

<p style="text-align: center;"><u>MEETING</u></p> <p style="text-align: center;">FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE</p>
<p style="text-align: center;"><u>DATE AND TIME</u></p> <p style="text-align: center;">TUESDAY 3RD SEPTEMBER, 2019</p> <p style="text-align: center;">AT 6.00 PM</p>
<p style="text-align: center;"><u>VENUE</u></p> <p style="text-align: center;">HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ</p>

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

Chairman: Cllr Eva Greenspan

Vice Chairman: Cllr John Marshall

Councillors

Shimon Ryde

Melvin Cohen

Alan Schneiderman

Claire Farrier

Danny Rich

Substitute Members

Jennifer Grocock

Gabriel Rozenberg

Anne Hutton

Kath McGuirk

Peter Zinkin

Reuben Thompstone

Alison Moore

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

Andrew Charlwood – Head of Governance

Governance Services contact: finchleyandgoldersgreen@barnet.gov.uk Tel 020 8359 2315

Media Relations Contact: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
6.	62 Church Crescent London N3 1BJ 19/2762/FUL Finchley Church End	11 - 30
7.	2 Grass Park London N3 1UB 19/1665/HSE Finchley Church End	31 - 40
8.	27 East End Road London N3 2TA 19/2540/RCU Finchley Church End	41 - 58
9.	179 Regents Park Road London N3 3PB 19/0285/S73 Finchley Church End	59 - 74
10.	Wellington Place Great North Road London N2 0PN 18/4897/FUL Garden Suburb	75 - 98
11.	Land To The Rear Of 85-87 Hodford Road London NW11 8NH 19/1904/FUL Childs Hill	99 - 126
12.	Any item(s) the Chairman decides are urgent	

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Decisions of the Finchley and Golders Green Area Planning Committee

22 July 2019

Members Present:-

AGENDA ITEM 1

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

Councillor Melvin Cohen
Councillor Claire Farrier
Councillor Danny Rich

Councillor Shimon Ryde
Councillor Alan Schneiderman

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 12th June 2019 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Cllr Ryde gave apologies for lateness – he arrived during Item 9 and did not vote on any application before Item 10 of the minutes.

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

Item	Member	Declaration
11 – 1069 Finchley Road, London NW11 0PU	Cllr Cohen	Non-pecuniary interest by virtue of the applicant being known to him. He would leave the room for this item.
11 – 1069 Finchley Road, London NW11 0PU	Cllr Ryde	Non-pecuniary interest by virtue of the applicant being known to him. He would leave the room for this item.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM

The Committee noted the addendum.

6. 2 GRASS PARK LONDON N3 1UB 19/1665/HSE

The Chairman moved a motion to defer the application to the next meeting as due to the plans being amended a site visit was required. This was seconded by Cllr Marshall.

Votes were recorded as follows:

The motion was unanimously approved.

The Committee **RESOLVED** to **DEFER** the application to the next meeting of the Finchley & Golders Green Area Planning Committee.

7. WELLINGTON PLACE GREAT NORTH ROAD N2 0PN 18/4897/FUL

Councillor Marshall moved a motion to defer the application to the next meeting due to a delay in response to a letter from the residents' solicitor. The motion was seconded by the Chairman.

The vote was recorded as follows:

The motion was unanimously approved.

The Committee **RESOLVED** to **DEFER** the application to the next meeting of the Finchley & Golders Green Area Planning Committee.

**8. 191 AND 187 WEST HEATH ROAD (LAND REAR OF CARLTON CLOSE)
LONDON NW3 7TT TPF/0234/19**

The Principal Planner, Trees and Environment, presented the report and addendum.

No verbal representations were made.

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

Votes were recorded as follows:

Unanimously approved.

The Committee **RESOLVED** to **APPROVE** the application.

**9. FORMER WEST FINCHLEY BOWLING CLUB DUDLEY ROAD LONDON N3
2QR 18/7636/FUL**

The planning officer introduced the report.

Suzanne Fitzgerald and Julia Hines made verbal representations in objection to the application.

A verbal representation was made by the applicant's agent.

Further to a discussion the Chairman moved a motion to refuse the application for the reason below:

The proposed development would result in the loss of a sports facility and Asset of Community Value, in an area of deficiency of public open space, without re-provision of facilities of equivalent quality and quantity in a suitable alternative location. The development would therefore be contrary to London Plan (2016) policies 3.19 and 7.18, policies CS7 and CS10 of the Local Plan Core Strategy (adopted September 2012), policies DM13 and DM15 of the Development Management Policies DPD 2012 and the Planning Obligations SPD (adopted October 2016).

The motion was seconded by Cllr Rich.

The vote was recorded as follows:

Refusal was unanimously agreed.

The Committee **RESOLVED** to **REFUSE** the application for the reason above.

10. THE ORCHARD LONDON NW11 6YN 18/7274/FUL

The planning officer presented the report and addendum.

A verbal representation was made by the applicant, Alan Brudney.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions outlined in the report and addendum.

The vote was recorded as follows:

Unanimously approved.

The Committee **RESOLVED** to **APPROVE** the application.

11. 1069 FINCHLEY ROAD LONDON NW11 0PU 19/1911/FUL

Cllrs Cohen and Ryde left the room for this item.

The planning officer presented the report.

Verbal representations in objection to the application were made by Daniel Asher and Ron Banerjee.

Emily Benedict, the applicant's agent, addressed the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions outlined in the report.

The vote was recorded as follows:

For (approval) – 3

Against (approval) – 1

Abstained – 1

The Committee **RESOLVED** to **APPROVE** the application.

12. 1 - 4 BELMONT PARADE FINCHLEY ROAD NW11 6XP 18/7660/FUL

The planning officer presented the report and addendum.

The applicant was in attendance but did not address the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions outlined in the report, addendum and the additional condition:

Additional condition 13:

"The level of noise emitted from any plant and machinery 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."

The vote was recorded as follows:

Unanimously approved.

The Committee **RESOLVED** to **APPROVE** the application.

13. 24 MONTPELIER RISE LONDON NW11 9DS

The planning officer presented the report and addendum.

Anthony Adler, the applicant's agent, addressed the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions outlined in the report.

The vote was recorded as follows:

For (approval) – 6

Against (approval) – 1

The Committee **RESOLVED** to **APPROVE** the application.

14. 30-32 WOODSIDE PARK ROAD LONDON N12 8RP 18/7485/RCU

The planning officer presented the report.

The applicant was present but did not address the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions in the report and the amended and added conditions:

Amended condition 2:

"The use of the outbuildings hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be used for overnight sleeping or occupied as a separate unit or dwelling."

Additional condition 3:

The outbuilding used as the activity room shall only be used between the hours of 9am and 9pm on any day.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

The vote was recorded as follows:

Unanimously approved.

The Committee **RESOLVED** to **APPROVE** the application.

15. DEVELOPMENT SITE NORTH OF 215 AT FORMER 217 TO 223 HIGH ROAD N2 8AN 19/1346/FUL

The planning officer presented the report and addendum.

The applicant's agent was present but did not address the Committee.

Further to a discussion the Chairman moved to the vote on the officer's recommendation, which was to approve the application subject to the conditions in the report and addendum.

The vote was recorded as follows:

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

The Committee **RESOLVED** to **APPROVE** the application.

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

None.

The meeting finished at 8.06 pm

Location **62 Church Crescent London N3 1BJ**

Reference: **19/2762/FUL**

Received: 15th May 2019

Accepted: 31st May 2019

Ward: Finchley Church End

Expiry 26th July 2019

Applicant: Mr & Mrs Hume

Proposal:

Demolition of existing dwelling and erection of a two storey single family dwellinghouse with rooms in the roofspace. Associated amenity space including new raised patio and steps, refuse and recycling [AMENDED DESCRIPTION]

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

- 1 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.

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

Location and Block Plan (Drawing No. 4158/OS) [Uploaded 15 May 2019]

Existing site plan (4158 / OS - 2) [Uploaded 25 June 2019]

Existing Plan (4158 / 01 -1) [Uploaded 25 June 2019]

Existing Elevations (4158 / 01 - 2) [Uploaded 25 June 2019]

Proposed site plan (4158 / OS - 3) [Uploaded 25 June 2019]

Proposed ground floor plan (4158 / 02 - 1) [Uploaded 25 June 2019]

Proposed first floor plan (4158 / 02 - 2) [Uploaded 25 June 2019]

Proposed loft floor plan (4158 / 02 - 3) [Uploaded 25 June 2019]

Proposed front and rear elevations (4158 / 02 - 4 rev A) [Uploaded 16 August 2019]

Proposed side elevations (4158 / 02 -5) [Uploaded 25 June 2019]

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

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

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

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

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

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

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

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

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

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

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

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

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

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with

Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

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

- 9 Before the building hereby permitted is first occupied the side windows (including rooflights) in the first floor and second floor (i.e. roof) facing the neighbouring properties at No. 60 Church Crescent and No. 64 Church Crescent shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 (2016).

- 10 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).

- 11 The roof of the ground floor rear element 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).

- 12 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.

- 13 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.

- 14 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.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to D of Part 1 of Schedule 2 of that Order shall be carried out within the area of 62 Church Crescent, N3 1BJ hereby approved.

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

- 16 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 first and second floor flank elevations facing 60 Church Crescent or 64 Church Crescent.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 £60 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 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 4 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 5 There is a tree in close proximity to the site which stands on public highway land maintained by the Council. The grant of planning consent confers no rights for any work to be undertaken to the tree and you are advised to consult the Council's Trees & Woodlands Manager, Greenspaces and Streets on 020 8359 7838 prior to taking any further action. Care should be taken during demolition and construction works to protect this tree.
- 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.

- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 8 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrsua@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

Officer's Assessment

1. Site Description

The application site is sited on the north side of Church Crescent in the ward of Finchley Church End. It is close to the junction of Dollis Avenue.

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

There are no Tree Preservation Orders on site.

2. Site History

Reference: C03921C

Address: 62 Church Crescent N3

Decision: Approved subject to conditions

Decision date: 11 December 1984

Description: Part single, part two storey side extension

Reference: C03921A

Address: 62 Church Crescent N3

Decision: Approved subject to conditions

Decision date: 04 January 1979

Description: Front entrance porch and toilet and gate to side drive

3. Proposal

The application seeks consent for the demolition of the existing dwelling and erection of a new two-storey single family dwelling house (Use Class C3) with rooms in the roofspace, with the associated outdoor amenity space including a new raised patio and step and storage area for refuse and recycling.

The new dwelling at ground floor would measure a depth of 15 metres and a width of 9.3 metres. The first floor would measure a depth of 11 metres and width of 9.3 metres. The dwelling would have an eaves height of 5.2 metres and total ridge height of 8.4 metres. It would feature a front double storey bay window, which would project 0.5 metres forwards in depth and have a width of 3.47 metres. It would feature a front gable, which would be set down 0.88 metres from the main ridge of the dwelling. The ground floor would feature a front porch canopy, which would have a height of 3 metres, width of 2.5 metres and depth of forward projection of 1.15 metres.

The proposed patio would measure a depth of 3.8 metres from the proposed ground floor rear wall and would measure the full width of the plot. It would feature steps down to the natural garden level. The patio would have a height of 0.6 metres.

4. Public Consultation

A site notice was erected 13 June 2019.

Consultation letters were sent to 42 neighbouring properties.

5 responses have been received, comprising 5 letters of objection, with a total of 7 signatories.

The objections received can be summarised as follows:

- I strongly object to any further development on our road as it is causing serious disruption to our peaceful occupation.
- Noise issues in relation to demolition and construction
- Costs incurred by 62 Church Crescent, in relation to paying for window cleaning and car
 - cleaning (caused by excessive dust caused by demolition and re-build)
 - Days of week when works would be under-taken
 - Parking of Trucks and Lorries
 - Damage to Pavement and Road due to heavy Load vehicles parked in the road
- Plans for driveway and existing hedge/wall in place between 60 and 62 Church Crescent
- Erosion of parking spaces on Church Crescent and trust this application does not add to that erosion
- We are already subject to dust, noise and the road in bad disrepair and this will add to it and will surely cause traffic disturbance
- My only concern is about noise levels as a result of the building work (especially if it's during summer when windows are open). I request to delay building work until October and to start work no earlier than 8am each day.
- Comments by the immediate neighbour at No. 60 Church Crescent including concerns about the party wall, external outhouse and trees

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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development and re-development is acceptable'
- Whether harm would be caused to the character and appearance of the the street scene and the surrounding area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Whether the development would impact highways and parking;
- Any other material planning consideration

5.3 Assessment of proposals

Principle of development and redevelopment of the site:

For areas such as the application site Policies CS1 and CS3 of the Barnet's Core Strategy (2012) expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

The site is currently occupied by an existing single family dwellinghouse. There are no designations on site. The existing property on site is undistinguished post-war development which has little in common architecturally with the local vernacular seen in this part of Church Crescent (which is predominantly characterised by Edwardian semi-detached properties).

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access from Church Crescent. The land use would not change.

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

As such the principle of redevelopment of the site is deemed acceptable.

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

The National Planning Policy Framework (2019) states in Paragraph 124 that good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.

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

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides

attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

As explained above no objection is raised to the loss of the existing dwelling.

The proposed dwelling would retain the established front building.

