

Location **6 Beechworth Close, London NW3 7UT**

Reference: **16/1277/S73** Received: 29th February 2016
Accepted: 2nd March 2016

Ward: Childs Hill Expiry 27th April 2016

Applicant: Miss Katherine Somers

Proposal: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include alteration to hardstanding, change of use of the garage to a kitchen, changes to the fenestration to both houses, alteration to light wells, revised rooflight design, creation of lift overrun to both houses, new skylights to both houses, enlargement of basement.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - 6BW-P2-200 Rev B, 6BW-P2(10)-003 Rev B, 6BW-P2(10)-004 Rev A, 6BW-P2(10)-005 Rev A, 6BW-P2(10)-006 Rev A, 6BW-A1(12)-50 Rev A, 6BW-P2(12)-100 Rev A, 6BW-P2(12)-101 Rev B, 6BW-P2(12)-103 Rev B, 6BW-P2(12)-105 Rev B, 6BW-P2(12)-104, (received: 22/04/16).
 - No. TS-15-002-001 Rev D, 6BW-P2(12)-102 Rev A and 6BW-P2(10)-002 Rev C (25/04/16)
 - Basement Impact Assessment (dated May 2016)
 - Arboricultural Impact Assessment (dated June 2016)
 - Construction Method Statement (dated May 2016)

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

- 3 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

- 4 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 5 Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facings 1 Elm Walk and 5 Beechworth Close.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any order revoking and re-enacting that Order) the building(s) hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties and protect the health of protected trees in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 8 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 9 In the event of installations of any extraction and ventilation equipment, details shall be submitted to and approved by the Local Planning Authority before installation and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

- 11 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.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 12 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 13 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 14 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 15 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 Trees in relation to design, demolition and construction - Recommendations are submitted to and approved in writing by the Local Planning Authority and the development shall be carried out in accordance with such approval.

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 16 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.

- 17 The level of noise emitted from the any plant installed on site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 18 Before the development hereby permitted is occupied, vehicular and cycle parking spaces shall be provided in accordance with the heeby approved drawing submitted as part of the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the 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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012), and CS9 of the Adopted Barnet Core Strategy DPD (2012).

- 19 This development must be begun within three years from 08.05.13.

Reason:

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

- 20 No development shall take place 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. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

- 21 Before the buildings hereby permitted are occupied the proposed windows in the side elevations facing 1 Elm Walk and 5 Beechworth Close 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 Adopted Barnet Development Management Policies DPD (2012).

- 22 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 13% 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).

- 23 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).

- 24 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).

- 25 The roof of the buildings 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).

- 26 Continued monitoring of ground water levels should be carried out throughout the development and the results provided on request of the Local Planning Authority.

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

- 27 Before the development hereby permitted is occupied, the basement will be constructed in accordance with the revised Basement Impact Assessment (dated May 2016).

Reason: To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

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 £40,425.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £155,925.00 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 3 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.

- 4 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 5 You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The council's supplementary planning document on Sustainable Design and Construction requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts:

- a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 2) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 3) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 4)

Department of transport: Calculation of road traffic noise (1988); 5) Department of transport: Calculation of railway noise (1995); 6) Department of transport : Railway Noise and insulation of dwellings.

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- 7 Wildlife and Countryside Act 1981 Obligations: Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

The decision for the current application was deferred by members to allow the applicant more time to submit additional supporting information. The applicant has subsequently submitted three revised documents, including:

- Basement Impact Assessment
- Arboricultural Impact Assessment
- Construction Method Statement

The applicant's comments on these revised documents and the council's response is included within the main body of this report.

1. Site Description

The application site is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site. The site is not located within a conservation area.

2. Site History

Reference: 15/07605/S73

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Refused

Decision Date: 08.02.2016

Description: Variation of Condition 1 (Approved Plans) of planning permission F/01083/13 for "Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house" dated 13/05/2013. Variations to include Internal alterations. Installation of access lift. Alterations to fenestration. Removal of garage and squaring off basement to House 1. Increase size of lightwell to rear of House 2, relocation of rooflights.

Reasons for refusal:

1. The plans submitted are considered to be inadequate, as they do not enable the full assessment of the proposed alterations to the building. On the basis of the plans supplied it is considered that the proposed development would, by reason of its design, be harmful to the character and appearance of the existing building, the street scene and this part of Beechworth Close. The application is therefore found to be unacceptable and contrary to policies 7.6 and 7.8 of the London Plan (Adopted 2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 of the Barnet Development Management Policies Document (Adopted September 2012).

2. The proposed unit would fail to provide future occupiers with sufficient private outdoor amenity space and as a result, the amenities of future occupiers would be significantly affected. The proposal is therefore found to be unacceptable and contrary to policies 3.5 and 7.6 of the London Plan (2015), policy CS5 of the Barnet Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Barnet Development Management Policies Document (Adopted September 2012) and the advice contained in

the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted 2012).

