

LOCATION: 18 Brent Way, London, N3 1AL

REFERENCE: F/05803/13

Received: 10 December 2013

Accepted: 10 December 2013

WARD(S): West Finchley

Expiry: 04 February 2014

Final Revisions:

APPLICANT: Neale and Norden Consultants

PROPOSAL: Construction of a new basement.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: D01, D02, D03, D04, D05, 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 Following completion of the works the front and rear gardens shall be reinstated to their former condition.

Reason: To safeguard the visual amenities of the locality in accordance with policy DM01 of the Adopted Barnet Development Management Policies 2012.

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

- 5 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity in accordance with policy DM17 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.

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 Government's 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, DM04, DM17.

Supplementary Planning Documents and Guidance

The 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. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet

meets sufficiently high environmental and design standards.

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 and Sustainable Design and Construction SPD are now material considerations.

Relevant Planning History:

Planning applications picked up in spatial search

Site Address: 18 Brent Way, London, N3 1AL
Application Number: F/01908/11
Application Type: Householder
Decision: Refuse
Decision Date: 25/07/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.**
Case Officer: Elizabeth Thomas

Site Address: 18 Brent Way, London, N3 1AL
Application Number: F/04240/11
Application Type: Householder
Decision: Refuse
Decision Date: 20/03/2012
Appeal Decision: Dismissed
Appeal Decision Date: 20/03/2012
Proposal: **Demolition of existing steps and reduction in level of the front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall.**
Case Officer: Elizabeth Thomas

Site Address: 18 Brent Way, London, N3 1AL
Application Number: 01453/12
Application Type: Section 192
Decision: Unlawful Development
Decision Date: 26/09/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Creation of hardstanding area for bin store and new access steps to front of property.**
Case Officer: Elizabeth Thomas

Site Address: 18 Brent Way, London, N3 1AL
Application Number: F/00204/13
Application Type: Section 192
Decision: Lawful Development
Decision Date: 15/02/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of a new basement.**
Case Officer: Denisse Celi

Site Address: 18 Brent Way, London, N3 1AL
Application Number: F/03584/13
Application Type: Householder
Decision: Refuse
Decision Date: 14/10/2013
Appeal Decision: Allowed at appeal
Appeal Decision Date: 04/02/2014
Proposal: **Demolition of existing steps and formation of new steps and part reduction of level of front garden to incorporate a bin storage area. New planting and alterations to the front boundary wall.**
Case Officer: Fabien Gaudin

Consultations and Views Expressed:

Neighbours Consulted: 28 Replies: 26
Neighbours Wishing To Speak 2

The Finchley Society have objected on the grounds that the house would be out of scale with the neighbouring properties.

The West Finchley Residents Association have objected on the following grounds:

- Basements are not part of established character of West Finchley
- Property has already been extended
- Exterior of property would need to be altered to allow for daylight and fire escape
- Proposals involve substantial excavation
- Site is located within an area of Heavy Clay Soil
- There should be a hydrological survey
- Agent is not registered with Architects Registration Board (ARB)
- Foundations of house are not deep enough
- Noise and disturbance

The objections can be summarised as follows:

- Digging under a terrace of properties could affect their stability, site is in an area of heavy clay
- Noise and nuisance
- Houses in West Finchley were designed without basements and this would be an overdevelopment
- Home cinema, gym, shower and utility room require daylight
- How was previous permitted development approved?
- No mention of materials to be used
- Concerns regarding lengthy period of construction and requirement for construction management plan.
- Loss of Silver Birch to front of site
- Lack of fire escape
- Will landscaping be retained?

One objection was received after the consultation period expired.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application property is a mid terrace single family dwellinghouse located in the West Finchley ward. The property is in a predominately residential location and does not fall within a conservation area.

Dimensions:

The proposals are for a construction of a new basement. There would be no external changes.

Planning Considerations:

Planning History

There have been a number of previous planning applications on the site, notably:

A certificate of lawfulness ref F/00204/13 for the formation of a new basement was granted on 15/02/2013.

Application ref: F/03584/13 for Demolition of existing steps and formation of new steps and part reduction of level of front garden to incorporate a bin storage area. New planting and alterations to the front boundary wall was refused by the East Area Sub-Committee on 14/10/2013. This has been allowed at appeal with costs being awarded against the Council.

A certificate of lawfulness ref F/01453/12 for creation of hardstanding area for bin store and new access steps to front of property was made unlawful on 26/09/2012

Application ref: F/04240/11 for Demolition of existing steps and reduction in level of the front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall was refused and dismissed at appeal on 20/03/2012.

Application ref: F/01908/11 for Demolition of existing steps and reduction of levels of front garden. Formation of new steps with binstore and bike store located under, new planting and alterations to the front boundary wall was refused on 25/07/2011.

