

LOCATION: 17 Spaniards End, London, NW3 7JG
REFERENCE: F/01043/12 **Received:** 12 March 2012
Accepted: 13 March 2012
WARD(S): Garden Suburb **Expiry:** 08 May 2012
Final Revisions:

APPLICANT: Mr Tenenbaum
PROPOSAL: Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - 100-0S; Design & Access Statement - March 2012; Planning Statement - March 2012; Planning Statement - Addendum Re: Heritage Matters (4 April 2012); Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01); Plan No's: 000-01; 100-00; 100-10A; 100-20A; 100-30A; 100-40A; 400-10A; 400-20A; 400-30; 400-40A.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 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 this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 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 visual amenities of the locality.
- 5 Before the building hereby permitted is occupied, the proposed refuse enclosures for recycling containers and wheeled refuse bins shown on Drawing No. 100-20A shall be provided and shall be permanently retained.
Reason:
To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area.
- 6 Any flat roof within this development 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.

- 7 Before the building hereby permitted is occupied the proposed windows to bedroom 3 in the side elevation facing 19 Spaniards End 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.

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure that the development does not prejudice the character of the host building, surrounding buildings, conservation area and to safeguard the health of existing tree(s) which represent an important amenity feature.

- 9 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the all elevations.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 10 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.

- 11 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.

- 12 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.

- 13 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.

- 14 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 15 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.

- 16 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 1989 *Recommendation for Tree Works* (or as amended).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

- 17 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees in the site and within the neighbouring sites in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval. This document should expand on the principle of the points made within the Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01).

Reason:

To safeguard the health of existing trees which represent an important amenity feature.

- 18 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 19 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 20 A 'Demolition and Construction Management Plan' must be submitted to and approved by the Local Planning Authority prior to commencing any construction or demolition works. This document following approval must be complied with in full.

Reason:

In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 21 Before the development hereby permitted is occupied the proposed parking spaces within the parking area as shown in Drawing No. 100-20A submitted with the planning application shall be provided and the access to the parking spaces will be maintained at all time.

Reason:

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with Policies M8 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

INFORMATIVE(S):

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, the proposed

dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

- 2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £15,575.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief 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 will provide 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, this 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk.

- 4 Any details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development,

recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

1. MATERIAL CONSIDERATIONS

National Planning Policy Guidance/ Statements:

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 NPPF sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should

enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of

the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Submission version) 2011:

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS4, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16, DM17.

Relevant Planning History:

Site Address:	17 Spaniards End, London, NW3 7JG
Application Number:	F/01044/12
Application Type:	Conservation Area Consent
Decision:	Not yet decided
Decision Date:	Not yet decided
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Demolition of existing house and erection of a two-storey family dwelling house with rooms in the basement, 2no. off-street parking. Associated landscaping. (CONSERVATION AREA CONSENT)

Case Officer: Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 13 Replies: 3
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Object to the demolition of the property within an Area of Special Character and also within the Hampstead Garden Suburb Conservation Area;
- 1. The report from the applicant's architect is misleadingly and incorrectly states that there are only glimpses of the house from the Heath and has used a photo which minimises the impact of its demolition on the Heath;
- 2. The proposed building is out of character;
- 3. Recently maintenance appears to have been neglected on the existing building;
- 4. The house is described in the LBB Hampstead Garden Suburb Character Appraisal as an imaginative and reticent building makes a positive contribution to the character of the area;
- 5. There is also a danger that any development including a basement less than a metre from Hampstead Heath could have a detrimental polluting effect to the Heath which is an area of Metropolitan Open Land which under the London Policy Plan 2004 policy 3D.10 which should be protected against inappropriate development;
- 6. London Policy Plan 2004 policy 3D.14 Biodiversity and Nature Conservation may also be applicable with regard to pollution to Hampstead Heath from the proposed development;
- 7. The rare tropical plants in the garden of Number 17 could also be harmed;
- 8. The proposal would not comply with London Policy Plan 2004 policy 4A.43 states: *The Mayor supports an integrated, multi-agency approach, which promotes retrofitting existing buildings. Currently, these contribute about 73% of carbon dioxide emissions. Precedence should be given to retrofitting over demolition wherever practical;*
- 9. Its height and scale are inappropriate to this sensitive location and it does not conform to the criteria in *PPG15 Planning and the Historic Environment* for the demolition and replacement of an existing building;
- 10. The South Elevation immediately adjoining Hampstead Heath of the proposed new building is unacceptable.
- 11. The proposal would be contrary to a number of the policies of the latest edition of the LBB Unitary Plan;
- 12. Concerned about glazing on the northern side of the new building;
- 13. Possible loss of privacy and overlooking;
- 14. Effect on access in this small narrow road;
- 15. Lack out off street off street parking;
- 16. Impact neighbouring property;
- 17. Loss of trees;
- 18. Overdevelopment of the site with no additional car parking;
- 19. There will be problems during the construction process as the road is a cul-de-sac.

