

**Location**                                **7 Edgeworth Avenue London NW4 4EX**

**Reference:**                            **14/07089/FUL**                                Received: 4th November 2014  
Accepted: 10th November 2014

Ward:                                        Hendon    Expiry 5th January 2015

Applicant:                                 Mrs Naomi Perah

Proposal:                                    Demolition of existing house and erection of new single two storey dwelling

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 06.936.01; 06.936.02; 06.936.03; 06.936.05 RevD; 06.936.006.936.06 RevD; 06.936.07 RevD; 06.936.08 RevD; 06.936.09 RevD;

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     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     a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5 a) The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits.

b) No dwelling shall be first 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

6 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 pm 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 Development Management Policies DPD (adopted September 2012).

7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 9 Edgeworth Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

8 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 Development Management Policies DPD (adopted September 2012).

- 9 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 7 Edgeworth Avenue hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

#### **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.
- 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 £6,930 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 £26,730 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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 CIL 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 at [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 Extensions: 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)

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

## **Officer's Assessment**

### **1. Site Description**

The application property is a detached dwellinghouse located on the corner with Edgeworth Crescent. The property is in a predominately residential location. Properties in the surrounding area have benefitted from various extensions.

### **2. Site History**

Reference: W11723B/05

Address: 7 Edgeworth Avenue, London, NW4 4EX

Decision: Refused

Decision Date: 4 July 2005

Description: Two-storey side extension. Alteration to the roof including a rear dormer window to facilitate a loft conversion

Reference: W11723A/02

Address: 7 Edgeworth Avenue, London, NW4 4EX

Decision: Approved subject to conditions

Decision Date: 5 June 2002

Description: Proposed ground floor side extension.

### **3. Proposal**

The application relates to the demolition of the existing house and erection of new single family two storey dwelling with associated car parking.

The house would be approx. 14.5m wide, 15m deep at ground floor, 13.3m deep at first floor and 9m high to the ridge. A small dormer window is proposed in the rear and both side elevations.

### **4. Public Consultation**

Consultation letters were sent to 23 neighbouring properties.

5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Oversized for the plot.
- Dominate the road and inappropriate for the area.
- Nuisance during works.
- Loss of light.
- Loss of privacy.
- Trees have already been removed.
- Overdevelopment.
- Overshadowing.
- Bigger than the scheme that was dismissed at appeal in 2005.

### **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 development as set out in Policy DM01 is to minimise the 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.

### **5.3 Assessment of proposals**

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 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, scale, design and fenestration detailing of the building has been amended since its initial submission. The roof form has also been amended to ensure that the proposal is in keeping with the character of the area and does not appear as an unduly bulky building within the street context. It is acknowledged that this corner property has a larger site area than some of the properties on the street with a wide frontage. The proposal initially submitted was for a wider property that was sited closer to the site boundary with Edgeworth Crescent the proposal has subsequently been amended to increase the distance between the building line and the boundary.

It is noted that planning permission was refused and subsequently dismissed at appeal for a proposal incorporating a two storey side extension to the property, this projected approximately 5m leaving a gap of approximately 2m from the boundary with Edgeworth Crescent. The appeal inspector noted that the extension would not be well designed and proportioned in relation to the existing dwelling.

The previous appeal decision is a material consideration in the determining of the current application. It should be noted that the proposal is now for the demolition and re-build of a single family dwellinghouse. Therefore, the proposal needs to be assessed in regards to the overall design of the proposed dwelling. The proposal will extend closer to the boundary than existing, however, a gap of 3.6m is now maintained with the house extending approximately 4.1m from the existing side building line of the property. It is considered that there is now sufficient distance to the Edgeworth Crescent boundary to ensure that the proposal does not appear overly bulky. The previous refusal also comprised a flat roof design, and the appeal inspector noted the overall appearance of the



extension would be exacerbated by the flat roof design which would appear out of keeping with the existing hipped roof of the main dwelling and add to the bulk and dominance of the extension despite its lower height.

It is considered that the distance maintained to the boundary is now sufficient to ensure the previous reason for refusal has been overcome.

There is adequate spacing between no.9 and no.7 Edgeworth Avenue to ensure the proposal will not appear cramped and will not result in a terracing effect between the properties.

The impact on the amenity of future and neighbouring residents

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 dwelling has been designed in such a way to ensure that there will be no detrimental harm to the neighbouring residential occupiers.

The neighbouring property no.9 Edgeworth Avenue has an L-shaped footprint at the front with the side closest to the application site being set back from the main front building line of the property. It is noted that the proposal will project forward beyond this part of the neighbouring building. It is considered that the forward projection is acceptable. At first floor level the forward projection is such that it would not result in any significant increase in the sense of enclosure to the forward facing window in the neighbouring property.

The rear projection at ground floor is considered to be acceptable and does not disturb the amenities of the neighbouring occupiers. At first floor level the proposal will be set in by 7m to prevent any loss of amenity.

In accordance with table 2.3 of the Sustainable Design and Construction SPD adequate amenity space will be retained for the new dwellinghouse.

## **5.4 Response to Public Consultation**

The proposal has been significantly amended since its initial submission. The proposal is now at an increased distance from the boundary with Edgeworth Crescent and the scale, bulk and projection of the proposal has been significantly reduced.

The plans now accurately show the building line of the neighbouring property, no.9 Edgeworth Avenue.

## 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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



3) ALL DRAWINGS AND DESIGNS ARE COVERED BY DESIGN RIGHT ( INTELLECTUAL PROPERTY ) AND MAY NOT BE DISTRIBUTED, COPIED OR ISSUED WITHOUT WRITTEN PERMISSION OF THE ARCHITECT.