

**LOCATION:** 2 Linden Lea, London, N2 0RG

**REFERENCE:** F/04890/13

**Received:** 22 October 2013

**Accepted:** 08 November 2013

**WARD(S):** Garden Suburb

**Expiry:** 03 January 2014

**Final Revisions:**

**APPLICANT:** Mr & Mrs Fouladbakhsh

**PROPOSAL:** Construction of basement level including side and rear light wells. First floor side extension and partial conversion of garage into habitable space. Formation of 2 side dormer windows to facilitate a loft extension, and replacement of windows to all elevations.

**RECOMMENDATION: Approve Subject to Conditions**

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

1307-754-101 Existing Ground Floor Plan; 1307-754-102 Existing First and Loft Floor Plans; 1307-754-103 Existing Site / Roof Plan Existing Cross Section Location Plan; 1307-754-104 Existing Elevations; 1307-754-105 Existing Elevations; 1307-754-106 Rev B Proposed Basement and Ground Floor Plans; 1307-754-107 Rev B Proposed First Floor and Loft Plans; 1307-754-108 Rev B Proposed Cross Sections; 1307-754-109 Rev B Proposed Site / Roof Plan; 1307-754-110 Rev B Proposed Elevations (North and West); 1307-754-111 Rev B Proposed Elevations (East and South); Design and Access Statement

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

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

3 Before the development hereby permitted commences, details of the following shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved;

- basement lightwell grill

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

4 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

5 Before the building hereby permitted is occupied the proposed window(s) in the side elevation facing 4 Linden Lea 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 Adopted Barnet Development Management Policies DPD (2012).

6 The hereby approved windows shall match the original windows in material and style and be single glazed.

Reason:

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

7 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

## **INFORMATIVE(S):**

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

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

#### The Mayor's London Plan July 2011:

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

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.

#### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM06.

#### Supplementary Planning Documents and Guidance

The Council has adopted the following two supporting planning documents to implement the Core Strategy and Development Management Policies DPDs. These are now material considerations.

- The Residential Design Guidance SPD (2013) and
- Sustainable Design and Construction SPD (2013).

#### Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance 2010

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

jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Relevant Planning History:

**Site history for current landparcel :**  
**128035 - 2 Linden Lea, London, N2 0RG**

**Case Reference: F/04890/13**

<b>Application:</b>	Planning	<b>Number:</b>	F/00194/13/ENQ
<b>Validated:</b>	30/08/2013	<b>Type:</b>	ENQH
<b>Status:</b>	REG	<b>Date:</b>	
<b>Summary:</b>	DEL	<b>Case Officer:</b>	Tassama Amlak
<b>Description:</b>	Proposed basement and first floor/roof extensions.		

<b>Application:</b>	Planning	<b>Number:</b>	F/00390/10
<b>Validated:</b>	27/01/2010	<b>Type:</b>	HSE
<b>Status:</b>	APD	<b>Date:</b>	30/07/2010
<b>Summary:</b>	DIS	<b>Case Officer:</b>	David Campbell
<b>Description:</b>	First floor rear extension and first floor extension over existing double garage including formation of new mansard roof with dormer window and 2x rooflights.		

<b>Application:</b>	Planning	<b>Number:</b>	F/02292/11
<b>Validated:</b>	27/05/2011	<b>Type:</b>	TPRN
<b>Status:</b>	WDN	<b>Date:</b>	12/07/2011
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Fabien Gaudin
<b>Description:</b>	Installation of BT Openreach fibre optic green equipment cabinet.		

<b>Application:</b>	Planning	<b>Number:</b>	F/04384/10
<b>Validated:</b>	01/11/2010	<b>Type:</b>	TPRN
<b>Status:</b>	WDN	<b>Date:</b>	13/12/2010
<b>Summary:</b>	WIT	<b>Case Officer:</b>	Junior C. Moka
<b>Description:</b>	Installation of a new green Openreach Broadband metal equipment cabinet. (Telecommunications Application)		

Consultations and Views Expressed:

Neighbours Consulted:	14	Replies:	5
Neighbours Wishing To Speak	0		

2 letters of objection were received.

The views of objectors can be summarised as follows:

- Impact on the water table
- impact on water main to side of property
- overdevelopment of site
- loss of privacy

3 letters of support were received in regard to this application.

The views of supporters can be summarised as follows:

- proposals enhance street
- wonderful that uPVC windows are being replaced
- basement lightwells do not impact on street view

Internal / other consultation:

HGS CAAC- Object to large lightwell along side

Councillor Seal has requested that this application is taken to the planning sub-committee on the grounds that the basement development is too large for the plot and there should be a basement impact assessment.

Date of Site Notice: 21st November 2013

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is located on the corner of Linden Lea and Kingsley Way within Area 8 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a detached, two-storey residential dwelling with rooms in the roofspace.

The existing building on site holds no designation.

The Conservation Area Character Appraisal notes;

*"No. 2 Linden Lea, on the corner plot, displays Moderne styling and buff brickwork that sets it apart from its neighbours. The replacement windows are unfortunate. Nos. 14 and 16 are white rendered Moderne houses at the entrance to Kingsley Close and relate architecturally to it, rather than to Kingsley Way. "*

It is noted that the tree on the front boundary with Kingsley Way is protected with a Tree Preservation Order.

