

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

**Reference:**                      **15/05663/S73**

Received: 9th September 2015

Accepted: 11th September 2015

Ward:                              West Hendon

Expiry 6th November 2015

Applicant:                      Mrs Naomi Perah

Proposal:                      Variation of Condition 1 (approved plans) to planning permission  
14/07089/FUL for "Demolition of existing house and erection of new  
single two storey dwelling" dated 12/03/2015

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans:
  - 06. 936.01 (Existing site plan) dated Oct 2014
  - 06. 936.02 (Existing Elevations) dated Oct 2014
  - 06. 936.03 (Existing Site Plan) dated Oct 2014
  - 06. 936.06 Rev F (Proposed Ground and First Floor) dated Oct 2015
  - 06. 936.08 Rev E (Proposed Elevations) dated Sept 2015
  - 06. 936.09 Rev F (Proposed Side Elevations) dated Oct 2015
  - 06. 936.10 Rev F (Proposed Sections) dated Oct 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 the original permission reference 14/07089/FUL dated 12/03/2015.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3     a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.  
  
b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

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

b) No dwelling shall be first occupied until evidence that the Lifetime Homes credits have been achieved and a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the Local Planning Authority.

Reason: To ensure that the development is sustainable and complies with Policy DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 8 The roof of the single storey rear projections hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

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

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

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health

developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £8,487 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 £32,735 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

## Officer's Assessment

### 1. Site Description

The application property is a detached dwellinghouse located on the corner with Edgeworth Crescent. The property is in a predominately residential location. Properties in the surrounding area have benefitted from various extensions. The application property shares adjoining boundaries with no.9 Edgeworth Avenue, the rear boundary of the property is shared with no.2 Edgeworth Crescent.

The site contains no listed buildings and is not designated as Article 2(3) (Conservation Area). There are no Tree Preservation Orders on or near to the site. There exist no outstanding conditions on the applicant property which might limit development.

### 2. Site History

Reference: 15/04602/192

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Lawful

Decision Date: 04.08.2015

Description: Single storey outbuilding to rear of the property

Reference: 14/07089/FUL

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Approved subject to conditions

Decision Date: 02.03.2015

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

Reference: W11723B/05

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Refused - Appeal Dismissed

Decision Date: 04.07.2005

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

*Reasons for refusal:*

*1) The proposed development by reason of its siting, scale, bulk and design would be out of character of the dwellinghouse, the streetscene, and the visual and residential amenities of locality*

Reference: W11723A/02

Address: 7 Edgeworth Avenue London NW4 4EX

Decision: Approved subject to conditions

Decision Date: 05.06.2002

Description: Proposed ground floor side extension.

Reference: W11723

Address: 7 Edgeworth Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 22.02.1999

Description: Ground and first floor rear extension. Rear dormer window.

### **3. Proposal**

Planning application 14/07089/FUL dated 02.03.2015 granted permission for the demolition of existing house and erection of new single two storey dwelling. This application seeks to vary condition 1 of this permission (plans).

The proposed variation to the approved scheme is as follows:

- An additional single storey rear projection with a depth of 2.5m and a width of 6.9m. The extension would feature a flat, green roof (sedum covered) with a height of 3m. The proposed additional projection would be situated at the North Eastern corner of the property, towards Edgeworth Crescent and would provide additional floor area to the proposed kitchen.

### **4. Public Consultation**

Consultation letters were sent to 27 neighbouring properties, a site notice was posted on the 17.09.2015.

3 responses have been received, comprising 3 letters of objection. A petition against the proposed development was additionally received containing a total of 12 signatures.

The objections received can be summarised as follows:

- Objection to siting of proposed development in relation to outbuilding approved by application 15/04602/192
- Concern that previous certificate did not include a consultation process
- Resulting dwelling will be uncharacteristic in scale, bulk, siting and design.

### **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, CS4, CS5, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM16, DM17

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

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.

Residential Design Guidance SPD (adopted April 2013)

- Provides detailed residential design guidance on issues relevant to Barnet such as local character, density, built form, car parking, amenity space standards, and sets out the local priorities for protecting and enhancing Barnet's character.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principal of residential development
- 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 for new residents
- Whether harm would be caused to the living conditions of neighbouring residents

### **5.3 Assessment of proposals**

Following discussions, the scale and height of the proposed variation has been significantly reduced in order to address officers' concerns.



Due to the siting, design and size of the proposed extension it is also not considered that the variation to the proposed scheme would cause any additional impact upon the amenities of any neighbouring resident. The proposed variation to the approved scheme would lead to an increase in the living standards for future occupiers, no objection is therefore raised in respect to the living standards for future residents. The main issue for consideration is therefore whether the proposed variation would cause significant harm to the character of the approved dwelling, streetscene and local area.

It is acknowledged that the approved scheme would represent a significant increase in scale from the existing dwelling. This scheme was however considered acceptable during planning application 14/07089/FUL dated 02.03.2015 and this consideration is maintained. The proposed variation would introduce an additional single storey projection to the rear of the dwelling and would further increase the floor area of the property. Notwithstanding this, the revised variation would represent a moderate increase in area and is considered reasonable in terms of desire for a larger kitchen area.

The form, depth, width and roof style would match the single storey projection which was included in the approved scheme, adjacent to the boundary with no.9 and would thus not appear out of character with the approved dwelling. The proposed extension would appear as a subordinate feature which would be sympathetic to the design and proportional to the approved dwelling. It is not considered that the variation to the approved scheme would detract from the character of the approved dwelling. The additional single storey extension is not considered to represent an overdevelopment of the site, with a sizeable rear garden being retained.

The site boundary abutting Edgeworth Crescent is enclosed by a close boarded fence with a height sufficient to obscure the single storey rear projection from view from this street. Similarly, because of its siting the extension would not be overly noticeable from Edgeworth road. As such the proposed variation would not cause any impacts upon either streetscene or upon the character of the local area.

## **5.4 Response to Public Consultation**

A major concern raised in received comments relates to Proposed Lawful Development Certificate 15/04602/192 dated 04.08.2015 on the application site. This certificate deemed an outbuilding in the rear garden of the existing property lawful. This outbuilding was not in existence at the time of the site visit.

It should be noted that the certificate of lawful development would relate to the existing dwelling only. The only way to lawfully implement both the outbuilding and the approved dwelling would be to construct the outbuilding prior to the existing dwelling's demolition and retain it during construction. If the development approved in application 14/07089/FUL was commenced prior to an outbuilding being in existence, this certificate would be quashed. Furthermore a condition was placed upon the previous approval which removed permitted development rights for the approved dwelling including Class E (outbuildings). This condition is again proposed.

It is therefore not considered that the potential outbuilding would be realistic/viable to implement if the redevelopment scheme were to be implemented. .

## **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.

Site Plan:

