

**LOCATION:** Newlands, Tenterden Grove, London, NW4 1SY

**REFERENCE:** H/04249/14

**Received:** 06 August 2014

**Accepted:** 07 August 2014

**WARD(S):** Hendon

**Expiry:** 02 October 2014

**Final Revisions:**

**APPLICANT:** Newlands NW4 Limited

**PROPOSAL:** Demolition of existing house and detached garage and construction of a 2 storey building plus rooms in roof space and basement, to create 6 self-contained flats with associated amenity space, landscaping, refuse/recycling facilities and 8no. off street parking spaces.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan, 1\_510-00-030; 1\_510-00-022; 1\_510-00-012; 1\_510-00-020; 1\_510-00-009; 1\_510-00-101 RevA; 1\_510-00-102 RevA; 1\_510-00-103 RevA; 1\_510-00-104 RevA; 1\_510-00-099 RevA; 1\_510-00-104 RevA; 1\_510-00-300 RevA; 1\_510-00-301 RevA; 1\_510-00-302 RevA; 1\_510-00-200 RevA; 1\_510-00-201 RevA; 1\_510-00-202 RevA; 1\_510-00-203 RevA.

**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 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.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Green Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 5 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.

- 6 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.

- 7 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).

- 8 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).

- 9 Other than those areas shown to be balconies, the roof of the building 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 Before the building hereby permitted is occupied the proposed window(s) in the first and second floor flank elevations facing Nos 57 and 59 Finchley Lane 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 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

first and second floor flank elevation(s), of the extension(s) hereby approved, facing Nos 61 and 65 Green Lane.

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).

- 12 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).

- 13 Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 14 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).

- 15 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.

- 16 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.

- 17 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).

- 18 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).

- 19 All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 of the London Plan 2011.

- 20 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 21 Before the development hereby permitted is occupied, details of the sub-division 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).

- 22 Before the development hereby permitted is first occupied the car parking spaces as shown on submitted drawing shall be provided and shall not be used for any purpose other than 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.

- 23 Before the development hereby permitted commences, details of the materials to be used for the balconies including plans at 1:20 showing the details of the balconies and balustrades. 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.

#### **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.

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- ii) In this case, formal pre-application advice was sought prior to submission of the application.

- 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](http://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 £14,420.00 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 £55,620.00 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](mailto: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](http://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](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](http://legislation.gov.uk)

Visit:

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

- 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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 4 If the proposal is implemented it will be necessary for a new vehicle access to be constructed. For any new vehicle accesses or modifications to existing vehicle accesses the applicant must submit an application under Section 184 of the Highways Act (1980), which will require a separate authorisation from the Highways Authority. The proposed access design details, construction and location will be reviewed as part of the application.  
Any costs for necessary works on the public highways including re location of street furniture and reinstatement of redundant crossover to footway level, will be carried out at the applicant's expense.

To receive a copy of our Guidelines for Developers and an application form please contact:, Traffic & Development Section, North London Business Park (NLBP) Building 4, Oakleigh Road South, London N11 1NP

- 5 The applicant is advised that if Council's refuse collection is intended, bins should be brought to a location within 10 metres of the public highways on collection days.
- 6 Details submitted in respect of the Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the method statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (excavation, site

preparation and construction) and the provision on site of a storage /delivery area for all plant, site huts, site facilities and materials and a community liaison contact.

## **1. MATERIAL CONSIDERATIONS**

The National Planning Policy Framework 2012

The Mayor's London Plan: July 2011

Relevant Core Strategy (2012) Policies:

CS NPPF - National Planning Policy Framework - Presumption in Favour of Sustainable Development  
CS5 - Protecting and Enhancing Barnet's character to create high quality places

Relevant Development Management (2012) Policies:

DM01 Protecting Barnet's character and amenity  
DM02 Development standards  
DM03 Accessibility and inclusive design  
DM04 Environmental considerations for development  
DM08 Ensuring a variety of sizes of new homes to meet housing need  
DM17 Travel impact and parking standards

Supplementary Planning Documents and Guidance

Sustainable Design and Construction (2013)  
Residential Design Guidance (2013)  
Planning Obligations (2013)

Mayor's CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £36.04 per sqm on all 'chargeable development' in Barnet.