Proposals:

This application seeks consent for the following works;

- construction of basement including lightwells to side and rear
- first floor side extension
- partial conversion of garage into habitable room
- formation of two side dormer window
- replacement of all uPVC windows with timber double glazed units

Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

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

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

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed by neighbours.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

### Basement

The principle of basement accommodation at this site is considered to be acceptable. The basement is proposed to be located under the existing dwelling in line with the adopted design guidance. Other properties around this part of the Conservation Area have undertaken similar works. However, it is important that the external manifestation of any basement development does not detrimentally impact on the character and appearance of the existing dwelling, the street scene or the amenity of neighbouring occupiers. It was requested that the oversize lightwell running along the full depth of the property to side adjacent to 4 Linden Lea was removed from the proposals and replaced with two modest lightwell features. As amended, it is considered that the external manifestations of the basement accommodation are acceptable, and in line with the stipulations of the adopted Design Guidance (2010), which states;

*"basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it may be possible to extend under part of the rear garden. It will be necessary to ensure that a mature garden can be established and maintained above the basement; external alterations to bring daylight to basements will generally only be acceptable in the form of grilles or structural glass, rather than open lightwells with railings; lightwells or skylights must be located away from the property boundary to enable a planted boundary to be maintained; structural glass skylights or grilles should not be located at the threshold of doorways from the house to garden"*

Whilst it is noted that there is a protected tree within the curtilage of the application property, due to the basement accommodation being proposed solely under the footprint of the existing dwelling, it is not considered that there will be any harm to the amenity of this tree.

### Garage conversion

There is no objection to the partial conversion of the garage as only one half of the space will be lost to create habitable space and half of the existing garage retained. It is now proposed to replace the existing garage door closest to the main property



with a window to match the other fenestration found on site, and the garage door, closest no 4 Linden Lea, will be retained. It is considered that this offers an appropriate and acceptable solution which further enhances the application property.

#### Side extension with new dormer windows

There is no objection to the proposed first floor side extension above the existing garage block. This modest extension is not considered to pose any harm to the character and appearance of the existing dwelling and due to the existing double garage and side passageway at both the application property and its neighbour at 4 Linden Lea there will be no harm posed to the occupiers of this neighbouring property. There is a large gap in the streetscene and it is considered that even with this extension there will still be an appropriate gap.

Two dormer windows are proposed to the new side roof slope, in place of one existing dormer, there is not considered any harm caused to the existing property, or amenity of neighbouring occupiers.

It should be noted that a condition is suggested requiring the new side dormer windows to be fitted with obscure glazing to ensure no loss of privacy to the occupiers of the neighbouring property.

#### Windows

The replacement of the existing uPVC windows with timber windows is strongly supported as uPVC is not considered to be an appropriate material for the Conservation Area, and contrary to the adopted Design Guidance which stipulates;

*"UPVC replacement windows are extensively marketed. They do not match the original windows and their installation would devalue your property. The Trust and Barnet Council have not yet seen a UPVC product which is acceptable for installation on Suburb properties. Their use, without consent, is likely to result in enforcement proceedings, by both the Trust and Barnet Council. "*

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area and area of special character.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

It should be noted that the large side lightwell has been amended since the original submission to show two small lightwells along the side of the property. These are considered to be inline with the stipulations of the adopted Design Guidance document and as such there is no objection.

A condition is suggested requiring the new side dormer windows to be fitted with obscure glazing to ensure no loss of privacy to the occupiers of the neighbouring property.

#### **4. EQUALITIES AND DIVERSITY ISSUES**

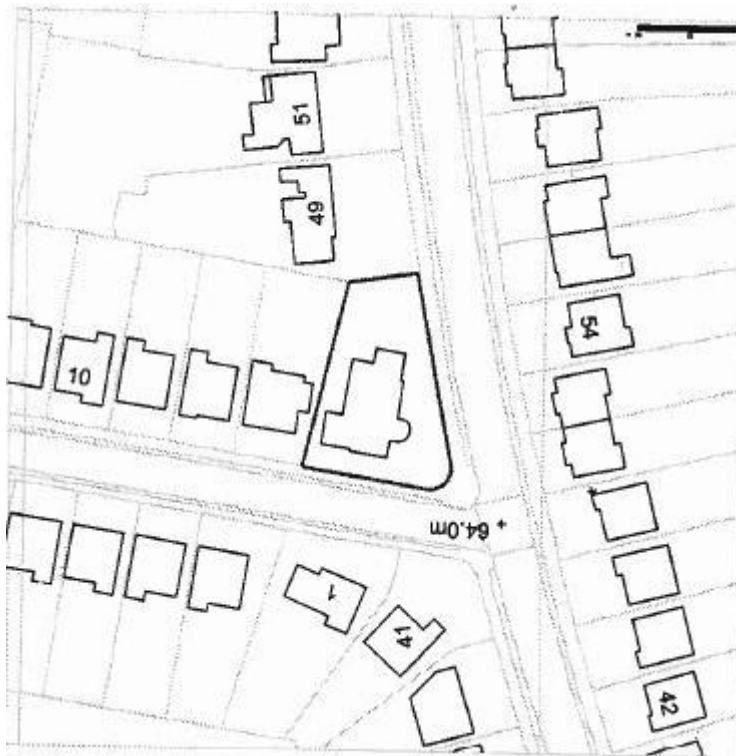
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

#### **5. CONCLUSION**

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character. **APPROVAL** is recommended.

**SITE LOCATION PLAN: 2 Linden Lea, London, N2 0RG**

**REFERENCE: F/04890/13**



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