

Location **21 Temple Fortune Lane London NW11 7TS**

Reference: **15/05603/FUL** Received: 7th September 2015
Accepted: 6th October 2015

Ward: Garden Suburb Expiry 1st December 2015

Applicant: Mr Masoud Farahani

Proposal: Demolition of existing residential dwelling house and erection of 4 storey building with car parking, refuse and cycle storage in the basement

Recommendation: Approve subject to s106

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. 3. Highways (traffic order) £2,000.00
 A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00
 Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Service Director of Development Management and Building Control approve the planning application under delegated powers subject to the following conditions:

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

A001; A101 Rev B; A102; A103; A104; A105; A106 Rev B; A107 Rev B; A108 Rev B; A109 Rev B; A110 Rev B; A111 Rev B; A112 Rev B; A113 Rev B; A114 Rev B; A115 Rev B; A116 Rev B; A117 Rev B; A201 Rev B; A202 Rev B; A203 Rev B; A204 Rev B; A205 Rev B; A206 Rev B; A207 Rev B

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

2 This development must be begun within three years from the date of this permission.

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

3 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

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

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

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

7 a) 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, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

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 2016.

8 Before the building hereby permitted is first occupied the proposed window(s) and balconies in the side elevation facing Charlton Lodge 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).

9 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

10 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed around all balconies and the roof garden, shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

11 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

12 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).

13 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.

14 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

15 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

16 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 6% 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

17 Before the development hereby permitted is first occupied turning space and parking spaces, included one disabled space, shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

18 a) .Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts 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 prior to the first occupation and retained as such thereafter.

Reason: In the interests of highway safety 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.

19 A vehicular sight line of 2.4 metres by 43 metres shall be provided to the either side of the site access when exiting onto the Public highway, prior to the occupation of the development and thereafter be maintained free of all obstructions over a height of 0.6 metre above the level of the adjoining highway.

Reason: In the interests of highway and pedestrian safety 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.

20 a) No development other than demolition works shall take place until details of the proposed green walls and roofs have been submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

21 The level of noise emitted from the lift and any ventilation equipment 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 Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

22 a) Before the development hereby permitted is first occupied, the cycle storage and parking shall be provided as shown on plan no. A111B.

b) The development shall be implemented in full accordance with the details as approved 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).

23 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, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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).

24 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies 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.

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/11/2016, unless otherwise agreed in writing, the Planning Performance and Business Development Manager REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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 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.
- 2 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.

- 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 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 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 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 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.

- 4 In case if any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ

- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the public highway. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement

Officer's Assessment

1. Site Description

The application site is a detached single family dwelling. It is acknowledged that the application site lies directly opposite the Hampstead Garden Suburb conservation area which is also subject to article 4 Direction. Temple Fortune Lane is an important boundary road, the first to be built in the Suburb in 1907. Originally it was part of an historic road from Hampstead through to Hendon, which included parts of Hampstead Way, and Bridge Lane across the Finchley Road. Its boundary role was a key factor influencing the character of its development. In 1907 the cemetery site was not developed and the new houses would have been viewed from Finchley Road. As the road nears the junction with Meadway there is still the feel of a country lane with a rough grass verge, ditch and field hedge bordering the cemetery. The road is lined with plane trees and most hedges are intact, although some are overgrown. A notable feature of the road is the number of small semi-circular greens or shrubberies, and the one open rectangular green, which provide privacy and a village green ambience for the houses. Many houses are situated on a higher level than the road itself, with gardens above retaining walls which mostly do not have hedges. This makes the road feel relatively spacious.

The section nearest to Finchley Road suffers from traffic noise, and there is heavy parking despite controls. The character of this section of the road has changed in the last 40 years due to the development of flats, houses and the Temple Fortune Heath Centre.

2. Site History

Reference: F/02237/12

Address: 21 Temple Fortune Lane, London, NW11 7TS

Decision: Refused

Decision Date: 18 Sep 2012

Description: Demolition of an existing residential house and erection of a block of eight residential units with underground car parking

The above application was refused for the following reasons:

1. The proposed development would, by reason of its height, size, bulk, and siting in proximity to the boundary of flats in Charlton Lodge, result in an obtrusive and overbearing development that would lead to an increased sense of enclosure and a significant loss of outlook, open aspect from and light to the garden area of these neighbouring properties contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012.

