

Location **Blocks 4 And 5 Britten Close London NW11 7HW**

Reference: **15/03208/FUL**

Received: 26th May 2015

Accepted: 17th June 2015

Ward: Garden Suburb

Expiry 12th August 2015

Applicant: Mr

Proposal: Erection of an additional floor at fourth floor level to create four no. 3-bedroom flats, the erection of lift and stair access and the provision of cycle storage.

Recommendation: Approve subject to conditions

- 1 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.

- 2 The development hereby permitted shall be carried out in accordance with the following approved plans:

Planning Statement (Studio Y2); Design and access statement and Visual Impact Statement (Studio Y2); Heritage Impact Statement (Studio Y2); Transport Statement (Studio Y2); Noise Statement (SRL); Construction Method Statement; Daylight and Sunlight Assessment (BRE); Supplementary Daylight Assessment (BRE); Sample of TECU copper cladding; 120A Block 4 Proposed Plans; 121A Block 4 Proposed Plans; 122A Block 4 Proposed Elevations; 123 Block 5 Proposed Plans; 124A Block 5 Proposed Plans; 125A Block 5 Proposed Elevations; 123 Typical Section; E02; E12A; E14A; E16; E18; E20; E22; E30; E31; E34; Statement of Community Involvement;

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).

- 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 2015.

4 a) No development other than demolition works shall take place until details of the materials (with the exception of the TECU cladding) 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 2015.

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 (2015).

6 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).

7 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

8 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

9 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against noise and vibration generated by

mechanical ventilation and plant has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from all new plant as measured within habitable rooms of the development shall be no higher than 30dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The mitigation measures as approved under this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 10 Prior to the first occupation of any dwelling houses hereby approved, all new allocated cycle parking associated with the proposed development shall be laid out and made ready for use.

Reason: To ensure a satisfactory appearance for the development and to ensure that the proposed development contributes to the objectives of sustainable transport and the demand of future occupiers of the site in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012).

- 11 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).

- 12 Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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).

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3)

permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (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, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012)."

- 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 35% 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)."

- 15 Notwithstanding the approved plans as submitted, a roof plan drawing showing the location of all existing and proposed roof level furniture shall be submitted to and approved by the Local Planning Authority. The development shall be carried out in accordance with the approved detail.

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 2015.

Informative(s):

- 1 The plans accompanying this application are:
- 2 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 6 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 7 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 3 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 £14,175 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 £54675 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

The application site consists of a large housing estate comprising 220 flats arranged in nine four storey blocks. The estate has a homogenous design and appearance across all nine blocks. The estate is accessed along Chandos Way from Wellgarth Road. Blocks 1 - 6 are situated around Britten Close at the eastern end of the estate. Blocks 7 - 9 are situated at the western end of Chandos Way. Beyond the site is the Chandos Way Lawn Tennis Club. This application relates to blocks 4 and 5, which are situated to the back of this site away from Chandos Way and adjacent to the railway embankment near Golders Green station and depot.

The estate buildings are visually imposing buildings that have been built as one complete development across all nine blocks incorporating using red brick and zinc or copper cladding to roofs. The layout, design, materials and orientation is designed to reflect pre-existing residential mansion blocks situated to the east and north of the site in Reynolds Close and Hampstead Way.

The buildings have flat roofs which have roof lights to provide means of allowing light to percolate into the upper floor flats. There is a wide distribution of building services on the roof of the building. There is parking provided with basement parking areas and also around the blocks at surface level.

2. Site History

Reference: C1648D

Address: Off Wellgarth Road,

Decision: Refused (allowed on appeal)

Decision Date: 7 January 1970

Description: Residential development and provision of tennis club

Reference: C1648AC

Address: Rear of Wellgarth Road, North End Road

Decision: Approved

Decision Date: 12 August 1981

Description: Erection of 54 maisonettes and 85 flats with parking provision for 153 cars

Reference: F/01319/12

Address: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road,

Decision: Approved

Decision Date: 22 September 2014

Description: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.

Reference: 15/03207/FUL

Address: Blocks 7 and 8, Chandos Way

Decision: n/a

Decision Date: Pending consideration

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

3. Proposal

Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Planning permission is sought for the erection of a fourth floor level over part of blocks 4 and 5 to provide four x three bedroom flats. The application also proposes extensions to the existing external staircase towers to accommodate lifts. The extensions would be project both in depth and height and would be constructed in brick.

