London NW11 8TL

Reference: 17/8189/FUL

Received: 27th December 2017

Accepted: 29th December 2017

Ward: Childs Hill

Expiry 23rd February 2018

Applicant: Mr B Glass

Proposal: Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling

AGENDA ITEM 15

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. A contribution of £2,000 (index linked) to cover the costs of making an amendment the existing Traffic Management Order to prevent the future occupiers of the development from being able to obtain parking permits for the Controlled Parking Zone.

RECOMMENDATION II:

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

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 129TV-PP7-03, 129TV-PP7-02, 129TV-PP7-01, Planning Statement

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

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

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

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

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

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

4 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing the neighbouring properties at No. 127 The Vale and No. 131 The Vale shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

5 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 London Plan (2016 MALP).

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

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

7 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.

8 The roof of the single storey rear projection or the roof of the single storey side projection of the property 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).

9 No flat within the development shall be occupied until cycle parking and cycle storage facilities have been provided in accordance with the details depicted in Drawing No. 129TV-PP7-03 and shall be permanently retained thereafter.

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.

10 Before the development hereby permitted is first occupied, the existing amenity space shall be subdivided in accordance with the details on Drawing No. 129TV-PP7-03 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 October 2016).

11 a) Notwithstanding the details depicted in Drawing No. 129TV-PP7-03, before the development hereby permitted is first occupied, details of boundary treatment around the proposed amenity areas shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the sub-division of the amenity area(s) details as shown on Drawing No. 129TV-PP7-03 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 October 2016).

12 a) Notwithstanding the details shown on Drawing No. 129TV-PP7-03, 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).

13 A vehicular sight line of 4.5 metres by 70 metres shall be provided to the either side of the site access with the Public highway, prior to the commencement of any other works on site, and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

14 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 metre and 1 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian 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.

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

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

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

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

16 Before the development is commenced; a scheme showing details of the proposed access points (Vehicular), and footways in accordance with the siting, size, swept path analysis, dimensions and other details shown on the approved drawing shall be submitted to and approved by the Local Planning Authority. The access shall only be constructed in accordance with the approved details.

Reason: To ensure that the access is satisfactory in terms of highway safety 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.

17 The development hereby approved shall not be occupied until the existing access has been closed, the highway reinstated and the new access has been constructed in accordance with the plans submitted to and approved by the Local Planning Authority.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway 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.

18 The building shall not be occupied until parking space(s) has/have been laid out within the site in accordance with the approved plans and shall not be used for any other purpose other than the 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.

19 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(1) 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.

RECOMMENDATION III:

0 RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 23/06/18 unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The development does not include a formal undertaking to ensure that the future occupiers of the development are prevented from being able to obtain parking permits for the Controlled Parking Zone and in the absence of sufficient on-site parking to serve the residential units. The proposal would result in an increased demand for on street parking which would lead to increased kerbside parking, resulting in a detrimental impact on highway and pedestrian safety contrary to policy DM17 of the Adopted Barnet Development Management Policies DPD 2012.

Informative(s):

Officer's Assessment

1. Site Description

The proposal site is on the northern side of the Vale and it previously contained a detached two storey dwellinghouse. The detached two storey dwellinghouse has been mostly demolished. No. 127 the Vale is located to the east of the application site and No. 131 the Vale is located to the west of the application site.

The area surrounding the proposal site is predominantly residential in character with a mixture of houses and some conversions.

The application site is not located within a conservation area and nor does it contain a listed building.

2. Site History

Reference: 17/2340/FUL

Address: 129 The Vale, London, NW11 8TL

Decision: Approved following legal agreement

Decision Date: 25 August 2017

Description: Construction of building comprising 3no. self-contained units to replace previous dwellinghouse on site that has been demolished. The proposed building would reflect the approved extensions to ground floor, first floor and roof level to the previous dwellinghouse on site

Reference: 17/5999/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 7 November 2017

Description: Submission of details of condition 13 (Vehicular sight line), Condition 14 (Vehicular access points), 15 (Demolition and Construction Method Statement) and 16 (Access points) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 17/6116/CON

Address: 129 The Vale, London, NW11 8TL

Decision: Approved

Decision Date: 10 October 2017

Description: Submission of details of condition 3 (Material) and condition 7 (Level) pursuant to planning permission 17/2340/FUL dated 25/08/17

Reference: 16/7691/FUL

Address: 129 The Vale, London, NW11 8TL

Proposal: Conversion of the existing single family dwelling into 4no. self-contained units including part single, part two storey side and rear extension following demolition of existing garage. New bay windows to front elevation and relocation of front entrance. Extension to roof including 1no rear dormer window and 1no dormer window to both sides. Associated site works including bin store area at front and cycle storage at rear garden.

Decision: Refused.

Decision Date: 27 January 2017

Reasons for the refusal of 16/7691/FUL:

1. The proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012.

2. The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents from obtaining parking permits. In the absence of this, the proposals would result in increased kerbside parking which would be detrimental to highway and pedestrian safety and the free flow of traffic. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Development Management Policies 2012.

The scheme was allowed at appeal on 28.11.2017. The decision is attached as an appendix.

Reference: 16/4086/PNH

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension with a proposed depth of 7 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres, .

Decision: Prior Approval Not Required.

Decision Date: 22 July 2016

Reference: 16/0215/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Roof extension involving side and rear dormer windows to facilitate a loft conversion.

Decision: Lawful.

Decision Date: 10 March 2016

Reference: 16/0979/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey rear extension.