Internal /Other Consultations:

Urban Design & Heritage -
No objection

Hampstead Garden Suburb, Conservation Area Advisory Committee
No objection.

Date of Site Notice: 22 March 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the southern side of Spaniards End, within Area 17 of the Hampstead Garden Suburb Conservation Area. This area, located behind the Spaniards Inn public house, was part of the Borough of Camden previously, and was its own Conservation Area until it was incorporated into Hampstead Garden Suburb in 2010. The buildings within Spaniards End either date from around the 18th Century or are of modern design dating from the 20th and 21st Century. Therefore, the character of buildings in the street is quite mixed, but all tend to be set back from the road and surrounded in vegetation, much like the majority of the rest of Hampstead Garden Suburb Conservation Area.

The existing two-storey modern dwelling on site has been marked as a positive contributor to the Conservation Area on the Character Appraisal map. The Character Appraisal notes in regard to the application property: *"In the south-west corner, beyond this new house is 17 Spaniards End all but lost to view from the street, it can be seen in glimpse views from the Heath. It is an interesting design, all angles and planes, utilising the awkwardly shaped plot and sloping site to create a building and spaces around it that are intimate and private while providing a light interior and pleasant westerly garden. Although of limited impact, this imaginative and reticent building makes a positive contribution to the character of the area."*

Proposal:

This application relates to full planning permission for the demolition of the existing house and the erection of a two-storey family dwelling house with rooms in the basement, two off-street parking spaces and associated landscaping.

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.

Principle of the demolition

The application property is considered to make a positive contribution to the character and appearance of Area 17: Spaniards End of the Hampstead Garden Suburb Conservation Area, following assessment of the area during the character appraisal process. However, as is usually the case when creating character

appraisal documents it tends to be the front of the property which is focused on as it is this which can be seen from the street. This often provides the key view of the property, and access into gardens is not always possible. This is the case with the application property. It is considered that the key, most positive view of the existing property is that which can be seen from the street and that from the Heath; here the property sits comfortably within its landscape affording clear views of vegetation all around, something which is very characteristic of the conservation areas in Barnet. In addition, it is considered that the existing property is sited well within its plot, creating a good relationship between the built form on site and the landscape around it. The building has not been designated as positive due to its historical context, as it is a modern building within the Conservation Area.

From carrying out the necessary site visit during the pre-application and full submission process, it is noted that the rest of the existing application property has been extended during the 1980s. Some of these later extensions are considered to have compromised the property somewhat and detract from its positive status. Therefore, it was considered that if a replacement dwelling was proposed which could make a greater contribution to the Conservation Area than what already exists, whilst posing no additional visual impact on either the street elevation of that facing the Heath then the demolition would be considered acceptable.

New National Policy guidance set out within the National Planning Policy Framework (NPPF) came into force in March 2012. It does not expect a major change to the way Local Planning Authorities assess applications involving heritage, and indeed elements from the previous document – Planning Policy Statement No. 5 - Planning for the Historic Environment have been carried over. In the case of this application it is considered that para. 134 is relevant here. It notes;

“Where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset; this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use.”

