

LOCATION: Berkeley Court, Vines Avenue, London, N3 2QE
REFERENCE: F/04976/13 **Received:** 25 October 2013
Accepted: 29 October 2013
WARD(S): West Finchley **Expiry:** 24 December 2013

Final Revisions:

APPLICANT: ROWARK INVESTMENTS LLP

PROPOSAL: Extension to roof including dormer windows to all sides, rooflights to east and west elevations and recessed second floor balconies to inward facing elevations of Block 1 and Block 3 to facilitate the formation of four new self-contained residential units. Provisions for refuse and cycle storage facilities. Installation of vehicular and pedestrian gates. Alterations to existing hard and soft landscaping. (AMENDED DESCRIPTION)
The description has been changed to clarify a minor inaccuracy within the description.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: GE.02 Revision C, V.1 Revision B, V.2 Revision B, GS.01 Revision B, GA.04 Revision B, GE.00 Revision D, GS.00 Revision B, GA.01 Revision D, GA.03 Revision B, GE.01 Revision D, GA.02 Revision D, GA.08 Revision B.
Reason:
For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies 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 is occupied the parking spaces/garages shown on Plan GA.08 Revision B 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.

- 4 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.

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

Reason:

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

- 6 Before the building hereby permitted is occupied the proposed window(s) in the north-east elevations facing Vines Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

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

- 8 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).

- 9 The property shall be used as self-contained units as shown on 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.

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.
- ii) In this case, formal pre-application advice was sought prior to submission of the application.
- 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 £29,160 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 £74,060 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.

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

The Mayor's London Plan 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 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 Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

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

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents and Guidance

The Local Planning Authority has adopted Supplementary Planning Document (SPD) on Residential Design Guidance 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.

Included advice 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 to amenity, 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.

The Council adopted a Supplementary Planning Document (SPD) "Sustainable Design and Construction" 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 is currently consulting on 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 (consultation draft November 2012) and Sustainable Design and Construction SPD (consultation draft November 2012) are now material considerations.

Relevant Planning History:

None Relevant

Consultations and Views Expressed:

Neighbours Consulted:	71	Replies:	16
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- Gates will result in cars parking in front of houses on Vines Avenue, there is already insufficient parking on Vines Avenue
- Loss of privacy from overlooking
- Confirmation should be provided that trees and bushes will not be removed
- Access should only be provided through Vines Avenue
- Scale and appearance and impact on surrounding area
- Effect on nature conservation
- Noise and disturbance
- Gates have no benefit for the area
- Overdevelopment
- Reduction in amenity space

Internal /Other Consultations:

Traffic & Development - No objection

Date of Site Notice: 07 November 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site is Berkeley Court, located at the end of Vines Avenue. Berkeley Court is formed of three blocks of flats with 24 residential units.

Proposal:

The proposals are for extensions to the roofs of the two smaller blocks to either side, with dormer windows to all sides, and recessed balconies to the front.

The proposals would create four additional residential units in total, two in each block.

The proposals would make provision for parking spaces on site and refuse and recycling facilities.

Planning Considerations:

The main issues are considered to be:

- Whether the proposals would harm neighbouring visual or residential amenity, and provide an acceptable level of amenity for future occupiers
- Whether the proposals would harm the character and appearance of the streetscene and general locality
- Whether the proposals would harm highway or pedestrian safety

Whether the proposals would harm neighbouring visual or residential amenity, and provide an acceptable level of amenity for future occupiers

The proposed dormer windows facing north towards properties on Vines Avenue would be obscure glazed to prevent overlooking.

The proposed dormers to the rear of each block would have a view similar to existing first floor windows of the backs of residential properties. It is not considered that this would result in harmful overlooking, given that the relationship would be similar to that existing.

The proposed dormers facing to the south towards Cadogan Gardens. This distance would be in excess of 27m to neighbouring windows and over 10.5m to neighbouring gardens, so would comply with guidelines in the Supplementary Planning Document on Residential Design Guidance.

There would be a distance of 41m between the smaller blocks and as a result it is considered that there would not be harmful overlooking between the properties. Given the orientation of the larger middle block to those either side it is not considered that a harmful degree of overlooking would result.

Overall it is considered that the proposals would not harm neighbouring residential or visual amenity.

The proposed new units would have adequate outlook and privacy. They would have use of the existing communal areas to the rear of the buildings which are considered adequate for this purpose.

A condition is attached to ensure that adequate sound insulation is provided for the new flats.

The proposals would provide a dedicated area for refuse storage which would be an improvement for the residents of Berkeley Court.

A condition has been attached to ensure that the units are not converted to houses of multiple occupation, as there is concern that this would result in a harmful impact on the character of the area given the size of the units and their siting.

Whether the proposals would harm the character and appearance of the streetscene and general locality

The proposals have been amended following discussions with the applicant. The size of the proposed dormers and balconies have been reduced so that they sit more comfortably on the roofslopes, and their siting improved so that they appear more symmetrical.

The proposed front dormer windows are considered acceptable given that these have a distinctly different character from the houses on Vines Avenue. Generally only the front of the western block is visible, from the eastern footway on Vines Avenue and the dormers would not appear prominent.

The provision of new vehicular and pedestrian gates is considered acceptable in this instance, given the siting of the site at the end of Vines Avenue where it is viewed in isolation. They have been reduced to 1.4m in height from the initial proposals.

Overall, it is considered that the proposals would not harm the character and appearance of the streetscene and general locality.

Whether the proposals would harm highway or pedestrian safety

Cars currently park informally on the access road on Berkeley Court. The proposals would regularise parking by providing dedicated bays on the site for residents of Berkeley Court. A total of 24 spaces would be provided included a dedicated space for each new flat. This is considered to exceed what could be provided in the current informal layout and should therefore be considered an improvement in highways terms.

As a result it is considered that there would not be a harmful impact on highway and pedestrian safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Gates will result in cars parking in front of houses on Vines Avenue, there is already insufficient parking on Vines Avenue - *Current parking at Berkeley Court is on private land and should only be used by residents of Berkeley Court. The proposals would significantly improve parking provision at Berkeley Court and it is considered that there would not be a harmful impact in this respect.*

Confirmation should be provided that trees and bushes will not be removed - *The loss of trees and bushes does not require planning permission providing that the trees are not subject to tree preservation order. In this case, there are no orders on any trees in the immediate vicinity.*

Access should only be provided through Vines Avenue - *Details of construction can be secured by a construction management plan condition.*

Effect on nature conservation - *No protected species under the Wildlife and Countryside Act 1981 or any nature conservation designations have been made in the site vicinity. Therefore it is not considered that there would be a significant impact on local biodiversity as a result of the proposals.*

Noise and disturbance - *It is not considered that 4 additional flats across the site would result in a harmful level of additional noise or disturbance.*

Gates have no benefit for the area - *The gates are considered acceptable in terms of their appearance and would not harmfully impact local security or highway safety.*

Overdevelopment - *The amount of development proposed is considered acceptable.*

Reduction in amenity space - *The proposals would not result in a reduction in amenity space though would provide additional units with access to the existing amenity space. However, the new units would have access to balconies which would provide adequate amenity for future residents.*

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: Berkeley Court, Vines Avenue, London, N3 2QE

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