2. The proposed ramp by the boundary of Charlton Lodge providing access to the undercroft parking would introduce an alien feature to the streetscene that would be detrimental to the character and appearance of the adjacent Hampstead Garden Suburb Conservation Area, contrary to Policies DM01, DM02 & DM06 of the Local Plan Development Management Policies (Adopted) 2012; and the Supplementary Planning Guidance in the form of the 'Temple Fortune Lane, Willifield Way, Area 3 Character Appraisal' as part of the 'Hampstead Garden Suburb Character Appraisals' (October 2010).

3. The proposed development would include a one bedroom unit resulting in a cramped form of development leading to sub-standard accommodation which fails to provide adequate internal floor space, contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012; Supplementary Planning Document on Sustainable Design & Construction SPD (June 2007); and Policy 3.5 (table 3.3) of the London Plan July 2011.

4. The proposals fail to provide adequate standards of usable amenity space for future occupiers contrary to Policies DM01 & DM02 of the Local Plan Development Management Policies (Adopted) 2012.

5. The development would require a Unilateral Undertaking/Section 106 Agreement and no formal undertaking is given to the Council, as a result the proposed development would, by reason of the developer not meeting the identified additional education, health and library facilities, and the associated monitoring costs which would be incurred by the community as a result of the development; contrary to Policy DM13 of the Local Plan Development Management Policies (Adopted) 2012; contrary to Policies CS10 and CS11 of the Local Plan Core Strategy (Adopted) 2012; and the adopted Supplementary Planning Documents 'Contributions to Education', 'Contributions to Health Facilities', 'Contributions to Libraries' and "Planning Obligations".

An appeal was lodged by the applicant to The Planning Inspectorate regarding the decision.

The appeal was dismissed by The Planning Inspectorate and the Inspector made the following conclusions:

"Whilst I have found in favour of the appellant in relation to the size of the one bed flat, I have found against the appellant in relation to the effect on the occupiers of Charlton Lodge, the effect on future occupiers of the development in regard to the provision of garden area and with regard to the visual impact of the ramp and this provides compelling and overriding reasons why the development should not be permitted."

3. Proposal

This application seeks consent for the demolition of existing residential dwelling house and erection of 4 storey building with car parking, refuse and cycle storage in the basement.

The proposed development will accommodate 6 flatted units.

4. Public Consultation

100 consultation letters were sent to neighbouring properties.

11 objections have been received

The views of objectors can be summarised as follows;

- Damaging impact on the Hampstead Garden Suburb Conservation Area
- Design out of character
- Building positioned too far forward
- Bulk and massing overbearing
- Ramp unsightly on street frontage
- Visually intrusive

- Height
- Overdevelopment
- Loss of views
- Impact of construction work
- Noise and disturbance
- Potential blocking of private accesses
- Impact on parking
- Object to car lift / underground parking
- Drawings are not representative of neighbouring buildings
- Too large for road
- Too many apartments proposed

An additional consultation exercise was carried out on the amended plans and a further 12 objections were received.

Additional comments can be summarised as follows;

- Loss of privacy
- Obscure glazing must remain as so in perpetuity
- Maintenance of planters

Other / internal consultations:

Highway officers:

Detailed comments are provided within the main report but, on balance, the proposal is acceptable on highway grounds. However, as the access to the car park is via a single lift, the following need to be taken into consideration.

- o Due to the shortfall in parking provision the new occupants are likely to park on public highway resulting in the overspill of parking from the proposed development;
- o The new occupants may not feel confident or safe in using the vehicular lift and decide to park on public highway;
- o In the event of the car lift breaking down, the residents would want to park on public highway.

To ensure that there is no detrimental impact on the public highway as a result of the proposed development on public highway, the applicant would be required to enter into a Section 106 Agreement to prevent occupants of the flats of the proposed development from purchasing resident's car parking permits.

A contribution of £2000 would be required towards the cost of amending traffic order to prevent the residents occupying the proposed development from applying for parking permits.

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 Government's 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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM08, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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 are considered to be:

- Whether harm would be caused to the character and appearance of the area, street scene and the adjacent Hampstead Garden Suburb Conservation Area;
- The living conditions of future residents;
- The living conditions of neighbouring occupiers;
- Parking, Access and Vehicle Movements.

5.3 Assessment of proposals

Proposed siting, character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the development of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the building.

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 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 and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the adjoining block of flats and would preserve the character and appearance of the established residential developments.

