

LOCATION: 14 Spaniards Close, London, NW11 6TH

REFERENCE: F/00004/14

Received: 24 December 2013

Accepted: 14 January 2014

WARD(S): Garden Suburb

Expiry: 11 March 2014

**Final
Revisions:**

APPLICANT: Mr & Mrs D Coleman

PROPOSAL: Extension of existing basement for uses ancillary to the existing house, with car lift within the existing garage to access new basement car park. Single storey side/ rear extension following demolition of existing side garage. Removal and replacement of existing tennis court.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Site Location Plan; 1307-EX-101; 1307-EX-102; 1307-EX-103; 1307-EX-110 Rev A;
1307-PL-201 Rev D; 1307-PL-202 Rev G; 1307-PL-203 Rev G; 1307-PL-220 Rev F; 1307-PL-210 Rev B; Design and Access Statement Rev A; Sustainability Statement; Martin Dobson Associates Tree Survey & Arboricultural Method Statement; Michael Alexander Basement Impact Assessment (Amended 24/01/2014)

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. 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).

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 Adopted Barnet Development Management Policies DPD (2012).

5. The hereby approved windows shall match the original windows in material and style.

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).

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. 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.

8. No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly

adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

9. 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;
- lightwells to basement
 - double glazed windows at scale 1:10 with annotated section.

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).

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 £19,093.75 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 £73,647.32 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 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).

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 :
12595 - 14 Spaniards Close, London, NW11 6TH
Case Reference: F/00004/14

Application:	Planning	Number:	F/00004/14
Validated:	14/01/2014	Type:	HSE
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Alissa Fawcett
Description:	Extension of existing basement for uses ancillary to the existing house, with car lift within the existing garage to access new basement car park. Single storey side/ rear extension following demolition of existing side garage. Removal and replacement of existing tennis court.		

Application:	Planning	Number:	F/00170/13/ENQ
Validated:	29/07/2013	Type:	ENQ

Status:	REG	Date:	
Summary:	DEL	Case Officer:	Alissa Fawcett
Description:	Excavation of the basement area to facilitate extension to existing basement, beneath the existing hardstanding Macadam Tennis Court and the demolition and replacement of the existing eastern garage. New plant room below car park.		

Application:	Planning	Number:	F/01347/09
Validated:	16/04/2009	Type:	APF
Status:	DEC	Date:	09/06/2009
Summary:	APC	Case Officer:	David Campbell
Description:	Alterations to property including rear extensions, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.		

Application:	Planning	Number:	F/03707/08
Validated:	06/10/2008	Type:	APF
Status:	WDN	Date:	01/12/2008
Summary:	WIT	Case Officer:	Neil Goldberg
Description:	Alterations to property including single storey rear extension, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.		

Application:	Planning	Number:	F/04715/13
Validated:	11/10/2013	Type:	HSE
Status:	WDN	Date:	06/12/2013
Summary:	WIT	Case Officer:	Alissa Fawcett
Description:	Extension of existing basement for uses ancillary to the existing house, with ramped access to new basement car park. Single storey side extension following demolition of existing side garage. Removal and replacement of existing tennis court.		

Application:	Planning	Number:	F/04850/08
Validated:	18/12/2008	Type:	APF
Status:	WDN	Date:	12/02/2009
Summary:	WIT	Case Officer:	Neil Goldberg
Description:	Alterations to property including single storey rear extension, enlargement of both wings to provide additional accommodation at loft level and addition to roof over garage.		

Consultations and Views Expressed:

Neighbours Consulted:	9	Replies:	5
Neighbours Wishing To Speak	0		

The views of objectors can be summarised as follows:

- overdevelopment of site
- scale, appearance and impact of proposals
- sets unfortunate precedent
- detrimental to ground stability
- creating subsidence and the need for underpinning
- ground slippage and movement resulting from piled foundations
- impact on water table- underground stream and watercourses
- noise and disturbance, dirt and dust
- impact on trees
- underground car park inappropriate
- impact on listed buildings
- no engineers report
- proposals out of keeping / uncharacteristic

Internal / other consultations:

Date of Site Notice: 30th January 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the end of Spaniards Close, within Area 14 of the Hampstead Garden Suburb Conservation Area.

The existing building is a locally listed, detached residential dwelling, with rooms in the roofspace and existing basement accommodation.

