

Location **122 Hale Lane London NW7 3SE**

Reference: **15/05335/FUL**

Received: 24th August 2015

Accepted: 24th August 2015

Ward: Hale

Expiry 19th October 2015

Applicant: Mr Alan David

Proposal: Demolition of existing house and construction of a new two storey building with rooms in the roof space and excavation of a basement level to form 4 self-contained flats

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. HALLN-E001, HALLN-E002, HALLN-E003, HALLN-E004, HALLN-P001, HALLN-L201, HALLN-P003, HALLN-P200 Rev A, HALLN-L000, HALLN-L001, HALLN-S201 Rev B, HALLN-E202 Rev B, HALLN-E205, HALLN-L201 Rev B, HALLN-P201 Rev B, HALLN-P202 Rev B HALLN-P203 Rev B, HALLN-P204 Rev B, HALLN-S001, HALLN-P004, HALLN-P002, HALLN-D202, HALLN-E201, HALLN-E203 Rev B and HALLN-E204 Rev B.

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) Notwithstanding the materials shown on the approved plans, 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) 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).

- 6 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.

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing No. 120 and 124 Hale 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 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 9 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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 amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 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 flank elevations facing 120 and 124 Hale Lane.

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).

- 11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 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.

- 12 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

- 13 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 litres per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 14 "Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when

compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)."

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.

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 £25785.00 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 £6685.00 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.

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.

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

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

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 site relates to a detached dwellinghouse, located on the northern side of Hale Lane, located within close proximity to the Hale Lane Local Shopping Frontage to the west. This part of Hale Lane is made up predominantly of residential units, including purpose built flatted developments. The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Site History

Reference: 15/00850/FUL

Address: 122 Hale Lane, London, NW7 3SE

Decision: Approved subject to conditions

Decision Date: 9 June 2015

Description: Demolition of existing house and construction of a new two storey building with rooms in the roof space to form 4 self-contained flats

3. Proposal

This application proposes the construction of a two storey building with accommodation in the roofspace and at basement level, containing 4 self-contained flats. The proposed main dwelling is proposed to measure approximately 10.1 metres in depth, with a 1.2 metre front projecting gable, a 3 metre deep two storey rear projection and a single storey rear projection that would project 4 metres beyond the rear of No. 120 Hale Lane, it would then extend across the rear of the property 3.3 metres where it would then project out a further 1.2 metres in depth and extend across a further 6.7 metres. The building would have a maximum width of 9.1 metres at two storey level and a maximum width of 9.9 metres at ground floor level with a single storey side projection on the side facing No. 120 Hale Lane. The building would have a height of 5.5 metres to the eaves level and a maximum height of 8.8 metres to the top of a pitched roof. The single storey rear and side projection elements would have a flat roof height of 3.3 metres and the two storey rear extension element would have a hipped roof of a maximum height of 8.2 metres. The proposed basement would have a maximum depth of 10.2 metres, projecting 3.5 metres beyond the rear wall of the ground floor rear projection. The ground floor element of the extension building would adjoin the common boundary with No. 120 Hale Lane and would be set away from the boundary with No. 124 Hale Lane by a minimum of 1 metre. The first floor elements of the proposal would be set away from either neighbouring boundary by a minimum of 1.8 metres. The basement would be set away 0.2 metres from the common boundary with No. 120 Hale Lane and would be set away from the common boundary with No. 124 Hale Lane by 1 metre.

4. Public Consultation

Consultation letters were sent to 61 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Negative impact on parking
- Negative impact on flooding.
- Negative impact on light
- Negative impact on privacy

- Negative impact on pollution.
- Negative impact on wildlife.
- Noise and disturbance arising from construction.
- Issues regarding foundations.

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, DM08, DM17.

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

It is noted that this application follows a previously approved application for a similar scheme as part of application 15/00850/FUL, dated 09/06/2015 for the demolition of existing house and construction of a new two storey building with rooms in the roof space to form 4 self-contained flats.