Due to the topography of the land, No. 60 to the east is on an elevated position, and conversely No. 64 to the west is set at a lower level. As shown on the submitted elevations the proposed dwelling would follow the established rhythm of roof heights. The ridge height of the proposed dwelling would be set 1.6 metres lower than the ridge of the property at No. 60 and 0.5 metres greater in height than the ridge of the property at No. 62.

The property would retain spacing between its boundaries, being set in by 1 metre each side.

The form, scale, bulk and mass of the proposed dwelling would be similar to that approved and built at No. 64 (approved under reference C15833B/06, dated 15 September 2006).

In regard to appearance and design, it would feature a front gable bay window, as seen on the Edwardian properties to the east along Church Crescent. It would feature a combination of red stock brickwork, white render, and slate tiles to reflect those Edwardian properties. It would also feature a pitched roof, which is a characteristic feature of the street scene. It would not appear dissimilar in design to that of No. 64 Church Crescent (reference C15833B/06, dated 15 September 2006), which as evidenced by a site visit, now built, preserves the character and appearance of the street scene. Planning Officers see no reason why the proposed development would not do the same.

In summary, it is considered that the proposed development would respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and wider street, as required by Policy DM01.

Impact on the amenity of neighbouring occupiers:

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

As shown on the plans, the ground floor of the proposed dwelling would be relatively in line with the ground floor rear wall of No. 64 (the property to the west). The first floor of the proposed dwelling would, again, be in line with the first floor rear wall of No. 64.

There is a first floor window in the side wall of No. 64 facing the application site, and there is a side window proposed in the flank wall of the new dwelling facing this. A condition has been attached to ensure this is obscure-glazed.

The proposed dwelling would be 0.5 metres greater in height than the property at No. 64. Combined with the fact that the proposed dwelling would be in line with the rear building lines at ground and first floor of No. 64, it is considered that it would not overshadow, or appear overbearing when viewed from No. 64.

There is a rooflight proposed on the side of the main roof facing No. 64 however this will be conditioned to be obscure glazed.

The property (No. 60) to the east has undertaken a single storey ground floor side extension/infill on the boundary adjacent to the application site. From the approved plan (reference F/01144/11, dated 06 May 2011) it serves a 'Snug' and kitchen. It appears that fenestration on the approved plans differs from what has been built on site from photographs provided by the agent and aerial imagery on Google 3D.

Nonetheless, the ground floor of the proposed dwelling would be sited a distance of 1.9 metres from the flank wall of No. 60. The ground floor of the proposed dwelling would project a depth of 3.3 metres from the rear wall of the 'Snug/kitchen' side extension at No. 60, which falls within the 4 metre recommended guidance of ground floor extensions for detached dwellings as set out in Barnet's Residential Design Guidance SPD (2016).

The existing property at the application site has constructed (at some point historically) a single storey rear extension, part of which forms the boundary, and features, somewhat unusually, a window facing the garden of No. 60.

The proposed dwelling would remove this structure, and the ground floor would be sited away from the boundary by 1metre. It would not have a window facing into the neighbour's garden area. This represents an improvement compared to the current situation.

At first floor, the proposed dwelling would extend 2.4 metres beyond the rear building line of No. 60. At first floor the new dwelling would be sited at a distance of 5 metres from the first floor of No. 60. This is considered an acceptable distance, and as such would not appear overbearing when viewed from No. 60.

Officers acknowledge that the ground floor side extension serving the 'Snug' and kitchen at No. 60 does feature a number of rooflights in the pitched roof adjacent to the boundary. Furthermore, the proposed dwelling would be greater in height than the existing dwelling on site. However, the dwelling is sited to the north-west of this side extension and the 'Snug' and kitchen, as shown on the approved plans (reference F/01144/11, dated 06 May 2011), are served by windows to the front and rear, which are the main sources of light and outlook for these rooms. As such, it is not considered the proposed dwelling would have a harmful impact on the enjoyment and use of these rooms.

The first floor and second (loft) floor at No. 60 do feature windows facing the application site. One first floor window in the proposed dwelling facing No. 60 is proposed. A condition has been recommended to ensure this window is obscure-glazed to preserve the privacy of occupiers at No. 60. No rooflight is proposed in the roof on this side of the house.

In conclusion, it is considered that the proposed dwelling would not detrimentally impact the amenity of neighbouring occupiers at No. 60 or No. 64 Church Crescent.

Impact on amenity of future occupiers:

Policy DM02 of Barnet's Development Management Policies Document DPD (2012) states that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents. This includes minimum space standards as set out in London Plan Policy 3.5 and outdoor amenity space requirements as set out in the Sustainable Design and Construction SPD (2016).

Officers are satisfied that the proposed dwelling meets the minimum space standards of London Plan Policy 3.5. The internal head heights would meet the 2.3 metre requirement.

The bedrooms meet the size requirements and floor areas as set out in Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016).

The dwelling would be dual aspect. It would be served by an acceptable level of privacy, outlook and light.

Officers are satisfied the dwelling would provide acceptable outdoor amenity space in accordance with Table 2.3 of Barnet's Sustainable Design and Construction SPD (2016).

Impact on highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

Residential development may be acceptable:

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

The existing property is served by an existing dropped kerb and off-street parking with space for up to two vehicles. The scheme does not propose to alter or amend this driveway or access (via the dropped kerb).

Policy DM17 requires 1.5 to 2 spaces for detached houses of 4 or more bedrooms.

With space for two vehicles on the front driveway the application is considered acceptable on highways and parking grounds.

Trees:

There are no Tree Preservation Orders on site.

An objector has queried the future of a Eucalyptus Tree. The agent has stated via email dated 24 July 2019: 'It was the intention to retain the tree but the owners of no 60 have the right to prune any over hanging branches if they so wish.'

A condition has been proposed securing details of hard and soft landscaping, including any trees proposed to be retained.

5.4 Response to Public Consultation

- I strongly object to any further development on our road as it is causing serious disruption to our peaceful occupation and noise issues in relation to demolition and construction

It is expected that development of any size and scale would cause a degree of noise and disturbance. However this is a temporary impact and can be managed through planning conditions.

As such, a condition requiring the submission of a Demolition and Construction Method Statement and Logistics Plan before development commences has been attached. A condition stating the permitted hours of construction works has also been attached.

- Costs incurred by 62 Church Crescent, in relation to paying for window cleaning and car cleaning (caused by excessive dust caused by demolition and re-build)

This is not something that would be secured through the planning system

- Days of week when works would be under-taken

A planning condition has been attached setting out the permitted hours of construction works.

- Parking of Trucks and Lorries

This would be covered under the planning condition requiring the submission of a Demolition and Construction Method Statement and Logistics Plan before development commences has been attached. This said Statement and Plan would be assessed by the highways department accordingly.

- Damage to Pavement and Road due to heavy Load vehicles parked in the road

An informative has been attached regarding costs to damage to the public highway occurred during construction works.

- Plans for driveway and existing hedge/wall in place between 60 and 62 Church Crescent

The driveway will remain. A planning condition has been attached securing details of soft landscaping.

- Erosion of parking spaces on Church Crescent and trust this application does not add to that erosion

The existing property benefits from a driveway with space for up to two vehicles and existing dropped kerb. This would remain for the new dwelling.

- We are already subject to dust, noise and the road in bad disrepair and this will add to it and will surely cause traffic disturbance

This would be covered under the planning condition requiring the submission of a Demolition and Construction Method Statement and Logistics Plan before development commences has been attached. This said Statement and Plan would be assessed by the highways department accordingly.

- My only concern is about noise levels as a result of the building work (especially if it's during summer when windows are open). I request to delay building work until October and to start work no earlier than 8am each day.

It is not reasonable to stipulate a particular time of the month that construction works begin. A planning condition has been attached setting out the permitted hours of construction works.

- Comments by the immediate neighbour at No. 60 Church Crescent including concerns about the party wall, external outhouse and trees

The agent has addressed the concerns expressed by No. 60 to some detail.

This is as follows:

"I also note that the immediate neighbour at 60 Church Crescent have raised a few points which I would like to be addressed:

As can be seen from the existing vs proposed ground floor plans, the party wall appears to have been removed (or moved further inwards onto the plot of 62 Church Crescent). This opens up questions in relation to the following:

Agent response: "For clarification. The side garage boundary wall in question between no 60 and 62 is not a Party Wall. It is the side wall of the garage to no 62. Therefore, it is a boundary consisting of a timber fence, masonry wall and brick wall of an historical outhouse belonging to no 62."

- The current wall provides security to the side of my property (down my pathway)

Agent response: "The current wall forms the side of a garage. This will be removed, and a suitable 2-meter-tall timber fence will replace it"

- Will the Proposed build include a new wall (paid by the owner of 62).

Agent response: "The fence (mentioned above) will be paid for by the owners of no 62"

- What will happen with our side gate which is attached to the current side elevation (pre-fab garage building).

Agent response: "This gate will be re hung onto a suitable concrete post as part of the boundary fence work and will be paid for by the owners of no 62"

- What additional security measures will be provided once the site has been demolished (as the wall will not exist)

Agent response: "The site will be fully hoarded during the demolition and building works. The boundary side wall (between 60 and 62) could be retained whilst most of the work is completed and then replaced by the fence as part of the landscaping."

- I have paid to have the wall sand-blasted (and painted white) at cost to myself (I would expect this to be replicated on a like for like basis).

Agent response: "As stated above. This boundary wall will be replaced by a timber fence. It could be painted white facing no 60 if the owners of no 60 so wish."

- Any damage to the paving down my pathway, caused by demolition of the existing property, and erection of a new wall to be compensated by the owner of 62 Church Crescent.

Agent response: "Correct, this will be addressed under the Party Wall Etc Act 1996 although I do not envisage any damage happening."

- Currently, there is light provided down my pathway, via glass door to my kitchen and my Roof Skylights). I would not want to have any light reduced by the new build.

Agent response: "With the removal of the side garage wall and its replacement by a lower (2M high) fence more natural light should enter this door. The current house has a gable end side at roof level which consists of vertical brickwork rising to the ridge. The proposed new house has hipped side roof which slopped to the roof. This was designed in order to reduce the appearance of its mass and so let more light in between the houses."

External Outhouse:

- This sits on the corner of the boundary of our house, in both gardens of no: 62 & 60.

Agent response: "This statement is partly incorrect as no part of this outhouse goes beyond the curtilage of No 62 and is the solely the property of no 62 ."

- Will this be demolished, or will this be re-built?

Agent response: "The outhouse will be demolished, and boundary replaced with the same 2M tall timber fence."

- We would like to understand the plans relating to this.

Agent response: "see above."

Concerns regarding Eucalyptus Tree:

- The Tree in 62, grows aggressively over our garden fence, and hangs over my children's play area and my garden shed.

Agent response: "Acknowledged."

- Will this tree be removed or agreement in place to keep the tree cut back to an acceptable height.

Agent response: "The tree in question is halfway down the garden and does not form part of this application. It was the intention to retain the tree but the owners of no 60 have the right to prune any over hanging branches if they so wish. I cannot comment further on this 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 compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the street scene and the surrounding area. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. No harm to the highways network or parking would arise. This application is therefore recommended for approval.



Location **2 Grass Park London N3 1UB**

Reference: **19/1665/HSE**

Received: 20th March 2019

Accepted: 28th March 2019

Ward: Finchley Church End

Expiry 23rd May 2019

Applicant: Mr Ebi Khani

Proposal: Single storey rear extension and first floor rear extension above existing ground floor. Conversion of the existing garage into habitable room, insertion of window to replace garage door. (Amended description)

AGENDA ITEM 7

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design & Access Statement, Drg.no.E101, Drg.no.E102, Drg.no.E103, Drg.no.E104, Drg.no.E105, Drg.no.E201, Drg.no.E202 and Drg.no.E301. Plans received on the 20/03/19.

Drg. A101, Drg. A102, Drg. A103 rev.1, Drg. A105 rev.1, Drg. A201 rev.1, Drg. A202 rev.1 and Drg. A301 rev.1. Plans received on the 22/05/19.

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

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

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

The application was deferred from the July meeting for a site visit.

1. Site Description

The property is a two storey detached dwellinghouse located in Grass Park; a residential cul-de-sac which lies within the Finchley Church End ward of the borough.

The property is not listed and does not fall within a designated conservation area.

A group of trees to the rear of the site are included in a Tree Preservation Order.

2. Site History

Reference: C03693J/08

Address: 2 Grass Park, London, N3 1UB

Decision: Refused

Decision Date: 10 March 2008

Description: Rear conservatory.

Reference C03693E

Address: 2 Grass Park London N3

Decision: Approved subject to conditions

Decision Date: 06.06.1990

Description: First floor side extension

Reference C03693F

Address: 2 Grass Park London N3

Decision: Approved subject to conditions

Decision Date: 04.04.1995

Description: Renewal of planning permission reference No.C03693E dated 6.6.90. for first floor side extension.

Reference C03693G

Address: 2 Grass Park London N3

Decision: Approved subject to conditions

Decision Date: 16.07.1998

Description: First floor side extension and single storey rear extension.

Reference C03693H

Address: 2 Grass Park London N3

Decision: Approved

Decision Date: 14.06.1999

Description: First floor extension and single storey rear extension.

Reference C03693A

Address: 2 Grass Park London N3

Decision: Approved subject to conditions

Decision Date: 14.06.1972

Description: Erection of two-storey front extension and extension of garages.

Reference C03693D
Address: 2 Grass Park London N3
Decision: Approved subject to conditions
Decision Date: 06.11.1972
Description: Single-storey rear extension.

