

LOCATION: 7 Elmcroft Avenue, London, NW11 0RS

REFERENCE: F/01637/14

Received: 28 March 2014

Accepted: 28 May 2014

WARD(S): Childs Hill

Expiry: 23 July 2014

Final Revisions:

APPLICANT: Mr & Mrs Lahyani

PROPOSAL: Demolition of existing building and erection of 2no. two storey semi detached houses (1 pair) including rooms in roof space, basement, refuse facilities and hard/soft landscaping.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Plan, 1318.PA1 Rev A, 1318.P1, 1318.2, 1318.4, 1318.5, 1318.6, 1318.P2, 1318.P4, 1318.P6, 1318.PA7 RevA, 1318.P8, 1318.P9, 1318.P10, 1318.P11, Planning Statement , 1318.PA5.

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 Notwithstanding the layout shown on plan 1318 PA1 revision A, no development shall take place until details of the parking spaces and vehicular accesses have been provided and approved in writing by the Local Planning Authority. The spaces shall be provided prior to first occupation of the dwellings and shall thereafter not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area 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.

- 4 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.

- 5 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.

- 6 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 previously 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).

- 7 Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in

accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 Before the building hereby permitted is occupied the proposed window(s) in the flank elevations facing 5 Elmcroft Avenue and 9 Elmcroft Avenue 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).

- 9 The roof of the single storey rear projection 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).

- 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 in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 11 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, B, C, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 7 Elmcroft Avenue 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).

- 12 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).

- 13 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.

- 14 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.

- 15 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).

- 16 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).

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.
- 2 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.

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 £18,440 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 £70,815 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 at: cil@barnet.gov.uk.

Relief or Exemption from CIL

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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 can apply for relief or exemption under the following categories:

1. Charity

If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government.

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extension

You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build

Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Visit:

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

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 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". The NPPF retains a 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 and is recognised in the NPPF as part of the development plan.

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.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM08, DM17.

Supplementary Planning Documents and Guidance

Supplementary Planning Document: Sustainable Design and Construction
Supplementary Planning Document: Residential Design Guidance

Relevant Planning History:

None Relevant

Consultations and Views Expressed:

Neighbours Consulted:	96	Replies:	14
Neighbours Wishing To Speak	0		

The objections raised may be summarised as follows:

- Aggravating existing problem of parking of cars for local residents
- Development is out of character resulting in loss of bungalows

- Loss of light
- Party wall issues
- Extension goes beyond neighbouring properties
- Basement could impact stability of neighbouring properties
- Proposals could impact ancient rights to light.
- Noise and vibration during construction
- Applicant should submit a basement impact assessment

Internal /Other Consultations:

N/A

Date of Site Notice: 05 June 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is an existing chalet bungalow on the west side of Elmcroft Avenue.

The area is characterised by a mixture of two storey single family dwellinghouses and a smaller number of bungalows (no.9, 11).

The site property was most recently used as three self-contained flats.

The existing building adjoins the boundary with no.9 which is a bungalow.

Proposal:

The proposals are for the demolition of existing building and erection of 2no. two storey semi detached houses (1 pair) including rooms in roof space, basement, refuse facilities and hard/soft landscaping.

Planning Considerations:

The main issues are considered to be:

- The principle of the development
- Whether the proposals would harm the character and appearance of the area
- Whether the proposals would harm neighbouring amenity
- Whether the proposals would harm highway or pedestrian safety

The principle of the development

Given the mixture of building types in the immediate locality, it is considered that the principle of replacing a chalet bungalow with two storey dwellings is acceptable. Similarly, in terms of the width of the new plots, the proposals would be comparable to those at no.3 and no.5.

The proposed density at 25 units per hectare would not exceed the figures within the Mayors London Plan density matrix.

The principle of the development is considered acceptable.

Whether the proposals would harm the character and appearance of the area

The proposed new dwellinghouses would be lower than no.5, and higher than the bungalow at no.9. The applicant has lowered the eaves of the proposed building so that the building would not appear as jarring against the lower eaves of no.9, and achieve more of a 'step down' within the streetscene.

It is noted that the front building line of the proposed dwellinghouses would be located between no.5 and no.9. This would help the pair of dwellings fit acceptably within the streetscene.

Whether the proposals would harm neighbouring and future amenity

Both no.5 and no.9 have been previously extended, with both having large single storey extensions. The plans indicate that the rearward projection of 5m at ground floor beyond the existing rear wall would be in line with the rear extension at no.5. It is noted that there is a small gap between the rear wall of no.9 and a large swimming pool outbuilding in its garden. Though the ground floor projection would extend across this space, it is not considered that it is likely that the rear projection would harm the amenities of the occupiers of no.9 in view of this. The existing rear outlook is currently onto the rear outbuilding.

The side windows to no.5 serve landing windows and not habitable rooms, therefore it is not considered any impact would be harmful.

The units would comply with the Mayor's London Plan in terms of the size of the proposed units.

The proposed dwellings would provide adequate standards of outlook and daylight.

It is noted that the proposals would provide a distance to boundary with no.5 of less than 1m in part to the rear, which would technically not comply with the requirements of the Supplementary Planning Document on Residential Design Guidance. In view of the fact that there would still be a gap of 2m to the flank wall of no.5 which is a further requirement, it is not considered that there would be any material harm caused by this.

The proposed garden areas would comply with amenity space requirements within the SPD Document on Residential Design Guidance.

The proposed new dwellings would need to comply with level 3 of the Code for Sustainable Homes.

Whether the proposals would harm highway or pedestrian safety

It is noted that 1 parking space is provided for each unit. Policy DM17 of the

development management policies document states that normally 1.5-2 spaces should be provided for 4+ bedroom units.

The proposals show one parking space for each dwelling. However it is noted that the access for the dwelling adjacent to no.5 would be onto an existing residents bay. The creation of the crossover and relocation of the residents bay would need to be subject to a formal consultation. A condition is suggested to ensure that details of access are provided prior to the development commencing. Taking into account the relative accessibility of the site and its location within a Controlled Parking Zone, highways officers consider that the proposals would not harm highway or pedestrian safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Aggravating existing problem of parking of cars for local residents - *Addressed in main report.*

Development is out of character resulting in loss of bungalows - *The bungalows are not of any specific townscape merit and their loss is considered acceptable. The demolition of the building would not itself require planning approval, only prior approval and the LPA would not be able to object to this in principle.*

Loss of light - *Addressed in main report.*

Party wall issues - *Party wall issues are not material planning considerations.*

Extension goes beyond neighbouring properties - *It is noted that the dwellings would extend 1m beyond neighbouring property at no.5 but this is considered acceptable.*

Likewise the impact on no.9 is considered acceptable.

Basement could impact stability of neighbouring properties - *This is principally a matter dealt with under the building regulations.*

Proposals could impact ancient rights to light. - *Ancient rights to light are a legal matter and are not considered under the planning process. However, it is considered that the impact on neighbouring occupiers would be acceptable.*

Noise and vibration during construction - *This is not reason to refuse the planning application. Conditions are attached to ensure disruption to local residents is minimised.*

Applicant should submit a basement impact assessment - *This is not considered to be justified given that the site is on London Clay geology which is relatively stable and the nature of the excavations.*

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

Taking the above into consideration the application is recommended for **APPROVAL.**

SITE LOCATION PLAN: 7 Elmcroft Avenue, London, NW11 0RS

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