

LOCATION: 49 Chiddingfold, London, N12 7EX

REFERENCE: B/01406/14

Received: 19 March 2014

Accepted: 27 March 2014

WARD(S): Totteridge

Expiry: 22 May 2014

Final Revisions:

APPLICANT: Mr Alterman

PROPOSAL: Variation of condition 1 (approved plans) pursuant to planning permission B/03381/13 dated 09/01/14. Amendments to include single storey ground floor rear extension and rooflights to front and side elevations. Change of position of doors and windows in front and side elevations. Internal alterations to rooms and staircase and adjustment to rear patio and landscaping to accommodate ground floor extension.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Drawing no. 1192/SI-010; Drawing no. 1192/PL-000 (date received 19-Mar-2014); Drawing no. 1192-PL-003 Rev C (date received 25-Apr-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 within three years from the decision date of 09/01/2014 of the original permission reference B/03381/13

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 development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 5 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 7 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 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 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 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.

- 9 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).

- 10 Before the dwellings hereby permitted are first occupied the proposed windows in the flank elevations at first floor level and the rooflights on the flank elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 11 Before the development hereby permitted is occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to F of Part 1 to Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 13 Before development hereby permitted is occupied, turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason:

To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 14 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

INFORMATIVE(S):

- 1 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.
- 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 2013 setting a rate of £36.04 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 £9,322.92 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 £35,075.70 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.

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.

- 3 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

- 6 The applicant is advised that if the development is carried out it will be necessary for a crossover to be formed on the footway by the Highway Authority at the applicant's expense and you may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

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 National Planning Policy Framework (NPPF) published on 27 March 2012 is a material consideration in planning decisions. Paragraph 2 states that planning law requires that applications for planning permission must be determined in accordance with the development plan unless material considerations indicate otherwise. Paragraph 14 identifies a presumption in favour of sustainable development.

Twelve core land-use planning principles that under-pin both plan-making and decision-taking are set out in para. 17. These include:

- Always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings;
- Take account of and support local strategies to improve health, social and cultural wellbeing for all, and deliver sufficient community and cultural facilities and services to meet local needs;
- Encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value;
- Promote mixed use developments, and encourage multiple benefits from the use of land in urban and rural areas, recognising that some open land can perform many functions;

Good design is recognised in para. 56 as a key aspect of sustainable development, it is indivisible from good planning, and should contribute positively to making places better for people.

In para. 58 it is stated that planning decisions should, amongst other things, ensure that developments;

- Add to the quality of the area,
- Respond to local character and history, and reflect the identity of local surroundings and materials, while not preventing or discouraging appropriate innovation,
- Are visually attractive as a result of good architecture and appropriate landscaping.

Paragraph 64 states that permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions.

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.

Core Strategy (Adoption version) 2012:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Significant weight should be given to the 16 policies in the CS in the determination of planning applications.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS10, CS11 and CS15

Development Management Policies (Adopted) 2012:

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. Significant weight should be given to the policies in this document in the determination of planning applications.

Relevant Development Management Policies (Adoption version) 2012: DM01, DM02, DM07, DM08 and DM17

Relevant Supplementary Planning Documents/Guidance

In terms of design and sustainability the Council have adopted the Supplementary Planning Document 'Sustainable Construction and Design' (April 2013) and 'Residential Design Standards' (April 2013). The sustainable construction SPD

emphasises the importance of a sustainable approach to construction and updates the Council's amenity standards and room sizes amongst other factors when assessing applications for new development or extensions to existing buildings; the residential design SPD stresses the importance of achieving a high quality design and appearance for development. Both documents should be regarded as a material consideration in the determination of planning applications.

Relevant Planning History:

Application:	Planning	Number:	B/00073/13/ENQ
Validated:	26/03/2013	Type:	ENQ
Status:	REG	Date:	
Summary:	DEL	Case Officer:	Harman Sond
Description:	Demolition of existing detached dwelling - construction of two new detached dwellings. (Category D)		

Application:	Planning	Number:	B/03381/13
Validated:	31/07/2013	Type:	APF
Status:	DEC	Date:	17/01/2014
Summary:	APC	Case Officer:	Harman Sond
Description:	Demolition of an existing two-storey detached dwelling followed by the creation of 2 semi-detached two-storey dwellinghouses with rooms in the roof space.		

