

Location **1 Langley Park London NW7 2AA**

Reference: **15/04278/HSE**

Received: 8th July 2015

Accepted: 9th July 2015

Ward: Hale

Expiry 3rd September 2015

Applicant: Mr Max Green

Proposal: Excavation of site to facilitate new basement level with 3 no. light-wells to front and side. Demolition of existing single storey side extension and erection of single storey rear extension.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - LNGEY-E001 (EXISTING FRONT ELEVATION) DATED JUL 2015
 - LNGEY-E002 (EXISTING REAR ELEVATION) DATED JUL 2015
 - LNGEY-E003 (EXISTING SIDE ELEVATION) DATED JUL 2015
 - LNGEY-E401 (PROPOSED FRONT ELEVATION) DATED JUL 2015
 - LNGEY-E402 REV A (PROPOSED REAR ELEVATION) DATED JUL 2015
 - LNGEY-E403 (PROPOSED SIDE ELEVATION) DATED JUL 2015
 - LNGEY-L000 (SITE LOCATION MAP) DATED JUL 2015
 - LNGEY-L001 (EXISTING SITE PLAN) DATED JUL 2015
 - LNGEY_L401B (Site plan) Revision C Dated August 2015
 - LNGEY-P001 (EXISTING GROUND FLOOR PLAN) DATED JUL 2015
 - LNGEY-P002 (EXISTING FIRST FLOOR PLAN) DATED JUL 2015
 - LNGEY-P003 (EXISTING LOFT PLAN) DATED JUL 2015
 - LNGEY-P004 (EXISTING ROOF PLAN) DATED JUL 2015
 - LNGEY_P400B (Proposed Basement Plan) Rev B
 - LNGEY_P401B (Proposed Ground Floor) Rev B
 - LNGEY_P402B (Proposed Roof plan) Rev B
 - LNGEY-S001 (EXISTING SECTION AA) DATED JUL 2015
 - LNGEY_S401B (Proposed Section AA) Rev B
 - DESIGN AND ACCESS STATEMENT DATED JULY 2015
 - PLANNING STATEMENT DATED JULY 2015

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 The materials to be used in the external surfaces of the building shall match those used in the existing building.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The use of the extension and basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 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).

- 6 a) No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

- 7 a) Before the development hereby permitted is first occupied, details of lightwell coverings to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 The premises shall be used for a single family dwellinghouse (C3(a)) and for no other purpose (including any other purpose in Class C3 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.

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. 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 legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit www.thameswater.co.uk.

- 3 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

Officer's Assessment

1. Site Description

The application site contains a semi-detached dwelling located on the corner of Langley Park and Bunns Lane. The applicant property is not listed nor located on land designated as Article 2(3) (Conservation Area). There are no protected trees on or adjacent to the application site. There exist no outstanding conditions on the applicant property which might limit development. The application property shares adjoining boundaries with No.3 Langley Park.

The application site benefits from an existing two storey side extension supporting a pitched roof and a rear dormer window. The Local Authority's Historic maps indicate that this extension has been in existence since at least 1935. The submitted planning statement contains photographs showing plans of these elements dated circa 1927. It is therefore considered that, on the balance of probability, these extensions were in existence prior to the 1st of July 1948 and should thus be deemed part of the original dwellinghouse.

2. Site History

Reference: 15/03956/192

Address: 1 Langley Park, London, NW7 2AA

Decision: Lawful

Decision Date: 30.06.2015

Description: Erection of 2 no. single storey rear extensions

Reference: 15/03248/PNH

Address: 1 Langley Park, London, NW7 2AA

Decision: Prior Approval Not Required

Decision Date: 22.06.2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 4 metres

Reference: 15/03118/PNH

Address: 1 Langley Park, London, NW7 2AA

Decision: Prior Approval Required and Refused

Decision Date: 22.05.2015

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 4 metres

Reference: 15/03086/192

Address: 1 Langley Park, London, NW7 2AA

Decision: Lawful

Decision Date: 02.06.2015

Description: Extension to roof including hip to gable end, rear dormer window and 3no. rooflights to facilitate a loft conversion. Single storey rear outbuilding

3. Proposal

This application proposes excavation of site to facilitate new basement level with 3 no. light-wells to front and side, the demolition of existing single storey side extension and erection of single storey rear extension.

The proposed basement would follow the front and side building line of the original property and project 3 metres further rearward than the original real building line. In order to provide natural light into the proposed basement, three lightwells are proposed along the side and recessed front elevation of the dwelling.

The proposed single storey rear extension would extend 6 metres beyond the original rear elevation of the property along the shared boundary with no.3 Langley Park. Because of the historic extensions, the rear building line projects to the East side of the property. The proposed extension would therefore extend 4.65 metres beyond the original rear elevation on this side. The proposed single storey rear extension would support a crown roof with an eaves height of 2.8 metres, a maximum height of 4 metres and would feature no.3 flush rooflights on the flat section of the roof.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties, 18 responses have been received comprising 18 letters of objection including a letter on behalf of the Langley Park Residents Association.

