

Location **Fairlawn 11 Capel Road Barnet EN4 8JD**

Reference: **16/0955/RCU** Received: 15th February 2016
Accepted: 16th February 2016

Ward: East Barnet Expiry 12th April 2016

Applicant: Mr Ray Gabriele

Proposal: New two storey detached building with rooms in roof space containing 5 self-contained flats, associated car parking, amenity space, cycling storage, refuse & recycle storage area (Retrospective Application)

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: PL A 1; PL A 3; PL A 5 ; PL A 6 ; PL A 7 ; PL A 9 ; PL A 11 ; PL A 13; PL A 15; PL A 17.

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 a) The development shall not be occupied until a scheme of hard and soft landscaping, 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 2015.

- 3 Before the development is first occupied parking spaces should be provided in accordance with submitted drawings. The parking spaces should be retained thereafter and used only for parking in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 4 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing number 11 Capel Road 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).

- 6 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.

- 7 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).

- 8 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.

- 9 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 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)

- 10 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 40% 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)

- 11 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 12 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).

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 £13597.50 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 £52447.50 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.

- 3 Any new crossovers or amendments to existing crossovers will be subject to detailed survey assessment by the Highways Authority as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense and will require submission of a vehicle crossover application to London

Borough of Barnet, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP. Any street furniture affected by the proposed crossover would be relocated at the applicant's expense.

- 4 The applicant is advised that the existing hedges around the boundaries of the site with Capel Road and Rosslyn Avenue should be retained and included in the landscaping scheme that is required to be submitted by condition 2 of this permission.

Officer's Assessment

1. Site Description

The development site is located on the southern side of Capel Road in the ward of East Barnet. The site comprises one half of an existing semi-detached property and its adjoining garden area, which lies to the north-eastern side of the building. The former garden area (which is where the building is now located) has a frontage to both Capel Road and to Rosslyn Avenue. There is a gradient difference between the location of the new building and the existing property at no. 11, and the slope falls towards the east of the site, towards Rosslyn Avenue. The area around Capel Road is characterised predominately by semi-detached and terraced properties, which are Edwardian in style, whilst the area in the wider area, particularly along Rosslyn Avenue is more mixed and includes detached buildings and flats. The site is not within a conservation area and is not a listed building.

Building works have been commenced and as such a two storey building with rooms in the roof space has been developed on the site on the corner with Rosslyn Avenue and Capel Road. The development fronts Rosslyn Avenue.

2. Site History

Reference: 15/02102/FUL

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved subject to conditions

Decision Date: 2 July 2015

Description: Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area

Reference: 15/04902/RCU

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved subject to conditions

Decision Date: 2 October 2015

Description: Retention of blocked up 3 ground floor windows to east elevation (retrospective application)

Reference: 15/05713/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 2 November 2015

Description: Submission of details for condition 3 (Levels) pursuant to planning permission 15/02102/FUL dated 16/6/15

Reference: 15/05879/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 2 November 2015

Description: Submission of details of condition 15 (refuse) pursuant to planning permission 15/02102/FUL dated 16/05/15

Reference: 15/06622/CON

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 10 December 2015

Description: Submission of details for condition 5(landscaping) and 9(means of enclosure) pursuant to planning permission 15/02102/FUL dated 16.06.2015

Reference: B/04942/14

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Approved

Decision Date: 15 October 2014

Description: Submission of details of condition 6 (Refuse) pursuant to planning permission B/02649/14 dated 10/07/14.

Reference: B/03912/14

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Refused

Decision Date: 15 September 2014

Description: Erection of new two storey building with rooms in roof space containing 5 self-contained flats., Single storey rear extension and insertion of side and rear dormer windows to existing building to form new studio flat., Associated car parking, amenity space, cycling storage, refuse & recycle storage area.

Appeal dismissed 31 December 2014.

Reference: B/03222/13

Address: Fairlawn, 11 Capel Road, Barnet, EN4 8JD

Decision: Refused

Decision Date: 24 September 2013

Description: Erection of a detached two-storey building with rooms in roof space to provide 6 self-contained units. Extension to existing house including single storey rear extension to extend existing self-contained unit. Extension to roof including hip to gable end and roof lights to front and rear elevation to provide 1 extra self-contained unit. Demolition of existing garage and erection of cycle storage unit and refuse unit with associated parking and access works.

Appeal dismissed 22 April 2014.