The proposed design follows the spirit of the original design intent and uses matching materials. The 'front' elevations to the courtyards for the new apartments will be glazed to eaves to match the existing floors below with a sloping metal roof section above again to match the floor below. The existing stair-wells to the courtyards are proposed to be extended upwards using matching brickwork. The overall appearance from the courtyards is, therefore, of a fully integrated elevation where the new elements match the existing building, creating a harmonious design, reflecting the original building.

For the elevations facing away from the courtyards, full height glazing is used to give the extension a light weight appearance to contrast with the solid 'rear' elevations. This approach is intended to not detract from the existing elevation and maintains the current line of the parapet as the dominant form of the elevation. The elevation of the proposed new apartments is set back from the parapet wall. The glazed proposed elevation reflects the use of metal framed windows on all elevations. A flat roof is maintained. The applications proposes that where rooflights are built over, these would be replaced by new light shafts which would penetrate through the new flat into the existing third floor flats below.

4. Public Consultation

Consultation letters were sent to 353 neighbouring properties. The consultation process was repeated to advise on amended site area and new information provided in relation to the provision of a daylight and sunlight assessment.

111 responses have been received, comprising 111 letters of objection

The objections received can be summarised as follows:

- o The scheme does not propose any affordable housing
- o Construction will give rise to excess noise and disruption
- o The scheme will interfere with human rights insofar as the right to the quiet enjoyment of property.
- o Construction should not take place on Saturdays.
- o The lift shaft extension will block light to flats.
- o The development will significantly reduce visitor parking within the estate.
- o The lift would be noisy.
- o The development will emphasise the poor noise insulation and noise transfer qualities within the existing buildings
- o The scheme would build over existing rooflights and would result in substandard daylight conditions and result in inadequate ventilation.
- o The development would not be able to sustain the stress of additional development being added to the roof.
- o No roof plan has been provided.

- o Light boxes and periscopes would be inadequate replacement for existing lighting conditions.
- o The extension would disfigure the overall aesthetic of the building.
- o The development would have noise impacts post occupation.
- o Poor consultation prior to the application being submitted.
- o Overlooking from the fourth floor.
- o Architectural style of the building would be spoilt.
- o The scheme would be visible from Hampstead Garden Suburb
- o Parking and congestion would be increased
- o Cycle storage may encroach on to car parking.
- o The scheme constitutes over development
- o Noise and disruption that would occur in conjunction with the redevelopment of the Lawn Tennis Club.
- o Danger to pedestrians and motorists.
- o Disruption to an established community.
- o The proposal would be visually dominant from Reynolds Close.
- o The scheme will result in a loss of green space.
- o It would affect the setting of Grade II listed buildings in Reynolds Close.
- o The scheme would fail to preserve or enhance the character and appearance of the conservation area.
- o The CGI photos of the development do not indicate the existing rooflights and plant at roof level.
- o Development would harm or impair views down Reynolds Close
- o The development would be out of context with the site and surroundings.
- o The proposed development would affect the uniformity and proportions of the development.
- o The development would enhance anti social behaviour
- o Additional cars accessing the estate would be dangerous particularly at the junction with Wellgarth Road which is on a blind bend.
- o Approval of this scheme would lead to further similar developments in the future.
- o The development may lead to obstruction to staircases which are the only way of accessing the building.
- o Despite the lift, none of the units are wheelchair accessible.
- o The lifts would not be secured from unauthorised access.
- o Loss of outlook and creation of sense of enclosure
- o

The following non-planning related considerations have also been raised by objectors through the consultation phase.

- o Loss of rental income
- o Loss of property value.
- o Impact of development on the structural integrity of the existing development.
- o Lack of ventilation leading to mould and damp problems.
- o Maintenance costs that will increase as a result of the new lifts.
- o Poor pre-application consultation between the developer and the local residents.
- o The development in conjunction with the northern line tunnel and poor groundwater drainage in the area will cause significant damage to 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 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 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.

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

u/l Land use

Planning permission is sought for the erection of an additional storey to the existing building at blocks 4 and 5 to create four x three bedroom flats constituting an increase to the existing 220 flats within the overall Chandos Way estate. Given that the proposed development would be located in a residential context, the proposed land use would be acceptable.

The application provides for four x three bedroom flats which respond to an established housing need that the Council has established through the evidence gathered to support the development of the Local Plan and policy DM08 states that in meeting housing need, four and three bedroom units are a priority dwelling mix requirement. On this basis, the scheme would be acceptable.

