

Location **Land To The Rear Of 51 Finchley Lane London NW4 1BY**

Reference: **15/02221/FUL** Received: 9th April 2015
Accepted: 9th April 2015

Ward: Hendon Expiry 4th June 2015

Applicant: Mr K Drury

Proposal: Erection of new single storey dwelling

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Environmental Noise Assessment Report ref 6201/pja; PL-401; PL-402; PL-403; PL-404; PL-405; PL-406; PL-407; PL-408.

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 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.

- 4 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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.

- 5 Before the development hereby permitted is first occupied, 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.

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

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).

- 6 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No. PL-403; shall be provided and shall not be used for any purpose other than the 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2011.

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation facing No. 51 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 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 or doors, other than those expressly authorised by this permission, shall be placed at any time any elevation facing the neighbouring properties.

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).

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 and the Applicant engaged with this prior to the submissions of this application. 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 applicant is advised that 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 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 street.naming@barnet.gov.uk or by telephoning 0208 359 7294.



Officer's Assessment

1. Site Description

The application site is an irregular piece of land sited to the rear of 51 Finchley Lane, fronting onto Tenderden Grove. The application site is fenced off from 51 Finchley Lane, is overgrown and benefits from a crossover onto Tenderden Grove.

The site does not fall within a designated conservation area.

2. Site History

Reference: H/06008/13

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 14 February 2014

Description: Erection of a single storey detached dwelling with rooms in roomspace at the rear of 51 Finchley Lane with access from Tenderden Grove. Associate provision of 1no. off-street parking space.

Reference: 15/08029/ENQ

Address: Land to the rear of 51 Finchley Lane, London, NW4 1BY

Pre-Application Advice

Description: New single dwelling unit

Reference: W13544F/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 25 September 2007

Description: Submission of details pursuant to Condition 6 (Materials) and 14 (Landscaping) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544D/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved subject to conditions

Decision Date: 8 May 2007

Description: Variation of condition 2 (Parking) of Planning Permission W13544B/05 dated 09-12-2005 to reduce the number of car parking spaces from 7 to 5 spaces, to provide a total of No. 1 car parking space per dwelling.

Reference: W13544G/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Application Received

Decision Date: No Decision Made.

Description: tbc NOT AN APPLICATION - PART OF W13544F/07

Reference: W13544E/07

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 27 September 2007

Description: Submission of details pursuant to Condition 13 (Contaminated Land) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544C/06

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 7 June 2007

Description: Submission of details pursuant to Conditions 5 (Levels), 10 (Refuse), 11 (Ventilation & extraction equipment) of Planning Permission W13544B/05 dated 12-10-2005.

Reference: W13544B/05

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved following legal agreement

Decision Date: 12 October 2005

Description: Demolition of the existing building and construction of a two storey building with associated habitable accommodation within the roofspace to provide a total of 5no. self-contained flats. Provision of 5no. off street parking spaces accessed off Finchley Lane, and 2no. spaces to the rear accessed off Tenterden Grove (7 in Total).

Reference: W13544A/04

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Refused

Decision Date: 11 June 2004

Description: Demolition of existing building and erection of three-storey building to provide a total of 6no. self-contained flats and provision of off-street parking accessed from Finchley Lane.

Reference: H/00852/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 22 May 2009

Description: Submission of details of Conditions 3 (Bicycle Parking), 8 (Means of Enclosure), 9 (Details of Proposed Screen Walls/Fences) and amendment to approved details of condition 10 (Refuse) pursuant to planning permission reference W13544B/05 dated 12/10/2005.

Reference: W13544/03

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Withdrawn

Decision Date: 24 February 2004

Description: Demolition of existing building and erection of three storey block (plus rooms in roofspace) to provide a total of 7no. self contained flats with provision of 6 car parking spaces accessed from Finchley Lane. Erection of two storey detached house rear of site fronting Tenterden Grove, with provision of 2 car parking spaces.

Reference: H/01416/09

Address: 51 Finchley Lane, London, NW4 1BY

Decision: Approved

Decision Date: 3 July 2009

Description: Submission of details of condition 14 (landscaping) pursuant to planning permission W13544B/05 dated 12/10/05.