3. Proposal

The current application relates to a new two storey detached building with rooms in roof space containing 5 self-contained flats, associated car parking, amenity space, cycling storage, refuse & recycle storage area (Retrospective Application).

The background to the site is such that previously, two planning applications (ref: B/03222/13) and (ref: B/03912/14) were refused and appealed to the inspectorate (reference APP/N5090/A/13/2207101 and APP/N5090/A/14/2226158 respectively). Both appeals were dismissed. Most recently permission was granted at committee June 2015 under application 15/02102/FUL for the "Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area."

The building has not built in compliance with the previously approved plans as approved under 15/02102/FUL. As such permission is now sought for the retention of the building as built. The differences between the previously approved scheme and the current building comprise of two main elements:

1. The building is set further forward on Rosslyn Avenue by approximately 1.5m.
2. A separate pedestrian access is provided creating a new opening centrally within the site fronting Rosslyn Avenue. The opening will be approximately 3.9m wide.

The building is two storeys in height with accommodation in the roofspace.

The building has a maximum width of 19.5m measuring from Capel Road to Rosslyn Court and a depth of 8.6m. The building has a height of 10.7m. Bay windows are incorporated in the north, south and east elevations. Dormer windows are sited on the east elevation. The building is sited

2 parking spaces are to be provided off Rosslyn Avenue and 1 parking space off Capel Road, as per the previously approved scheme. This element of the works has not been implemented yet.

The building comprises of 5 self-contained flats 3 x 2 bedroom units and 2 x 1 bedroom units. This is made up of 2 x ground floor units, 2 x first floor units and a loft floor unit with dormers facilitating light and outlook to this unit.

4. Public Consultation

Consultation letters were sent to 123 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

Objected at the start of process.

Construction of property in contravention of consent conditions make it unacceptable.

Trust and integrity is put into question.

Cavalier attitude of developer,

No space for parking. Increased traffic and parking demand.

Building is too large. Out of scale. Appearance, scale, mass and height are out of keeping.

Too close to neighbouring property.

Previous application was over ambitious.

Last application should not have been approved.

Previous concerns have been ignored.

Farce to allow retrospective application.

Insufficient space for parking of 3 vehicles.

Why are we back at the start of the process again

Inconsiderate workers during works.

Loss of amenity - privacy, outlook, light, blocking out of winter sun.

Out of character.

New estate in garden area.

Overdevelopment.

Impossible to retain trees along boundary. Loss of trees and vegetation has already occurred.

Looks to urban.

Not in compliance with national and local policies.

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, 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

Planning permission has previously been approved at committee 16 Jun 2015 for the "Erection of new two storey building with dormer windows containing 5 self-contained flats to include rooms in the roof space, associated car parking, amenity space, cycling storage, refuse & recycle storage area" under application reference 15/02102/FUL. This application was approved subject to conditions. Various applications have subsequently been approved for the discharge of conditions under references 15/06622/CON, 15/05879/CON, 15/05713/CON, 15/04706/CON and 15/04565/CON. As such all the pre-commencement conditions were approved.

The property is built approximately 1.5m further forward towards Rosslyn Avenue than the approved plans. As such a new application has been submitted for the retention of the building as built. It should also be noted that in addition to the building line being set further forward towards Rosslyn Avenue, the pedestrian access to the building has also been re-sited and a new opening has been created off Rosslyn Avenue which is separate to the vehicular access for the site. The previously approved plans had a common access from the car parking area with pedestrian footpath leading to the main entrance of the building.

Other than the re-positioning of the whole building and the creation of a separate pedestrian access the building remains the same as the previously approved plans in regards to scale, bulk and height. The building provides the same internal layout of the building facilitating the creation of 5 self- contained flats.

The main considerations in this case are the position of the building within the site and the forward projection of approximately 1.5m from the previously approved front building line and the creation of a new pedestrian access point.

The siting forward closer to the boundary with Rosslyn Avenue is not considered to disrupt the established building line of this street. A set back from the boundary will be maintained of between 3.3m and 4m, this is considered a sufficient set back to ensure that the proposal does not appear overbearing on the street.

Although the building sits closer to the properties 1-7 Rosslyn Avenue than the building previously consented it is considered that there is still a satisfactory distance maintained between the new windows and the existing windows in the neighbouring buildings at approximately 21m. Barnet's Residential Design Guidance SPD recommends 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. The development is consistent with this requirement. The development is considered to be appropriate in terms of the impact on the properties facing Rosslyn Avenue.