In this case, it is considered that the demolition of the existing dwelling at the application site will result in less than substantial harm to the designated heritage asset known as the Hampstead Garden Suburb Conservation Area. Therefore, the harm caused by demolishing the building weighed against the public benefit of there being an improvement building which makes no more visual impact than the existing is minimal, and considered acceptable by the Local Planning Authority.

The agent's provided planning statement - addendum re: Heritage Matters makes reference to the NPPF. It recognises that in this circumstance it is the Hampstead Garden Suburb Conservation Area that is the designated heritage asset, and this dwelling is marked as a positive contributor to Spaniards End, which although considered to be a heritage asset is not designated as such. It notes that any replacement building could improve significantly upon the attributes of the Conservation Area and is therefore it is considered acceptable to demolish the existing building. Therefore, the Local Planning Authority raises no objection to the principle of demolishing the existing dwelling providing a suitable replacement dwelling is proposed which can make a greater contribution to the Conservation Area than what already exists with Area 17 (Spaniards End) of the Hampstead Garden Suburb Character Appraisal.

Proposed Design

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.

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- "*No character issues.*"

It is considered that the proposed siting of the replacement building is considered acceptable in that it would respect the building lines created by other houses on this part of Spaniards Road.

The proposed amount of glazing on the elevation facing Hampstead Heath is significantly less than on the existing house which is viewed as a benefit. Overall it is a 34% reduction in the area of glass from habitable rooms from the existing situation. It should also be noted that the two largest areas of proposed glass are actually recessed from the main building line, which again is a further positive point.

The general proportions and bulk of the house are considered acceptable when compared to that of existing.

The proposed house overall would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies that seek to preserve the character of areas as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

Trees & Landscaping

Within the site and surrounding sites there are a number of trees, of which one within no. 19 is protected by a Tree Preservation Order. Any trees that do not have TPO's are still protected by virtue of them being within the Conservation Area. Any scheme proposed on these sites would have to take account of the trees and be in accordance with BS5837:2005. Even if a scheme were shown on plan to not encroach onto the Root Protection Areas of the trees etc, there is a concern as to how a scheme of this nature could actually be built given the limited working space etc; without harming the trees. The Tree & Landscaping Team comments that there would be no justifiable tree reason for refusal having received an Arboricultural Impact Assessment Report Prepared by Adam Hollis dated 28 November 2011 (Ref: PKS/SPN/AIA/01). A full method statement will be required expanding on the principle of the points made within the submitted Arboricultural Report.

The trees in the Hampstead Garden Suburb Conservation Area are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the building.

3. COMMENTS ON GROUNDS OF OBJECTIONS

In relation to points 1, 3, 4, 5, 6, 7, 8, 9, 10, 11, 12, 13 and 19, it is considered that the proposal complies with National, London Plan 2011 and Council policies and proposal sits comfortably with the streetscene.

In relation to point 2, the Local Planning Authority is satisfied with the quality of information provided by the applicant and have undertaken a number of visits to this site with the most recent being on 3 April 2012.

In relation to points 14 and 17, it is considered that the proposal has been designed to respect the amenities of neighbouring occupiers. It is considered that, as conditioned, the proposal would have an acceptable impact on the amenity of neighbouring occupiers.

In relation to points 8 and 18, it is true that many of the trees are protected by virtue of them being within the Conservation Area and detailed consideration for the protection of these trees have been of the utmost importance during the determination of this application to ensure that the trees remain of sufficient amenity value to the street and to the site itself. The attachment of conditions 14, 15, 16 & 17 to this recommendation are considered to safeguard this position.

In relation to points 15 and 20, the attachment of condition 20 to this recommendation is considered to safeguard this position.

In relation to points 16 and 19, after having discussions with the council's Highway team, it is considered that this proposal would comply with Council policies.