Decision: Lawful.

Decision Date: 1 March 2016

Reference: 16/0212/192

Address: 129 The Vale, London, NW11 8TL

Proposal: Single storey side extension.

Decision: Lawful.

Decision Date: 11 February 2016

3. Proposal

Construction of building comprising 4no. self-contained units to replace previous dwellinghouse. Provision of 2 car parking spaces, Cycle storage, refuse and recycling

The proposed dwelling would replicate that externally allowed at appeal under reference 16/7691/FUL. The plans are essentially the same only the proposals involve the rebuilding of the building following its demolition.

The proposals comprise 3no. 2 bedroom flats and a studio in the roofspace.

2 Parking Spaces are proposed as opposed to the three previously approved.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- the provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction.
- The construction would not be in keeping with the area and would undoubtedly be incongruent.
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes.
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued.
- Loss of light
- Loss of privacy and overlooking.
- Overdevelopment out of character
- Impact on Drainage
- Flats of low standard

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

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

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

Policy DM08 sets out Barnet's priorities for new dwellings.

Policy DM17 sets out parking standards for new development.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of flats is acceptable in this location.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

The principle of flats in this location

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

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

Policy 3.4 of The London Plan (2016 MALP) promotes the optimisation of housing output within different types of location.

Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities.

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

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

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

An application for the conversion of the existing single family dwellinghouse on the application site into 4 no. self-contained units was refused on 27 January 2017 by the Planning Committee (ref: 16/7691/FUL). A reason for the refusal of this application was that "the proposed conversion to flats would result in the loss of a single family dwelling house and would be harmful to the character of the locality of this road which is characterised by single family dwellings".

This decision was subsequently overturned at appeal, with the planning inspector considering the conversion to four flats acceptable. This is now a material consideration which must be given significant weight in any future planning applications on the site.

In any event, evidence for other flats in the locality is included below:

The locality that surrounds the application site contains existing flatted residential development. According to council tax records the following properties contain flats:

- 183 the Vale, London, NW11 8TL = 2 flats
- 188 the Vale, London,, NW11 8SR = 6 flats
- 201 the Vale, London, NW11 8TN = 2 flats
- 237 the Vale, London, NW11 8TN = 2 flats
- 239 the Vale, London, NW11 8TN = 2 flats
- 259 the Vale, London, NW11 8TN = 2 flats

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 2 no. flats:

- 76 The Vale, London, NW11 8SJ, ref: F/03390/14, approval date: 12.08.2014

- 92 The Vale, London, NW11 8SJ, ref: F/03603/13, approval date: 11.11.2013

Planning permission has been granted on the following sites for the conversion of existing dwellinghouses into 3 no. flats:

- 73 The Vale, London, NW11 8TJ, ref: 15/07734/FUL, approval date: 11.02.2016

- 83 The Vale, London, NW11 8TJ, ref: 16/2010/FUL, approval date: 31.05.2016

- 85 The Vale, London, NW11 8TJ, ref: 16/5093/FUL, approval date: 11.10.2016

- 107 The Vale, London, NW11 8TJ, ref: 15/04715/FUL, approval date: 28.08.2015

Due to the number of existing flats on the Vale and the number of recently approved flat conversions, it is considered that area surrounding the application site is characterised by flats.

The current proposal is considered to continue to provide family sized accommodation and the fact that this accommodation is provided as flats is acceptable due to character of the area.

Furthermore, 3 flats have already been approved on the site as a purpose built building. The difference between a purpose built or converted building makes little difference to the acceptability of flats.

For these reasons the having flats on the application site is acceptable in principle provided that the proposal meets the requirements described below.

Whether the proposal provides a satisfactory living environment 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.

Floor Area:

The 3 no. proposed flats have the following gross internal area (gia):

Flat 1 2 bedrooms 4 persons on 2 storeys 80 m²

Flat 2 2 bedrooms 3 persons on 1 storey 72.5 m²

Flat 3 2 bedrooms 3 persons on 1 storeys 64.4 m²

Flat 4 1 bedrooms 1 person on 1 storeys 41.7 m²

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

- 1 bedroom unit for 1 person 37 m²

- 2 bedroom unit for 3 persons on a 1 storey requires 61 m²

- 2 bedroom unit for 4 persons on a 2 storey requires 79 m²

It is considered that the 4 no. flats all meet this requirement.

Bedroom size:

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

All the bedrooms in the proposed 4 no. flats meet these standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. All of the proposed flats have floor to ceiling heights that meet this requirement.

Light/outlook:

Barnet's Sustainable Design SPD (Oct 2016) states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that habitable rooms should receive adequate outlook. It is considered that all the habitable rooms have enough glazing to provide adequate outlook and to receive adequate daylight/sunlight.

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. It is considered provided that sufficient sound insulation is provided that the proposed room stacking is adequate to prevent the future occupiers of the proposed 4 no. flats to suffer a material loss of amenity as a result of noise and disturbance.

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

Amenity Space:

Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) states that flats should have 5 m² of amenity space per habitable room. Rooms with a with an internal floor space of greater than 20 m² are counted as 2 habitable rooms.

Flat 1 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 2 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 3 has 4 no. habitable rooms and requires 20 m² of amenity space.

Flat 4 has 2 no. habitable rooms and requires 10 m² of amenity space.

Flat 1 and Flat 2 are both provided with private gardens with areas of 28 m². Flat 3 has access to a communal gardens with a size of 60 m².

For these reasons it is considered that the 3 no. flats are provided with adequate on site amenity space.