It is noted that works to the site include the introduction of a separate pedestrian access from Rosslyn Avenue. This would involve the removal of trees which are part of an established tree line along the site boundary with Rosslyn Avenue. The trees are not subject of a tree preservation order and whilst their removal would afford the building

more visibility from directly opposite the proposed opening it would not result in the building bearing overbearing or visually obtrusive in the streetscene. Details of the landscaping of the site are to be secured by condition.

Principle of self-contained flats

As described above planning permission has previously been granted at the site for 5 self contained flats. The current application seeks to retain 5 flats as per the previous report "Previous applications for development at the site (ref B/03912/14 and B/03222/13), were appealed to the Inspectorate (ref: APP/N5090/A/14/2226158 and APP/N5090/A/13/2207101 respectively), and were both dismissed. It was advised by the inspector of the latter appeal that the principal of flats on the site was considered to be acceptable. The decision states: "The proposed development would see the provision of new flats within the area, and I acknowledge that this would lead to the more effective use of land for housing. I also note that the Inspector determining a previous appeal on this site (ref. APP/N5090/A/13/220701) commented that the character of the area is mixed and her letter raised no 'in principle' objection to flats on the site. I concur with this observation."

The principle of self-contained flats in this location is therefore considered to be acceptable.

Amenity of future residents

The amended footprint is not considered to alter the amenities of the future occupiers and as such the previous assessment is considered to remain valid.

The size of the units are considered to meet the requirements residential space standards outlined in Table 2.1 in the councils Sustainable Design and Construction SPD. The minimum room dimensions and floor areas for living rooms are considered to meet the recommended guidelines outlined in Table 2.2 within the abovementioned SPD.

The development results in the loss of part of the existing garden, and in accordance with Table 2.3 in the abovementioned SPD, flats require 5sqm of amenity space per habitable room. (The SPD defines habitable room 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 13m² (including fittings), or the dining space if it is divided from the working area by a moveable partition. Rooms exceeding 20m² will be counted as two.'). The development provides spaces for outdoor amenity within the curtilage of the building. As described previously by the inspector, "although the garden spaces would not be large, in my view they would provide adequate communal spaces for normal domestic activities such as hanging washing outside to dry or to sit and enjoy the outdoor environment.. I am satisfied that acceptable outdoor amenity space would be provided" . It is considered that the development aligns with the objectives of councils outdoor amenity space policy.

Part 2.4 in the councils abovementioned SPD advocates that residential units have suitable access to outlook, daylight and privacy. It is considered that the development will provide sufficient aspect and outlook for all habitable rooms, and the proportion of glazing in each room will enable good levels of daylight for future residents. In addition, the siting and position of the building is considered to be distant enough from adjoining dwellings to ensure that overlooking and loss of privacy will not harm the amenity of future residents.

Character and appearance

It is considered that the overall design, including the height, width, length of the building, the roof form and overall fenestration which takes references in terms of bay windows and the pitch of the roof, from nearby buildings in Capel Road, would appear sympathetic to the character of the area and is in accordance with the scheme previously granted planning permission. No character and appearance issues are raised as a result of the amended building footprint closer to Rosslyn Avenue.

The materials used are considered to be acceptable comprising of rendered walls, red tile roof and white upvc double glazed windows.

The levels across the site and the levels of the building on site are considered to be acceptable and the building is in keeping with the established levels and heights of surrounding buildings.

Whether harm would be caused to the living conditions of neighbouring residents

As addressed above the amended scheme is not considered to give rise to any new amenity issues. There is still considered to be a sufficient distance between the new building in particular the facing windows towards Rosslyn Avenue.

Parking

The parking arrangement has not changed since the previous approval, 3 parking spaces are to be provided.

As per the previous report:

"The development includes 3 off street parking spaces, two spaces provided off Rosslyn Avenue, and one space provided off Capel Road. As per the most recent appeal statement (APP/N5090/A/14/2226158), in which the scheme included 3 off street parking spaces (provided off Rosslyn Avenue), the planning inspector advised "the previous appeal would have seen 11 flats on the site with similar parking provision, and my colleague Inspector concluded there would be sufficient on street parking and that no harm to highway safety would occur. Based on the information before me, I concur that there would be sufficient on-street parking provision and no harm to highway safety". Therefore, based on these comments by the Inspector, the Local Planning Authority accepts the proposed 3 off street parking spaces at this site to be satisfactory."

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal.

It is acknowledged that the development did not accord with the previously approved plans. The purpose of this retrospective application is to formalise the development as built on the current footprint.

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.