Objections have been received in relation to the scheme constituting overdevelopment and overly dense. Overdevelopment and unacceptable density is generally expressed through poor design and amenity and a decline in the quality of the layout and functionality of the development in addition to the potential impact that the development might have on car parking access and servicing. These matters are discussed elsewhere in the report.

However, given the incremental increase in the number of units associated with this application, it is considered that the resulting density would not be unacceptable.

u/l Conservation and design

Planning permission is sought for the erection of a new floor over the existing roof of blocks 4 and 5 of an estate which consists of nine blocks at the northwestern end of the estate. The application proposes a brick and zinc clad extension that would be inset from the front of the level immediately below. The proposed development would be built up from a new floor level built above the existing roof. The proposed development would be accessed by a new lift shaft that would be installed by way of an extension to the existing lift shaft tower outwards from the existing stair tower and upwards to form an access into each of the flats. This addition would be built up in a brown brick and brass/copper cladding.

The proposed elevations to the existing courtyards follow the form of the original design with the new storey being set back from the line of building below. The step back within the pitched roof element, follows the form of the existing building, and minimises the scale and massing of the new floor giving a harmonious appearance with the rest of the building below. The overall effect of the building approach is to create a fully integrated extension to the existing building where the new elements do not dominate the existing scale of the development. The setback and inset from the level below as well as the continuation of existing building form and materials creates a visually consistent and subordinate form of development that is proportionate to the existing building. The proposed design follows the character of the original design intent and uses matching materials where possible. The front elevations towards the courtyards for the new apartments will be glazed from the eaves to match the building. At the rear facing the underground line and depot at Golders Green and the Chandos Way tennis club, the elevation within the proposed development would be wholly glazed but with a sloping metal roof section to match the existing development. The rear elevation would also be inset from the principal elevation but due to the extent of mature trees and the quieter rear garden nature of this area, would not lead to visual harm and it is considered that the lightweight glazed element complements the building and does not add to the existing bulk and massing of the monumental scale of the building as a whole.

In respect of character, constraints and context, the existing estate is located adjacent to the Hampstead Garden Suburb Conservation Area. There are also Grade II listed buildings directly to the north of Chandos Way in Reynolds Close. The Chandos Way estate is separated from the properties in Reynolds Close by substantial mature planting which is also evident within the site and also to the south. As a result, the development is

largely hidden from view of the listed buildings and therefore the setting, value and interest of these listed buildings are not harmfully affected. In addition, the separation distance between the buildings to be extended and these listed buildings is considered sufficient to not be part of the setting of these heritage assets. The distance from Chandos Way and the buildings in Reynolds Close would offset the height of the building which would instead have a background appearance in this context. Therefore, it is possible to state that the significance of the heritage asset in Reynolds Close is not harmed to the extent that it would outweigh any other benefits that may accrue from the proposed development.

It is acknowledged that the estate as a whole presents a uniformity of design and consistent architectural character, including materials, elevational design, size, scale and massing and that the estate has been little altered in the period since its original construction. As such, any new development in the form of extensions and enlargements would be visually evident. In order to avoid the harmful combination of these extensions, the development (in this application) is proposed to be located on two blocks which are situated in a location set well back from Chandos Way and set partially behind existing buildings. The massing diagrams provided to the Council within the supporting documents provide an indication that the extension would be constructed across virtually the whole of blocks 4 and 5. As such, it is considered that the proposed development would provide a comprehensive holistic approach to the building as a whole. In relation to block 8, the presence of block 9 would mitigate any visual impact that might occur to the character and appearance in the streetscene. In addition, it is considered that the use of materials and design to wholly reflect the level immediately below would also contribute to a more harmonious form of development that would seek to blend in with the established architectural character rather than appear intentionally contrasting. The use of similar zinc cladding, a similar fenestration pattern and flat roof would be able to respond appropriately to the existing architectural context rather than be a poor pastiche.

As previously stated, the proposed development would not be located within a conservation area and would not affect existing heritage assets surrounding the estate and the intervention to the form, fabric and character of the estate is acceptably limited. The initial scheme has been significantly reduced following pre-application advice which was provided by the Council and the reduction in the scale and scope of the proposed development has arisen as a result of the priority to protect the setting of listed buildings and the character and appearance of conservation areas. The extensions are proposed to buildings which are the most distant from the heritage assets.