Accessibility:

The London Plan Housing SPG (March 2016) states that "new build housing should meet building Regulation requirement M4(2)". As the proposal involves the demolition of the existing building and the construction of a new building it is considered that it is necessary

to apply this standard. In order to comply with part M4(2), the flats would need to provide level access (lifts). The Housing SPG accepts that "in certain specific cases, the provision of a lift where necessary to achieve this aim, may cause practical difficulties, make developments unviable and/or have significant implications for the affordability of service charges for intended residents". If proposals do not include step free access then the Housing SPG (March 2016) requires that the applicant should clearly demonstrate that achieving step free access would make the development unviable or would mean that service charges are not affordable for the intended residents; the Local Planning Authority would assess this accordingly.

The proposal does not contain a lift access and to justify this applicant submitted information concerning the financial viability of the proposal. Barnet's Property Services Team appraised the scheme and previously it was considered that the provision of a lift would make the scheme financially unviable. For this reason it is considered acceptable for the proposal not to provide lift access.

The Impact on the appearance and character of the area

The proposed property has the same size, height, position, bulk, and design as the extended property that was approved through application 16/4913/HSE. There are differences in the fenestration between the proposed building and the one that was previously approved. The proposed building has 1 no. additional front roof light, 1 no. ridge roof light and additional glazing at ground floor level on the property's western side elevation. Due to their size and position, the proposed 1 no. front roof and the 1 no. ridge roof light are not considered to visually clutter the proposed property. The proposed glazing at ground floor level is the same height and design as the glazing at the rear of the previously approved property. For these reasons the proposed property is not considered to appear incongruous on the application site or within the streetscene.

Details of enclosures and screened facilities for the bin storage shall be secured through condition in order for the bins not to have a negative visual impact on the character of the streetscene.

The impact on the amenities of neighbouring occupiers

DM01 requires that development proposals should not have a material negative impact on the amenity of the occupiers of neighbouring and adjoining properties

The proposed property has the same size, height, and position as the extended property that was approved through application 16/4913/HSE. The impact of the current proposal on the amenities of the occupiers of neighbouring and adjoining properties in terms of a loss of daylight/sunlight, a loss of outlook or an overbearing impact is considered to be no worse than the impact on the extended building approved through 16/4913/HSE. The overlooking of neighbouring and adjoining properties from the proposed 1 no. front roof light and the proposed 1 no. ridge roof light is considered to be no worse than the overlooking from the windows that were previously approved through 16/4913/HSE.

To protect the privacy of the occupiers of neighbouring and adjoining properties a condition shall be included in the decision notice requiring that the windows on the eastern elevation facing No. 127 the Vale and the windows on western elevation facing No. 131 the Vale are obscure glazed and permanently fixed shut. Furthermore, a condition shall be included in the decision notice requiring that neither the roof of the single storey rear projection or the roof of the single storey side projection are used as a balcony/sitting out area.

The existing floor plans of the extended property 16/4913/HSE show the property as providing accommodation for 10 no. people. The 3 no. proposed flats would provide accommodation for 11 no. people. The proposal would only increase the number for occupiers on the application site by 1 no. person and there are other examples of existing flats on the Vale. For these reasons the proposed conversion is not considered to cause the occupiers of neighbouring and adjoining properties to suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupying the site.

Parking and Highways

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The application site has PTAL of 2 which is considered poor. For these reasons the proposal is considered to require up between 3 to 5.5 no. parking spaces.

The proposal includes 2 no. onsite parking spaces. This is a shortfall of one space. Taking into consideration that the site is located within walking distance of a town centre and the site is located within a Controlled Parking Zone, the proposed parking is considered acceptable subject to a S106 restriction on residents parking permits.

It was commented that the applicant will need to demonstrate that the proposed access from the public highway can be installed without impacting on the pedestrian crossing. Details of how this can be achieved must be submitted to Barnet's Highways Officers after the determination of the application. 8 no. cycle parking spaces are proposed to the rear of the property which is in accordance with the standards defined in the London Plan.

For these reasons the proposal is considered to be acceptable on highways grounds.

Refuse and recycling storage Barnet's Provision of Household Recycling and Waste Service document (2017) contains the recommended requirement for waste and recycling provision for new developments. Collectively the proposed 4 no. flats require the following onsite bin provision:

- 1 no. 660 Litre house hold refuse bin
- 2 no. 240 Litre blue recycling bins
- 4 no. 240 Litre garden waste bins
- 4 no. 23 Litre brown food waste recycling bins

There is considered to be adequate space within the front amenity space of the property for the required bin storage. The waste and recycling storage area at the front of the property is located within 10 meters of the public highway so therefore it is easily accessible on collection day.

Details of enclosures and screened facilities for the bins shall be secured through a condition in order for them not to have a negative visual impact on the character of the streetscene.

For these reasons the waste and recycling storage provision is considered to be acceptable.

5.4 Response to Public Consultation

The bulk of the comments are addressed in the main report. It is worth noting that essentially the same scheme was allowed at appeal by a planning inspector, with the only difference that this involved the conversion of the existing property as opposed to demolition and construction of a building. The resulting building essentially would be the same.