The objections received can be summarised as follows:

- Resulting size of proposed dwelling uncharacteristic for semi-detached dwelling in the local area
- Concern relating to lack of parking provision
- Concern over disruption to subsoil, drainage and foundations
- Additional bathrooms would affect water pressure in local area
- Overdevelopment of site
- Concern that the property would be converted into either a hostel or flats
- Objection to existing conversions to HMOs on the street
- Development would undermine the character of the original dwelling
- Additional hazards to drivers and pedestrians at the junction
- Driveway onto property considered dangerous due to proximity to junction
- Concerns over the noise generated from the additional habitable rooms
- Discontent over not being consulted for previous applications
- Basement development would be a precedent for future development
- Discontent over the consultation process for application
- Concern over the narrow footpath surrounding the site
- Request for two parking spaces to be provided onsite alongside a condition limiting parking permits for the site
- The internal layout would indicate a property not suitable for a single family dwelling

4.1 Internal/Other Consultation

Comments regarding the application have been received from Thames Water. They advise that whilst they do not object to the scheme:

- The ownership of pipe within or close to the site may have been transferred to Thames Water.
- It is the responsibility of the applicant to ensure that adequate drainage is provided onsite for surface water.

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 March 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 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

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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

Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

The Council's Residential Design Guidance SPD 2013 advises that extension should be subordinate additions constructed with materials which are in keeping with the rest of the house. For a semi-detached dwelling a depth of up to 3.5 metres would normally be considered acceptable but it also advises that care should be taken in the design and location of extensions to minimize impacts upon neighbouring properties.

This guidance also seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties. This document states that: *The council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation.* This is subject to any visible elements of the basement being subordinate to the host dwelling and should not impact or appear incongruous in any established street scene.

Basements are not common features on properties along Langley Park; however this should not lead to an in-principle objection to basement extensions provided that proposals are appropriately designed. Following the submission of amendments the scale of the proposed basement as well as the amount and location of the associated visual

manifestations have been reduced to address officer's concerns. The scale of the proposed basement is now in line with the criteria of the Councils Residential Design Guidance SPD 2013. Part of the proposed development would include to demolition of the existing single storey extensions to the front of the property.

The proposed lightwells are considered to be of an appropriate scale and would not feature any railings, grilles or other visual clutter. The existence of a basement on the site would therefore only be observable due to the presence of covered opening located a minimum of 4.8 metres from the public paving. It is considered that the proposed visual manifestations which would be visible from Langley Park and would not would have a lesser impact upon the streetscene than the existing single storey element. This element of the proposal therefore considered to have an acceptable impact in terms of character. To be sure that the designs of the openings themselves are acceptable in terms of character, a condition to necessitate the submission of further details of the coverings of these lightwell would be justifiable and necessary.

The proposed single storey rear extension follows applications 15/03248/PNH dated 22.06.2015 and 15/03956/192 dated 30.06.2015 which cumulatively granted two single storey rear extensions with a proposed depth of 6 metres lawful. Because of the disjointed rear building line of the original property, these applications were forced to proposed two separate rear extensions in order to be considered lawful. The extension hereby proposed would maintain the same depth, roof form, eaves height and maximum height of those extensions previously determined lawful, but with the central gap (W=0.9m, D=6m) in filled to form a unified rear extension. During a site visit it was found that works were on going to implement the development which does not require express permission. The implementation of the scheme granted deemed consent by application no. 15/03956/192 is therefore considered to be a viable fall back option. The variation between this prevision scheme and that which is now proposed is not considered to cause significant additional harm to the character of the original dwelling and would not impact upon the streetscene of Langley Park.

Although it is acknowledged that cumulatively the property is proposed to be extensively enlarged; because of its large plot size, natural screening and planning history it is not considered that the proposed developments would cause significant harm to the character and appearance of the dwelling or local area to warrant a reason for refusal. The developments would remain proportionate to the original dwelling and would not constitute an over development of this large corner plot.

Potential impacts upon the amenities of neighbouring residents

The proposed basement extension would form a lower ground floor party wall between the two adjoining properties, however as no.3 does not feature a basement it is not considered that the neighbouring occupiers of this property would be adversely effected by this element of the scheme. In order to ensure that the implementation of the scheme does not jeopardise the amenities or safety of occupier of residents of Langley Park, it is considered that a condition requiring the submission of a Demolition and Construction methods statement is necessary.

As aforementioned, the proposed single storey rear extension would have the same depth and height along the shared boundary with no.3 as the previously consented scheme. The proposed infill section would not cause harm to the amenities of any neighbouring

resident. In order to ensure that the privacy of the occupiers of this neighbouring property is maintained, a condition to restrict the use of the flat roof will be added to the decision.

The submitted plans make no mention of a proposed change of use within the dwelling from a single family dwelling to a HMO/hostel. As the potential for future developments may not form a material consideration, a potential change of use should not guide this determination. That said it is acknowledged that the character of Langley Park as well as the dwelling should be protected as well as amenities of local residents in terms of parking provision. As such it is considered that a condition to restrict PD rights relating to the change of use into a HMO would be justifiable and necessary.

A number of comments have been received which relate to the amount of parking available along Langley Park as well as the safety of the access to the site. Submitted site plan LNGEY-L401 C shows that, by removing the existing single storey elements at the front of the property onsite parking for at least two cars would be formed. As no change of use is proposed as a part of the application, it is considered that two spaces are adequate for a single family dwelling. The access into the site, would remain as existing and therefore does not attract objection.

Subject to these aforementioned conditions, it is not considered that the proposed developments would impact upon the amenities of any neighbouring resident to a level of detriment.

5.4 Response to Public Consultation

Responses to comments received not already address in the above appraisal:

- Issues relating to water pressure would not form a material planning consideration and would be covered by separate legislation.
- Issues relating to subsoils, drainage and foundations would not form a material planning consideration and would be covered by separate legislation.
- The safety of the existing crossover and public footpath would be a Highways matter
- The consultation process for this application was in accordance with National Planning Practise Guidance. Certificate of Lawful development applications do not include a formal public consultation process.
- The potential for precedent in development may not be used as a reason to determine applications, which must be assessed upon their individual merits.

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.