3. Proposal

The proposal has been amended and the roof extension has been omitted from the proposal. The amended proposal involves the following;

'Single storey rear extension and first floor rear extension above existing ground floor. Conversion of the existing garage into habitable room, insertion of window to replace garage door.'

The single storey rear extension will have a depth of 1.5m and a width of 5m. The extension will be set away by 1m from the flank wall of the host property, 2.3m to the boundary wall and approximately 8m from the flank wall of neighbouring property at no.3. The extension will be set away by approximately 6.5m from the flank wall of the host property, adjacent to neighbouring property at no.1. This property is set back from the rear wall of the host property.

It will have a flat roof measuring 2.6m in height.

The first floor extension has a rear projection. The extension will involve extending from this rear projection. It will be set away by 3.7m from the flank wall of the host property, adjacent to neighbouring property at no.3 and will extend 2m in depth and 4m in width. The extension will be set away by approximately 4.6m from the flank wall of the host property, adjacent to neighbouring property at no.1. It will extend approximately 3.7m from the flank wall of the host property, adjacent to no.3 and approximately 5m from the boundary wall with this neighbouring property.

It will have a pitched roof, measuring 4.9m to the eaves and 5.3m to its maximum height.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties.

9 responses have been received.

Objections have been summarised below;

- Overdevelopment
- Likely to block light
- Visually intrusive
- Roof pitch unattractive and not in keeping with the other homes
- Implies the house will be turned into an HMO
- Concerns with regards to sub letting
- Concerns re environmental issues
- Concerns regarding parking

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.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Rear extension

The applicant has amended the plans and the roof extension will no longer form part of this proposal.

The proposed single storey and first floor rear extension is considered to be subordinate in scale and in keeping with the appearance and character of the application site.

Furthermore, it is noted that the properties on this part of the street have been extended extensively and therefore the proposed two storey extension is considered to be acceptable and in keeping with the immediate vicinity as well.

Conversion of garage into habitable space

The loss of the parking space in the garage is not considered detrimental to the free flow of traffic or highway and pedestrian safety as the house benefits from a hard-standing space which can be accessed from the existing crossover. In addition, on street parking in the area is limited as most of the surrounding properties have private parking spaces associated with their properties.

A couple of properties on this street have undertaken similar conversions and therefore this element of the proposal is considered to be acceptable and in keeping with the character and appearance of the application site and the immediate vicinity.

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

Rear extension

From examination of historic overlays, the original footprint is estimated to be in line with the first floor elevation. From the first floor elevation, the ground floor measures 5.8 metres in depth stepping out to 7.5 metres in depth. The single storey element of this proposal will have an additional depth of 1.5 metres, part width and therefore will be contrary to Barnet's Residential Design Guidance, which states that the depth of 4 metres for a single storey extension is normally considered acceptable for a detached property. However, the extension is sufficiently set away from both adjacent neighbouring properties to have any detrimental impact on the amenities of both neighbouring properties.

Paragraph 14.23 of the Residential Design Guidance SPD (2013) states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. Considering the depth of this extension at second storey level is less than 3 metres, it is deemed acceptable.

There are no window proposed on the flank walls and therefore there are no concerns with regards to privacy and overlooking. Therefore, it is deemed there will be no detrimental impact to the privacy of neighbouring occupiers.

The application site is considered large enough to accommodate this size and scale of development. Taking into consideration the generous plot size of neighbouring properties, it is deemed that no sense of enclosure or overbearing impact will occur from this development. Furthermore, due to the siting of the extension and its relationship with the neighbouring properties, it is not considered that the proposal will give rise to loss of light or overshadowing.

Conversion of garage into habitable space

Given that the front extension already exists at the same depth and height as previously approved, the only change involves replacing the existing window with a new one. No harm is unlikely to result to the neighbouring residents. Moreover, the replacement window is proportionate in size and matches the style of the host dwelling. The use of matching brick retains the appearance of the main property to ensure the changes do not detract from the street scene.

Furthermore, the conversion of the garage into a habitable room could be done under 'permitted development'. It is therefore considered that planning permission could not be refused for this part of the scheme as it could be done without planning permission. It is not considered to have an impact on the character of the wider area as well.

-Whether harm would be caused to TPO trees;

There is a Tree Preservation Order to the rear of the site. The extensions to the dwelling are not likely to result in harm to the trees due to the siting of the extension and its distance to the TPO trees.

A condition will be attached that an Arboricultural Report assessing the impacts of construction and details of tree protection measures.

5.4 Response to Public Consultation

- Overdevelopment
- Likely to block light
- Visually intrusive
- Concerns regarding parking

The above concerns have been discussed in the body of the report

- Roof pitch unattractive and not in keeping with the other homes

The element of the proposal to increase the roof has been omitted from the proposal and therefore does not form part of this application.

- Implies the house will be turned into an HMO
- Concerns with regards to sub letting

The application is only for the conversion of the garage into a habitable room and a two-storey rear extension. It does not include the conversion of the property into an HMO for sub-letting. For the conversion of the property into any other use, other than a single-family dwelling will require a separate application.

- Concerns re environmental issues

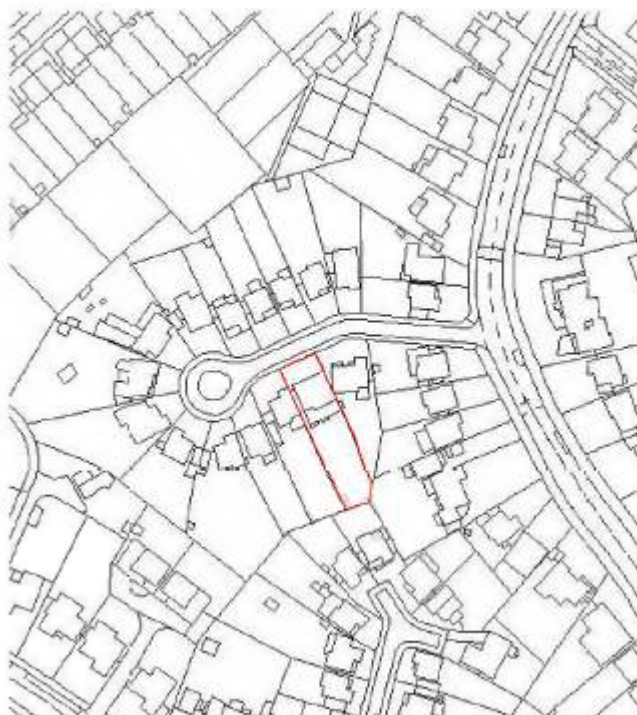
It is not considered, that the proposal will involve any further environmental issues than what exist, as the property will remain as a single-family dwelling and will not include a subdivision of the property.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **27 East End Road London N3 2TA**

Reference: **19/2540/RCU**

Received: 2nd May 2019

Accepted: 2nd May 2019

Ward: Finchley Church End

Expiry 27th June 2019

Applicant: Mrs Cya Rosen

Proposal: Conversion of existing dwelling into 2 self-contained flats. Associated cycle store, refuse and recycling store (Retrospective Application)

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1905/TP/01r1, 1905/TP/02r1.

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

- 2 The use of the property as 2 self-contained flats shall cease and the property reinstated as a single family dwellinghouse as shown on drawing 1905/TP/01r1 within three months of the date of failure to meet any one of the requirements) below:

i) within two months of the date of this decision details of the following shall have been submitted for the written approval of the local planning authority:

- cycle parking spaces and cycle storage facilities
- sub-division of the rear amenity spaces and associated fencing
- copies of Pre-Completion Sound Insulation Test Certificates

ii) within two months of the date of approval of the details, the cycle storage facilities and rear amenity space sub-division shall have been implemented in accordance with the approved details

Reason: To protect the amenities of future residents and to ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport and to comply with Policies CS1 and CS9 of the Core Strategy (2012) and Policies DM01, DM02 and DM17 of the Development Management Policies DPD (2012).

- 3 The development shall 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.

- 4 The development shall have been 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.

- 5 The existing parking spaces shown on the approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Officer's Assessment

1. Site Description

The application site is a semi-detached property which has been converted into two self-contained flats and is situated on the north-east side of East End Road in East Finchley. The property is characterised by a two-storey rear outrigger with associated flat roof which measures approx. 3.80m depth x 2.80m width x 5.20m height, set in approx. 3.50m from the common boundary with adjoining no. 25 and approx 2.50m from the common boundary with unadjoining no. 29. The property has been extended by way of alterations to the roof from hipped to end gable with associated rear dormer under ref F/01996/14 and single storey rear infill extension (situated between the common boundary with adjoining no. 25 and the flank elevation of the existing rear outrigger under ref 18/0030/PNH. The application site is not within a conservation area and is not a listed building.

2. Site History

Reference: 18/0030/PNH

Address: 27 East End Road N3 2TA

Decision: Prior approval required and approved

Decision date: 08.02.2017

Description: Single storey rear extension with a proposed depth of 3.8 metres from original rear wall, eaves height of 2.85 metres and a maximum height of 3 metres.

Reference: 17/8012/PNH

Address: 27 East End Road N3 2TA

Decision: Prior approval required and refused

Reason: The proposed extension, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended), constitutes development requiring planning permission. Prior Approval for the proposed development is hereby required and refused under Section A.4(3) of the Town and Country Planning (General Permitted Development) Order 2015 - as amended. This is because the applicant has not included all of the adjoining premises to the proposed site, as required by Condition A.4 (2)(c) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 - as amended. The application form does not include no. 2 Manor View, N3 2SS.

Decision date: 29.01.2018

Description: Single storey rear extension with a proposed depth of 3.8m, eaves height of 2.8m and maximum height of 3m

Reference: 17/3031/FUL

Address: 27 East End Road N3 2TA

Decision: Refused

Reason: The conversion of the property into two self-contained flats would result in the loss of a single family dwellinghouse and would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

Decision date: 07.07.2017

Description: Conversion of existing dwelling into 2 self-contained flats. Associated cycle store, refuse and recycling store

Reference: F/01582/14

Address: 27 East End Road, London, N3 2TA

Decision: Withdrawn

Decision Date: 10 April 2014

Description: Roof extension involving 1no. dormer window and 3no. roof lights to facilitate a loft extension.

Reference: F/01996/14

Address: 27 East End Road, London, N3 2TA

Decision: Lawful

Decision Date: 9 May 2014

Description: Roof extension involving hip to gable, rear dormer window and insertion of 3no.rooflights to front elevation.

Reference: F/02849/14

Address: 27 East End Road, London, N3 2TA

Decision: Refused

Appeal Status: Withdrawn

Decision Date: 05 August 2014

Description: Conversion of existing dwelling to 3 self-contained flats.

The application was refused on the principle of conversion into 3 self-contained flats was considered unacceptable as the development will have a detrimental impact on the character of the area as East End Road consists of single family dwellinghouses.

3. Proposal

Retrospective consent is sought for the conversion of existing dwelling into 2no. self-contained flats. Associated cycle store, refuse and recycling store (Retrospective)

4. Public Consultation

Consultation letters were sent to 23 neighbouring properties.

7 letters of objection have been received on the following grounds:

- There is a restrictive covenant on the property stipulating it should remain a single-family dwelling - there are similar restrictive conditions in Windermere Avenue so if this application is approved, it sets a precedent for any covenant to be ignored. The houses 25-31 East End Road were built on land sold on condition they were single family dwellings. This should be adhered to especially as there are no flats in N3 on this side of East End Road, except for the purpose-built flats (Ellerton Lodge) close to the junction with Regents Park Road.
- The conversion will increase on-street parking demand in nearby streets as only two parking spaces will be provided. The PTAL rating for this property falls within the lower third, as confirmed on the TFL website - the property is only served by one bus, the 143 which only runs every 11-14 minutes. To reach other routes or Finchley Central station means walking at least ten minutes. This factor will increase demand for private car use at the property.
- I have lived in this house for over 70 years and have witnessed many changes to the area. We once lived in a quiet leafy street with little traffic and adjacent properties were owned by the people who lived in them.

- The flats are designed with living space and kitchens at the rear of the property - the problem here is that the master bedrooms of 25, 29, 31 and 2 Manor View are all at the back of the house - so disturbance is a real issue for all of us. Dividing the garden in two not only unsightly, it will also degrade our outlook, which at present is still relatively green and other properties shielded by mature fruit trees and shrubs. The plans don't indicate what will happen to these.
- Many more problems with the drains in the last few years than in the 30 years before and there have been several problems over the last 6-8 months that often coincide with blockages at 27. The last one was over the May Bank Holiday weekend and there have been at least 8 others at no 27 over the last 2-3 years. The sewer is just not up to handling the volume of waste generated by having flats and especially increasing the potential number of residents to 10.
- Security is an ongoing problem - we take it very seriously. The planned division of the garden opens up the side of the house between 27 and 29, giving access to the back of properties, 25 and 29 and 2 Manor View. We have already had one break-in via the sideway of 27 (side gate left open) as has so 25, so this is a real issue for neighbouring properties. Residents of 25, 29 and 31 East End Road, 2 Manor View and, in the past 27, too all try and look out for one another and hold keys of each other's properties for use in case of emergencies. The planned configuration of the 27 gardens once again negates our security - and has the added attraction for burglars of a bicycle store area.
- Parking is an ongoing problem in this area and two places in totally inadequate and too small (large cars obstruct the pavement).
- The development prevents us from enjoying the peace and quiet of our home and garden and of knowing it is secure in our absence.