3. Proposal

The application seeks consent for the erection of a 1bedroom single storey detached dwelling at the rear of 51 Finchley Lane with access from Tenterden Grove and the associated provision of 1no off-street car parking space.

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.
12 responses have been received, comprising 12 letters of objection

The objections received can be summarised as follows:

- proposal would have a detrimental effect upon the amenities and character of the nearby area and residents
- concerns regarding the style of property
- reference made to Lifetime Homes/amenity
- concerns that a tree has recently been removed
- concerns regarding parking and increase in traffic
- reference to lack of distance between proposed dwelling and rear of 51 Finchley Lane
- concerns regarding computer generated images

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 2015

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 2050. 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

Impact on established character

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.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development and is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development. Higher

densities should not be achieved at the expense of good quality design or the amenity of the surrounding area.

Policy DM01 states that proposed development should have an understanding of local characteristics and 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'. This policy also explains that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

It is advocated in Council's Residential Design Guidance SPD that the pattern of development refers to the arrangement of plots, buildings and spaces around the building which, repeated over an area, forms part of that area's character and identity. The pattern of development plays a vital role in defining the character of the street, influencing the perception of spaciousness and landscape capacity establishing daylight, outlook and privacy relationships between dwellings and influencing the perception of safety on the street and the accommodation of parking, storage and service requirements.

Previous application (ref: H/06008/13) for "Erection of a single storey detached dwelling with rooms in roofspace at the rear of 51 Finchley Lane with access from Tenterden Grove. Associated provision of 1 no. off street parking space." was refused on 14th February 2014 for the following reason:

"The proposal, by reason of its design, bulk, scale and siting would be an incongruous addition and over development of a restricted site, harming the character and appearance of the streetscene and local visual amenity, contrary to..."

This was appealed by the applicant (appeal decision ref: APP/N5090/A/14/2220519 dated 9 Sept 2014 attached as an appendix to this report). The inspector disagreed with the Council's view that the proposal would have a harmful impact on the character and appearance of the area. The Inspector stated that a new dwelling on the site would not look out of character given the existing dwellings at no 47 and 47a Finchley Lane and as the proposed building would be largely screened from wider views by protected trees. Furthermore, the Inspector concluded that a proposed building on the site would not look cramped given the existing dwellings at 47 and 47a on similarly modest plots.

The appeal was dismissed on the basis of the impact the proposal would have on the living conditions of neighbouring occupiers, in particular the relationship of the proposal between 51 and 53 Finchley Lane.

Appeal decision is considered to be a material planning consideration and as such the principle of providing a new residential unit is acceptable.

Living conditions of neighbouring and future occupiers

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours' amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve

adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

Pre-application advice has been given to set the building further away from the boundary of no 51 Finchley Lane. The proposed building has been amended setting the building approximately 11.7m away from the boundary with no 51 as opposed to the previously refused 10.5m. Normally for 2 storey buildings council's policy advocates that a distance of 21m should be maintained. However, given the proposed building is of a single storey height this distance is considered to be acceptable in this instance. Apart from a very small kitchen window (which is to be obscure glazed) there are no other habitable windows proposed on the rear elevation facing directly onto no 51 and this addresses the concerns in regards to overlooking and loss of privacy issues.

It is not considered that there would be any undue overlooking from the kitchen window as this is conditioned to be obscure glazed and permanently fixed shut with only a fan light opening.

The proposals would provide approximately 50m² of amenity space. Whilst there was some initial concern that the amenity space is of limited depth, given the relatively small size of the unit, the proximity to town centre and the fact that a similar arrangement was considered acceptable by the previous appeal inspector, it is not considered that this would provide a harmfully poor level of amenity for future occupiers.

A condition has been attached to the decision requesting the submission of a hard and soft landscaping scheme in relation to the development; this is to ensure a satisfactory appearance to the development and protection of the amenities of neighbouring occupiers in line with the Council's policies.

Other material planning considerations

There are no concerns in regards to parking as the proposal includes the provision of 1 no off-street car parking space to the front of the site.

The refuse store is located within 10m of the highway as per Council Guidance.

A condition has been attached to the decision requesting additional information in regards to the appearance of the refuse enclosure and stating that the proposed car parking space must be provided prior to the first occupation of the unit.

5.4 Response to Public Consultation

Largely addressed in report above.

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.