Dealing with the comments in turn:

- The provision of only 2 parking spaces for 4 units is insufficient given the proximity to traffic lights and a busy road junction. - *Addressed in main report, a legal agreement is provided to prevent residents of the development from obtaining parking permits*
- The construction would not be in keeping with the area and would undoubtedly be incongruent. *Addressed in main report*
- A serious hygiene issue would be posed regarding the bins in that a cluster of them in a confined space would attract rats and foxes. *This is principally an Environmental Health matter*
- Such a construction would go against the Human Rights Act in particular Protocol 1 Article, 1 and Article 8 *It is not considered, taking into account the Human Rights Act, that any individual would be prejudiced by the proposals*
- The conversion of this family home into four flats is not in keeping with this area. The houses along this stretch of The Vale and the surrounds have been maintained as family houses and this creates a neighbourly, community and family orientated area that is greatly valued. *Addressed in main report*
- Loss of light- *Addressed in main report. The footprint of extension has already been approved*
- Loss of privacy and overlooking. - *Addressed in main report. The footprint of extension has already been approved*
- Overdevelopment out of character - *Addressed in main report. The footprint of extension has already been approved*
- Impact on Drainage - *The proposals are unlikely to have harmful impact, a condition is attached requiring a landscaping scheme that will ensure appropriate drainage*
- Flats of low standard - *Addressed in main 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

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





Appeal Decision

Site visit made on 6 November 2017

by **G J Fort BA PGDip LLM MCD MRTPI**

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

Decision date: 28 November 2017

Appeal Ref: **APP/N5090/W/17/3180843** **129 The Vale, Childs Hill, London NW11 8TL**

- 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 B. Glass against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/7691/FUL, dated 2 December 2016, was refused by notice dated 27 January 2017.
 - The development proposed is a part single part two-storey side and rear extension with pitched roof following demolition of an existing garage, new bay window to the front elevation and the relocation of the front entrance; the extension to roof including 1no. rear dormer window and 1no. dormer window to both sides; conversion of the existing family dwelling into 4no. self-contained units; associated site works including a bin store area at front and cycle storage at rear garden.
-

Decision

1. The appeal is allowed and planning permission is granted for a part single part two-storey side and rear extension with pitched roof following demolition of an existing garage, new bay window to the front elevation and the relocation of the front entrance; the extension to roof including 1no. rear dormer window and 1no. dormer window to both sides; conversion of the existing family dwelling into 4no. self-contained units; associated site works including a bin store area at front and cycle storage at rear garden at 129 The Vale, Childs Hill, London NW11 8TL in accordance with the terms of the application, Ref 16/7691/FUL, dated 2 December 2016, subject to the conditions in the schedule to this decision below.

Procedural Matter

2. The Council's decision notice on the scheme included a reason for refusal based on the appellant's failure to enter into a planning obligation to meet the costs of amending the Traffic Order to prevent the future occupants of the proposed development from obtaining parking permits. The appellant supplied a unilateral planning obligation¹ with their appeal documents and the Council confirmed in an e-mail² to the Planning Inspectorate that it had no objections to the obligation, and that it formed a legally sound basis to mitigate the harms anticipated in the reason for refusal. Moreover, as the obligation is necessary in the interests of highway safety, directly related to the proposed development, and fairly and reasonably related to it in scale and kind, it meets

¹ Dated 17 October 2017

² Dated 3 November 2017

the tests given in Regulation 123 of the Community Infrastructure Levy (CIL) Regulations 2010 and paragraph 206 of the National Planning Policy Framework (the Framework). Accordingly, a consideration of the parking and highway implications of the proposal has not formed the basis of a main issue in this case.

Main Issue

3. I consider the main issue in this case to be whether the proposed development would result in the loss of a single dwelling suitable for family housing, with regard to the residential character of the area.

Reasons

4. The appeal site is located on a broadly residential street featuring a range of styles and sizes of properties varying in scale and including short terraces, semi-detached and detached properties. At the time of my site visit construction work was ongoing in relation to previous planning permissions affecting the site. The proposed development, as described above, would provide 4 flats at the appeal site.
5. Policy DM01 of Barnet's Development Management Policies (adopted September 2012) (the DM Policies), amongst other things seeks to manage conversion of dwelling houses to flats and states that conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.
6. The appellant and Council supplied information relating to the presence of flat conversions along The Vale. Whilst individual houses would appear to be the predominant building type along the road, there is a considerable number of flats present, including two examples more or less across from the appeal site itself. As a consequence, the road has a clearly varied residential character.
7. Moreover, the most recent planning permission³ related to the site establishes its conversion to flats. I note that this planning permission is subject to successful completion of an obligation relating to its parking aspects. However, I am mindful that an obligation has been agreed in relation to the appeal scheme, and I have been supplied with no substantive evidence which would lead me to the view that a similar obligation could not be entered into in relation to this recent approval. Consequently, the most recent planning permission in relation to the site is a fall-back position on which I place considerable weight in the overall planning balance, and this permission would clearly lead to the loss of the single family dwelling house at the site.
8. The appeal scheme would supply one additional flat at the site over and above the quantity anticipated by the fall-back position. Both schemes would supply a flat, according to the plans with an internal area of around 72.5 SqM, and another with an area of around 80 SqM. The fall-back scheme would include a flat comprising, according to the Council's figures 110 Sqm, which would not be supplied by the appeal scheme, which instead would include a flat of 64.4SqM and one of 41.7 SqM.
9. I am mindful that the Council considers the fallback scheme would, due to the provision of the larger 110 SqM unit, be more sensitive to the prevailing residential character of the area, and its assertion that most flats along the

³ Council reference: 17/2340/FUL dated January 2017

road are larger than the two smaller units that the appeal scheme would provide. However, the evidential basis of the statement regarding the sizes of other flats is not before me, and I also note the details of a recent planning permission⁴ relating to 107 The Vale, which established its use for three flats, including two 1 bedroom units.