Barnet CIL

Barnet's Community Infrastructure Levy was approved at Full Council on 16 April 2013. Adoption of the Barnet CIL Charging Schedule is the 1st May 2013. All planning applications decided on or after that date will be subject to the charge at a rate of £135 per sqm on all 'chargeable development' in Barnet.

Relevant Planning History:

**Site history for current landparcel :**

22165 - Newlands, Tenterden Grove, London, NW4 1SY

Case Reference: **H/04249/14**

<b>Application:</b>	Planning	<b>Number:</b>	H/04120/10
<b>Validated:</b>	12/10/2010	<b>Type:</b>	HSE
<b>Status:</b>	DEC	<b>Date:</b>	13/01/2011
<b>Summary:</b>	APC	<b>Case Officer:</b>	Graham Robinson
<b>Description:</b>	Two storey rear extension. First floor front extension over garage. Roof extension involving rear dormer windows to facilitate a loft conversion. Conversion of garage into habitable room. Erection of a new single storey detached garage.		

**63-65 Finchley Lane**

<b>Application:</b>	Planning	<b>Number:</b>	H/00446/10
<b>Validated:</b>	01/02/2010	<b>Type:</b>	APF
<b>Status:</b>	DEC	<b>Date:</b>	11/03/2010
<b>Summary:</b>	APC	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Demolition of existing garages and erection of single storey dwelling house with rooms in the roofspace.		

<b>Application:</b>	Planning	<b>Number:</b>	H/02785/10
<b>Validated:</b>	12/07/2010	<b>Type:</b>	CON
<b>Status:</b>	DEC	<b>Date:</b>	13/09/2010
<b>Summary:</b>	AP	<b>Case Officer:</b>	Sally Fraser
<b>Description:</b>	Submission of details of (Condition 3): (Details of levels) (Condition 4): (Details of materials) (Condition 5): (Details of Means Of Enclosure) (Condition 7): (Details of Refuse). (Condition 10): (Details of landscaping) (Condition 15): (Details of Non-Standard Planning Obligation), pursuant to planning permission (H/00446/10) Dated (11th March 2010)		

## Relevant history for surrounding sites on Tenterden Grove

## Lido and Winsford, Tenterden Grove

H/02083/08 - Demolition of existing dwelling and construction of two-storey building (plus basement and rooms in roofspace) for 6 self-contained units with associated amenity space and parking. Approved subject to conditions.

H/00111/09 - Demolition of existing dwelling and construction of two-storey building with roof terrace (plus basement and rooms in roofspace) with gym in basement, for 5 self-contained units with associated amenity space and parking. Amendment to application reference H/02083/08 previously approved on 05/08/2008 to reduce number of units from 6 to 5, alterations to internal layout, increase to rear projection at ground floor level, alterations to elevations with timber banding being replaced by reconstituted stone. Approved subject to conditions.

## Miramar Lodge

H/02294/13 - Demolition of existing detached house and construction of a 2 storey building plus rooms in roof and basement to comprise 6 self-contained flats with associated amenity space, landscaping and parking. Approved subject to conditions.

Consultations and Views Expressed:

Neighbours Consulted: 78                      Replies: 11  
Neighbours Wishing To Speak 4

The objections raised may be summarised as follows:

- Increased congestion. Transport statement underestimates number of cars including visitors and tradespeople.
- Income bracket of people who can afford flats will suggest multiple cars.
- Design and orientation is out of keeping.
- Intensification of use particularly close to boundaries.
- No need for 6 luxury flats.
- Bad visibility due to bend in road.
- Demolition of building means character will be changed.
- Balconies and openings will reduce privacy.
- Flooding due to basement.
- Should not bring building line forward.
- Windows in side elevation to be obscure glazed.
- Should not destroy roots of trees.
- Loss of amenity
- Loss of views.
- Overdevelopment of the site.
- Loss of garden and open aspect.
- Out of scale.
- Construction works will cause anxiety and may interfere with hospital/doctor visits.
- Building line is too close to perimeters of the site.