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 amended on 24th July 2018 updated 19. February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

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

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)
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 conversion of the dwelling into flats is considered acceptable
- 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 future and neighbouring residents.
- Whether harm would be caused to the local highways network and car parking

5.3 Assessment of proposals

Preliminary matters:

Roof alterations involving an end gable and associated rear dormer has facilitated the conversion of the loft into a habitable space. Submitted plans demonstrate a pre-existing 6no. bed 9no. person single family dwelling supported by 2no. associated front doors whilst the existing plans demonstrate 1 x 2no. bed 3no. person self-contained unit at ground level and 1 x 3no. bed 6no. person self-contained unit split between the first floor

and loft level. The occupancy level has not changed but rather been divided to serve two self-contained units.

Principle of conversion:

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.

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. East End Road is a long road with a mixed use. Due to its length and the mixed-use nature, there is no uniform character. Rather, the road can be divided into individual areas of character discernible by their siting within the road, location to traffic junctions or green breaks, their relationship to neighbouring properties and the composition of uses around them. Visual breaks in the road can serve to identify boundaries of development which can have a discernible character from other development in the road.

East End Road is a long road running from Hendon Lane to the west, to the Great North Road to the east. East End Road is mixed in character and use. Set within an immediate streetscene featuring a mix of uses including a sports ground to one side, a dwelling to the other, and a school, synagogue and Centre for Reformed Judaism across the road, the application site is situated on a long road with a wide mix of both residential and other developments addressing it.

DM01 2.8.1 clearly states that a material consideration is that the 'conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas. Indeed, character does not solely apply to the external appearance of a building, but also its notional use. Indeed, the loss of houses on a street characterised by single family dwellings can also impact character from a perspective of increased densification, types of tenure and stress on local infrastructure.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following:

"The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of

use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

The LPA planning records reveals the most recent planning application ref: 18/1348/FUL at no. 21 East End Road to have been refused (under delegated powers) on the basis of the loss of a single-family dwelling house on a road characterised by established single family dwelling houses. However this was overturned and approved at appeal ref APP/N5090/W/18/3208140. Para 7 of the inspectorate's report states that "East End Road both within the immediate vicinity of the appeal property, and along its wider length features a considerable variety of land uses. Moreover, whereas the examples of flats referred to by the Council are closer to Finchley town centre than the appeal site they too address East End Road. These considerations, taken together, lead me to the view that East End Road is not a "road characterised by houses" for the purposes of Policy DM01."

The LPA planning records equally reveal the following previous planning consents were issued (as follows) on East End Road and are listed in date order from 2018 -1965:

21 East End Road (ref 18/1348/FUL) (refused and approved at appeal ref APP/N5090/W/18/3208140)
93 East End Road (ref 18/7207/FUL)
257 East End Road (ref 16/7459/FUL)
163 East End Road (ref F/0439/14)
24 East End Road (ref F/04495/12)
99 East End Road (ref F/0127/12)
100 East End Road (ref F/04830/10)
104 East End Road (ref C0694B/07)
101 East End Road (ref C14712A/05)
195A East End Road (ref C01275G/01)
151 East End Road (ref C02723D)
235 East End Road (ref C09208)
26 East End Road (ref C08327A)
149 East End Road (ref C07587)
155 East End Road (ref C06526)
20 East End Road (ref C05170A)
232 East End Road (ref C03497A)
233 East End Road (ref C04424)
48 East End Road (ref C03196B)
32 East End Road (ref C03178)
249 East End Road (ref C00876)
244 East End Road (ref C00684A)
159 East End Road (ref C00260)

It is recognised that it is not always appropriate to allow the conversion of a single-family dwelling house into flatted accommodation. However, given the evidence as set out above, particularly the recent appeal decision which is a material consideration, the principle of the conversion is considered acceptable.

The Impact on the appearance and character of the area

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

This section relates purely to character from a visual appearance perspective and not the principle of flat conversions and their impact on character; this has been addressed above.

There are no external changes to the property as a result of the conversion and therefore is not deemed to materially harm the overall appearance of the dwellinghouse. It is considered the provision of refuse and cycle storage can be accommodated without unduly affecting the appearance of the street scene.

Impact on amenity and living conditions of future occupiers:

Floor Area:

Flat 1 (Ground Floor)	2no. bed	3no. person	1no. storey (75sq.m)	min req.
61sq.m				

Flat 2 (First & Loft Floor) 3no. bed 6no. person 2no. storey (115sq.m) min req. 102sq.m

Both units meet and exceed the minimum unit size requirements set out in the London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore provide an acceptable level of accommodation for the intended occupancy levels.

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

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms meet the above standards.

Floor to ceiling height:

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

Each flat complies with this standard.

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

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.

Para 2.14 of the Sustainable Design and Construction SPD 2016 states that internally the layout can help mitigate the impact of noise using the following measures:

- Locate rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud or continuous noise.
- Stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance (Also see Residential Design Guidance section 9).

The proposals comply with this requirement.

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. A condition has been attached to secure this detail.

Each unit provides adequate levels of glazing to facilitate appropriate levels of light, ventilation and outlook whilst maintaining privacy.

Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable. For flats there should be a minimum of 5m² of outdoor amenity space per habitable room.

Ground floor flat requires 20m² of outdoor amenity space however provides (75sq.m)

First floor flat requires 35m² of outdoor amenity space however provides (90sq.m)

The proposal exceeds the required minimum standard for amenity space.

The block plan demonstrates the subdivision of the existing amenity into two private outdoor amenity spaces by way of a boundary fence however no boundary detailing has been submitted to ensure height and boundary type. Notwithstanding this, an officer site visit revealed the garden to be in sole use of the ground floor flat and no subdivision of the amenity was in place as per submitted plans.

A condition is attached requiring further details of the sub-division of the garden to ensure the upper flat has its own garden area. Access into the respective rear garden amenity for the first-floor flat would be achieved by way of an existing gated access at the side of the property on the common boundary with no. 29.

The development is considered acceptable on the grounds of amenity for future occupiers.

Impact on the amenities of neighbours

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

Submitted plans demonstrate a pre-existing 6no. bed 9no. person single family dwelling supported by 2no. associated front doors whilst the existing plans demonstrate 1 x 2no. bed 3no. person self-contained unit at ground level and 1 x 3no. bed 6no. person self-contained unit at first floor and loft level is supported by 2no. associated front doors. The maximum potential occupancy level has not changed but rather been divided to serve two self-contained units.

Given site circumstances and the size of the units, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

Given the above reasons, the scheme is considered acceptable on the grounds of residential amenity.

Impact on highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

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

The site lies within a PTAL 1b zone which means that there is very poor public transport accessibility to and from the site. There is no Controlled Parking in operation within the immediate vicinity of the site.

The London Plan 2016 states that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. In outer London areas with low PTAL (generally PTALs 0-1), boroughs should consider higher levels of provision, especially to address 'overspill' parking pressures.

A car parking provision of 2no. spaces is required to satisfy parking demand. Off-street parking provision has been satisfied on the existing hardstanding within the front forecourt area and facilitated by a double drop kerb shared with no. 29 and capable of accommodating 2 domestic cars.

In regard to cycle parking, the London Plan set out in Table 6.3 states that 1 space of cycle parking is required per studio and 1-bedroom unit and 2 spaces per all other dwellings. A condition has been attached to secure this detail.

Refuse and recycling storage

The min. mixed recycling provision of 2 x 240ltre bins is required within 10m of the public highways as per Provision of Household Recycling and Waste Service Guidance (2018).

A timber clad store container within the front forecourt capable of accommodating 4 240ltre bins have been concealed behind a front boundary hedge within the front forecourt area within 10m of the public footway. This detail offsets the potential for visual clutter on the street scene and subsequent potential for overspill onto the pedestrian footway.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

In terms of water consumption, each unit should 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).

A condition has been attached to secure this detail.

5.4 Response to Public Consultation

The following are not material planning considerations in this case:

- There is a restrictive covenant on the property stipulating it should remain a single-family dwelling - there are similar restrictive conditions in Windermere Avenue so if this application is approved, it sets a precedent for any covenant to be ignored. The houses 25-31 East End Road were built on land sold on condition they were single family dwellings. This should be adhered to especially as there are no flats in N3 on this side of East End Road, except for the purpose-built flats (Ellerton Lodge) close to the junction with Regents Park Road.
- Many more problems with the drains in the last few years than in the 30 years before and there have been several problems over the last 6-8 months that often coincide with blockages at 27. The last one was over the May Bank Holiday weekend and there have been at least 8 others at no 27 over the last 2-3 years. The sewer is just not up to handling the volume of waste generated by having flats and especially increasing the potential number of residents to 10.
- Security is an ongoing problem - we take it very seriously. The planned division of the garden opens up the side of the house between 27 and 29, giving access to the back of properties, 25 and 29 and 2 Manor View. We have already had one break-in via the sideway of 27 (side gate left open) as has so 25, so this is a real issue for neighbouring properties. Residents of 25, 29 and 31 East End Road, 2 Manor View and, in the past 27, too all try and look out for one another and hold keys of each other's properties for use in case of emergencies. The planned configuration of the 27 gardens once again negates our security - and has the added attraction for burglars of a bicycle store area.
- The development prevents us from enjoying the peace and quiet of our home and garden and of knowing it is secure in our absence.

The following matters have been addressed within the report:

- The flats are designed with living space and kitchens at the rear of the property - the problem here is that the master bedrooms of 25, 29, 31 and 2 Manor View are all at the back of the house - so disturbance is a real issue for all of us. Dividing the garden in two not only unsightly, it will also degrade our outlook, which at present is still relatively green and other properties shielded by mature fruit trees and shrubs. The plans don't indicate what will happen to these.
- The conversion will increase on-street parking demand in nearby streets as only two parking spaces will be provided. The PTAL rating for this property falls within the lower third, as confirmed on the TFL website - the property is only served by one bus, the 143 which only runs every 11-14 minutes. To reach other routes or Finchley Central station

means walking at least ten minutes. This factor will increase demand for private car use at the property.

- I have lived in this house for over 70 years and have witnessed many changes to the area. We once lived in a quiet leafy street with little traffic and adjacent properties were owned by the people who lived in them.

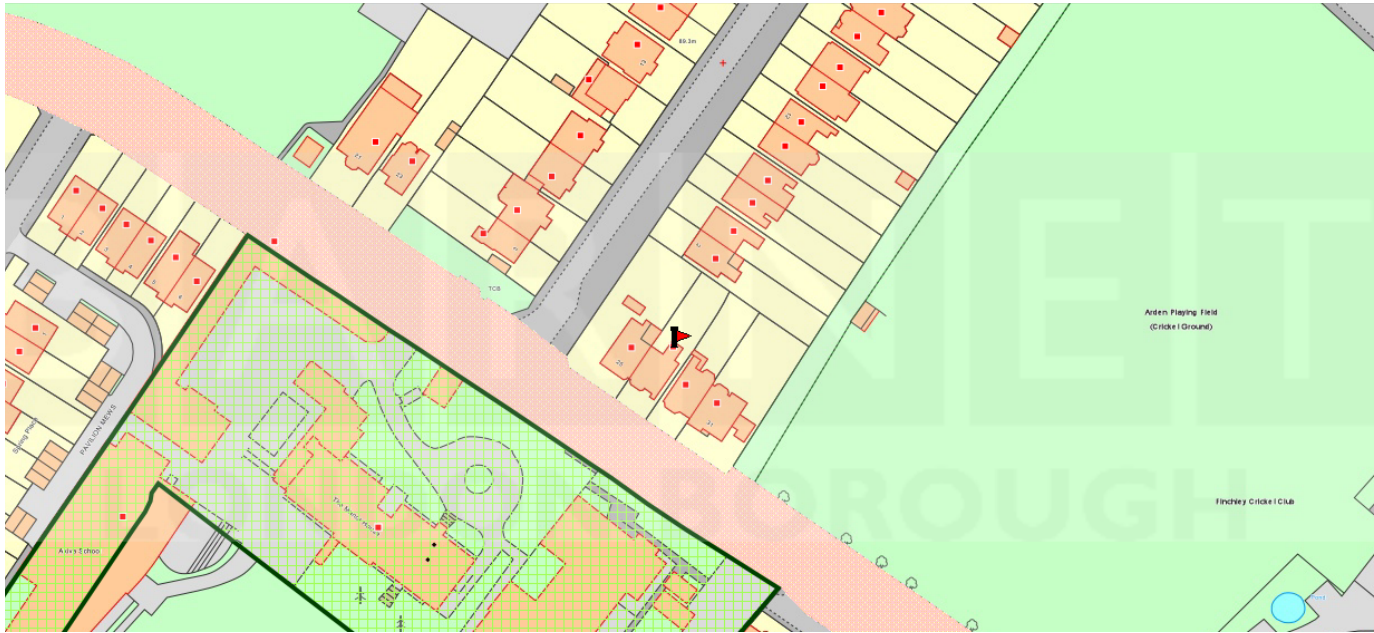
6. Equality and Diversity Issues

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 **179 Regents Park Road London N3 3PB**

Reference: **19/0285/S73**

Received: 17th January 2019

Accepted: 17th January 2019

Ward: Finchley Church End

Expiry 14th March 2019

Applicant: Triple VVV Ltd

Proposal: Variation of condition 1 (Plan numbers) pursuant to planning permission 18/3019/FUL dated 25/07/2018 for `Conversion of existing dwelling into 3no self-contained flats including conversion of existing garage into habitable room, insertion of window to replace garage door.` Amendments include rearrangement of the internal layout of the units

AGENDA ITEM 9

Recommendation: Approve

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

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

Drawing No.
GA21/A Rev 1
GA22/A Rev 1
GA23 Rev 1
GA25 Rev 1

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

- 2 This development must be begun within three years from the date of the original permission 18/3019/FUL dated 25/07/2018.