The replacement building is noted as taller and deeper than the existing dwelling, however, as the existing street scene sees a variety of building heights, with the neighbouring flatted development being part three-storey, part four stories in height and the proposed development is not considered to disrupt any uniformity in the street scene.

Following amendments to the proposals the proposed development has been pushed further back into the site so that there is a setback from the rear of the pavement of 4.8m to ensure that vehicles will not over hang the pavement whilst waiting for the car lift. This also has the benefit of ensuring the resultant development is better sited within the plot and does not appear unduly prominent in the street scene.

It is therefore considered that the proposed demolition of the existing single dwelling house to provide a four storey flatted development of 6 units would not be detrimental to the established character of the area.

The proposed dwellings would represent an increase to the density of development on the site, however, given the mixed character within the street comprising purpose built flatted blocks and converted units, it is considered that the proposed composition of the development to incorporate six units within a detached block would not be out of keeping or out of character with the established typology in the street.

Regarding the design of the proposed development, this scheme shows a mainly brick-built building with rendered panels and a zinc roof, with grey fenestration to match.

Under this application the previously proposed ramp has been removed from the scheme and now vehicles access the basement car parking area by entering an integral garage and utilising a car lift into the basement. This is considered to remove any concerns raised previously regarding the detriment caused to visual appearance as a result of the ramp.

It is considered that due to the range of architectural styles found along this part of the street, the proposed development would not appear out of character and the resultant development has been successful in replicating the massing, bulk and form of properties in the local area.

The proposed development is therefore considered to be acceptable in principle.

Living conditions of future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation:

Ground Floor

F1- 2b4p: 65.8sqm

F2- 2b4p: 71.6sqm

First Floor

F3- 2b4p: 89.2sqm

F4- 2b4p: 70.4sqm

Second Floor

F5- 3b6p: 155sqm

Third Floor

F6- 2b4p: 121.7sqm

These dwellings would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 8 sq. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%.

The Council require garden space to be provided for new dwellings in order to help to protect and improve the quality of residential areas and maintain living standards, and it is recognised that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flat developments, the space can be provided communally around buildings but it must be usable. Front gardens that do not provide a reasonable level of privacy, areas that are overlooked by neighbouring development and areas whose use is hindered by their size or the siting of refuse storage enclosures will not be regarded as usable. For flat developments, in appropriate locations and where there is no significant overlooking, balconies may be considered an acceptable substitute for garden space.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room. A communal roof terrace would be provided at the top of the proposed development. Planting would be used to restrict the useable space and ensure this amenity provision does not result in any overlooking or potential loss of privacy to neighbouring occupiers.

In addition to this, the ground floor units would have direct access into the rear garden. At first floor unit 3 would have access to two balconies one to the front and one to the rear of the site, both providing 3.6m² of amenity space and unit 4 would have one balcony of 3.7m². At second floor flat 5 would have access to two rear balconies, one of 4m² and another of 6.3m². At third floor flat six would have access to three balconies, one to the front measuring 4.8m² and two at the rear measuring 7.3m² and 12.6m² respectively.

Where necessary the balconies and roof terraces would be fitted with obscure glazed privacy screens to prevent any overlooking and potential loss of privacy both to future and neighbouring occupiers. Further details of the privacy screens are required through condition.

Furthermore, it should be recognised that the site is located close to the Temple Fortune Town Centre and is within 5 minutes walking distance from The Hampstead Heath Extension, East & Big Wood to the North. Princess Park is also within 10 minutes walking distance. In this regard it is considered that the proposed development offers sufficient access to amenity areas for future occupiers.

An appropriate area for the storage of recycling and refuse bins, as well as cycle store has been provided for each new dwelling within the basement accommodation. An area at the front of the site has been designated for placing bins on collection day. This is considered to be acceptable, although further details of an enclosure to lessen the visual impact of the bins at street level is required and as secured through the imposition of a condition.

Impact on neighbours

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured

Previous concerns related to the impact of the proposed development on existing occupiers at the neighbouring Charlton Lodge. The scheme has been amended since the previous refusal to show the bulk of the rear of the proposed development being brought away from the side closest to Charlton Lodge and positioned at the front of the site in front of the front building line for the neighbouring development, so that only a core of the development is sited adjacent to the shared boundary but finishes adjacent to the first block section of Charlton Lodge. The rest of the development is proposed to be set in further from the shared boundary with Charlton Lodge.