Internal /Other Consultations:

Traffic and development - no objections.

Date of Site Notice: 14 August 2014

**2. PLANNING APPRAISAL**

Site Description and Surroundings:

The application site is a large detached dwelling located in the Hendon Ward. The property adjoins Garrick Way and the properties along Finchley Lane back on to the site. There is an existing front hardstanding, there is a significant level change from street level to ground level of the building.

#### Proposal:

Demolition of existing house and detached garage and construction of a 2 storey building plus rooms in roof space and basement, to create 6 self-contained flats with associated amenity space, landscaping, refuse/recycling facilities and 8no. off street parking spaces.

#### Planning Considerations:

The main considerations are:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area
- The impact on the amenity of future and neighbouring residents
- The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

#### The principle of the proposed development

The principle of the demolition of the existing dwellinghouse is accepted, the property is not within a Conservation Area and is not of particular architectural merit to warrant its retention subject to an appropriate replacement.

The principle of flats is also considered to be acceptable, there are a number of other properties in the immediate area that have been granted planning permission for flats notably Miramar Lodge, Winsford and Lido Court and Tenterden Lodge.

#### The impact on the character and appearance of the application site and surrounding area

The 2012 National Planning Policy Framework states that *"the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people"*.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council *"will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design"*. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that *"development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding"*

*buildings, spaces and streets... development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused".*

The proposed new building is considered to be acceptable. The size, design and fenestration detailing of the building has been amended since its initial submission. The roof form has also been amended

#### The impact on the amenity of future and neighbouring residents

The proposed works would result in the creation of six flats. Policy DM01 of the Development Management Policies 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.

Section 8.4 of Barnet's Local Plan SPD: residential design guidance states: *"in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy".* In addition to this, section 2.4 of the SPD for sustainable design and construction states that *"the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".*

The proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. It is also considered that the proposed flats would have access to sufficient amenity space with access to the rear garden from the basement level which will be communal for each of the flats. In addition there will be private balconies. Details of the balustrading for this is to be secured by way of condition.

The proposal has been amended since its initial submission changing the internal configuration of the property to ensure there is adequate outlook to habitable rooms in each of the flats. Bathrooms and secondary windows of living rooms and bedrooms are sited on the flank elevation which will be obscure glazed. Principal windows will be sited to the front or back of the building.

It is noted that there is a flat in the basement level of the property, the lightwell will provide outlook and natural light to this flat with a distance of 3.6m. This is a similar relationship to the flat at Miramar Lodge where a recent scheme was approved which also included a basement with a flat entirely within the

basement level. Soft landscaping will be used as a buffer between the basement terrace and the remaining amenity area to ensure there is adequate privacy to the basement flat.

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. Given the property's location it is not sited immediately adjacent to neighbouring buildings.

Details of noise from ventilation and extraction equipment for kitchens and bathrooms will be secured by way of condition.

Turning to the impact on neighbouring properties, the new building will have an extended mass and footprint compared to the existing property. The proposal has been amended since its initial submission removing the first floor side additions from the plans. The nearest properties on Finchley Lane are sited approximately 20m from the building, given this distance and the size, bulk and additional rearward projection it is considered that the proposal will not result in harm to the neighbouring occupiers by way of an overbearing appearance. Windows in the flank elevation will be obscure glazed.

At ground floor level the proposal will be set off the boundary of the rear gardens of Finchley Lane between 0.4m - 1.7m. At first floor a minimum distance of 1.3m is maintained. The proposal will project an additional 2m to the back from the existing rear building line and it is considered that the proposal is acceptable.

By virtue of its scale, siting and design it is considered that the development would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds.

### Highways and parking

The proposal is for demolition of existing dwelling and construction of a new development consisting of 6 3-bedroom flats. A total of 8 parking spaces are proposed in the forecourt of the property including one space suitable for disabled use. 13 cycle parking spaces are proposed.