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

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

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

- 4 a) Before the development hereby permitted is first occupied, details of 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).

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

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

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

- 6 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

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

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

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

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

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

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

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

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

- 10 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.

- 11 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 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £60 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.

- 4 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.

- 5 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public

highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Officer's Assessment

1. Site Description

The application site is 179 Regents Park Road, which is located in the Finchley and Golders Green Area. The application site comprises a two-storey detached single family dwelling house. This part of Regents Park Road is characterised by a mix of two-storey detached and semi-detached dwellings, flatted developments and purpose-built apartment blocks. The application site is not located within a Conservation Area, nor is it Listed building.

2. Relevant Site History

Reference: ENF/1598/18

Address: 179 Regents Park Road, London, N3 3PB

Notice served on the 19 December 2018 effective from 23 January 2019

Compliance due: 23rd July 2019

Decision: Pending

Description: Without planning permission, the sub-division of the property into 7x self-contained units. The action required was to undertake works to revert back to a single family dwelling house.

Reference: 18/3019/FUL

Address: 179 Regents Park Road, London, N3 3PB

Decision: Approved subject to conditions

Decision Date: 25 July 2018

Description: Conversion of existing dwelling into 3no self-contained flats including conversion of existing garage into habitable room, insertion of window to replace garage door

Reference: 18/0278/HSE

Address: 179 Regents Park Road, London, N3 3PB

Decision: Approved subject to conditions

Decision Date: 19 March 2018

Description: Single storey rear extension following demolition of existing single storey rear extension.

Reference: 18/0276/192

Address: 179 Regents Park Road, London, N3 3PB

Decision: Lawful

Decision Date: 23 February 2018

Description: Extension to roof including 1no wraparound dormer to both sides and rear elevations with 1no rooflight to each side elevation following reduction of existing rear projection roof.

3. Proposal

The submitted application is for the variation of condition 1 (Plan numbers) pursuant to planning permission 18/3019/FUL dated 25/07/2018 for 'Conversion of existing dwelling into 3no self-contained flats including conversion of existing garage into habitable room, insertion of window to replace garage door. Amendments include rearrangement of the internal layout of the units.

Planning permission 18/3019/FUL had 3 self-contained flats approved. Flat 1 was confined to the ground floor. Flat 2 was confined to the first floor. Flat 3 was a maisonette confined to the first floor and loft. The variation seeks to reconfigure the internal layout of the entire property as follows:

Flat 1 (Ground Floor)

Replacement of an internal single leaf front door with an internal double leaf front door
Replacement of the study with a bathroom

Flat 2 (First Floor Level)

Additional double bedroom
Relocation of kitchen to the rear

Flat 3 (Loft Floor Level)

Reconfiguration of Flat 3 into a Studio, confined to the loft.

4. Public Consultation

5 objections have been received regarding this application on the following grounds:

- o Resulting parking, noise and disturbance as a result of increased density of occupation.
- o Despite having approval only for 3 flats they have ignored the law and continued to build out 7 flats. Enforcement has been served on them already on 19/10/18 with a resolution target date of 08/02/19.
- o The developer is in breach the permission by constructing 10 single dwelling bedsits instead of 3 flats, there are also a multitude of breaches of planning permission. It seems that they are simply repeating the same pattern again and another application is made for something completely different whilst the property is on notice for a serious previous breach of planning permission.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

The Mayor's Draft London Plan

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
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 and future occupants.

5.3 Assessment of proposals

Impact on Character

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

DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The variation of condition 1 (plan numbers) pursuant to planning permission 18/3019/FUL dated 25/07/2018 for conversion of existing dwelling into 3no. self-contained flats seeks to reconfigure the internal layout of the entire property as follows:

Flat 1 (Ground Floor)

- o Replacement of an internal single leaf front door with an internal double leaf front door
- o Replacement of the study with a bathroom

Flat 2 (First Floor Level)

- o Additional single bedroom
- o Relocation of kitchen to the rear

Flat 2 would therefore be altered to support a 2no.bed 3no.person with an area of approx. 66sq.m.

Flat 3 (Loft Floor Level)

- o Reconfiguration of Flat 3 into a Studio, confined to the loft with an area of 39sq.m

The proposed alternations do not significantly or materially alter what was previously approved. The variations are deemed appropriate and are considered respectful to the host dwelling when compared to what was previously approved under planning application 18/3019/FUL.

The proposed variations are internal reconfiguration works, subsequently they are not visible to the public realm, as such there is no considered harmful impact onto the character and appearance of the host dwelling or the locality of Regents Park Road therefore, the proposal is compliant with policy DM01 of Barnet's Local Plan 2012.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

The planning ref 18/3019/FUL to which this application seeks to amend proposed a 1 x 2bed 2person unit and 2 x 1bed 2person unit thereby accommodating a maximum occupancy level of 8 persons across the site. The revised changes sought under this

application would retain this level of occupation albeit a revised layout arrangement and therefore is not considered to result in adverse impacts on the amenity of adjoining occupiers in terms of noise and disturbance above and beyond that already present with the existing single family dwellinghouse.

The proposed variations represent incidental amendments to which there is no amenity issues. It is considered the variations do not cause further harm onto the immediate neighbouring properties No.177 or No.181 Regents Park Road regarding amenity than what was previously approved under planning application 18/3019/FUL. The revised layout would not result in any change in the approved outlook or create any overlooking concerns.

In assessment, it's considered the proposed variations do not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with policy DM01 of Barnet's Local Plan 2012.

Impact on the standards of future occupant's Amenity

Policy DM01 of the adopted Development Management Policies DPD (2012) states, "development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users".

Policy DM02 states, "where appropriate, development will be expected to demonstrate compliance with national and London wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents". This includes minimum floor space standards set out in the London Plan Policy 3.5 and outdoor amenity space, set out in the Sustainable Design and Construction SPD.

The variation of condition 1 (plan numbers) pursuant to planning permission 18/3019/FUL dated 25/07/2018 for conversion of existing dwelling into 3no. self-contained flats seeks to reconfigure the internal layout of the entire property as follows:

Flat 1 (Ground Floor)

- o Replacement of an internal single leaf front door with an internal double leaf front door
- o Replacement of the study with a bathroom

Flat 2 (First Floor Level)

- o Additional single bedroom
- o Relocation of kitchen to the rear

Flat 2 would therefore be altered to support a 2no.bed 3no.person with an area of approx. 66sq.m. The min req. of 61sq.m for a 2bed 3person unit across one storey has therefore been satisfied in line with the London Plan 2016.

Flat 3 (Loft Floor Level)

- o Reconfiguration of Flat 3 into a Studio, confined to the loft with an arear of 39sq.m.

The min req. of 39sq.m for a studio with bathroom has therefore been satisfied in line with the London Plan 2016.

The proposed variations comply with the minimum space standards.

The proposal is in compliance with policy 3.5 of the London Plan, policies CS NPPF, CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 and DM02 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Residential Design Guidance SPD (2016).

Impact on parking and highways

Policy DM17 of the Barnet Local Plan outlines the adopted parking standards for residential developments. Concerns have been raised in relation to the impact that the proposed development would have on parking pressures in the locality.

Policy DM17 states that 2-bedroom dwellings should have 1.5 to 1 space per unit and that 1-bedroom dwellings should have 1 to less than 1 space per unit. The application site is in an accessible location within easy walking distance to Finchley Central Station as well as several bus services along Regents Park Road, Hendon Lane and the North Circular.

The application seeks to provide 2 parking spaces at the front of the property, as stated within the submitted Planning Statement.

The Council's Highways team have been consulted on the scheme and subject to conditions and informatives do not object to the proposal. According to the Highways Team, the site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. There is no Controlled Parking in operation abutting the site.

According to requirements set out on Policy DM17 of the London Plan the car parking requirement for a proposal such as this is between 1-3.5 off-street car parking spaces.

Also taking into consideration the following;

- It is located within a town centre location
- It is within walking distance of local amenities
- The application is for a conversion
- The site lies within a PTAL 3 site, which is considered to be good public transport accessibility

The provision of 2 off-street car parking spaces is in accordance with Policy DM17 requirements and is therefore acceptable on Highways Grounds, subject to conditions.

In accordance with Policy 6.9 of the London Plan, the development should provide 1 cycle space per studio and 1-bedroom flats, and 2 spaces per bedroom for all other dwellings. 4 cycle spaces have been proposed which is compliant with the London Plan standards. It is not indicated on any submitted plans where the proposed cycle spaces would be provided, however it is considered there is sufficient space within the site to locate 4no. cycle spaces. Therefore, a condition would be added to any permission granted required details of the cycle parking provision to be submitted and approved prior to occupation of the development.

Highways have requested that "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.

5.4 Response to Public Consultation

- o Resulting parking, noise and disturbance as a result of increased density of occupation.

The above has been addressed within the main body of the report

As stated in the history section of the report, an enforcement notice was served on the 19th December 2018 under ref ENF/1598/18 for an alleged breach in planning of the subdivision of the property into 7x self-contained units. The action required was to undertake works to revert back to a single family dwelling house.

This application only assesses the merit of the variations pursuant to planning approval ref 18/3019/FUL and their impact onto the character of the property, the locality, neighbouring amenity and the amenity of future occupants.

6. Equality and Diversity Issues

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

7. Conclusion

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



Date of Production: January 10th, 2018

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0 m 10 20 30 40 50 60 70 m

Ground Scale: 1:1250

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Location **Wellington Place Great North Road London N2 0PN** **AGENDA ITEM 10**

Reference: **18/4897/FUL** Received: 8th August 2018
Accepted: 8th August 2018

Ward: Garden Suburb Expiry 3rd October 2018

Applicant: Mr Larry Lipman

Proposal: Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store.

Recommendation: Approve subject to s106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Cost of amending traffic order to prevent residents of the development from obtaining parking permits - £2,022
 Monitoring of the agreement - £101.32

RECOMMENDATION II:

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

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

- Existing and Proposed Front Elevations, Drawing No.WP-AE01E;
- Existing and Proposed Rear Elevations, Drawing No.WP-AE02D;
- Existing and Proposed Side Elevations, Drawing No.WP-AE03D;
- Existing Floor Plans Blocks A,B&D, Drawing No.WP-AGE01A;
- Existing Roof Plans Blocks A,B&D, Drawing No.WP-AGE02;
- Existing Floor Plans and Block C, Drawing No.WP-AGE03A;
- Proposed Site Development Plan, Drawing No.WP-AGD01B;
- Proposed Massing Axonometric with External Staircase Details, Drawing No.WP-AD01
- Proposed Floor Plans Blocks A,B&D, Drawing No.WP-AGP01B;
- Proposed Floor Plans Blocks A,B&D Floors Second, Third and Roof, Drawing No.WP-AGP02A;
- Proposed Floor Plans and Block C, Drawing No.WP-AGP03.

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

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

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

3 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

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

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

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

4 Notwithstanding details already submitted:

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).

5 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures

that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

6 Before the building hereby permitted is first occupied the proposed storage rooms and access to the rear gardens shall be provided for the existing ground floor flats, as shown on drawing WP-AGD01B and they shall be retained as such thereafter.

Reason: To safeguard the amenities of occupiers of existing residential properties in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted 2012) and the Sustainable Design and Construction SPD (adopted 2016).

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

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

8 a) 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.

9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and

structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

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

11 Notwithstanding details already submitted as part of this application:

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

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

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

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

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

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

13 Prior to occupation of the development the proposed parking spaces within the parking area as shown in [WP-AGD01 Rev.B] submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

14 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. In accordance with the email from the agent dated 10th July 2019, there will be no ground level changes to any of the rear gardens.

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.

15 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 at and adjacent to the site 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. The dimensioned tree protection plan and method statement shall include details of foundations for the new storage units and any pruning works taking account of and expanding upon the information/confirmation provided in the agent's e-mail dated 10th July 2019.

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

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

RECOMMENDATION III:

1 That if an agreement has not been completed by 30/10/2019 unless otherwise agreed in writing, the Assistant Director of Development Management and Building Control should REFUSE the application 18/4897/FUL under delegated powers for the following reasons:

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

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

- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed 'extraordinary traffic'; for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority

can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 8 There is reference made on plan 'Existing and Proposed Front Elevations, Drawing No.WP-AE01D' about a future possible lift extension to Block C. This proposal is not part of this planning application.
- 9 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

Officer's Assessment

The application has been deferred from previous meetings of the committee.

1. Site Description

The application site is comprised of four two storey blocks of flats on the western side of Great North Road/ High Road, within the East Finchley Ward. 1.2 The buildings are comprised of 2 flats per block, with Blocks A, B and D each accommodating 4 x 2 bed units and Block C accommodating 2 x 2 bed units.

The buildings are not listed nor do they lie within a Conservation Area, although The Bishops Avenue is located further north of the site, which lies within the Hampstead Garden Suburb Conservation Area.

Directly to the north of the site, lie two small two storey cottages.

