

LOCATION: 73 Avondale Avenue, London, N12 8ER

REFERENCE: F/04267/14

Received: 06 August 2014

Accepted: 20 August 2014

WARD(S): West Finchley

Expiry: 15 October 2014

Final Revisions:

APPLICANT: Lipman Properties

PROPOSAL: Demolition of existing building and erection of 2No. two storey dwelling houses . Associated car parking, refuse & recycle storage area.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 4607 01, 4607 02 C, 4607 04, 4607 05 B, 4607 06 B, 4607 07 C, Planning Statement and Design and Access Statement.

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, parking spaces and cycle parking shown on plan number(s) 4607 02 rev C 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. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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 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 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).

- 7 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 and E of Part 1 to Schedule 2 of that Order shall be carried out at the application site or to the development 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).

- 8 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 side elevations.

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 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).

- 10 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 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 £10,500 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 £40,500 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.

- 3 If the development is carried out it will be necessary for a vehicle access to be constructed by the Highways Authority. The applicant must submit an application under the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed as part of the application. Any related costs for alterations to the public highway layout that may be necessary, due to the design of the onsite development will be borne by the applicant. The applicant should submit a crossover application to the London Borough of Barnet, Building 4, North London Business Park (NLBP), Oakleigh Road South, London, N11 1NP.

The applicant is advised that the proposed vehicular cross over will involve alterations to the existing on-street parking bays. Alterations to on-street parking bays will be subject to a statutory consultation. The Council cannot prejudge the outcome of the consultation process.

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 Core Strategy 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). The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.

Relevant Development Management Policies (Adopted) 2012: DM01, DM02, DM04, DM08, DM17.

Other Material Considerations:

Supplementary Planning Document Sustainable Design and Construction (2013)
Supplementary Planning Document Residential Design Guidance (2013)

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (2013), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Application:	Planning	Number:	F/00621/13
Validated:	20/02/2013	Type:	192
Status:	DEC	Date:	20/03/2013
Summary:	LW	Case Officer:	Tassama Amlak
Description:	First floor rear extension. Roof extension including both sides hip to gable ends with rear dormer window and 3no. rooflights to the front roofslope to facilitate a loft conversion.		

Consultations and Views Expressed:

Neighbours Consulted:	13	Replies:	7
Neighbours Wishing To Speak:			0

The objections raised may be summarised as follows:

- Scale and appearance out of character.
- Noise and disturbance from construction.
- Further erosion of the character of the area.
- Loss of light.
- Proposal too big for the plot which brings it too close to the boundary.
- Noise and disturbance from additional people living at the property.

The Finchley Society objected to the proposal on the following grounds:

- Loss of a bungalow.
- Loss of front garden to parking and loss of on-street parking bay.

Amended plans were received and residents were reconsulted.

Date of Site Notice: 28 August 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

73 Avondale Avenue is a detached bungalow located on the eastern side of Avondale Avenue close to the junction with Argyle Road. Levels rise from front to rear of the site.

The area is predominantly residential characterised by single family dwelling units.

Proposal:

The application is for the demolition of the existing bungalow and its replacement with a pair of semi detached two storey houses. The proposed units would be three bedroom. Each unit would have the benefit of off street parking for 1 car to the front of the building. However to enable this to happen an existing on-street parking bay would need to be relocated and a dropped kerb installed. These works would need the benefit of consent under Section 278 of the Highways Act.

Planning Considerations:

The key considerations are:

- The principle of the development;
- Impact on the streetscene;
- the impact on amenity of existing and future residents;and
- parking.

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

Density

To accord with Policy DM01 new development is expected to respect the constraints of the site, and that it should not result in overdevelopment or over-intensification.

The density of the proposed scheme has been assessed against Policy 3.4 of the London Plan 2011 and the Density Matrix found in Table 3.2. It is considered that the site can be defined as 'suburban' according to the London Plan definition and has a PTAL score of 3. The site is 0.04 hectares in size. The scheme therefore has a density of 50 units per hectare. The London Plan advocates a range of 35-55 hr/ha. The number of units is in accordance with the densities advocated by the London Plan.

Impact on the streetscene

The current building is a single storey bungalow in a road characterised by 1930's two storey semi detached units. The proposal would replace the existing bungalow with a pair of two storey semi detached units, that have been designed to reflect the majority of units in the street through the use of architectural features such as bay windows; chimneys and hipped roofs.

The proposal is therefore considered to be in character in the streetscene in accordance with current council guidelines and Policy DM01 of the adopted Local Plan.