The proposed parking provision is in accordance with the parking standards in Barnet's Local Plan.

The cycle parking provision is in accordance with the London Plan.

The existing vehicle access will be relocated and will require for the applicant to submit a section 184 application for the construction of the new access. All associated works on the public highways including reinstatement of the redundant to footway level, will be carried out at the applicant's expense.

The applicant is advised that refuse should be brought to a location within 10 metres of the public highway if council's collection is intended.

There are no objections on highways grounds.

**3. COMMENTS ON GROUNDS OF OBJECTIONS**

All planning related matters are considered to be covered in the above appraisal.

**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.

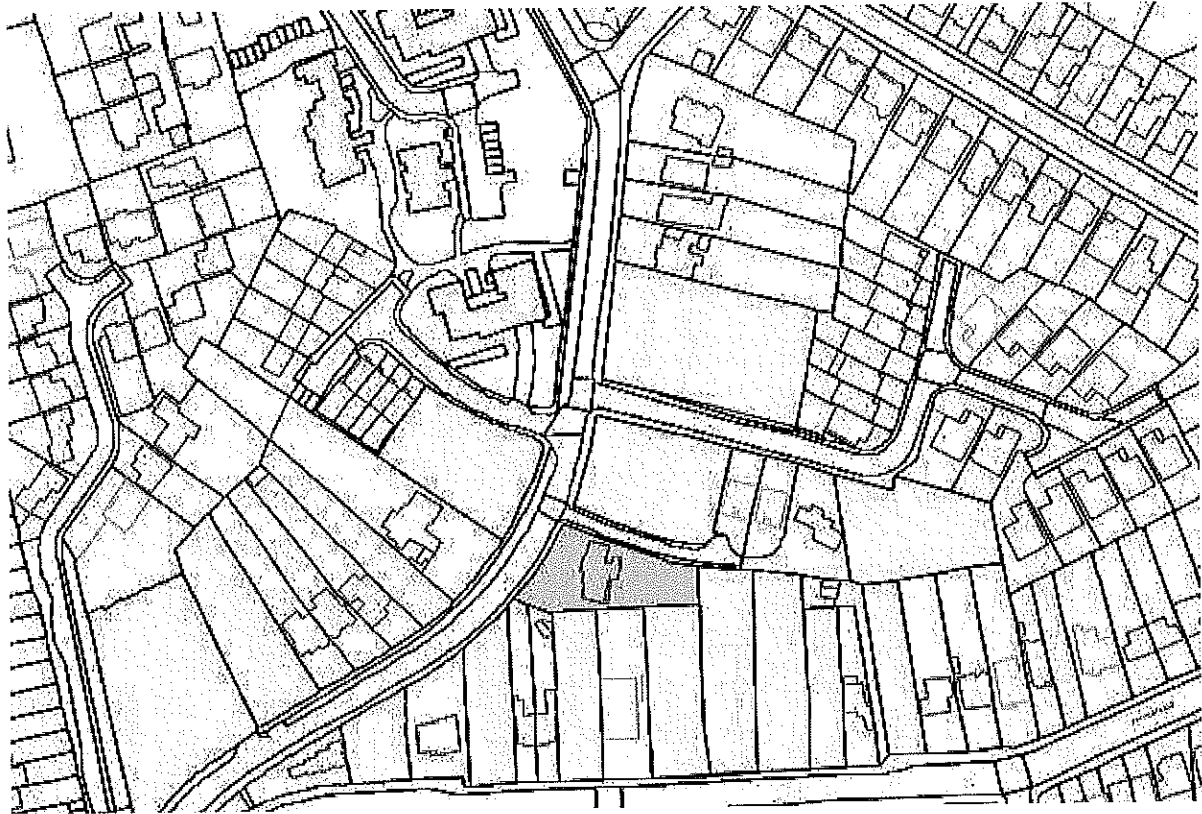
**5. CONCLUSION**

The application is recommended for APPROVAL.



**SITE LOCATION PLAN:** Newlands, Tenterden Grove, London, NW4 1SY

**REFERENCE:** H/04249/14



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