

LOCATION: 3 Arden Road, London, N3 3AB

REFERENCE: F/02066/14

Received: 12 April 2014

Accepted: 30 April 2014

WARD(S): Finchley Church End

Expiry: 25 June 2014

Final Revisions:

APPLICANT: Lewis Lyons

PROPOSAL: General refurbishment of the property to include new basement, rear ground floor extension, first floor extension over garage and new dormer to top floor to replace existing.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing Nos. EL02, EXP02, EXP03, EXP01, EXS02, EXL01, EXS01, EXEL04, EXEL01, EXEL03, PRP01, P03, PEL01, EL04, EL02, EL03, P02 and P04.

1306_P_P_P_02 Rev B, 1306_P_EX_EL_02 Rev A, 1306_P_P_EL_01 Rev B, 1306_P_PR_P_01 Rev B, 1306_P_P_EL_04 Rev B, 1306_P_EX_L_01, 1306_P_EX_S_01 Rev A, 1306_P_EX_EL_04 Rev A, 1306_P_EX_EL_03 Rev A, 1306_P_EX_EL_01 Rev A, 1306_P_P_P_03 Rev B, 1306_P_P_EL_03 Rev B, 1306_P_P_P_04 Rev B, 1306_P_P_EL_02 Rev B, 1306_P_EX_P_01 Rev A, 1306_P_EX_P_02 Rev A, 1306_P_EX_P_03 Rev A, Site Plan.

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason:

To safeguard the visual amenities of the building and surrounding area in

accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 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 east first floor flank elevation(s), facing 1 Arden Road of the extension(s) hereby approved.

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).

- 5 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 8 Before the balcony area hereby approved is occupied details of a privacy screen shall be submitted to and approved in writing by the Local Planning Authority. The screen shall be implemented as approved and retained as such thereafter.

Reason:

To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking.

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 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 £5,075.00 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 £19,575.00 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 London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that "good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people."

NPPF retains presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan July 2011:

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11th September 2012

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

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

Supplementary Planning Documents and Guidance

Residential Design Guidance SPD
Sustainable Design & Construction SPD

Consultations and Views Expressed:

Neighbours Consulted: 12 Replies: 8
Neighbours Wishing To Speak 0

Summary of objections raised:

- The proposed basement is out of character with the area.
- The development will increase the risk of flooding from paving or removal of garden area
- The scale of the development is out of character with the area.
- The basement will be damage the root protection area of a tree in a neighbouring garden.
- Impact of development on traffic and removal of material
- The application is similar to recently refused application at 2 Fitzalan Road
- Sub soil may not be stable

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey detached property located on the south side of Arden Road which is residential in character.

Dimensions:

The application seeks permission for general refurbishment of the property to include new basement, rear ground floor extension, first floor extension over garage and new dormer to top floor to replace exiting.

The proposed ground floor rear extension will have a maximum depth of 4.1 metres, extends the full width of the property and will have a height of 3.1 metres with a flat roof.

The proposed first floor side extension will have a depth of 7.3 metres, a width of 1.7 metres and a height of 6.2 metres with a hipped roof.

The proposed basement will have a maximum depth of 7.2 metres, a maximum width of 11.6 metres.

Planning Considerations:

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

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

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 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards 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 proposed extensions are considered to be an acceptable addition to the property and would not be detrimental to the character and appearance of the host property and general locality; including the street scene.

The proposed first floor side extension has been set back from the front of the property by 1.2 metres, is set down from the main ridge of the property by 2.2 metres and set away from the boundary of the neighbouring property No. 1 Arden Road. This is not considered to be detrimental to the character and appearance of the area and nor the residential amenities of the neighbouring properties. The proposed extension would maintain a gap of 1m to the boundary with no.5 and 1.8m to the flank wall of no.5. It is considered that this would maintain an adequate gap and prevent a terracing impact within the streetscene.

The proposed ground floor rear extension has been amended to reduce the depth to 4.1 metres and will not project beyond the rear extension of the neighbouring property No. 5 Arden Road. The extension will project approximately 2m beyond the rear wall of the neighbouring property No. 1 Arden and this is not considered to be detrimental to the amenities of this neighbouring property. It is not considered that the proposals would result in harmful loss of light or outlook in terms of neighbouring occupiers.

The proposed first floor rear side extension will have a balcony and whilst this is not normally supported by the council the proposed balcony will be set back from the flank wall of the neighbouring property no.1 Arden Road and this is not considered to

result in the loss of privacy and overlooking of the rear garden of this neighbouring property. Furthermore the proposal includes a privacy screen on the side elevation facing the neighbouring property No.1 and this is considered to be acceptable subject to a condition recommending the installation of the privacy screen prior to occupation of the two storey side extension.

The proposed dormer windows will not occupy more than half width and half the depth of the roofslope and is in accordance with the councils design guidance in relation to dormer windows and would not be detrimental to the character and appearance of the area and nor the residential amenities of the neighbouring properties.

The Councils SPD 'Residential Design Guidance' states the following in relation to basement extensions:

- Any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.
- Light-wells at the front need to appear as discreet interventions that do not harm the character or appearance of the building and its frontage. In situations where lightwells are not part of the established street scene, the nature of the front garden will help to determine their suitability. Where the depth of a front garden is sufficient, basement light-wells are more easily concealed by landscaping and boundary treatments providing a visual buffer from the street. In such circumstances lightwells that are sensitively designed may be acceptable, subject to other design requirements.

The proposed basement has been amended to reduce the depth and is ancillary to the main dwelling house. The Lightwells are proposed to the rear of the property and are considered to be subordinate in size and will not be detrimental to the character and appearance of the property and nor the residential amenities of the neighbouring properties. The proposal will not result in any changes to the front garden level and as such the proposal is not considered to be detrimental to the amenities of the neighbouring properties.

The proposals would comply with the aforementioned policies and Council design guidance and would be a proportionate addition to the dwellinghouse. 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.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The proposed basement is out of character with the area - *The proposed basement will not be visible front of the property and is not considered to be detrimental to the character and appearance of the street scene.*

The development will increase the risk of flooding - *The site is not located within an*

area of flood risk and it is not considered that there would be a harmful impact on local flooding.

The scale of the development is out of character with the area - There are a number of properties in the locality that have had large extensions and therefore the proposal is considered to be in keeping with the character and appearance of the area.

The basement will be damaged by the root protection area of a tree in a neighbouring garden - The basement will be more than 15 metres away from the protected tree and this is not considered to impact on the root protection areas.

Impact of development on traffic and removal of material - The proposals are not considered to materially increase traffic considering that the use is not changing. Given the scale of the proposed basement it is not considered that this would be likely to cause harmful disturbance to neighbouring occupiers.

The application is similar to recently refused application at 2 Fitzalan Road - The proposals have to be assessed on their own merits. The proposals have been amended to address concerns raised.

Sub soil may not be stable - Structurally stability is primarily dealt with under the building regulations

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: **3 Arden Road, London, N3 3AB**

REFERENCE: **F/02066/14**



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