To the south, is a purpose-built block of flats at three storeys in height, which lies in the jurisdiction of the London Borough of Haringey.

On the opposite side of the road, lie a mixture of buildings including a two-storey car show room, a four storey (three storey with rooms in roof space) office building and a three storey office building.

To the west, the site abuts allotments.

The site is within a 5-minute walk from East Finchley Underground Station.

2. Site History

No relevant planning history

3. Proposal

The application proposes the following works:

Addition of two new floors at third and fourth floor level to four blocks of existing two bedroom flats to provide an additional seven new two bed duplex apartments. Associated parking, refuse and recycling store and cycle store.

The scheme has been amended during the application process to reduce the size of the proposed fourth floor and to encase the proposed stairways to each block. The units would be comprised of 7 no. 2x bedroom duplex apartments with associated roof terracing on the top floor.

4. Public Consultation

Consultation letters were sent to 117 neighbouring properties. 28 responses were received.

Re-consultation took place on the 29th October 2018 for an additional 21 days on amended drawings which were provided by the applicant. 22 responses were received.

In total, 50 responses have been received, comprising 50 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Building on top of existing units;
- Disruption caused by building works to residents of the existing units at ground and first floor;
- Security - proposed staircase would cross existing bathroom windows of units at first floor;
- Loss of privacy to units at ground and first floor level by the proposed staircases to the upper floors;
- Parking - not enough spaces for new units on the existing site;
- Loss of light into existing units;
- Loss of loft space for storage for existing units;
- Potential cost of maintenance of new building/the site;
- Reduced access to existing units;
- Appearance - new development would be unattractive compared with the existing units;
- Foundation strength of the existing units to support additional floors;
 - Adequacy of existing drainage, sewerage and other services to the existing and proposed units;
- Access reduced to the rear gardens of the existing ground floor units;
- Proposed parking provision blocking access to existing units;
- Manoeuvrability of cars on the site reduced;
- Bin locations blocking access to existing units, concerns regarding hygiene;
- Reduced access to existing gas and electricity metres;
- Dwarfing neighbouring buildings;
- External staircases being unsightly;
- External Staircases being a potential health and safety risk in bad weather;
- Noise generated by new residents;
- Maintenance costs for all residents;
- Height of the new development would increase potential overlooking to existing units and gardens;
- The introduction of a flat roof requiring maintenance;
- The introduction of render will require maintenance;
- Bins could be a potential fire risk;
- Consultation to include the Cherry Tree Allotments to the rear;
- Loss of light to allotments;
- No affordable housing provided;
- Design not in keeping with the rest of this part of the road;

- Potential building debris from construction works;
- The increased height will reduce views from the road to the allotments to the rear;
- Overdevelopment of the area and site;
- Impact on nearby wildlife;
- Highways safety issues of vehicles entering/leaving the site;
- Structural damage could be caused by development to the existing units;
- Concerns regarding the use of cladding as a material;
- The proposed waste bin location may be hard to access for some existing residents;
- Concerns regarding maintenance of a green roof.

The application was deferred from the February meeting of this committee to enable residents to address a future meeting. Subsequently, an amended application form has been submitted and a further consultation has been undertaken.

3 comments have been received, which re-iterate concerns raised previously:

- overdevelopment
- out of character
- overlooking
- lack of parking
- will result in overspill parking in Haringey

The application was then referred back to the April meeting but was deferred to receive legal advice in respect of a letter received from a solicitor acting on behalf of residents.

The letter received from the solicitor raised the following issues:

- the development involves works in the loft spaces which the owner does not have control over and which would affect the amenity of existing residents
- existing garages would be demolished, which the applicant does not control and their loss would affect the amenities of future residents
- no lifts are proposed
- loss of and alterations to existing residents garden spaces which would affect the amenities of those residents
- a mature oak tree on adjoining land has not been considered and a TPO is urged
- there is no basis for the LPA to consider there is a reasonable possibility that the development could proceed, as all leaseholders would need to agree for their properties to be developed
- Conditions must be enforceable - Planning practice guidance states that: "Unenforceable conditions include those for which it would, in practice, be impossible to detect a contravention or remedy a breach of the condition, or those concerned with matters over which the applicant has no control.

The application was deferred from the July meeting as Members considered residents had not had sufficient time to respond to the response from HB Law to the solicitor's letter.

Internal consultees:

Highways:

No objection subject to conditions and a legal agreement restricting future occupiers from being eligible for obtaining residents parking permits, through amendments to the Traffic Management Order.

Tree officer comments:

Officers have considered the tree located in the land to the rear of the site which is Council owned. The arboricultural officer considers that the best way to avoid any damage to the tree is to impose a condition on the permission to secure tree protection measures during construction. Further comments are included elsewhere in this report.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24th July 2018 (and updated on 19th February 2019). This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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, DM17.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

5.3 Assessment of proposals

_mpact on Character of the Area

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, particularly in town centre locations. However, they normally involve an intensification of use, creating more activity and which can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, which can have an unacceptable impact on the established character of an area.

_he principle of flatted development

In terms of the increase in height to the existing blocks following the demolition of the pitched roofs to the existing blocks, officers raise no objection to this given the variation in forms, heights and overall design on this section of the road. It is considered that the buildings as existing offer an opportunity to increase the density of each block and thus make better use of the plot. The recesses from either side and from the front have been increased during the application process to reduce the prominence of the additional two storeys within the streetscene and to provide amenity space

Whilst planning does not seek to replicate design, development, whether modern or traditional in style, should be harmonious and sympathetic to its setting. Officers welcome a contemporary design in this case.

During the application process concern was raised by officers with regards to the bulk, massing and prominence of the external staircases which would be added to the flank elevations of each block to facilitate access to the proposed upper floor units. This part of the scheme has been amended to enclose the proposed staircases.

_mpact on Amenity of Neighbouring Occupiers

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

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Given the allotments to the rear and the commercial building opposite, in addition to the distance of neighbouring occupiers, it is not considered that the proposed increase in height or additional flats would result in a loss of privacy to neighbouring occupiers to the south.

It is not considered that the increase in height to the blocks, in particular Block D which neighbours cottages to the north, would have an overbearing impact on neighbouring gardens. The top floor would be recessed from the front and flank elevations which is considered to be acceptable.

Loss of Light/Privacy to Existing Occupiers

The proposal includes a stairwell to each of the flank elevations which will be set back to avoid covering existing windows at ground and first floor levels.

Officers are satisfied that given the orientation of the site and that the flank windows serve non-habitable rooms, any loss of light caused by the proposed stairwells on each of the flank walls (side elevations) of the existing blocks, would not result in a significant loss of residential amenity to warrant refusal of the application.

To overcome the potential overlooking or loss of privacy to flank windows and doors from the stairwells, the plans have been amended so that stairwells are enclosed which overcomes this issue.

Regarding the allotments to the rear and the potential loss of light, the allotments are positioned to the rear/south of the proposal site and officers are satisfied that the introduction of additional height at the proposal site will not detrimentally affect the existing use of the allotments. It is suggested a condition is attached to any permission to secure a Demolition and Construction Management Plan to be submitted by the applicant which will take into account the construction and minimising impact to existing occupiers and the surrounding area.

Concerns have been raised about the impact of the development on the amenities of the existing residents in terms of loss of loft space, garages and amendments to access to rear gardens. New storage spaces are proposed and access to rear gardens maintained. This is the subject of a proposed condition. It is considered that these matters are not a planning reason to withhold consent. Whether consent will be forthcoming in relation to use of these areas to facilitate the development is a matter for the leaseholders and freeholders.

Quality of Proposed Accommodation for Future Occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National Standards. All units should be

designed with a total area and room size and ceiling height to meet the minimum requirements set out in the London Plan and Barnet's Sustainable Design and Construction SPD. The scheme would need to demonstrate compliance with the relevant standards.

- 2 bedroom 3-person flat (double storey) requires a minimum of 70sqm;
- 2 bedroom 4-person flat (double storey) requires a minimum of 79sqm.

The proposal floorspaces exceed the above requirements for all proposed new units.

New flats are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". Based on floor plans and elevation plans provided, it is considered that the units would benefit from suitable outlook.

In terms of stacking, the bedrooms and bathrooms to the new units will be on the floor above the existing first floor flats, the new living rooms and kitchens will be on the top floor.

No lift is proposed to serve the new units. Given that the development is proposed as an extension to an existing development which does not benefit from a lift and for which a lift cannot be readily provided, it is considered acceptable in this instance that the development meet Building Regulation M4(1). This accords with the approach set out in the Mayor's Housing Supplementary Planning Guidance.

_amenity Space

In accordance with the Mayors Housing SPG, outdoor amenity space should be provided for all units. Barnet's Sustainable Design and Construction SPD requires 5 metres per habitable room of amenity space to be provided, with rooms larger than 20 square metres counting as 2 habitable rooms.

The provision for private amenity space for each of the duplex units it to be provided at fourth floor level, accessed from the upper floor of each of the proposed units.

- Roof terraces of 20.52m² have been provided for each proposed unit in blocks A, B, C and D;

The proposed amenity space is sufficient to comply with Barnet's sustainable Design and Construction SPD.

The existing amenity space for the ground units is to be retained to the rear of the units. Privacy screens have been proposed between blocks A, B and D's private amenity space at fourth floor level. Conditions have been attached to secure details of the privacy screens and their implementation.

_ighways

The proposal site benefits from a PTAL 4 which is considered to be good with the site being in close proximity to East Finchley Underground station and bus stops on the High Road.

With regard to parking, the following parking spaces are proposed as part of this application:

- Parking for 14 vehicles (14 off street in Wellington Place in dedicated bays);
- 3No. Electric Charging Points located on site;
- 4no. Motor cycle parking bays;
- Cycle store for 16 bicycles.

It is also proposed that the current access arrangements to Wellington Place are to be improved, utilising the current crossovers, but incorporating a one directional with sign-posted in and out regime, to enable dedicated parking to existing and proposed apartments.

Highways officers have provided consultee comments on the application which are summarised below:

Controlled parking is in place on the road abutting the site (M/Q) which is in operation from Mon-Sat between the hours of 10am-6:30pm. According to requirements set out on Policy DM17 of the Barnet Local Plan, the off-street car parking requirements for a proposal such as this is 25 spaces. This means an under provision of 11 car parking spaces.

The applicant has provided a Transport Note with the application. In section 4.3 of this document, the applicant has agreed to amending the traffic management order to restrict future occupiers of this development from obtaining resident parking permits.

Taking into consideration the following;

- * The site is within a Control Parking Zone (M/Q) in operation mon-sat 10am-6:30pm.
- * It is located within a town centre location
- * It is within walking distance of local amenities
- * The site lies within a PTAL 4 site, which is considered to be good public transport accessibility

It is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located.

A further point to be noted is the loss of the use of the existing garages on the site to be replaced with the external staircases and storage space for the units. Following the highways consultation received above, it is considered that the loss of garages would not result in a detrimental impact to the parking allocation which is existing on the site as 14 spaces would remain. The shortfall in spaces to serve the new flats can be mitigated through the proposed legal agreement as set out above.

Impacts on Trees

Officers have considered the oak tree located in the land to the rear of the site which is Council owned. The arboricultural officer considers that the best way to avoid any

damage to the tree is to impose a condition on the permission to secure tree protection measures during construction as follows:

- There would be no alterations to the existing ground levels in the back gardens rear of 3/4 and 5/6 Wellington Place
- That appropriate ground protection measures would be installed the back gardens rear of 3/4 and 5/6 Wellington Place during the development works to avoid ground compaction/tree root damage
- That no new strip foundations shall be installed for the new single-storey storage rooms/rebuilt garages rear of 3/4 and 5/6 Wellington Place (either a piled raft, or slab cantilevered off the existing garage foundations shall be used)
- That any pruning of overhanging branches to facilitate access for the development works will not exceed the most recent previous pruning points

The agent has confirmed that the development will be implemented in accordance with these principles and a condition is proposed to secure these tree protection details.

Since first referred to committee, a Tree Preservation Order has been made on the oak tree within the allotments. Officers consider that the development can be accommodated without adverse effects on the health of the tree, as set out above.

Impacts on Wildlife

Concerns have been raised about potential impacts on wildlife. However, as the proposal is to be positioned on top of existing units it is considered not to detrimentally impact nearby wildlife.

Waste and Recycling

The proposal provides the following:

- 2x240Ltr mixed recycling and 1x240 ltr for additional residual waste bins for each side of each block;
- Laminate slated door bin stores located under canopies between the entrances to the existing ground floor and first floor apartments.

Officers consider that the provision is in accordance with Barnet Waste and Recycling policy.

5.4 Response to Public Consultation

Main points addressed within the assessment of the proposal.

Security and Privacy:

- Concerns were raised with regard to security to the existing and proposed units due to the initial proposal of external staircases. The amendment to enclose the staircases is

assessed to overcome the concerns regarding stairs next to windows of the existing units as they would be only accessible to residents of the upper floor units to access the proposed flats.

Construction Noise and Disturbance:

A condition has been suggested regarding providing a demolition and construction management plan prior to commencement of building works and restriction of times of works on site.