10. The appellant supplied evidence to suggest that the number of occupants that the proposed development would accommodate would be broadly comparable with the number that could be accommodated by the fall-back scheme. As this is based on the bed spaces and the gross internal areas that would be supplied in the flats I consider this a reasonable basis for an assessment. Consequently, in the light of this assessment I consider that the proposed development would not necessarily lead to materially more comings and goings or noise and disturbance than the fall-back scheme. Furthermore, I have been supplied with no substantive evidence to suggest that the proposed development would attract occupants that would be more transient than those who could occupy the fall-back scheme, or indeed a larger single unit. Consequently, taking these considerations together leads me to the view that the proposed development would not introduce a use at variance to the established residential character of its surroundings.
11. Accordingly, for the reasons set out above, I conclude that the proposed development would not lead to a loss of a dwelling suitable for family housing, and would not be at variance with the residential character of the area. As result the proposed development would not conflict with Policy DM01 of the DM Policies insofar as it seeks, amongst other things, to restrict the conversion of dwellings into flats in roads characterised by houses.

Other Matters

12. I note comments regarding the size and design of the proposed development. However, given the variety of building types and scales present in the streetscene, I consider that it would not lead to any materially adverse impacts in this respect. Whilst I note comments regarding the deployment of hard surfacing in the front garden of the appeal scheme, and storage of bins there, I saw that neither of these features of the proposed development would appear out of kilter with the prevailing pattern of development in the appeal site's surroundings.
13. I note concerns with noise and disruption during the building process; however, this would be unlikely to intensify as a result of the proposed development in comparison to other extant permissions affecting the appeal site. Moreover, an appropriately-worded condition limiting the hours of construction would help the proposed development to avoid material harm to the living conditions of the occupants of adjacent dwellings in this regard.
14. The proposed development would supply three car-parking spaces, and the agreed planning obligation would restrict the ability of its occupants to apply for car-parking permits. Consequently, I consider that the proposed development would result in no harmful highway safety effects, or any material increase in pollution or lead to increased pressure for parking to the detriment of the residential amenity of the occupants of adjacent properties. In arriving

⁴ Council reference: 15/04715/FUL

at this view I am mindful that I have been supplied with no objections to the proposed development from the local highway authority.

15. The proposed development would introduce dormer windows within its roof space. However, I saw that dormers were far from uncommon in adjacent dwellings, and all allowed some views towards the rear portions of adjacent gardens. I saw that the depth of the proposed development into its plot combined with the orientation of its rear dormer would restrict views available from there to the rearmost part No 131's garden, leaving the bulk of that property's garden and habitable room windows unaffected. The side dormer which would face towards No 131 would look out onto a blank gable at that latter property and due to its orientation would not provide any depth of view into its rear garden.
16. The distance from the proposed development to No 123, combined with the presence of dormer and other high windows on the rears of adjacent properties mean that the proposed development would lead to no material increase in overlooking to No 123. Consequently, the proposed development would not lead to a material reduction in the privacy available to the occupants of No 123 or No 131, and as a result would avoid harm to their living conditions in this respect. For these reasons also I find no disproportionate interference with the rights enshrined in Article 1 of the First Protocol⁵ and Article 8⁶ of the European Convention on Human Rights, as incorporated into UK law by the Human Rights Act 1998.
17. The proposed development would introduce flank walling and obscured glazing along the boundary with No 131, which would project above the existing fence between these properties. However, the limited projection of the proposed development's flank beyond the rear building line of No 131, its distance from habitable room windows within that property, and its relatively limited scale mean that it would not constitute an overbearing or enclosing structure sufficient to materially deplete the outlook available to the occupants of No 131. Consequently, the proposed development would avoid causing harm in this respect.
18. Whilst I am aware of assertions relating to the drainage arrangements of the site, I have been supplied with no evidence to support the view that the proposed development would lead to any effects in these regards over and above the extant or permitted developments at the site.
19. Consequently, none of these other matters, either taken individually or together alters my conclusions regarding the main issue given above.

Conditions

20. I have assessed the list of conditions supplied by the Council against the tests given in paragraph 206 of the Framework, this states that they should only be attached where they are necessary; relevant to planning and to the development to be permitted; enforceable; precise and reasonable in all other respects. Where I have attached conditions, I have in some instances amended the wording in the interests of clarity.

⁵ Protection of property

⁶ Right for respect for private and family life

21. In the interest of certainty I have attached a condition which specifies the approved plans. In the interests of the character and appearance of the area and the residential amenity of the occupants of adjacent dwellings and the future occupiers of the proposed development I have attached a condition requiring implementation of the bin storage as shown on the approved plans prior to the appeal scheme's first occupation.
22. To ensure that the living conditions of the occupants of adjacent properties would not be materially harmed as a result of noise and disturbance during the development of the site I have attached a condition limiting the hours of construction. In the interests of the privacy of the occupants of neighbouring dwellings I have attached a condition restricting the use of the flat roof for amenity space.
23. In order that the proposed development makes adequate arrangements for cycle parking I have attached a condition requiring provision of this in line with the approved plans prior to its first occupation.
24. I have attached conditions requiring the implementation of the subdivision of the amenity space to ensure that the proposed development makes adequate arrangements for its future occupants in these regards.
25. Part G of the Building Regulations 2010 (as amended) includes optional technical standards in relation to water efficiency requirements. However, these optional standards do not apply to material changes of use for the purposes of the Building Regulations where "the building, which contains at least one dwelling, contains a greater or lesser number of dwellings than it did previously"⁷. Whilst I saw at my site visit that extensive building work was ongoing, the description of development clearly relates to subdivision of an existing dwelling. Consequently, for this reason, the optional water efficiency standards set out in the Building Regulations cannot be applied in this case, and as a result I have not attached the Council's suggested condition requiring compliance with these standards.
26. As compliance with Part E of the Building Regulations is mandatory and thus subject to other statutory controls outside of the planning acts, I consider the condition requiring compliance with it is unnecessary in this case.