Impact on amenity of existing and future residents

With regards to floorspace standards, all residential developments must now meet the minimum gross internal space standards of the Mayors London Plan (July 2011), outlined in Policy 3.5 (table 3.3) which are as follows:

- 3 bed, 5 person = 96sqm

The GIA for each of the units is over 100sqm and would therefore comply with the London Plan standards.

With regards to access to outdoor amenity space, Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with up to 5 habitable rooms 55sqm of amenity space should be provided. The Sustainable Design and Construction SPD specifies the importance of providing outdoor amenity space in order to provide good living conditions to occupiers. Both of the proposed units would have private rear garden areas which substantially exceed this requirement.

Table 2.2 within the Sustainable Design and Construction SPD set internal layout and design standards for new residential development. It advocates that the minimum width of the main sitting area should be 3.2m and the combined floor areas for living/kitchen/dining space should be 29sqm. The proposed living room would be approx 4m wide and the combined living/kitchen/dining area is over 40sqm and is therefore considered to comply with current guidelines.

the same table required that single bedrooms should be a minimum of 8sqm and double bedrooms should be a minimum of 12sqm with a minimum width of 2.75m. The proposed units would be three bedrooms, all the bedrooms would comply with these requirements. The guidance

Table 2.4 of the Sustainable Design and Construction SPD sets the standards for daylight, privacy (minimum distance) and outlook. It advocates that glazing to all rooms should not be less than 20% of the internal floor area of the room and that bedrooms and living rooms should have clear glazed windows. The proposal would comply with these requirements.

In new residential development there should be a minimum distance of 21m between properties with facing windows to habitable rooms to avoid overlooking and 10.5m to a neighbouring garden. The proposed rear garden would be 10.7m and there would be 21m between the main rear elevation of 92 Nether Street (the property to the rear

of the application site). The proposed new houses would be 0.6m back from the line of the existing rear elevation ie the new units would be further away from No. 92 than the existing property. 92 Nether Street has the benefit of a single storey rear extension which projects 4m closer to the property than the main rear elevation. The roof of this extension has been converted to a balcony however as No. 92 is also at a higher level than the application site it is considered that any overlooking would be from No. 92 to the new units. As the proposal complies with the minimum standards required by current council guidelines then the proposal is acceptable.

Accordingly the proposal is considered to result in accommodation that would be in accordance with current council guidelines and in accordance with the requirements of Policy DM02.

Parking

The site is located within a one hour CPZ which operates between 2-3pm Monday to Friday. The proposal includes the provision of 2 off street parking spaces, 73a would be accessed via an existing cross over, 73b would require a new crossover. Policy DM17 advocates for 3 bedroom units that 1.5-1 spaces should be provided. The site has a PTAL of 3 (where 6 is the highest). The proposed parking provision is therefore considered to be in accordance with the parking standards in the Local Plan and is acceptable on highway grounds for a development at this location. The proposal is therefore considered to accord with Policy DM17 of the adopted Local Plan.

Community Infrastructure Levy and other contributions

The proposal will result in the provision of more than 100sqm of additional floorspace and as a result the applicant will be required to pay both the Mayoral and Barnet CIL. The former has a rate of £35 per sqm whilst the local rate is £135 per sqm. The unit is currently vacant and therefore CIL is payable for the full amount of floorspace proposed it is estimated that the contributions will be approximately £10,500 for mayoral CIL and £40,500 for Barnet CIL.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The majority of these have been considered in the report. However, the following specific responses can be made:

- The proposal is for a pair of two storey semi detached houses in a street characterised by two storey semi detached houses. The proposal is therefore not considered to be out of character.
- If Members are minded to approve the application a condition restricting hours of construction at the site is recommended.
- The proposed unit would line through with existing front and rear building lines and therefore are not considered to result in loss of light to adjoining properties.
- The proposal would have a similar footprint to the existing bungalow, the proposed rear elevation would be 0.6m further away from adjoining properties as the rear building line has been pulled back. A 1m side access would be retained for both properties.

- The current building is a single family dwelling unit. The proposal would result in the creation of 1 new 3 bed 5 person unit. It is not considered that the proposed noise from 1 additional family would be sufficient to warrant a refusal.
- There is no objection to the loss of the existing bungalow as this is out of character in the street.
- The current property has existing off street parking; a small landscaped area will be retained. An on street parking bay will be lost as a result of the proposal.