4. EQUALITIES AND DIVERSITY ISSUES

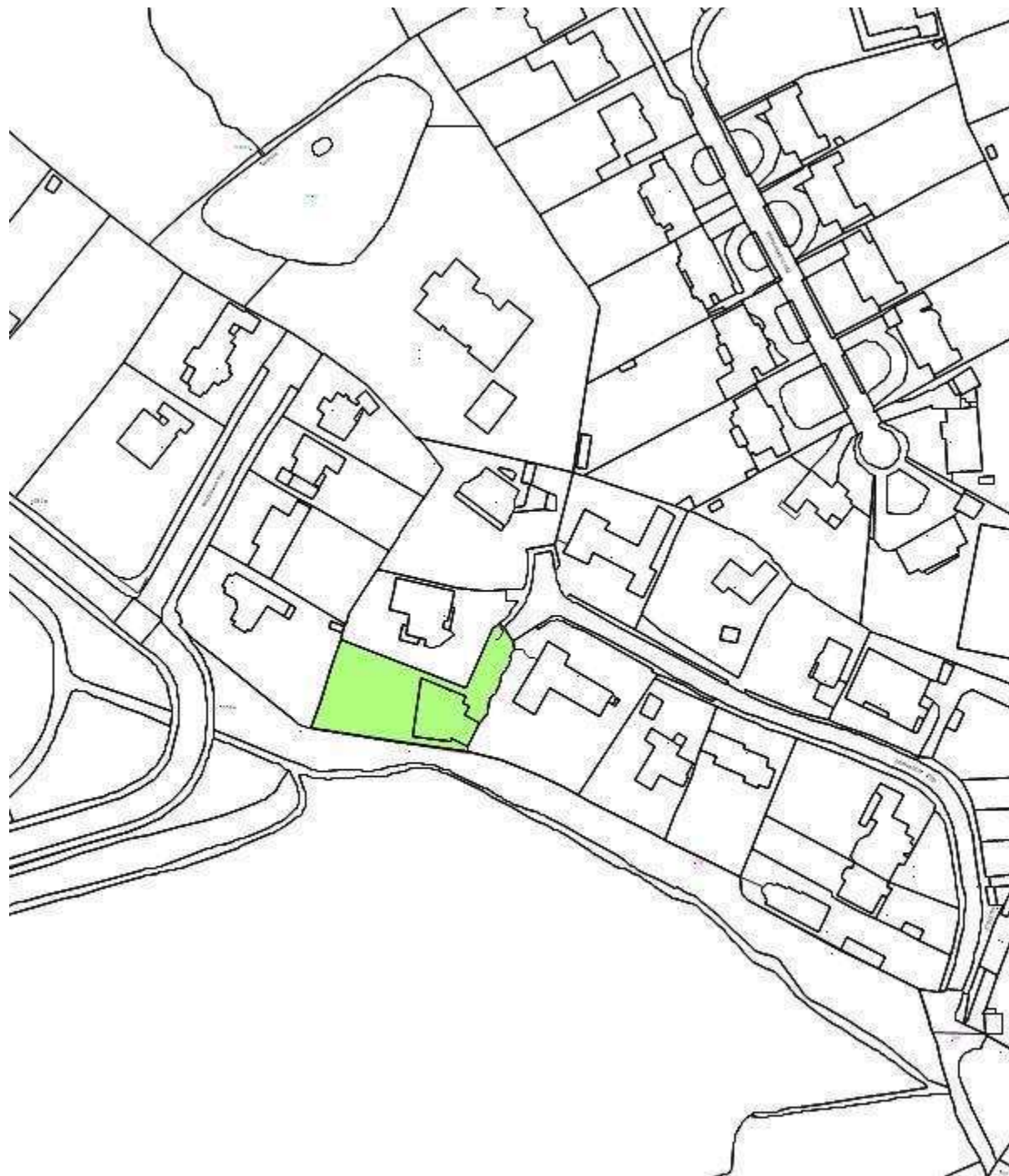
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas. **APPROVAL** is recommended.

SITE LOCATION PLAN: 17 Spaniards End, London, NW3 7JG

REFERENCE: F/01043/12



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