

**LOCATION:** 17 Spaniards End, London, NW3 7JG  
**REFERENCE:** F/01044/12 **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.  
(CONSERVATION AREA CONSENT)

**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 work must be begun not later than three years from the date of this consent.  
Reason:  
To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).
- 3 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.  
Reason:  
To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.
- 4 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.

**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, 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 development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention.

### **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 Governments 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/01043/12  
**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.**

**Case Officer:** Junior C. Moka

Consultations and Views Expressed:

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

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 conservation area consent 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 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.

This replacement building has been applied for under planning application F/01043/12.

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

### **3. EQUALITIES AND DIVERSITY ISSUES**

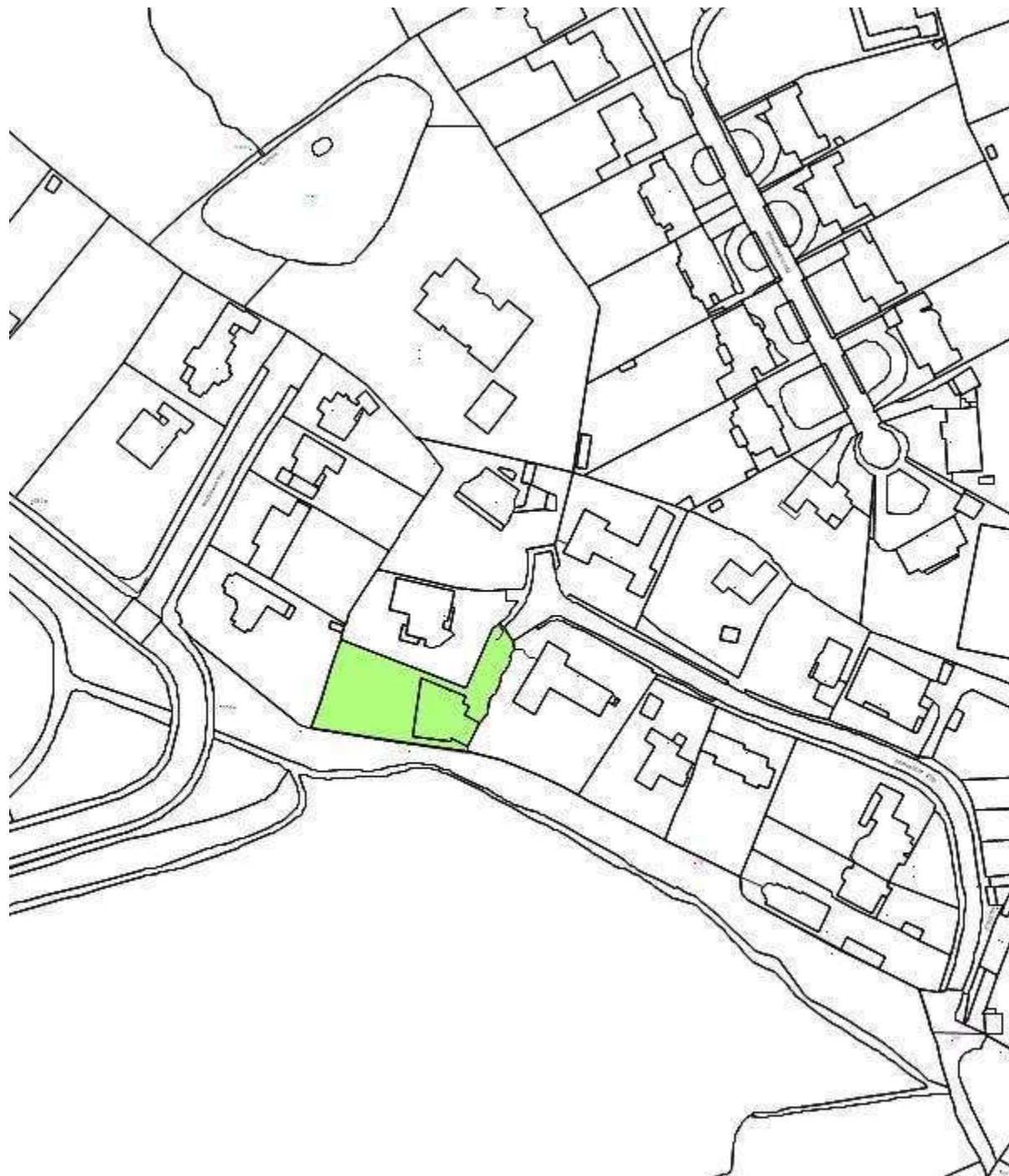
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **4. CONCLUSION**

Having taken all material considerations into account, the proposed development is acceptable as the existing house is not considered to be of such great architectural merits as to ensure its retention. **APPROVAL** is recommended.

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

**REFERENCE: F/01044/12**



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2012. All rights reserved. Ordnance Survey Licence number LA100017674.