

**Location**                               **37 Kingsgate Avenue, London, N3 3DH**

**Reference:**                           **F/05690/14**                               Received: 17.10.2014  
Accepted: 17th October 2014

Ward:                                       Finchley Church End                               Expiry 12th December 2014

Applicant:

Proposal:                               Erection of New Dwarf Boundary Wall and vertical railings over with automatic gates to access road entrance and pedestrian gates

**Recommendation:** Approve subject to conditions

1     The development hereby permitted shall be carried out in accordance with the following approved plans:

- PL-002 and location plan (received 17/10/14)
- PL-012A (received: 16/12/14)

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2     a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

b) 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.

c) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD

(adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

- 3 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.

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

The application was deferred from the last meeting of the Sub-Committee so officers could clarify the number of speakers.

### **1. Site Description**

The application site is located in a prominent corner position at the north-east end of Kingsgate Avenue, within a residential area having a spacious layout, predominantly comprising a mix of detached houses (no's. 1 to 24) to the south of Kingsgate Avenue; semi detached houses on Kingsgate Avenue (no's. 25 to 40) to the north; and low rise blocks of flats located opposite on Basing Way and Amberden Avenue. The site currently comprises of two semi detached dwellings.

### **2. Site History**

Reference: F/03131/11

Address: 37 Kingsgate Avenue, London, N3 3DH

Decision: Refused

Decision Date: 5 March 2012

Appeal Decision: Appeal Allowed

Description: Erection of a three storey building comprising of 9 self-contained units, following demolition of two existing single family dwelling houses, with entrances from Amberden Avenue and Kingsgate Avenue and vehicular access from the existing access between the rear of 39 Kingsgate Avenue and 10 Amberden Avenue. Associated landscaping, cycle storage, pergolas and parking for 10No. cars.

### **3. Proposal**

The proposal includes:

- Erection of new dwarf boundary wall and vertical railings with automatic gates to access road entrances and pedestrian gates.

### **4. Public Consultation**

Consultation letters were sent to 47 neighbouring properties.

5 responses have been received, comprising 5 letters of objection

The objections received can be summarised as follows:

- Neighbours have not been guaranteed vehicular or pedestrian access to the shared driveway
- Issues regarding how the access road would be maintained
- Concerns that levels around the gate have changed
- Safety risk associated with reversing out of No. 10 Amberden Avenue driveway
- Surface, condition and width of the road are not suitable for the volume of traffic proposed
- The entrance to the alleyway would be restricted
- Potential for the alleyway to create both noise and disturbance
- Potential for lorries and vehicles to damage party wall
- Off street parking spaces would lead to more on street parking
- The proposed fence and gates would change the character of the area
- The gates would reduce the amenities of neighbouring occupiers by increasing the time taken to reach garages

- Security gates could increase levels of crime as they would shield the alleyway from view

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

The pre-existing boundary treatments can be separated into two types. That fronting Kingsgate Avenue consisted of a 200mm high (approximately) dwarf wall with mature 3m high hedging behind (this wrapped around the corner onto Amberden Avenue). At this point the boundary treatment changed to a 2m closeboard timber fence running the length of the remaining boundary, stopping only for the existing vehicular access.

Through negotiations with the applicant the initial boundary treatment design has been reduced in scale. The height of the pillars has been lowered to 1.6m in height, the dwarf wall reduced to 600mm and the overall height of the railings will not exceed 1.3m in height. The white rendered finish to the dwarf wall is also considered acceptable as it would match the white rendered finish of the proposed development behind, thus maintaining the character of the area.

Attention has been paid to the fact that a large proportion of the mature hedging on site has been removed. In order to deal with this issue successfully a new landscaping condition has been attached to the current application where further details of planting would be required.

On balance therefore the proposal would therefore create a more secure boundary treatment without a significant alteration to appearance. As a result it is not considered to detrimentally impact upon of the character of the site and wider area.

The position of the access was agreed as part of the original proposal for the development. Improvements to visibility at the access are shown on the proposed plans. As such, it is considered that the access will not cause harm to pedestrian or highway safety.

## **5.4 Response to Public Consultation**

Neighbours have not been guaranteed vehicular or pedestrian access to the shared driveway: The developer has confirmed in writing that all residents of No. 25 - 35 and 10 Amberden Avenue will have key fobs to the vehicle gates, and also given the code for the pedestrian gate alongside. This allows them full access as currently (Correspondence between the developer and local residents relating to the above objection has been submitted as additional planning documents).

Issues regarding how the access road would be maintained: All residents of 25 - 35 are responsible for the upkeep of their own portion of the access road; there is no change as such. All residents have been guaranteed access for maintenance purposes.

Concerns that levels around the gate have changed: There is no change in level to the access road and the portion behind 37-39 is still to be refinished in new tarmacadam.

Safety risk associated with reversing out of No. 10 Amberden Avenue driveway: The applicant has addressed this issue by reducing the existing 2m height brick wall to 900mm for a length of 2m in order to improve visibility.

Surface, condition and width of the road are not suitable for the volume of traffic proposed: The access road and parking arrangements have been assessed under a previous application (F/01319/13) and do not form part of the current proposal.

The entrance to the alleyway would be restricted: The entrance would in fact be widened, thus improving access.

Potential for the alleyway to create both noise and disturbance: The development layout has been assessed under a previous application (F/01319/13) and does not form part of the current proposal.

Potential for lorries and vehicles to damage party wall: Condition no. 11 (Construction Method Statement) was discharged on 03/0713 where access to and from the site during construction was assessed. Any future damage would be a civil matter.

Off street parking spaces would lead to more on street parking: Parking was assessed under a previous application (F/01319/13).

The proposed fence and gates would change the character of the area: Assessed in section 5.2 above.

The gates would reduce the amenities of neighbouring occupiers by increasing the time taken to reach garages: Although this is a valid planning concern it is not considered a reason for refusal.

Security gates could increase levels of crime as they would shield the alleyway from view: One would be able to see through the gates so visibility of the alleyway would likely remain unchanged.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