4. EQUALITIES AND DIVERSITY ISSUES

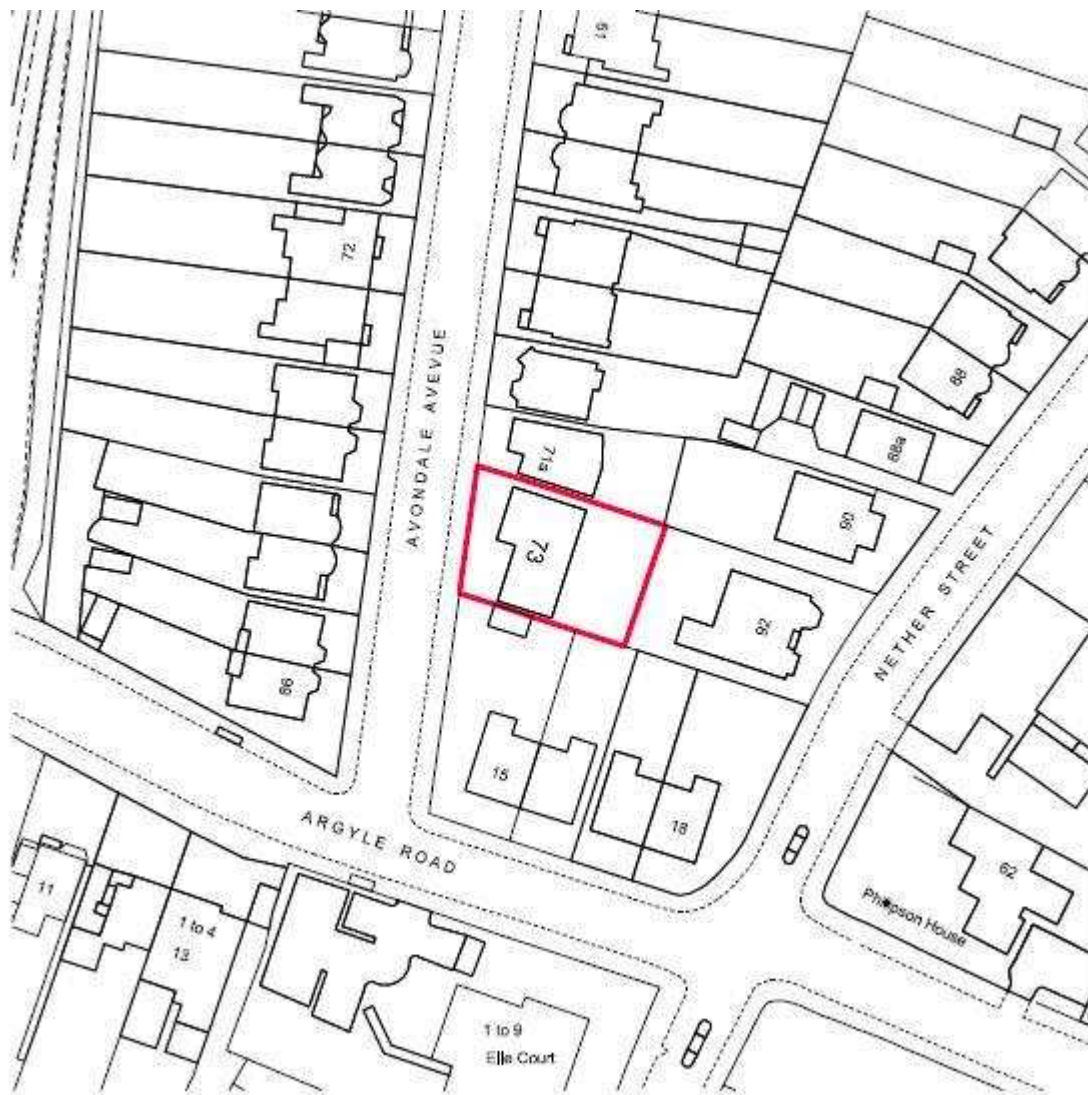
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

The proposed flats new houses are not considered to be harmful to the character and appearance of the area. The proposed houses would not adversely impact the amenity of existing residents or future residents of the proposed units. The proposal is therefore considered to be in accordance with Policy 3.5 of the London Plan and Policies CS1, DM01 and DM02 of the adopted Local Plan. Accordingly, subject to a number of conditions approval is recommended.

SITE LOCATION PLAN: 73 Avondale Avenue, London, N12 8ER

REFERENCE: F/04267/14



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