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments

as well as neighbouring occupiers enjoy a high standard of amenity.

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

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

The Council's SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

Guidance in relation to basement states that development...*'which includes visible external manifestations of a basement should pay special attention to the building they relate to and protect the character and appearance of the local and wider area and the setting of the individual development they form part of*

- *should ensure that the basement development does not harm the established garden, open area, nearby trees and that no adverse impact is caused to the amenity of neighbouring properties....*

The council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.

Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view. In this case, there are no external changes proposed.

The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation. If you intend to carry out work to an existing wall or structure which is shared with another property, build a free-standing wall or a wall up to or astride the boundary with a neighbouring property, or excavate near a neighbouring building, then the neighbours should be notified under the provisions of the Party Wall Act 1996. It should be noted that issues that relate to boundary disputes and land ownership are not planning matters. Similarly, issues related to foundations and movements are not planning but Building Control matters, therefore relevant departments should be contacted for any further guidance.

The following points should be considered for basement extensions:

- *Nearby trees roots on or adjoining the site should not be damaged.*
- *Not more than 50% of the amenity space (garden or front court yard) should be removed.*
- *Neighbouring ground water conditions should not be adversely affected.*

- *Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.*
- *Light-wells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. In situations where lightwells are not part of the established street scene, the nature of the front garden will help to determine their suitability. Where the depth of a front garden is sufficient, basement light-wells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. In such circumstances lightwells that are sensitively designed may be acceptable, subject to other design requirements.*
- *Railings, grilles and other light-well treatments should avoid creating visual clutter and detracting from an existing front boundary wall, or obscuring front windows. This is particularly important in shallow gardens where front light-wells should be secured by a grille which sits flush with the natural ground level, rather than with the use of railings. Railings will be considered acceptable where they form part of the established street scene, or would not cause harm to the appearance of the property and neighbouring area.*
- *All rooms within a basement should be able to function properly for the purpose intended. They should be of an adequate size and shape and receive natural lighting and ventilation. All habitable rooms within basement accommodation should have minimum headroom of 2.5 metres.*
- *Forecourt parking arrangements should be considered carefully as light to basement windows can be severely restricted.'*

Previous proposals have been refused as they have involved alterations to the levels at the front of the property which it was considered would harm the character of the area. The current proposals involve no external changes.

The proposals would involve the creation of games room, gym and utility room. As these rooms are non-habitable rooms, the lack of lightwells or outlook is acceptable.

The applicant has confirmed that the proposals would not damage the street tree to the front of the property. The street trees team have been consulted and have no objection to the proposals.

In considering whether the proposals should be granted permission, it needs to be considered whether there is a lawful fall-back position. It would appear that the works granted a certificate of lawfulness under ref: F/00204/13 are essentially the same as those currently proposed. Therefore it needs to be considered that the works could be done without permission as a fall-back position.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of

neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Basements are not part of established character of West Finchley - *The proposals involve no external changes.*

Property has already been extended - *This is not a reason to refuse the application. Planning applications must be assessed on their own merits.*

Exterior of property would need to be altered to allow for daylight and fire escape - *The rooms proposed are not habitable and a light source is not required.*

Proposals involve substantial excavation - *It is acknowledged that excavation would be required, but this would be acceptable as long as the land is reinstated after works had finished.*

Site is located within an area of Heavy Clay Soil - *Noted. Building a basement in clay is normally less of a problem than in granular type soils so in itself this is not reason to refuse the application.*

There should be a hydrological survey - *Given the fall-back position that a basement could be constructed under permitted development, this does not warrant refusal of the application. It is not considered that this could be reasonably required given that the site is not within an area of flood risk.*

Agent is not registered with Architects Registration Board (ARB) - *This is not reason to withhold permission.*

Foundations of house are not deep enough - *This is a building regulations matter.*

Noise and disturbance - *Noise and disturbance during construction is not a reason to withhold permission. The proposals themselves should not cause undue noise and disturbance to neighbouring occupiers.*

Home cinema, gym, shower and utility room require daylight - *The lack of daylight to these rooms is not considered to warrant refusal as they are not living rooms or bedrooms.*

No mention of materials to be used - *The basement would be a subterranean feature and would not require additional external materials.*

Concerns regarding lengthy period of construction and requirement for construction management plan. - *Noted, and a condition is proposed that details are provided.*

Loss of Silver Birch to front of site - *Discussion has taken place with the Council's Street Trees team who are of the view that the tree is of poor condition.*

Lack of fire escape - *The proposed fire escape would be assessed under building regulations.*

Will landscaping be retained? - *A basement beneath the footprint of the house should not prevent front landscaping from being provided.*

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, it is considered that subject to

compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

SITE LOCATION PLAN: 18 Brent Way, London, N3 1AL

REFERENCE: F/05803/13



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