

LOCATION: Westchester Court, Westchester Drive, London, NW4 1RB

REFERENCE: H/05296/13

Received: 12 November 2013

Accepted: 09 December 2013

WARD(S): Hendon

Expiry: 03 February 2014

Final Revisions:

APPLICANT: Beneficiaries of D Wood

PROPOSAL: Construction of two additional storeys to facilitate the creation of 2 self-contained flats. Provision of 4 additional parking spaces.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement; Site Plan; 09820/C1; 09820/20; 09820/21; 08920/22; 09820/31; 09820/32A; 09820/40; 09820/50; 09820/51; 09820/52; 09820/53; 09820/60; 09820/61; 09820/68; 09820/70; 09820/71; 09820/72; 09820/73; 09820/99; 09820/100; 09820/101; Tree Survey for Westchester Court.

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 materials to be used for the external surfaces of the building(s) and hard surfaced areas 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.

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 Before the development hereby permitted is occupied the parking spaces/garages shown on Plan 08920/68 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

5 The existing flat roof, fronting the conservatories hereby approved, 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 Adopted Barnet Development Management Policies DPD (2012).

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

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 Adopted Barnet Development Management Policies DPD (2012).

- 7 Before any part of the building(s) hereby permitted is occupied any retaining wall to be constructed on the site shall be constructed in accordance with details to be submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure the stability of any retaining wall on the site and in the interest of public safety.

- 8 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 11 Prior to the 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 policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £6,054.72 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 £22,680 payment under Barnet CIL.

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.

If affordable housing or charitable relief applies to your development 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 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

- 3 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 Council of 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 email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

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, DM17.

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted by Cabinet in April 2013. This sets out information for applicants to help them design an extension to their property and new build development which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that 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 to amenity, extensions and new build developments 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

The Council's Supplementary Planning Document: Adopted Residential Design Guidance April 2013 is divided into four parts:

- Part 1 sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet's suburban character.
- Part 2 sets out general guidelines for new residential development as well as amenity and space standards. This document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, outdoor play space requirements.
- Part 3 sets out the requirements and design criteria related to changes to the existing housing stock within Barnet.
- Part 4 includes/provides supporting information including references, useful web links and the glossary list.

The SPD supplements policies contained within the Local Plan and the London Plan which together form the Development Plan for Barnet. The SPD is therefore a material consideration for decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

Relevant Planning History:

Application:	Planning	Number:	H/00430/09
Validated:	06/02/2009	Type:	APF
Status:	DEC	Date:	02/04/2009
Summary:	APC	Case Officer:	Deirdre Jackman

Description: Construction of two penthouse apartments to form new 7th and 8th floors to existing building. Creation of four additional parking spaces.

Application:	Planning	Number:	W/12313/B/02
Validated:	14/10/2002	Type:	APF
Status:	DEC	Date:	12/02/2003
Summary:	APC	Case Officer:	

Description: Construction of 2no. penthouse apartments to form new 8th floor to existing building. Creation of 4no. additional parking spaces.

Consultations and Views Expressed:

Neighbours Consulted:	58	Replies:	5
Neighbours Wishing To Speak	1		

The objections raised may be summarised as follows:

- Loss of privacy
- Increased density
- Impact on traffic, access and parking
- How long will works take
- Impact on access to neighbouring garage

- Service cost for the additional flats
 - Out of date tree survey
 - Plan showing parking spaces is purely theoretical and takes no account of actual situation. Many garages in Westchester Drive have been converted into habitable rooms.
 - Parking spaces inaccurately drawn and no allocation been provided for disabled parking bays
 - Plans inaccurate and photos out of date
 - Appearance of the extension and impact on the building
 - Overlooking
 - The application contains errors including: plans do not distinguish between new and existing; termination of escape staircase at 6th floor has not been noted on plans; flat and garage numbering is incorrect; road is noted as private but Westchester Drive is an adopted road; boundary is mainly brick walling not fencing; a full Tree Survey has not been provided
 - Access to the flats in the event of fire would be difficult
 - Parking outside of the application site, as detailed on the submitted plans, should be disregarded
 - Parking provision falls short of what is required
 - No disabled parking has been provided
 - Existing garages are not wide enough for today's family cars
 - Flat 22 has a balcony which extends around its perimeter. The occupiers of no. 22 would lose much of their privacy and would be overlooked by the proposed flats above
 - Believe development would cause loss of light and afternoon sun for the balcony to 22
 - The addition of two flats would cause noise and disturbance to no's 21 and 22
 - Whilst Barnet's "Guide on How to Comment on Planning Applications" states problems associated with construction cannot be taken into account, there are several instances where permissions have included conditions relating to "Construction Management Plans". If construction related matters were not to be addressed why do planning consents include hours of working and wheel cleaning conditions?
- Suggest that construction hours to be restricted to those imposed on leasees for noisy work, i.e. between 9am and 2pm, and between 4pm and 6pm, Monday to Friday and 9am and 2pm on Saturdays.
- Loss of light
 - Appearance of a tower block