The extensions to the staircase towers would increase the height from 11.5m to 14m and the projection from 2.5m to 4.5m. The brick element would be retained and would be extended outwards to incorporate a lift shaft and upwards to arrive at the new upper level. The new elements would be constructed from bronze cladding material to reflect the colour pattern of the existing development but also retain a sense of the original tower structure and to ensure that the additions are subordinate and proportionate to the existing tower.

The current roof scape of each block features an extensive arrangement of rooflights, cabling, pipes, flues and other building services. The rooflights make a significant contribution to the existing amenity for occupiers within the top floor flats within the buildings. Many of these would be covered over by the proposed development although some new rooflights are to be constructed within the development within the flat roof to replace to some degree the level of amenity that is currently enjoyed by the development. However, the rooflights are not in any case visible from the street level and are not material to the decision. The associated amenity impacts of the development, particularly in relation to the rooflights are to be considered below.

u/l Amenity for existing occupiers

The impact of the proposed development on the residential amenity of existing occupiers is the most significant consideration arising out of the statutory consultation period associated with this application. The amenity impacts principally relate to the loss of light through existing rooflights; the loss of light (and sense of enclosure) to windows in the vertical elevations of the building; the noise that would arise through construction and use and the impact on privacy through overlooking.

Loss of light to rooflights and adequacy of mitigation

Top floor flats within the existing development benefit from a number of rooflights to supplement the existing natural lighting that is currently enjoyed through standard windows. Kitchens and bathrooms are provided with rooflights which are the only means of illumination to these rooms. There are rooflights above staircases and landings which are the only means of illumination to these spaces. In kitchens and bathrooms, these rooflights are also the only means of ventilation to these rooms. No bedrooms, living rooms or dining rooms rely on only rooflights for illumination.

The proposed development would be constructed over and above the existing roof. All existing rooflights for the stairs and bathrooms would be covered over and all light currently enjoyed through these sources would be lost. The application proposes the construction of new light shafts for the kitchens that would penetrate downwards through the new level and into the existing flats below.

The applicants have provided a daylight and sunlight survey to assess the likely impact of the proposed development later on in the application determination period to respond to the level of objections concerning daylight and sunlight. Following a site visit in November 2015 to corroborate and correlate the positions of rooflights with the submitted plans, an updated statement was provided to the Council and the public. This additional statement does not supersede the original statement which was carried out by the Building Research Establishment prepared by the Building Research Establishment. The assessment was carried out using the vertical sky component (VSC) methodology (as set out in the BRE guidelines). For windows in the principal vertical elevations, the BRE have taken the judicious but correct view that only the windows on the lowest levels (what the assessors have called the worst case scenario windows) would be taken into account as windows in the upper levels would have a greater horizon elevation above ground and the comparative height of the obstruction would be lower. Using the vertical sky component, the assessment has established that five windows in block 2 would suffer a VSC reduction to below 0.8 the former value, two windows in block 4 would suffer a VSC reduction to below 0.8 the former value and no windows in block 5 would suffer a harmful reduction. These windows are situated just beneath an overhang at the second floor level and BRE guidelines allow for re-assessment to determine whether existing obstacles contribute to the reduction in light or whether the proposed development is harmful. The BRE has re-assessed the VSC and has established that without the overhang (but with the development) the VSC would exceed 0.8 of the former value for that property and would therefore be acceptable.

As already stated a number of lightshafts are to be constructed to replace existing rooflights within a number of flats in blocks 4 and 5 with living rooms, dining rooms and bedrooms all served by windows in the external elevations. The BRE has assessed the resulting light levels within kitchens which would have lightshafts serving them. The

resulting lighting levels have been subject to an average daylight factor (ADF) test. The BRE guidelines state that where kitchens have supplementary electric lighting, the ADF in these rooms should exceed 2.0%. The assessment provided by BRE states that the ADF for the kitchens would generally be 2.9% therefore exceeding the requisite level for kitchens as set out in the BRE guidelines.

However, even if the ADF for the kitchens was shown to be defective, the Adopted Core Strategy defines habitable room in its glossary as: A room within a dwelling, the primary purpose of which is for living, sleeping or dining, including kitchens where the total area is more than 13sq.m or the dining space if it is divided from the working area by a moveable partition. None of the kitchens are greater than 13sq.m and as such are discounted from the habitable room definition. On this basis, the kitchens cannot be included as a habitable room for daylight purposes.