The adopted Conservation Area Character Appraisal, 2010 notes;

"Spaniards Close is a quiet turning, rising up the hill to the south terminating in a small turning circle. The majority of the houses have carriage drives or paved forecourts. Random york stone paving is the most successful in relation to the area character. Front gardens have mature planting giving a green ambience. In some cases the trees in front gardens obscure the architecture. On the west side of the close there are views through to greenery behind and tall trees are visible above the rooflines. Hedges are mainly holly, behind a low stone wall as the original leases specified.

The development follows the slope of the hill up to a dominant house with symmetrical garage extensions to each side. A large Monkey-Puzzle tree obscures the intended focal view of this central house (No. 14), and the two flanking garages are given undue prominence. Two distinctive houses sit either side of No. 14 on the turning circle. "

Proposal:

This application seeks consent for the following works;

- extension of existing basement
- new internal car lift within garage
- single storey side / rear extension following demolition of existing side garage
- removal and replacement of existing tennis court

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.

The proposal to extend the basement is considered to be acceptable. It is recognised that the adopted Hampstead Garden Suburb Conservation Area Design Guidance notes;

"basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it maybe possible to extend under part of the rear garden. It wil lbe necessary to ensure that a nature garden can be established and maintained above the basement"

However, in the case of this application, it is considered that the host property and its garden area is large enough to accomodate additional extended basement

accommodation. In addition, the existing rear garden has already been paved over to provide a full-sized tennis court. It is proposed to re-lay the tennis court once the proposed basement works are completed. A tree report has been submitted to demonstrate that the proposed development will not pose any harm to existing trees of high amenity value.

It should be noted that the Hampstead Garden Suburb Trust have approved the application following their consultant engineers review of the site investigation reports from GEA and the engineering reports from Michael Alexander Associates and is satisfied that the basement can be constructed as proposed without unduly impacting groundwater flow or surfacewater runoff.

There is no objection to the provision of the internal car lift within the garage, other properties throughout the Suburb have had approval for similar schemes, some of which were granted externally. It is noted that there are many private basement car parks provided to individual dwellings.

An earlier, withdrawn application proposed a steep ramped access down into the garage which would have involved significant removal of soil at the front of the site resulting in a considerable change in levels. This was considered to be visually detrimental to the setting of the host locally listed building and its neighbours. The revised scheme with internal car lift is considered to be a more appropriate addition to the site and as this element of the proposals will not be seen externally there is no objection to it.

The proposed single storey side / rear extensions are considered to be acceptable. The proposals along the side adjacent to 9 Spaniards Close show a similar foot print to the existing, with an additional 3.7 m projection to the rear. The additional single storey rear bay extension proposed provides a modest addition at the rear when taken in context with the main dwelling, measuring approximately 4m by 2.4m with a height of 4m with a flat roof. A condition is suggested restricting access on to the roof of the extension for maintenance only has been applied.

It should be noted that an application for "*Alterations to property including rear extensions, enlargement of both wings to provide additional accommodation at loft level. Addition of roof over garage. Alterations to fenestration.*" was given consent under reference F/01347/09 dated 05/06/2009. This allowed greater increases to the wings than is proposed under this application.

There is no objection to the removal of the existing tennis court and its replacement once the basement works are completed. The resultant external appearance will be similar to the existing.

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the locally listed 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 resultant appearance of the proposed development will not be significantly different to the existing situation found on site. Modest extensions to

the side and rear area proposed, but these are significantly smaller than those approved in 2009 under reference F/01347/09 dated 05/06/2009. At the rear it is proposed to re-lay the tennis court once the basement development is completed and therefore the appearance of the rear "garden" will be similar to the existing.

In planning terms it is considered that the basement development is acceptable and we have requested additional information in regards to its construction to ensure it can be successfully built without presenting harm to the amenities of neighbouring occupiers. The submitted reports have been reviewed by Building Control, who will be responsible for ensuring the proposed development poses no harm to ground stability and the water table. It is noted above that all the basement information has been reviewed by the Hampstead Garden Suburb Trust's consultant engineer who raises no objection and is satisfied that the development can be constructed without unduly impacting groundwater flow or surfacewater runoff.

The concerns raised by the Conservation Area Advisory Committee in regards to providing accommodation within the basement is noted. However, as this accommodation is not proposed to be self-contained and is therefore ancillary to the main dwelling, as detailed on the application form, it is considered to be acceptable.

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 locally listed 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:

14 Spaniards Close, London, NW11 6TH

REFERENCE:

F/00004/14



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