

**Location**                      **3 Carlton Close London NW3 7UA**

**Reference:**                      **16/0325/HSE**

Received: 18th January 2016

Accepted: 20th January 2016

Ward:                              Childs Hill

Expiry 16th March 2016

Applicant:                      Mr & Mrs Hayley & David Silverman

Proposal:                      Creation of basement level. Relocation of 1 no. rooflight and installation of 1 no. skylight to front. New patio area. New raised terrace and installation of glass balustrade to rear ground floor level. Installation of new retaining side boundaries walls. Excavation to lower garden to basement level

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: site location plan: 100, 101, 102, 103, 104, 105/B, 106/A, 107/A, 108/A, JL/R150554/R/sh: Site Constraints Plan, JL/R150554/R/sh: Tree Protection Plan and Bartlett Consulting DEVELOPMENT SITE IMPACT ASSESSMENT & METHODS STATEMENT.

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     The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4     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).

5 a) No development or site works shall take place on site until confirmation has been provided to the LPA from the principle designer, indicating that they have checked and approved all method statements and/or temporary works designs with respect to the basement construction, and are satisfied that these are in accordance with the Construction Design and Management Regulations.

b) In providing the confirmation listed in (a) above, the principle designer shall have regard that:

- The site is located close to the boundary of London clay and Claygate beds, hence ground water levels could vary on a seasonal basis and should be regularly monitored.

- The basement excavations will be below the water table, and this should be taken into account in the method of construction and the Basement Impact Assessment.

- The basement should be designed as watertight in accordance with BS8102.

- The property is mid-terrace, the excavation and construction of the basement could cause additional settlement to the adjacent properties which share the party wall. Long term there could be differential movement between properties. This should be allowed for in the design and monitored on site.

- the possible existence of other basements in the terrace, which would have a contributory impact on localised ground water levels.

c) The development shall thereafter be implemented and, where appropriate, monitored to ensure accordance with the measures confirmed by the principle designer in accordance with this condition.

Reason: In the interests of safety and the mitigation of flood risk, in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3 and 5.12 of the London Plan (2015).

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until 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) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. 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 at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

**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.

## **Officer's Assessment**

### **1. Site Description**

The site property is a three storey terraced single family dwellinghouse located on Carlton Close. The property is one of ten terraces houses all constructed at the same time, and which are found set back from West Health Road. The property is not listed and does not lie within a Conservation Area. However, the site benefits from a communal garden including protected trees at the back.

### **2. Site History**

Reference: F/03982/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 13 November 2012

Description: Alterations to fenestration at rear elevation and rendering.

Reference: F/03137/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 21 September 2012

Description: Retention of alterations to elevations including rendering of wood cladding. Proposed insertion of doors and balustrade at first floor rear elevation and door at ground floor to replace windows.

Reference: F/01830/12

Address: 3 Carlton Close, London, NW3 7UA

Decision: Lawful

Decision Date: 18 June 2012

Description: Alterations to elevations including rendering of wood cladding.

Reference: F/04194/08

Address: 3 Carlton Close, London, NW3 7UA

Decision: Refused

Decision Date: 17 December 2008

Description: Construction of extension on part of flat roof to form a new third floor.

Reference: F/00710/09

Address: 3 Carlton Close, London, NW3 7UA

Decision: Approved

Decision Date: 18 August 2009

Description: Retention of wooden decked area in the rear garden with synthetic grass covering.

### **3. Proposal**

The application seeks permission for the creation of basement level. The basement would extend under the existing dwelling and existing raised terrace.

Others alterations include:

- Relocation of 1 no. rooflight and installation of 1 no. skylight to front.
- New patio area, new raised terrace and installation of glass balustrade to rear ground floor level.
- Installation of new retaining side boundaries walls.
- Excavation to lower garden to basement level.

## **4. Planning Considerations**

### **4.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan March 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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.

### **4.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **4.3 Assessment of proposals**

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 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 DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02:

Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The Council's adopted SPD 'Residential Design Guidance' (2013) 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.

Para 14.13 of the SPD states that where there is a consistent and coherent architectural character, the extension should not detract from it. Any extension should sit comfortably with the main building and with neighbouring houses.