The residents have sought to provide a response to the BRE assessment and have done so by commissioning a response prepared by Right of Light consulting to appraise and critique the methodology and results of the BRE statement on behalf of the residents. Following the November site visit and further assessment to respond to changes to rooflight positions within the third floor flats, as well as the considerations set out elsewhere in this section of the report that the objections raised on behalf of residents by Right to Light consulting have been overcome.

The proposed development would also affect the rooflights serving staircases, landings and bathrooms. These are also not habitable rooms for planning purposes and there is no protection in planning for these spaces within each of the affected dwellings. A later site visit in November 2015 demonstrated that with all doors closed from the landing, the circulation space would be in darkness. This is not a planning matter that would warrant the refusal of planning permission for an application.

Objections have been raised as to the loss of ventilation capacity and effectiveness arising from the loss of the rooflight. Approved Document F of the Building Regulations requires that where existing ventilation is to be altered, it should be replaced to an equivalent standard or better. For the purposes of occupier safety in relation to heating appliance safety, appropriate flues should be provided and maintained within the development.

Sense of enclosure, impact on outlook and visual amenity

The proposed development would give rise to a height increase of the building by approximately 3.0m. The daylight assessment has demonstrated that the impact on daylight and sunlight would not be harmful as to reduce the quality of light received by existing residents. Although the proposed development would be visible from flats in block 2, the view would be obtuse and would not be obstructive directly opposite these windows and would not affect outlook or create a sense of enclosure.

Noise and disturbance

It is inevitable that construction work has some impact on residential amenity to some degree through noise and disturbance. The proposed work would result in the erection of scaffolding, alterations to building services, alterations to the existing roof, the creation of a new storey and the erection of the staircase tower to provide a lift. The planning system does not directly legislate for or against the noise that might arise from the construction of an approved development, although a method of construction statement can be secured

through condition setting out measures to alleviate the time of construction, the location of temporary buildings and the parking and routing of vehicles. As such, objections pertaining to the construction impacts cannot be considered.

Post occupation, the proposed development which would be used for residential purposes would be acceptable in the context of the existing residential development. The existing occupiers in the floor below would be protected by the Approved Document E of the building regulations in respect of the transmission of noise between units. The greatest noise generation would arise from the use of the balconies and the lift shaft. Objections have been raised to both. In respect to the use of the balconies, the anticipated noise levels would be no greater than that which would normally be generated by domestic environments, given the background noise levels that already exist, particularly from the Northern Line railway to the west. Lift shaft noise is expected to be audible to some degree but is not considered to be significant or frequent. An acoustic survey can be conditioned to be submitted to the Council to demonstrate the noise levels arising from the lift.

Privacy and overlooking

The proposed additional storey would be set back behind the parapet of the existing development, separated by a balcony. Given the position of the footprint of the extension, it is considered that neither the front nor rear elevations of blocks 2, 4 or 5 would be unduly affected by the proposed development and no opportunities for overlooking with consequent loss of privacy would occur. The junction of blocks 2,4 and 5 are quite close with the front elevation windows for each block at a right angle to each other. The proposed development would repeat this arrangement but would not lead to an impact of overlooking towards either block.

Amenity for future occupiers

Due to the elevated position of the new extension above the existing roof level, the proposed roof development would not endure substandard daylight levels, would not be overlooked and would not lose any outlook. Each unit is provided with an amenity terrace which supplemented by the communal gardens would permit the acceptable level of external amenity for future occupiers.

Each three bed unit would have approximately 100sq.m of internal floorspace and would therefore exceed the internal amenity standards set out in the London Plan and Barnet Supplementary Planning Guidance.

u/l Highways and parking

Despite the spatial proximity to Golders Green underground station, pedestrian access to this station is over 900m away. This contributes to a relatively poor Passenger Transport Accessibility Level of 1b and 2 for the estate as a whole. Chandos Way is part of the local highway network and is subject of a Controlled Parking Zone. Nevertheless, there is on street car parking within Chandos Way. There is residents' car parking within the estate within allocated bays at surface level and also in basement car parks. Car parking is provided within the estate at a ratio of 1:1 for existing residents. In addition, 33 visitor car parking spaces are also provided.