Conclusion

27. For the reasons set out above, I conclude that the proposed development would meet the expectations of the development plan, insofar as the above mentioned policy is concerned. Accordingly, for these reasons, and taking into account all other matters raised, the appeal should succeed.

G J Fort

INSPECTOR

⁷ As established in Part G of Schedule 1 and Regulation 5(g) and Regulation 36 of the Building Regulations 2010 (as amended)

Schedule of Conditions

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans and details: Site Location Plan; 129TV-PP3-03 Rev A Proposed Floor Plans and Elevations; 129TV-PP3-01 Existing and Proposed Block Plans; Design and Access Statement.
- 3) No dwelling shall be occupied until the screened facilities for the storage and collection of refuse containers shall be provided in accordance with drawing no. 129TV-PP3-03 Rev A Proposed Floor Plans and Elevations. The screened facilities shall thereafter be kept available for those purposes.
- 4) The flat roof hereby permitted shall not be used as a balcony, roof garden or similar amenity area.
- 5) Demolition or construction works shall take place only between 0800 and 1800 on Mondays to Fridays and between 0800 and 1300 on Saturdays and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 6) No dwelling shall be occupied until space has been laid out within the site in accordance with drawing no. 129TV-PP3-03A Proposed Floor Plans and Elevations for bicycles to be parked in cycle storage facilities and that space shall thereafter be kept available for the parking of bicycles.
- 7) The amenity space shall be subdivided as shown on drawing no. 129TV-PP3-03 Rev A Proposed Floor Plans and Elevations before first occupation of the development hereby approved and retained as such thereafter.

Location **49 Broughton Avenue London N3 3EN**

Reference: **17/3448/RCU**

Received: 30th May 2017

Accepted: 1st June 2017

Ward: Finchley Church End

Expiry 27th July 2017

Applicant: Mr P Atwal

Proposal: Erection of screening to rear of garden (retrospective)

AGENDA ITEM 16

Recommendation: Approve subject to conditions

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

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

Block Plan
Location Plan
Received 30 May 2017

Elevation Drawing Number 01
Technical Specification
Received 1 June 2017

Rear Elevation viewed from Windsor Open Space
Front Elevation of house and screening
Plan of site showing fencing

Received 27 April 2018

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

Informative(s):

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

- 2 Trees at and/or adjacent to this site are included within a Tree Preservation Order. The proposal encroaches within the root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations) of protected trees. This certificate confers no rights for any treatment (including any cutting of roots or branches) of the tree(s) or any other work to be undertaken to tree(s) included within a Tree Preservation Order at or adjacent to the site. If any treatment is proposed, an application would be required in accordance with the Tree Preservation Legislation.

Officer's Assessment

1. Site Description

The application site is located on the western side of Broughton Avenue, in a residential area of Finchley Church End. The property is a corner plot by the junction of Waverley Grove and Broughton Avenue. The site is not within a conservation area. Numerous properties in the street have undertaken alterations. The Windsor Open Space adjoins the site to the rear. There is a tree subject to a Tree Preservation Order immediately to the rear of the site within the Windsor Open Space.

The property comprises a semi-detached dwellinghouse, mobile home to the rear and a high boundary fence. A Lawful Development Certificate has been granted in respect to a mobile home. An enforcement case is ongoing regarding the retention and use of the mobile home in the rear garden.

Permission for the boundary fence is being sought in this application.

2. Site History

Reference: TPP/0360/17

Address: Windsor Open Space (Rear Of 49 Broughton Avenue) London

Decision: Trees Refused

Decision Date: 7. 09. 2017

Description: 1 x Oak (Ezytreev Reference 424012) - Reduce specified lowest lateral scaffold limb by up to 6m leaving approx 1m of growth on each upright, (Remove deadwood and remove hanging limb), Reduce away from building to allow 4m clearance. Standing in area A1 of Tree Preservation Order

Reference: 17/1267/192

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Lawful

Decision Date: 14 March 2017

Description: Caravan/mobile home in rear garden

Reference: 16/6998/192

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Unlawful

Decision Date: 24 January 2017

Description: Erection of mobile home in rear of garden

Reference: F/02335/09

Address: 49 Broughton Avenue, London, N3 3EN

Decision: Approved subject to conditions

Decision Date: 12 August 2009

Description: Retention of raised terrace and proposed new privacy screen.

Reference: C06313C
Address: 49 Broughton Avenue, London, N3
Decision: Lawful
Decision Date: 01.07.1999
Description: Conversion of garage to a kitchen, alterations to elevations.

Reference: C06313B
Address: 49 Broughton Avenue, London, N3
Decision: Approved subject to conditions
Decision Date: 13.08.1986
Description: Two storey side extension

Reference: C06313A
Address: 49 Broughton Avenue, London, N3
Decision: Approved subject to conditions
Decision Date: 18.07.1979
Description: Single storey rear extension.