3. Insufficient information has been provided to demonstrate that the future occupiers of House 1 would have adequate space to manoeuvre their vehicles allowing them to enter and exit the site in a forward gear. The proposal would therefore create a situation prejudicial to highway and pedestrian safety and contrary to policy DM17 of the Barnet Development Management Policies Document (Adopted September 2012).

Reference: 15/03476/CON

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approved

Decision Date: 11.08.2015

Description: Submission of details of Conditions Nos.2 (Levels); No.3 (Materials); No.5 (Refuse Enclosures); 10 (Hard and Soft Landscaping); No.13 (Details - Excavations for Drainage); No.14 & 15 (Trees Protection); No. 20 (Noise); No. 24 (Method Statement) pursuant to planning permission Ref:F/01083/13 dated: 8 May 2013.

Reference: F/01083/13

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approve subject to conditions

Decision Date: 09.05.2013

Description: Erection of two new three-storey detached dwellings with basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

3. Proposal

The current application proposes the following changes to a previously approved scheme (15/01592/FUL):

- Alteration to hardstanding
- Change of use of the garage to a kitchen
- Changes to the fenestration to both houses
- Alteration to light wells
- Revised rooflight design
- Creation of lift overrun to both houses
- New skylights to both houses
- Enlargement of basement

4. Public Consultation

Consultation letters were sent to 25 neighbouring properties.

7 letters of objection have been received.

The objections received can be summarised as follows:

- Loss of off street parking spaces
- Enlargement of basement
- Issues relating to construction management
- The roof additions are too large and could create a roof terrace and harm the character of the area.

- The construction management plan should be updated
- Harm to protected trees
- Increase stress in on street parking
- Overdevelopment

5. Planning Considerations

The application was deferred from the May meeting of this committee to allow submission of an amended Basement Impact Assessment. This has been received and neighbours reconsulted.

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 2016

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, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)
Residential Design Guidance (adopted April 2012).

5.2 Main issues for consideration

- Whether harm would be caused to the character of the area
- Whether harm would be caused to the amenities of future and neighbouring occupiers
- Whether harm would be caused to any protected trees

5.3 Assessment of proposals

As the scheme is similar to that previously approved (F/01083/13), the following assessment will focus on the proposed changes highlighted above.

Alteration to hardstanding

Alterations to the previously approved hardstanding are relatively minor in scale and unlikely to harm the health of the nearby protected trees. To further safeguard these trees, a condition has been attached to this permission requiring the applicant to submit a tree protection plan and method statement, to be assessed and agreed by Barnet's tree officers prior to any works commencing on site.

Enlargement of basement

As the proposed basement is increasing in depth Members requested an amended version of the previously submitted Basement Impact Assessment which takes into account these proposed changes.

In relation to the previous application, the Council's Building Control Department Principal Structural Engineer has also confirmed the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely. A condition has also been attached to ensure the monitoring of the drainage and future ground water monitoring is conducted.

Change of use of the garage to a kitchen

Sufficient space exists on the forecourt to meet Policy DM17 of Barnet's Development Management Policies relating to parking. The applicant has also submitted a swept path analysis (plan no. TS-15-002-001 Rev D) demonstrating how both vehicles could enter and exit the site in a forward gear, thus addressing the previous reason for refusal.

Changes to the fenestration to both houses

The alterations to the fenestration are considered acceptable. Issues relating to overlooking and privacy have been addressed through the attached conditions.

The addition of a lift overrun to both houses

The proposed lift overruns have been set in from the exterior walls by a sufficient distance so as to largely obscure them from public view and consequently they will not adversely affect the character of the area.

Alteration to light wells

Barnet's Residential Design Guidance includes explicit reference to basement extensions, specifically that 'for new residential development, basements should generally be limited to the proposed footprint and volume of the house or building. In larger buildings with extensive plots it may be possible to extend under part of the rear garden.' In a subsequent section it also states that 'the council seeks to ensure that basement development does not harm the established architectural character of buildings and surrounding areas, including gardens and nearby trees, and that no adverse impact is caused to the amenity of neighbouring properties.'

The previous application was refused as the extension to the side lightwell (House B) took up valuable amenity space thus harming the living conditions of future occupiers. The revised scheme proposes only minor changes to the depth of this lightwell and would not protrude beyond the rear elevation. As this particular area of the site is not within any root protection area of nearby trees there are no objections on this basis.

Revised rooflight design and additional skylights

This element would preserve the character of the area.

Additional Documents Submitted

In response to the request from Members, the applicant has submitted three additional documents. All three documents have been commented on separately by external consultants on behalf of the local residents. Below is a summary of these comments followed by officers responses.