Application:	Planning	Number:	B/01406/14
Validated:	27/03/2014	Type:	S73
Status:	PDE	Date:	
Summary:	APC	Case Officer:	Denisse Celi
Description:	Variation of condition 1 (approved plans) pursuant to planning permission B/03381/13 dated 09/01/14. Amendments to include Single storey ground floor rear extension. Change of position of doors and windows in front and side elevations. internal alterations to rooms and staircase and adjustment to rear patio and landscaping to accommodate ground floor extension. (AMENDED DESCRIPTION)		

Consultations and Views Expressed:

Neighbours Consulted: 42 Replies: 3
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Close proximity to neighbours' fence encroaching privacy.
- Damage to the fence due to excavations.
- Houses will be not be proportional and unsightly in the context of street
- Two properties will be too large for the plot designed for one property
- Amendments contain windows on second floor (loft) which would overlook neighbours' garden resulting in loss of privacy
- Reduction in garden space
- Doors to side are intrusive and affects the privacy of properties on Southover
- Ensuites to bedrooms at front will result in obscure glazing to front elevation-out-of-character

- Unsightly velux windows which are not in keeping with the streetscene at the end of Chiddingfold
- Dormer windows will result in properties being overlooked.

Internal /Other Consultations:

- Councillor Richard Cornelius called the application to the committee and objected to the scheme on the grounds that it represents an overdevelopment leading to a cramped effect; the continuity of the properties now leads to a terracing effect out of character with the area. The new extra windows lead to a sense of domination from the property. The previous application was borderline and represented the maximum that the site could take.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a two-storey detached dwelling located on a modest sized triangular plot at the head of the cul-de-sac of Chiddingfold within the Totteridge ward. This road is predominantly residential in character, comprised of a mixture of semi-detached and detached dwellings. The neighbouring property No. 46 Chiddingfold to the east is a large detached dwelling which has been extended considerably giving a frontage width of 14.2m. Levels in the area are such that the application site is at a higher level than No. 47 to the south and lower than the neighbouring properties in Southover to the west.

The application site was granted planning permission at the Planning East Area Sub-Committee in January 2014 for the 'demolition of an existing two-storey detached dwelling followed by the creation of 2 semi-detached two-storey dwellinghouses with rooms in the roof space' under reference B/03381/13.

Proposal:

The applicant seeks planning consent for the variation of condition 1 (approved plans) pursuant to the approved scheme B/03381/13. The amendments include:

- Amended single storey ground floor rear extension including adjustment to rear patio and landscaping to accommodate ground floor extension.;
- Rooflights to front and side elevations;
- Change of position of doors and windows in front and side elevations;
- Internal alterations to rooms and staircase

The approved dwellings benefitted from a single storey rearward projection with a depth of 1.5 metres. The current application seeks to enlarge this by an additional 3 metres; therefore the cumulatively depth of the ground floor projection will be 4.5 metres. The extensions will have a hipped roof with an eaves height of 2.5 metres and a maximum height if 3.5 metres.

The rear sunken terrace will be enlarged and extended towards the rear garden in order to accommodate the larger ground floor projection.

At the flank elevations, the window at ground floor will be replaced with a door. In addition, the ground floor fenestration at ground level has been amended on the current application including the relocation of the front doors and a smaller window.

There are two front rooflights and two side rooflights proposed at each property.

Planning Considerations:

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

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- Whether harm would be caused to the living conditions of neighbouring residents;

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 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.

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. The Council's guidance advises that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

With regards to the rear extension proposed under the current application, although this will be closer to the boundary with the properties on Southover, in particular 106, there will still be a distance of approximately 1.7 metres from dwelling A. The extension will be sited approximately 22 metres from the rear elevation of no.106 Southover and it will be at a lower level.

The proposed ground floor rear elevation will have a projection of approximately 5 metres beyond the rear elevation of no. 46 Chiddingfold (the other semi to the existing property on this site). Due to the distance from the boundary of no.46 to the proposed dwelling B of approximately 2.5 metres, it is not considered that the increased depth will have an adverse impact on the amenities currently enjoyed by the occupiers of this property.

The projections remain modest in height and depth and are not considered to be

overly dominant additions. At street level, there will be no alterations to the mass or bulk of the building compared to the approval; the alterations at the front relate only to the fenestration. The gardens are still relatively large and therefore the proposed extensions are not considered to result in an unacceptable loss of outdoor amenity space.

With regards to the rooflights, a condition will be added to ensure that the flank rooflights are obscured glazed and fixed shut to prevent overlooking on to neighbours' private amenity space.

The proposed amendments pursuant to planning permission B/03381/13 are considered to comply with the abovementioned policies and Council's Residential Design Guidance; the rearward extensions would be a proportionate additions to the approved dwellinghouses and the other alterations/ amendments are modest in size and scale. 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.

Community Infrastructure Levy

The Council's Community Infrastructure Levy came into effect on 1 May 2013 at a rate of £135 per square meter in addition to the current Mayoral CIL charge of £36.04 per square meter. The original approval was considered to be liable for a combined CIL charge of £37,697.22. Due to the increased floorspace of 39.42sqm indicated in the current application, the development is liable for a combined CIL charge of £44,398.62

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the comments on the grounds of objections have been addressed in the report above.

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: 49 Chiddingfold, London, N12 7EX

REFERENCE: B/01406/14



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