Land ownership matters:

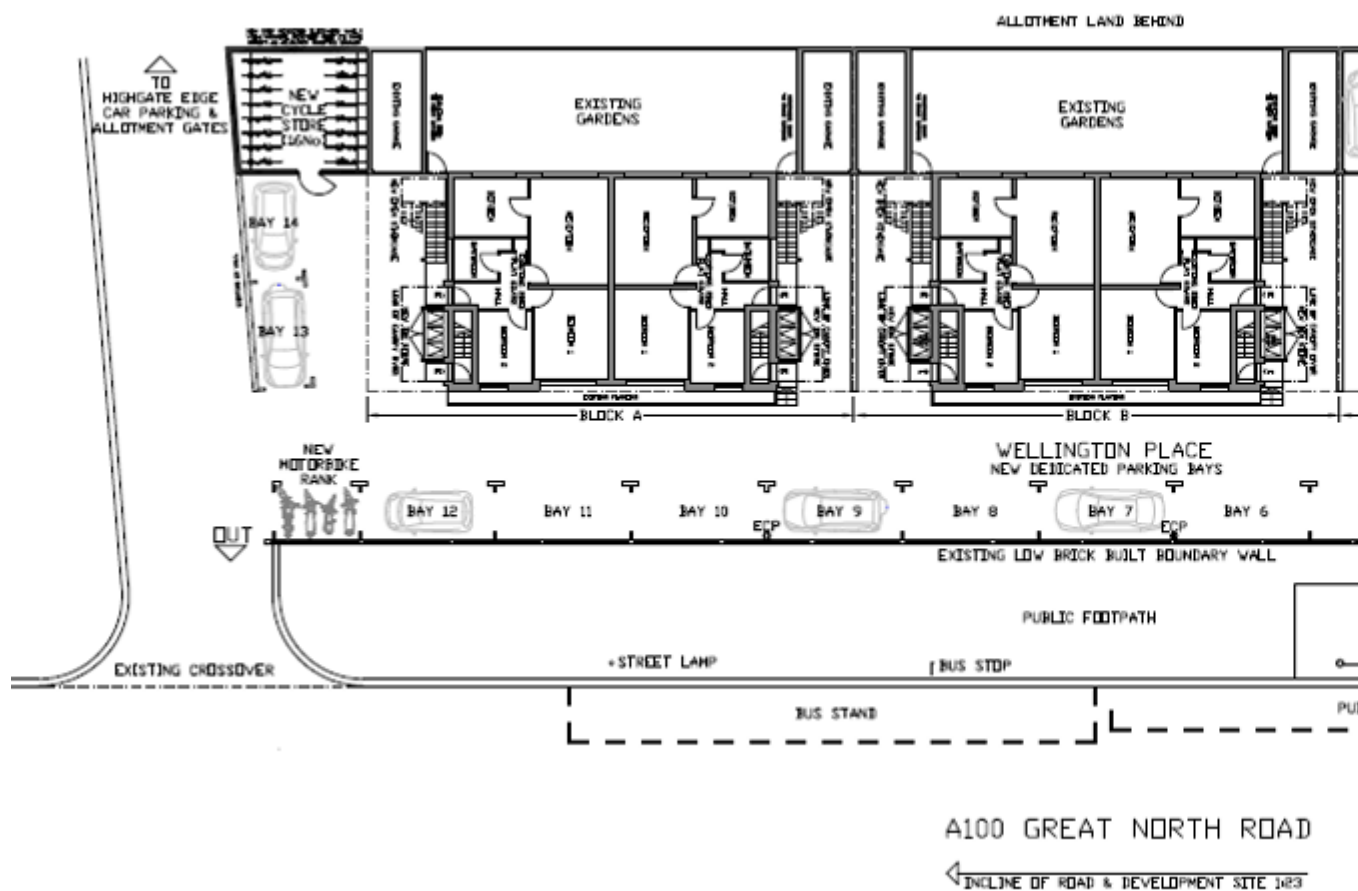
Concerns have been expressed that the existing loft spaces, garages and gardens are not within the control of the applicant and that leaseholders will not grant consent. The correct ownership certificate has been submitted and officers do not consider that the ownership issues are a reason to refuse consent.

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	Land To The Rear Of 85-87 Hodford Road London NW11 8NH	
Reference:	19/1904/FUL	Received: 29th March 2019 Accepted: 1st April 2019 Expiry 27th May 2019
Ward:	Childs Hill	
Applicant:	Lambolle Properties Limited	
Proposal:	Erection of three storey building with recessed third floor to provide 3no self-contained residential units following demolition of existing garages and outbuildings. Associated amenity space, parking, refuse/recycle storey and cycle store	

AGENDA ITEM 11

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Site Location Plan Drawing no. LP-01 Rev 00; Drawing no. LP-02 Rev 01; Drawing no. EX-01 Rev 00; Drawing no. EX-02 Rev 00; Drawing no. PA-01 Rev 02; Drawing no. PA-02 Rev 03; Drawing no. PA-02.01 Rev 01; Drawing no. PA-03 Rev 02; Drawing no. PA-04 Rev 02; Drawing no. PA-05.01 Rev 00; Drawing no. PA-05 Rev 02; Drawing no. PA-07 Rev 02; Drawing no. PA-20 Rev 00; Visualisation 01 Drawing no. PA-08 Rev 01; Visualisation 02 Drawing no. PA-09 Rev 01; Sustainability Statement by Boyer; Parking Technical Note dated 27th March 2019 by Motion; Design and Access Statement Rev.01 by XUL Architecture; Planning Statement by Boyer dated March 2019.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

8 Before the building hereby permitted is first occupied the proposed window(s) in the west elevation facing Zero The Vale and Hodford 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 October 2016).

9 The roof of the building 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).

10 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).

- 11 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities including the type of stands, gaps between stands, location of cycle parking and type of store proposed, shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

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

- 12 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the length of existing crossover to be reinstated to footway and changes to CPZ layout fronting the site including the proposed off-street parking space in the development shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the off-street parking space shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012, Policy DM17 of Development Management Policies (Adopted) September 2012 and Policies 6.1, 6.2 and 6.3 of the London Plan (2016).

- 13 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

14 Part 1

Before development commences other than for investigative work:

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

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

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

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

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

Part 2

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

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

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

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

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

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

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

- 17 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and

efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

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

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25 % 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 (2016) and the 2016 Mayors Housing SPG.

Informative(s):

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

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

- 3 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 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed

as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

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

- 5 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014

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

- 6 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
 - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 7 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 8 Any highway approval as part of the planning process for the alteration to the existing access/crossovers or new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense. 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 and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

For any proposal for 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.

The applicant is advised that the permitted maximum width for a residential crossover is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, 2 Bristol Avenue, Colindale, NW9 4EW.

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.

- 9 The applicant must apply for a Habitual Crossing Licence if access is required for the construction vehicles to access the development site. The existing domestic crossover is not designed to allow access to construction vehicles. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 10 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.
- 11 The applicant is required to submit a Street Works Licence application to the London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW., 4-6 weeks before the start of works on the public highways.
- 12 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the

applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 13 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

Officer's Assessment

1. Site Description

The application site is located to the rear of 85-87 Hodford Road within the Childs Hill Ward. The site is accessed from The Vale as it sits close to the junction of Hodford Road and The Vale.

The site does not fall within a Conservation Area and there are no heritage assets (local or statutory listed building) in the vicinity.

There are currently 3 dilapidated outbuildings to the rear of the site. The site was part of the original rear garden of no.85-87 Hodford Road.

Due to the siting of neighbouring plots, the site has an irregular shape with the front being wider than the rear.

To the north east is a part four, part five storey block of flats known as White Lodge. To the south west is a two storey detached dwelling comprised of two self-contained units with rooms in the roofspace known as Zero The Vale.

The site is close to the Golders Green Town Centre. The area is within a Controlled Parking Zone (CPZ).

There are no protected trees on the site.

2. Site History

Reference: C16764/06

Address: 87 Hodford Road, London, NW11 8NH

Decision: Approved subject to conditions

Decision Date: 31.08.2006

Description: Single storey side and rear extension.

3. Proposal

Planning permission is sought for the demolition of the existing garages to the rear of no.85 and no.87 Hodford Road fronting the Vale and erection of a three-storey building with recessed third floor to provide 3no self-contained flats.

The proposal would include off-street parking from The Vale for one car. In addition, there would be communal garden to the rear and a private garden to the ground floor unit at the front.

The building would be set 3m from the boundary at the front and due to its irregular form with projecting and recessed elements to break the mass, the building would have various proximities to the rear boundary. At the tightest points at the rear, the building would be between 3m and 1.8m to the boundaries with no.85 and 87 respectively.

The top storey would be recessed approximately 0.3m from the front and side elevations and would be clad in a different material (metal cladding) to differentiate it from the main section of the building which would be in brick. The building would be modern in design

Amendments have been received since the original submission to reduce the overall height of the building by both reducing internal heights and part excavating the land by a maximum of 1.15m. The building has been set 1.25m lower than the original proposed building and would sit lower than the maximum height of Zero The Vale to the south west.

The proposal seeks 2 x 2 bed (3p) units and 1 x 1 bedroom (2p) unit at ground floor.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties.

7 responses have been received, comprising 6 letters of objection, and 1 letters of support.

The objections received can be summarised as follows:

- Out-of-character design and form. "The design contrasts starkly with almost every dwelling in the surrounding streets, which are all of two storeys with a pitched roof with or without habitable conversions in the loft space, or built with a third storey behind a raked back tiled frontage."
- Design is jarring in comparison with other typologies on the road;
- Excessive bulk and massing- White Lodge is the exception in terms of size, even this is too large.
- White Lodge should not be used as precedent for the site.
- "If the site is to contribute to any "transition" between White Lodge and the property referred to in PS para 5.15 as Zero The Vale, it would preferably be the absence of any substantial building on it but vegetation - trees and bushes -instead"
- Garages are not dilapidated, they could be upgraded;
- Misleading comment about gardens being overdeveloped and overgrown;
- Noise and disturbance including dust during construction;
- Overbearing due to height and overdeveloped;
- Will increase parking and congestion in the area in addition to that existing from other uses;
- Loss of green garden;
- Overlooking and loss of privacy to properties on Hodford Road;
- Noise and disturbance from additional occupiers;
- The original lease on the land before it was converted into freeholds should be scrutinised as it may not be legal to build on;
- Neighbour consultation should be longer to allow neighbours to assess properly and allow developer to provide several options for consideration by neighbours.
- Location at the highest point of The Vale will compromise the amenity of other properties on The Vale;
- Loss of mature trees and wildlife including bees and birds.

The representations received can be summarised as follows:

- Proposal is a great improvement to the streetscene compared to the existing garages which are in very poor condition;
- Should enable the Council to put some more street parking for residents where currently are only yellow lines, which will benefit the local residents.

A site notice was posted on the 11th April 2019.

Further to amendments received on the 1st August, neighbouring properties were notified of the revised scheme through a reconsultation. At the time of writing, 2 additional comments had been received, which are summarised below:

- The dwellings look cheap and out of character with surrounding houses. Consideration must be given to the aesthetics of proposed development;
- Main entrance is adjacent to neighbouring garden leading to increase in noise, disturbance and heightened risk of intrusions into neighbouring properties;
- Overlooking of home and garden/ loss of privacy and amenity irrespective of decrease in height.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was updated on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 2016

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

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

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

Barnet's Local Plan (2012)

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

-Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS10, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM15, DM17.

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

Supplementary Planning Documents

Residential Design Guidance (2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would provide suitable amenity for future occupiers;
- Whether the proposal is acceptable in terms of impacts on the highway network and sustainable transport;
- Accessibility and sustainability.

5.3 Assessment of proposals

Principle of development and Impact on the character of the area

Principle

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

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.

The site is within a predominantly residential area, which includes single family units and flatted development. In principle, the proposal to include flatted development is acceptable given the mixed character of the units on the road.

The London Plan recognises that importance of boosting housing supply across London and optimising housing potential.

It is recognised that the proposal would deliver 3 additional housing units that could be built out relatively quickly and that the Framework reaffirms the Government's objective of significantly boosting the supply of homes and states that decisions should promote an effective use of land. The proposed development would add to the supply of housing and its mix (albeit limited mix, discussed in subsequent sections of this report) within the borough. The proposal would also contribute to the local economy in the short term during the construction phase and in the longer term as future occupiers contribute to local services. In addition, consideration has been given to the location of the site which is within walking distance of local services and facilities and where there is good access to public transport.

The contribution of 3 small dwellings (although a limited number of future occupants) would be relatively modest and this would need to be weighed up against the overall impact on character and amenity however the Local Planning Authority does not object in principle.

Loss of Garden Space

The Council's Residential Design Guidance SPD recommends that all developments should protect and enhance the gardens at residential properties as the spaciousness of gardens makes an important contribution to Barnet's distinctiveness.

Paragraph 10.7.3 of the Core Strategy relates how in the past garden developments made a contribution to meeting housing supply. However, with other areas targeted for housing growth, it is the aim of local policy to robustly protect suburban areas from garden developments which are deemed detrimental to local character. In line with national policy, this places emphasis on the important "character" role of garden land as opposed to as a contributor to housing supply. Paragraph 10.7.4 states that the council "will assess proposals involving the loss of gardens according to Policy DM01".

It is accepted that the existing structures are in of relatively low quality and do not enhance the appearance of the area. Notwithstanding this, the structures are modest in size and read as ancillary structures to the main dwellings on Hodford Road. This modest site at present serves no specific purpose other than ancillary land, although from The Vale it does provide a buffer between corner building known as White Lodge (the block of flats to the east) and Zero The Vale, which is the start of more traditional semi-detached and detached buildings to the west.