ARBORICULTURAL IMPACT ASSESSMENT (revised)

- o Failure to apply the guidance in BS5837 without explanation. The consequence of this is the potential underestimation of the extent of tree roots running through the site and a possible associated failure to properly assess the impact of the development on the future life of the trees.
- o Lack of investigation into the potential impacts of new hard surfacing on the health of retained trees.
- o Lack of evidence to support claims of limited impact of the development on retained trees
- o The construction works currently underway have commenced without the installation of Tree Protection. This is not only contrary to planning conditions but, clearly, also puts the retained trees at risk.
- o Given the small size of the site and the lack of working space to carry out construction activities it is inevitable that damage will occur to retained trees and the rooting environment upon which they depend.

Response:

The principle change close to nearby trees is a slight increase in the area of hardstanding to the forecourt. In percentage terms, the additional hardstanding is negligible when compared to what was previously approved. The revised Arboricultural Impact

Assessment has considered this proposed change and does not raise issues which would warrant refusal of the current application on these grounds alone. Further details of tree protection and works near to trees are required by condition.

CONSTRUCTION METHOD STATEMENT (revised)

- o The potential for considerable disturbance to local residents arising, inter alia, from the restricted cul-de-sac nature of the access road.
- o A considerable increase in the amount of excavation and soil to be removed from site arising from the enlarged basements.
- o A doubling of the construction programme and associated disturbance from one to two years.
- o Potential problems in accessing the site with construction vehicles and risks to tree RPZs.
- o Failure to comply with the approved CMS in several areas.
- o Confirmation that the amended basements are almost 3.5m deeper than those originally approved. This measurement point was made on behalf of the objectors at the DC Committee but was refuted by the applicant's agent when questioned by Members. It is now clear that our clients' assessment of the additional basement depth was correct and this should be taken into account by the LPA. The S73 application drawings are unhelpfully unclear on the detail of the measurements which must make it difficult for the LPA to fully understand the additional excavation works comprised in this application.

Response:

A certain degree of noise and disturbance is to be expected from any building works. The principle change since the previous application is the increase in depth of the proposed basement. The revised Construction Method Statement has considered this revision and does not raise any additional concerns however comments received from the Council's highway engineer will be reported at the meeting.

BASEMENT IMPACT ASSESSMENT (revised)

- o Lack of structural engineering and construction methodology information means that the residual impacts of the development cannot be identified.
- o Doesn't demonstrate that there will not be negative impacts on the stability of neighbours' properties or on the water environment in general.
- o Considerably more detailed information and analysis is required before it can be concluded that the revised development is acceptable and satisfies Barnet Council's planning policies.

Response:

The Council's Building Surveyor has looked at the amended document and considers that no new matters are raised that are not already addressed by conditions proposed. He suggests that the basement construction will affect groundwater but that the consultant report submitted suggests this effect will not be significant. He advises that a hydrogeological report could be obtained but condition 26 requires monitoring of water levels as in the original permission.

Right of access:

Several objections have been raised over the applicant's right of access. To address this issue the site area has been revised and no longer includes this crossover. The applicant's solicitor has also submitted the following comments in response to queries raised by Members during the previous committee meeting.

In response, the applicant's solicitor has submitted the following comments:

Vehicular and pedestrian access to 6 Beechworth Close, Hendon is from West Heath Road, along Beechworth Close, and over an existing crossover that crosses a verge between the property and Beechworth Close.

The owner of 6 Beechworth Close, Hendon is Six Beechworth Properties Limited. This company was, I understand, granted the right to cross over the verge under the terms of a deed of grant dated 16 March 1967.

Officers have seen this deed and are satisfied that access can be provided to the site. The amended site plan submitted means that the site outlined in red is now the same as the one submitted for application F/01083/13 which this application seeks to vary.

5.4 Response to Public Consultation

Loss of off street parking spaces: Addressed in 'assessment of proposals' above.

Enlargement of basement: Addressed in 'assessment of proposals' above.

Issues relating to construction management: Addressed in 'assessment of proposals' above.

The roof additions are too large and could create a roof terrace and harm the character of the area: The changes to the roof would not create issues of overlooking. A condition has also been included to prevent the use of the roof as a balcony.

Harm to protected trees: Although a condition relating to trees has been discharged (15/03476/CON) the proposed works are located within the root protection areas of several trees. To address these changes it is deemed appropriate in this instance to re-attach a tree impact assessment condition which would need to be agreed with the local authority prior to works commencing on site.

Increase stress in on street parking: Addressed in 'assessment of proposals' above.

Overdevelopment: The current application proposes only minor changes to the previously approved scheme and therefore not considered to be an overdevelopment of the site.

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 application is recommended for APPROVAL.