This is considered to ensure that the resultant development does not detrimentally impact neighbouring occupiers through any sense of enclosure and perception of bulk along this flank. Furthermore, all windows along the flank elevation will be fitted with obscure glazing and where necessary privacy screens will be used on balconies to ensure no loss of privacy or overlooking to future or neighbouring occupiers.

Highways:

The site is located on Temple Fortune Lane.

The proposal is for demolition of existing residential dwelling house and erecting new 4 storey building to provide new residential units comprising 1 x 3bedroom unit and 5 x 2bedroom units. 6 parking spaces are provided in the basement.

6 cycle parking spaces are also provided in the basement.

Proposed Vehicular Access:

The vehicular access to the basement car park is proposed via a single car lift. For a development of this size two car lifts should normally be provided to ensure that in the event of lift breaking down the residents especially disabled residents are able to access the car park and to minimise the detrimental impact on public highway as Temple Fortune Road is considered as a busy road. In the event that the application is approved with one car lift then the applicant will need to provide a maintenance contract details for the lift access to ensure that any breakdown is dealt with immediately without any delay.

The applicant also needs to confirm that the access to the car lift will be designed to ensure that the vehicles coming off the public highway will be prioritised so that the vehicles are not waiting on public highway.

The existing parking bay fronting the site on Temple Fortune Lane will be affected by the proposed access for the site and would need to be amended accordingly at the applicant's expense and would be subject to public consultation.

Parking Provision:

6 car parking spaces are being provided in the basement. At least 1 parking space needs to be identified and designed for disabled use. The vehicular access to the basement is proposed via a single lift access.

The Public Transport Accessibility Level (PTAL) for the site is 2 which is considered as poor accessibility.

The proposed development will need to provide parking spaces in the range of 6 to 9 parking spaces to meet the parking standards as set out in the Development Management Policies of the Barnet Local Plan approved in 2012. Taking into consideration the PTAL rating for the site as 2 the proposed parking provision of 6 parking spaces is falling short by 2 parking spaces.

Taking into consideration that;

- o The site is close the Town Centre location and local amenities;
- o The site is within an one hour Control Parking Zone (CPZ) with by Phone parking fronting the site;

On balance, the proposal is acceptable on highway grounds. However, given the proposed access to the car park the following need to be taken into consideration.

- o Due to the shortfall in parking provision the new occupants are likely to park on public highway resulting in the overspill of parking from the proposed development;
- o The new occupants may not feel confident or safe in using the vehicular lift and decide to park on public highway;
- o In the event of the car lift breaking down, the residents would want to park on public highway.

To ensure that there is no detrimental impact on the public highway as a result of the proposed development on public highway, the applicant would be required to enter into a Section 106 Agreement to prevent occupants of the flats of the proposed development from purchasing resident's car parking permits.

A contribution of £2000 would be required towards the cost of amending traffic order to prevent the residents occupying the proposed development from applying for parking permits.

The proposals as amended are considered to be acceptable. 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.

5.4 Response to Public Consultation

In regards to the concerns raised regarding the design and appearance of the replacement building, it is considered that that proposed new buildings will respect the varied appearance of the streetscene and not result in any loss of amenity to neighbouring occupiers or the setting of the Hampstead Garden suburb Conservation Area. Details of the proposed materials to be used are required by condition, this will ensure that the development is successfully implemented.

The concerns raised regarding potential loss of light to neighbouring occupiers has been assessed and it is considered that the proposals will not detrimentally impact on the

amenity of neighbouring occupiers in this manner. The resultant spacing between the new dwellings and the existing neighbour is comparable to the spacing found between other properties along the road and therefore considered acceptable and not considered to give rise to any loss of amenity regarding loss of light.

In regards to the parking issues raised, the development offers one car parking space per unit. The number of car parking spaces, together with the proposed legal agreement, are considered to be sufficient for the development.

A Construction Management Plan condition is suggested to ensure that the proposed development is constructed with the minimal amount of disturbance to the locality.

To address the concerns regarding noise and disturbance during construction a condition restricting construction working hours is suggested.

It should be noted that to negate any potential overlooking, all side windows, are to be obscure glazed to ensure no loss of amenity to neighbouring occupiers. Furthermore, additional details of the proposed privacy screen are required through condition to ensure they are appropriately detailed and do not result in any loss of amenity to neighbouring occupiers through overlooking.

It should be noted that 'loss of view' is not a material planning consideration. It is considered that the amended siting and design, incorporating the setbacks at upper floor levels ensure that the development will not appear unduly overbearing

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 support 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.

