

Location **71 Vivian Avenue London NW4 3XE**

Reference: **15/03894/FUL**

Received: 23rd June 2015

Accepted: 29th June 2015

Ward: West Hendon

Expiry 24th August 2015

Applicant: Mr Y. Shahar

Proposal: Part single, part two storey rear extension. First floor side extension.
Conversion of existing garage into a study. Construction of basement with rear, front and side lightwells

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 71VA-PP3-01 Rev B; 71VA-PP3-02 Rev A

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(s) shall match those used in the existing building(s).

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 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).

- 5 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 in the side elevation(s), of the extension(s) hereby approved, facing No. 69 & No. 73 Vivian Avenue.

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).

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 69 & No. 73 Vivian 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).

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 WASTE COMMENTS

Thames Water would advise that with regard to sewerage infrastructure capacity, we would not have any objection to the above planning application.

Surface Water Drainage - With regard to surface water drainage it is the responsibility of a developer 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. Connections are not permitted for the removal of groundwater. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0800 009 3921. Reason - to ensure that the

surface water discharge from the site shall not be detrimental to the existing sewerage system.

Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing for example, a non-return valve or other suitable device to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission: "A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality."

WATER COMMENTS

On the basis of information provided, Thames Water would advise that with regard to water infrastructure capacity, we would not have any objection to the above planning application.

Officer's Assessment

1. Site Description

The site property is a two storey detached single family dwellinghouse located on Vivian Avenue, close to its junction with Sevington Road. Vivian Avenue is a residential street with a varied and mixed typography of housing; it lies within the West Hendon ward of the South area.

The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 14/07337/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Withdrawn

Decision Date: 4 December 2014

Description: Single storey rear extension with a proposed depth of 5.45 metres from original rear wall and flat roof with a maximum height of 4 metres

Reference: 14/07466/PNH

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 23 December 2014

Description: Single storey rear extension with a proposed depth of 7.450 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 15/00299/HSE

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Part single, part two storey rear extension. First floor side extension

Reference: 15/02712/FUL

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Withdrawn

Decision Date: 22 June 2015

Description: Conversion of garage into habitable room. Construction of basement including rear, front and side lightwells.

Reference: H/05132/14

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 3.850 metres and maximum height of 4.0 metres.

Reference: H/05785/14

Address: 71 Vivian Avenue, London, NW4 3XE

Decision: Withdrawn

Decision Date: 17 November 2014

Description: Single storey rear extension with a proposed depth of 8.0 metres from original rear wall, eaves height of 2.55 metres and maximum height of 2.7 metres.

3. Proposal

The application seeks consent for the following works:

- part single, part two storey rear extension
- first floor side extension
- conversion of the garage into a habitable room (study)
- creation of a basement level with front, side and rear lightwells

The rear extensions, first floor side extension and garage conversion have recently been granted planning permission at committee level (ref: 15/00299/HSE dated 7th April 2015) and therefore the subject of this application is primarily the principle of the basement and the lightwells; this is further discussed below.

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

19 responses have been received, comprising 10 letters of objection and 9 letters of support

The objections received can be summarised as follows:

- Basements increase energy consumption
- no adequate outlook or sunlight from the basement
- poor outlook from neighbouring properties
- concerns regarding biodiversity
- basements are not characteristic of Vivian Avenue
- concerns regarding the impact of the basement on street infrastructure and subsidence
- would be an eyesore
- precedent will be set
- increase in parking if extensions are to be approved
- property will be converted into flats
- concerns regarding the scale of development

The representations received can be summarised as follows:

- the proposal would enhance the street appearance
- the building is currently in a bad condition and the proposal would benefit the building

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 Government's 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 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

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 of the Development Management Policies (Adopted) 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.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Policy CS5 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'.

The Council's adopted SPD 'Residential Design Guidance' (2013) 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.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

The rear extensions, first floor side extension and garage conversion have recently been granted planning permission at committee level (ref: 15/00299/HSE dated 7th April 2015). The extensions are identical to the approved application and therefore these elements of the proposal are considered acceptable.

This application therefore is to assess the impact of the basement level.

The proposal has been amended since first being submitted to remove the glass balustrades over the lightwells at the front of the property and replace them with flush metal grills which would not be visible from the streetscene. Given the limited visual manifestations of the basement from the streetscene and is considered that the basement would not significantly impact the proposal as previously approved and by reason of its siting would not have a detrimental impact on the visual or residential amenities of future occupiers and neighbouring occupiers in particular regards to outlook and sunlight. The proposal is not deemed to adversely impact the character and appearance of the application site and streetscene.

5.4 Response to Public Consultation

Concerns in regards to the basement have been addressed above.

Given that the extensions have already been granted planning consent, the concerns raised in regards to these have been addressed during the previous application and is was deemed the proposals were acceptable.

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.