Internal /Other Consultations:

N/A

Date of Site Notice: 19 December 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to Westchester Court, a residential block comprising

basement, ground and six floors above, accessed via Westchester Drive. The block, by virtue of its height and siting fronting the Great North Way, is a prominent feature in the locality terminating in a flat roof topped by water tanks and a lift motor room.

Proposal:

The development proposed is identical to that approved in 2003 and 2009. The latter permission expired in 2012.

Two additional penthouse flats are proposed, forming a 7th and 8th floor to the block. The additional storeys would include a curved roof form and the resulting height would exceed that of the existing water tanks and lift room by 0.6m. The 7th floor extension to the east elevation, facing the A1, would be largely glazed to accommodate two conservatory areas. Deck areas would be located at either end of the conservatories. Fronting the A1 the 7th floor would be recessed 2.7m back from the building line of the existing floor below. The retained area of flat roof would incorporate a rail for safety but is not intended as an outdoor amenity area for the future residents.

The proposed 8th floor would be centrally sited within the roof area and would also feature a curved roof. The upper storey would accommodate the 1st floor to both flats with an additional balcony area on the south elevation.

Planning Considerations:

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

This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

Policy DM02 explains that where appropriate development will be expected to demonstrate compliance with national and Londonwide standards supported by the guidance set out in the council's Supplementary Planning Documents.

The applicant's agent has confirmed that the proposed duplex apartments will measure 85.4sq m and 82.1sq m respectively which would exceed the minimum floor size requirements for a 2 bedroom 4 person flat (70sq m) as set out in the London Plan.

The proposed additional storeys have been designed to minimise both their height and visual impact. The centrally sited 8th floor would exceed the height of the existing water and lift housing by 0.6m and the increase in height is considered relatively minor. The curved, stepped roofs and extensive areas of glazing would contribute to the "lightweight" appearance of the additions and so reduce the visual prominence. In the context of the prevailing bulk of the existing building, the additions are not considered to be so great as to have a significant impact of the appearance of the block, or the character of its immediate setting.

The existing flat roof, fronting the proposed conservatories, would not be used as an amenity area for the future residents. To ensure its continued restricted use for maintenance purposes only, a condition is recommended. Further, to ensure that views of the balcony to flat 22 are prevented, the applicant has proposed a 1.7m high privacy screen to the proposed 7th floor deck areas. The proposed conservatories would be sited 6.3m behind the railings enclosing the existing balcony below. In view of the proposed relationship, the lightweight structure of the conservatory construction and the modest increase in maximum height to the proposed 8th floor, it is considered that the proposed additions would not result in an undue loss of sunlight or daylight to the flats below. To ensure that the existing residents directly below the development do not suffer from undue noise and disturbance from the flats above, it is recommended that a noise insulation condition be attached.

The four additional car parking spaces would be located at the end of the existing garage block, abutting the boundary with Clore Manor, 160-170 Great North Way. Additional planting is proposed at either end of the new parking and the existing roadway would be extended to provide access. It is recommended that conditions be attached to the permission to ensure adequate planting to ensure a satisfactory resulting appearance in this part of the site. Whilst it is acknowledged that Westchester Drive has a problem with parking and congestion, and that existing spaces and garages may not be sufficiently large to accommodate larger, modern cars, it is considered that it would be unreasonable to withhold planning permission on this basis when car parking provision for the additional units can be adequately accommodated on site.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

A reason for refusal based on the traffic generated by a two additional flats could not be substantiated. The Highways Group have raised no objection to the scheme.

- The Council has no control on the duration of the works
- Service costs for the additional flats is not a material planning consideration
- The noise, disturbance and additional comings and goings generated by two additional flats in a development of 22 flats, would be minimal.
- It is considered that the hours of working used in the standard condition used on all large scale developments are reasonable. Restricting hours of work for a two hour period during the day would be neither reasonable nor enforceable by the LPA.
- The fire department have viewed the plans and raised no objections to the proposal
- The Council accepts plans on the basis that they provide an accurate representation of the site.

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

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN:
NW4 1RB

Westchester Court, Westchester Drive, London,

REFERENCE:

H/05296/13



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