Any development on this constrained site should have due regard of the built form and pattern of development of Hodford Road and The Vale. Properties on these roads are generally sited on generous plots with large gardens providing a comfortable setting for the buildings. The introduction of the building on the site would reduce the curtilage of the gardens of no.85 and 87 Hodford Road. The existing land is overgrown and the site itself is visually and physically distinct from the main amenity space of each property. The supporting information has demonstrated that the reduced gardens would still be in keeping with the established pattern of development in terms of plot ratio; indeed there is some variation in the size of gardens including at Zero The Vale. Furthermore, due to the arrangement of the roads, the gardens are longer than others in Hodford Road. The

proposed reductions in the garden would not detrimental impact the quality of amenity space for the existing residents. Considering all these matters, on balance, the loss of garden space would not have an impact on the character of the area to warrant refusal.

Density and Unit Mix

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character. The application site has a PTAL of 6a which is considered to be high, and is considered to fall within a urban setting as defined in the London Plan.

The London Plan Density Matrix therefore suggests a range of 45-260 units per hectare (200-700 hr/ha). Taking the site area as 0.043ha, the proposal for 3 flats would equate to a density of 69.44 units per hectare (277.78 habitable room per ha) which is within the recommended range and in accordance with the London Plan density matrix.

Density however is not the only consideration to determine whether development is suitable. Planners acknowledge that the supporting text within the London Plan (2016) indicates that density calculations should not be applied mechanistically. The NPPF (adopted 2018) stipulates that planning decisions should "optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. This will be discussed in more detail in the following sections.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms and the medium priority is 3 bedroom units. The proposals would include a mix of 1 and 2 bedrooms which are not priority housing however consideration has been given to the proximity to the Golders Green Town Centre and the mix is considered appropriate for this location and for the site.

Design, Scale and Massing

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan). In this instance, the proposal should also have regard to the distance to neighbouring boundaries and existing open character.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

Amendments have been sought during the course of the application which have resulted in the reduction in the overall height of the building which would sit lower than the ridge height of Zero The Vale. It is undisputed that the form of the building would not be traditional or reflective of other buildings in the vicinity however the juxtaposition is not deemed to be

harmful. The reduction in the scale of the building has been positive and results in the building fitting more comfortably on the plot and it would not be considered to appear cramped or overbearing. The building is modern in its design and thus it does not seek to replicate the other typologies surrounding the site. This is considered to be appropriate given that the building lies in between a large purpose built block of flats on the corner and more domestic typologies towards the south west on The Vale. The form has been designed to add interest to the streetscene and to break the mass of the structure and thus respond to the location of neighbouring properties, particularly on Hodford Road, which are at a lower level, and properties on The Vale.

The building would be set approximately 3m from the front of the boundary, however due to the orientation of the building and its form, it would have a greater set-back at certain points.

The materiality includes facing brick and special shaped brick pattern on the south and west elevations to add visual interest and metal cladding at roof level to create visual breaks in the mass and add interest. The proposed building is considered to be attractive, of a high quality, and would make a positive contribution to the streetscene.

In conclusion, this proposed development is considered to be appropriate for the site in the context of the area. The removal of the unused structures would be of benefit, and the modern design, considerations for massing and the scale of the building result in building which would not appear cramped on the site.

Impact on the amenities of neighbours

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

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

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. Due to the form and design of the building, the building would not have windows facing the rear (towards no.85 and 87 Hodford Road) and therefore there would be no direct overlooking between windows or towards the rear gardens of these properties. Similarly, there are no windows on the proposed building facing

Zero The Vale and therefore it is not considered that there would be unacceptable levels of overlooking. Whilst there are angled windows on the Western elevation including in the recessed section of the building, towards no.83 Hodford Road, these are either secondary windows or serve the circulation spaces; it has been conditioned that these are obscured glazed to mitigate against any perceived overlooking of rear gardens to the west. Due to the orientation of the building and the arrangement of windows on White Lodge, windows would not be sited parallel to each other and therefore it is not considered that the building would result in unacceptable overlooking.

Zero The Vale is comprised of two self-contained units. An analysis of recent planning history on this site indicates that the windows fronting the site predominantly serve habitable rooms (although some are secondary windows). Given the distance to this property and the reduced height of the building, it is not considered that the building would appear overbearing or result in unacceptable loss of outlook to these windows.

The building form and reduced height is considered to limit the visual prominence of the building from the lower gardens of Hodford Road properties. It is accepted that the building is relatively close, however the massing is directed away from rear boundaries and visual relief provided by the smaller sections of building and the different materiality at roof level. On balance, considering the irregular form of the building, the reduced height including the partially sunken siting, proposed materiality, the siting of the building from the rear boundary, it is not considered that the building would appear unacceptably overbearing on the rear gardens of no.85 and 87 which directly abut on to the site. Similarly, whilst the building would be visible from other properties on Hodford Road (no. 81 and 83), again the form and recesses aid to ensure the building does not appear unacceptably prominent.

The scheme would result in the reduction of the rear gardens of no.85 and 87 Hodford Road; it is not known how many habitable rooms each property has. However, the Sustainable Design and Construction SPD stipulates the standard of private outdoor amenity space for houses ranging from 40sqm for houses with 4 habitable rooms to 85sqm for houses of over 7 habitable rooms (where rooms are over 20sqm, these will count as two habitable rooms). It is considered that there would be sufficient outdoor amenity space for the existing units.

The supporting information states that due to the existing state of the garages these are not used for parking by no.85 and 87 and that these properties have recently been granted consent for vehicular crossovers and driveways from Hodford Road which have been implemented. It is therefore considered that the removal of these garages would not have a detrimental impact on parking for no.85 or 87 Hodford Road or the quality of amenity for these properties.

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

Impact on the amenities of future occupiers

Any proposal for the site which includes an element of residential dwelling use will need to demonstrate that it is providing suitable amenities for its future occupiers in the relevant regards (for example, daylight, sunlight, outlook, privacy and internal and external amenity space). Development plan policies DM01, DM02 (of the Barnet Local Plan) and 3.5 (of the London Plan), the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance' and the Mayoral planning guidance document 'Housing' identify what this would constitute.

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. Table 2.2 of the Sustainable Design and Construction SPD specifies that double bedrooms should provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm, in line with the National standards. The minimum standards as set out in the London Plan are set as follows:

- 1 bed 2 person unit - minimum floor area 50sqm
- 2 bed 3 person unit - minimum floor area 61sqm.

The units would comply and exceed the minimum space standards. In addition, the bedrooms would meet and again exceed the standards for single and double rooms (respectively). The second floor unit is a 1bed unit although the study meets the floor area for a single bedroom and would exceed the standard for a 2 bed flat.

New residential units are expected to provide suitable outlook and light to all habitable rooms whilst not compromising the amenities of neighbouring occupiers. The Council Sustainable Design and Construction SPD stipulates that "the positioning of doors and windows should also be considered and single aspect dwellings should be avoided". All habitable rooms would benefit from suitable outlook and light; the units are generally have good levels of outlook. It is accepted that due to the partial "sinking" of the ground floor unit and siting of windows the quality of outlook would be of a lesser quality than the units above, however this would not be such to warrant refusal. Furthermore, weight has been given to the new development and an aspect of "buyer-beware".

With regards to outdoor amenity space, all new residential development is expected to provide suitable, private and useable outdoor amenity space for future occupiers. The Residential Design Guidance SPD stipulates that "private amenity space for the exclusive use of building occupants is a highly valued asset" (para.8.2). The same SPD stipulates that "the fundamental design considerations for amenity space should be its quality and usability"(para.8.7) and "awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided and will not be considered to count towards usable outdoor amenity space" (para.8.8). Given the number of habitable rooms, 20sqm of outdoor amenity space would be required per flat. The proposal would offer a private garden to the ground floor unit with an area of 85sqm; although this is at the front and there would be limited privacy, it is considered that there would also be an element of "buyer-beware". The upper units would have access to a communal garden with an area of 85sqm; although this is would be of an irregular shape due to the form of the building it is considered that this offers some useable private outdoor space and on balance would be acceptable.

Environmental Health officers have assessed the proposal and consider that subject to several conditions including air pollution mitigation, contaminated land desktop study, and noise mitigation measures, the development would have an acceptable impact on neighbouring and future amenity. The site lies within the air quality exceedance zone for NO2 annual average therefore air quality mitigation measures are considered to be appropriate. In addition, gardens are proposed and although the site has been in residential use due to the age of the buildings some asbestos or contamination to the ground might be present, therefore a desk top study is necessary as a minimum which would be conditioned.

The units would be naturally ventilated so there would not be a requirement for mechanical plant.

The proposal is considered to provide adequate quality units for future occupiers and is acceptable in this regard.

Impact on Highways

The Council's Highways team have been consulted on the scheme and subject to conditions do not object to the proposal.

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

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

In accordance with Policy DM17, the maximum allowable parking provision for this development is 4 spaces.

The site in a CPZ, has a PTAL score of 6a (excellent) and is close to local amenities. The scheme proposes 1 off-street space and a partial reinstatement of an existing dropped kerb fronting the site. In the worst case, the proposal will result in a parking overspill of 2-3 vehicles. However, the site has a PTAL score of 6a and surrounding streets are protected by CPZ controls. The proposed off-street parking provision of 1 space is acceptable. Highways officers have carried out their own parking assessment and confirmed that the majority of the properties in the area are quite large and most have off-street parking. Therefore it is considered that there is sufficient on-street capacity for the overflow generated by the new flats and given the proximity to the Town Centre, it is not considered that it is necessary to restrict parking permit via s106 permit restriction.

Highways officers have advised that the partial reinstatement of the existing dropped kerb fronting the site would be subject to separate approval by Highways and associated changes to the CPZ layout would be at the cost to the applicant; this has been detailed in attached informatives. These highway works can be undertaken under a S184 with the Council.

In accordance with Policy 6.9 of the London Plan, new development should provide secure, integrated, convenient and accessible cycle parking facilities. Based on table 6.3 of the London Plan, the residential aspect of the development would require the provision of 5 cycle spaces (1 cycle space per studio and 1 bedroom unit and 2 cycle spaces per other sized dwellings). Drawing No PA-01 Rev 02 shows a cycle parking stand near the entrance but the number of spaces, type of stand and cycle store are not indicated. The cycle storage is located next to the bin stores which is not ideal, however details haven't been provided to make a complete assessment. Therefore, Highways recommend that the proposed cycle storage is relocated away from the bin store; details of both can be provided via relevant conditions. Cycle parking should be provided in a secure, lockable, sheltered and enclosed compound. Also, the type of bicycle stands used must allow both wheels and the frame of the bicycle to be locked. Details of revised cycle parking proposal are requested by way of a planning condition.

Refuse collection and servicing is unlikely to be an issue as the development will be serviced like any of the existing properties on The Vale.

A construction management and logistics plan is required for this development given its residential location. A construction management plan condition is recommended.

It is therefore considered that the proposal would be acceptable on Highways grounds subject to conditions.

Arboricultural Impact

The NPPF (2018) stipulates that Planning policies and decisions should contribute to and enhance the natural and local environment by protecting and enhancing valued landscapes.

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

The Council's Arboriculturalist has reviewed the application and considered that the proposed landscape proposal provides new tree planting native shrubs and flowering plants that will be suitable for the location.

It has been suggested that the scheme will require a planting schedule detailing size of plants, quantities/density which would be secured by a condition. The proposed apple trees must be on a root stock M25 so that it will grow to a reasonable size with a specified variety; again these details can be provided by a condition.

Ecological enhancements have not been detailed on this plan, such as a large diameter logs in the flower beds. These will hold moisture and assist in plant establishment. These should be provided as part of the landscaping scheme.

Overall there is no objection on arboricultural grounds.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies. The ground floor level would provide level access however the feasibility of providing a lift has been investigated but unfortunately is not viable in this instance. 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". Given the constraints of the site, it would not be possible to introduce a lift. In addition, given the constrained urban location, the introduction of a lift to the stair core would have unfortunate impacts by increasing the

visual bulk of the building and having additional impact on neighbouring residents. In other regards the units would be expected to meet the requirements of M4(2).

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 25% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The CIL will apply to all 'chargeable development' defined as:

- Consisting of buildings usually used by people;
- Delivering 100sqm or more of gross internal floorspace or the creation of one additional dwelling, even if the gross internal floorspace is <100sqm; or
- Floorspace that is not exempted under the Act, the Regulations or for a locally defined reason.

In Barnet, an adopted CIL charge of £135 per sqm (index linked) is applied to residential, including C4 and Sui Generis HMOs. All other uses and ancillary car parking are set at a rate of £0 per sqm for Barnet CIL.

The Mayor of London adopted a CIL charge on 1st April 2012. In February 2019 the Mayor adopted a new charging schedule (MCIL2) and on April 1st 2019 this was adopted setting a rate of £60 per sq metre (index linked) on all forms of development in Barnet except for a £0 per sqm rate for education and health developments.

As the proposal would result in the creation of new residential units the proposal has been calculated to be liable for Barnet CIL and Mayor's CIL.

5.4 Response to Public Consultation

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

Whilst it is appreciated that development in a neighbourhood can have an incremental impact on the character and functionality of the area including on existing congestion, with regards to comments relating to the number of developments in the vicinity, every case is assessed on its own merits.

6. Equality and Diversity Issues

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

7. Conclusion

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



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