The proposed self-contained flats would comprise the following internal floorspace:

- 1 bed, 2 person unit of 50m²
- 1 bed, 2 person unit of 108m²
- 1 bed, 2 person unit of 50m²
- 2 bed, 3 person unit of 66.5m²

Each flat would meet the relevant minimum internal space standard requirement of either 50m² for a 1 bedroom, 2 person unit or 61m² for a 2 bedroom, 3 person unit.

The changes as part of this application include the introduction of a basement level, extended the internal floor space for the ground floor bedroom flat to the rear. No other external elements to the main building are being altered from the previous scheme. The proposed basement would not be visible when viewed from the street and would be located mainly under the proposed building. In addition, the proposal would not result in an increase in the amount of units on the site and would not result in an increase in the amount of bedrooms. Given that the proposed rooms in the basement would be for a play room and study for the occupants of the ground floor 1 bedroom flat to the rear and would not be bedrooms or main habitable living room space, it is not considered that the lack of outlook from these rooms would result in a poor and substandard form of accommodation to the occupiers of the unit as reasonable outlook would be afforded from the bedroom and living room above on the ground floor.

As part of the assessment of the previously approved application it was noted that the proposal included hard surfacing to the front of the property for two parking spaces using the existing crossover.

The council's Development Management Policy DM17 states that development should provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

Given that the proposed development would provide sufficient parking in accordance with the policy and given that the property has a PTAL rating of 3, the property has adequate accessibility to public transport.

Furthermore, as the property would only be increasing overall by 2 additional bedrooms, it is not considered likely to generate a significantly greater impact on street parking pressures than the existing dwelling.

No objection is raised to the use of existing vehicular access and proposal retains a sufficient amount of landscaping to help soften the increase in hard surfacing to the front of the property. The provision of two off street parking spaces is sufficient for a site of this size and would meet the requirements of DM17 parking standards.

As the amount of units and bedrooms is not increasing as part of this application, in view of the above, the proposal is considered acceptable on highways grounds.

It was also considered as part of the previous assessment that the depth of the rear projections at ground and first floor level would comply with the Councils' Residential Design Guidance for a detached property. The single storey elements of the proposed building that extend beyond the rear elevations of both neighbouring properties would project no further than 4 metres in depth beyond the rear elevation of N. 124 Hale Lane and would project 5.2 metres beyond the rear of No. 120 Hale Lane. However, the extension at this depth would be set away 3.3 metres from the boundary at a height of 3.3 metres. The two storey rear projection element would project no further than 3 metres beyond the rear elevation of No. 124 Hale Lane and would be set away by 2 metres. The two storey rear element would project 4.2 metres beyond the ground floor rear of No. 120 Hale Lane. However, this element of the extension would be set away from the common boundary with this property by 3.5 metres. As such, the proposed development is not considered to result in an overbearing impact or perceived sense of enclosure to either neighbouring occupier. In addition, given that the windows proposed in the side elevations of the building will be secured via condition to be obscure glazed and non-opening. Furthermore, the Council's Sustainable Design and Construction states that in new residential development there should be a minimum distance of 21 m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 m to a neighbouring garden. Given that the rear of the proposed building would be over 15 metres from the rear gardens along Sunbury Gardens and would be over 30 metres away from directly facing rear windows along Sunbury Gardens, it is not considered that the proposal would result in loss of light, overlooking or loss of privacy to any neighbouring occupier.

The introduction of a basement element, given its location at lower ground level, is not considered to result in overlooking or loss of privacy to any neighbouring occupier.

The property subject of this application is not located within a flood risk zone. In addition, the Environment Agency states that the location of the host site is in an area that has a very low chance of flooding from surface water, with very low meaning that each year, this area has a chance of flooding of less than 1 in 1000 (0.1%). This is the lowest possible category. As such the proposal is not considered to result in an increase in risk of flooding within the area.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

Given that the occupants of the proposed unit would be using an existing crossover, it is not considered that the proposal would result in an increase to highway safety over and above what currently exists on site.

Noise and disturbance from construction works and structural issues arising from the development are not a material planning consideration.

The site is not designated as an area of wildlife conservation. As such, the demolition and rebuild on the site is not considered to result in a loss of wildlife.

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.