Reference: C06313
Address: 49 Broughton Avenue, London, N3
Decision: Lawful
Decision Date: 13.03.1978
Description: Erection of a double garage.

3. Proposal

The applicant seeks retrospective permission for the erection of a 4 metre high willow fence along the rear of the property.

The fence measures approximately 25 metres in length along the rear boundary of 49 Broughton Avenue and the Windsor Open Space, has a height of 4 metres and is 150mm thick.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

13 responses have been received, comprising 13 letters of objection. 1 objection is made on behalf of the Finchley Society. It is noted that 2 recorded objections (15 in total) appear to be duplicates.

The objections received can be summarised as follows:

- A screen of 4 metres is too high. It is an eyesore and is poorly constructed and the materials are not in keeping with the area.
- Impact on adjacent open space. It blocks light falling on plants and undergrowth in Windsor Open Space. A TPO tree has been affected by the concrete posts. The screen will deter visitors from the park as it is unsightly and foreboding.
- The screen was erected without planning permission and enforcement action needs to be taken.
- The screen is to hide the mobile home which is clearly a second building and is not mobile. The mobile home and screen is detrimental to the character of the area. This has

ruined the view from the park and Broughton Avenue. The mobile home should be considered as part of this application.

- Request this is considered by the Planning Committee.
- Dangerous in high winds
- The garden has been raised by over 1 metre in height to accommodate a trailer and this affects drainage sloping to neighbouring properties.
- The information provided in the application form is incorrect. The applicant does not identify the watercourse and flood risk or damage to the TPO trees. A full survey of the trees should be undertaken.
- The community were not consulted before the works for the mobile home or fence

Internal consultation:

Greenspaces were consulted on the proposal. The advice of the Tree officers was to monitor the tree and require a TPO application for works when this becomes necessary. There was no objection to the application for the retention of the fence.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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.
- Impact on trees and the Windsor Open Space

5.3 Assessment of proposals

The application is for retrospective permission for the erection of a 4 metre high fence along the rear boundary of 49 Broughton Avenue.

The fence is described as a 4 metre high Willow fence. The fence has been erected along the rear boundary with the Windsor Open Space. The height of the fence is 4 metres and therefore requires permission.

Green Spaces and Barnet Street Trees were consulted on the proposal. The fence has been erected in close proximity to the trunk of a TPO tree. The works is within the root zone of the TPO tree within the Windsor Open Space to the rear. Tree officers noted there are no details provided of the methodology for the erection of the fence and it is difficult to determine the extent of any damage.

Concerns have been raised by objectors regarding the materials and appearance of the fence. The fence is visible within the open space and partially visible from the street. The material of the fence is willow and departs from the more traditional fencing styles in the area. However the fence is partially screened by the existing vegetation along the boundary and is not considered to be harmful to the character or appearance of the host property or locality that would warrant a refusal. While higher than generally permitted, this is a rear boundary fence with no immediate neighbours to the rear other than the Open Space. The fence is set away from the walking path by a planted bank. The additional height is not considered to harm users of the park who would view the fence from a distance.

It is noted objections were received in this application regarding the retention and use of the mobile home. The mobile home structure is not part of this application. This application makes no assessment nor infers any permissions on the mobile home. There has been detailed planning enforcement investigation undertaken in response to concerns raised by Members and local residents - which have concluded that, at present, with the exception of the rear boundary fence, the activities taking place on site are deemed lawful.

It is noted that the plans and elevations submitted and level of information provided are rudimentary. Officers have undertaken a site inspection to assess the existing fence and have made an assessment with the information provided. Although minimal, it is not considered the level of information provided is a justifiable reason for refusal.

On balance, it is considered the retention of the fence does not have a harmful impact on the character or appearance of the host property, local park or locality or on the amenities of neighbouring occupiers. It is therefore recommended the retention of the rear boundary fence should be approved.