The construction of the proposed development would result in the loss of 8 visitor parking spaces reducing the overall provision to 25 across the whole estate as a result of both applications. In respect of this application, the scheme would result in there-allocation of

three spaces in front of block 5 and the reallocation of one space between blocks 3 and 4. In total there are 221 spaces across the estate. There are 33 additional spaces which are currently provided as visitor spaces. This is a ratio of 1.15 being which would be reduced to 1.11 following implementation of both developments. Given that the existing ratio of 1:1 for flats is being maintained, with the only loss being for discretionary visitors parking, it is considered that the impact would not be harmful. Although the low PTAL rating suggests a greater demand for car ownership and use, it is considered that the on street car parking in Chandos Way and Britten Close would adequately compensate for any overspill visitors' parking.

Some objectors have raised concerns about the likely impact of the Chandos Way tennis club development on access, parking and highway safety. The proposed development on that site would deliver 45 dwellings with 47 car parking spaces. The Transport Assessment for that application indicates that the vehicular movements associated with the new residential development would be substantially lower than that for the tennis club. The Transport Assessment for that application also assumed that the daily vehicular movements would reduce from 237 to 105. As such, the highways impact associated with the provision of four units on this application should be considered within the context of the adjoining redevelopment site where the trip generation is being significantly reduced. It is likely that construction associated with the adjoining site may also generate a parking demand which may reduce the availability of on street parking within Chandos Way, however, this would only be for a temporary period and should not markedly reduce the number of spaces available.

Additional cycle parking is provided with 6 new stands for this development in addition to the 10 to be provided with blocks 7 and 8 to provide new cycle parking at 2 spaces per new dwelling. This would meet the requirements set out in the London Plan.

5.4 Response to Public Consultation

Substantial objection has been received from residents within the estate covering a diverse range of concerns. The design, character and appearance of the proposed development as well as the impact on light received through rooflights to top floor flats and to flats in general through windows in the elevations. Parking and highway safety concerns have also been considered. The proposed development, by way of an increase one storey on two blocks would not constitute overdevelopment. The increase forms a small proportion of the overall estate which would largely retain its form, size, scale and massing. The spaciousness around the site, within courtyards and the separation to neighbouring uses and developments would not be affected.

The proposed development is acceptable on land use grounds. The proposed use is residential within a residential area. The scheme provides units which exceed the required internal amenity standard. There is no policy obligation to provide affordable housing. The application both individually and combined provides for less than 10 units. The National Planning Policy Framework and the National Planning Policy Guidance promote the importance of providing housing. The proposed development meets this objective.

Objections relating to the loss of property value, increases to service charges and ground rent, changes to covenants, the loss of rental income or the loss of the attractiveness of residents occupying upper floor flats are not planning issues and cannot be considered to influence the planning outcome for this application. This is also the case of concerns relating to whether the increase of a number of units would harm the sense of community within the estate. There are implications in the objections that the loss of existing light

through rooflights (albeit to non-habitable rooms or spaces) would be theft or a loss of individual property rights. Property rights do not fall for consideration under the planning system. Neither does the Right to Light which is governed by The Prescription Act 1832. These are matters of civil law and are not planning issues. Property rights also apply to occupiers of top floor flats concerning their internal layout. The daylight and sunlight assessment provided in September considered that the light received through a light shaft would exceed the ADF figure. The assessment also considered the only other mitigation measure for the internally contained kitchens to receive light which would be through the creation of an open plan layout. This assessment was carried out as a comparative exercise and is not a proposal for development. Although changes to the existing layout of an existing flat do not require planning permission, this is not an aspect for consideration in this application. Furthermore, the daylight assessment has established that the creation of light shafts would generate a better ADF figure for kitchens than the combined lounge/kitchen areas.

Objections concerning the ability of the building to tolerate the stress of additional building are not material planning considerations. Cracks inside a number of flats were observed during a site visit, however, structural integrity of the building needs to be considered under the building regulations. It is not considered that the proposed development would affect existing surface drainage within the estate.

Noise arising from the development phase would undoubtedly be invasive for a short period while the existing roof is altered and built over. This is addressed above as is noise arising from the operation of the lift shaft. Noise from the lift mechanism would be contained within the lift shaft. No noise generation data is available. It is considered that the amenity impact on properties in North End Road, Reynolds Close and Heathcroft as well as Wellgarth Road would not be affected. The distance between these roads and blocks 4 and 5 would be too great to harm outlook, visual amenity, privacy or light. This observation is supported also by the presence of mature trees between neighbouring sites.

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.