5.4 Response to Public Consultation

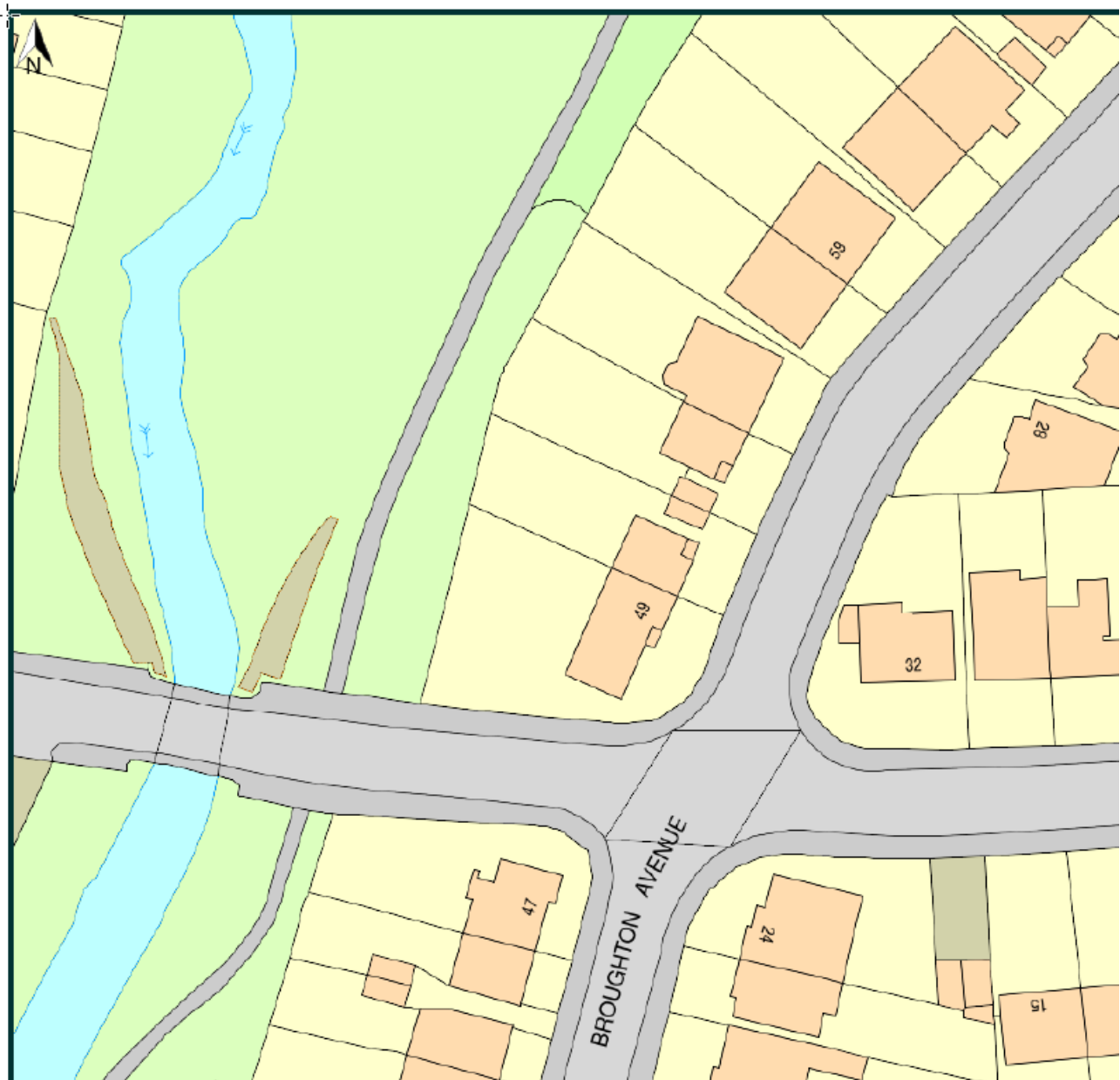
- Visual impacts: discussed above
- Impact on TPOs: discussed above
- Enforcement issues: The mobile home is separate to this application
- Request this is considered by the Planning Committee; Noted.
- Dangerous in high winds: This is not a planning matter.
- Drainage issues: This is not a planning consideration.
- The information provided in the application form is incorrect: The application is considered valid and enough information has been provided to allow the LPA to make a determination.
- Consultation: the LPA have consulted on this proposal. This is a retrospective permission which follows the works occurring. The LPA did not consult on the erection of the mobile home as this was permitted under a LDC where consultation is not required.

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 **23 Thornfield Avenue London NW7 1LT**

Reference: **17/7604/HSE**

Received: 30th November 2017

Accepted: 18th December 2017

Ward: Finchley Church End

Expiry 12th February 2018

Applicant: Mrs Karin Guppenberger

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

AGENDA ITEM 17

Recommendation: Approve subject to conditions

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

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

3128/1B (received 12/04/2018)

Site Location Plan (received 05/12/2017)

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

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

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

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

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

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

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

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

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

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that construction should be carried out in accordance with the recommendations for flood risk management risks as detailed in the hereby approved Flood Risk Assessment.

- 3 The additional information accompanying this application includes:
 - Flood Risk Assessment dated October 2017 by Ambimental.
- 4 This permission does not authorise any changes to the levels of the rear garden other than specifically the lower decking shown on the approved plans.

Officer's Assessment

1. Site Description

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

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

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

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

2. Site History

Reference: 15/03671/192

Address: 23 Thornfield Avenue, London, NW7 1LT

Decision: Lawful

Decision Date: 13 July 2015

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

3. Proposal

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

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

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

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

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

4. Public Consultation

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

The objections received can be summarised as follows:

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

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

Standing Advice

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

Flood Risk

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

All new development in areas at risk from fluvial flooding must demonstrate application of the sequential approach set out in the NPPF (paras 100-104) and provide information on the known flood risk potential of the application site. Paragraph 103 of the NPPF states:

"When determining planning applications, local planning authorities should ensure flood risk is not increased elsewhere and only consider development appropriate in areas at risk of flooding where, informed by a site-specific flood risk assessment"

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

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

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

Notwithstanding the above, the flood risk assessment identifies flood risk management measures with regards to construction; electrical connection; gas/water supply; drainage; and interior fittings. The applicants are advised to follow and implement said measures in

order to mitigate adverse impact towards the host property as well as the neighbouring premises and ensure the proposal is safe for its lifetime.

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

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

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

Basement Extension

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

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

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

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

The roof to the proposed basement will project approximately 1.5 metres past the rear wall of the proposed ground floor rear extension. Given that the proposal will approximately project to the same depth of the existing raised patio, it is not considered that the proposed

'step out' area would materially differ from the existing relationship between No.23 and No.25 to the extent of creating further overlooking and privacy impact.

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

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

Ground floor extension and decking

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

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

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

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

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

mitigate overlooking and privacy issues, and another to prevent any additional windows being added to the flank elevations.

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

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

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

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

First Floor Rear Extension

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

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

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

5.4 Response to Public Consultation

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

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

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

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

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

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

6. Equality and Diversity Issues

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

7. Conclusion

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



OS Plan 1:1250



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