Barnet's adopted SPD Residential Design Guidance 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. Often with basement development, the only visual manifestations are light wells and skylights, with the bulk of the development concealed wholly underground and away from any public view.

The Residential Design Guidance goes on to say that any exposed area of basement should be subordinate to the property being extended and respect its original design and proportions. The length of any visible basement wall should not dominate a property nor extend its full width. In number, form, scale and panel size, basement windows should relate to the façade above. Windows should be aligned to any openings at the higher level and be of a size that is clearly subordinate to these so as to respect the character of the original building.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

With regard to basements the Council's SPD 'Residential Design Guidance' states that the Council will normally allow single floor basements which do not project further than 3 metres from the rear wall and the length of any visible basement wall should not dominate a property nor extend its full width.

The property benefits from a raised terrace 3.3 metres deep. The proposed basement would sit below the footprint of the original dwelling and infill the area under the terrace. It would not project further than the existing terrace and no external manifestation would result from the basement development.

The proposal would extend across the entire of the property however given the limited width of the dwelling, in this instance, it is considered acceptable. The proposed sliding doors would be of similar form as the existing. The proposal is not considered to disrupt the character of the host property or the surrounding area.

Regarding the other alterations:

The property benefits from a flat roof including a parapet to the front elevation. The proposed rooflight would not exceed the height of the existing parapet and would not be visible from the streetscene therefore, it is considered acceptable.

The proposed patio area, raised terrace and glass balustrade would replace existing ones. The dimension would remain unchanged therefore the proposals are considered acceptable.

The installation of new retaining side boundaries walls would contribute to maintain the root protection zone around the protected trees and are considered acceptable.

Excavation to lower garden to basement level. The garden would be as the same level as the communal garden which is considered acceptable.

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

The proposed basement extension and rooflight will not be visible to neighbouring dwellings; therefore, they would not adversely impact the visual or residential amenities of the neighbouring occupiers.

The additional alterations to the rear of the property including the terrace, patio and garden would be similar to what is currently on site, therefore, it is not anticipated that they would be harmful to the neighbours' amenities.

### **5. Public Consultation**

Consultation letters were sent to 2 neighbouring properties.  
5 responses has been received, comprising 5 letters of objection  
Neighbours Wishing To Speak: 2

The objections received can be summarised as follows:

- Out of character with the other houses in the Close and the area
- Material intensification in use
- Over-development
- Construction works will cause massive disruption to the neighbourhood. Neighbouring planning authorities view this as a legitimate planning consideration
- Disruption due to construction works: amount of movement and the noise levels passageway.
- Structural stability neighbouring planning authorities view this as a legitimate planning consideration
- No report has been supplied regarding the structural impact on the terrace
- No ground investigation information
- No hydrogeological Appraisal of the proposed basement
- No detailed structural study
- Major and very costly works were undertaken to stabilise the area around No.1 Carlton Close following clay soil shrinkage exacerbated by tree roots from trees front and rear which were subject to preservation orders. De-stabilise all the good and sturdy work that has been done cost of any necessary reparation
- Parking issues on the street for the residents, visitors and neighbours of West Heath Road
- If the works vehicles use the private road of Carlton Close, their residents' cars will have to move into West Heath Road parking bay



- Increased floor space of the building increases usage and demand on parking, 3 Carlton Close having converted their garage to living space
- Major disruption and probably closure of one of the entrances during long excavation work. This will be in contravention of our lease and our right of way
- No notice on the freehold owners
- Communal garden is not owned by the applicant and does not comprise the individual garden area of 3 Carlton Close
- Communal areas front and rear have limitations as to use and the Freeholders of this land should be consulted
- Possible construction of a later extension/conservatory/orangery
- Long term major disruption to the neighbourhood
- Large scale developments along West Heath Road have left a legacy of broken pavements, displaced kerbstones, and badly filled holes and lumps in the road surface.

The objections raised by objectors are noted. In regards to the proposals resulting in an overdevelopment of the site, the proposed basement will not be visible from the streetscene and the others alterations will replace the existing elements. As such, it is not considered that the proposals will be out of character with the host property, the Close or wider locality.

Extensions and alterations to a residential property are not considered as a change of use.

Structural stability is not a planning matter and therefore, not reason for refusal. Notwithstanding this, internal consultation has occurred with Council's Building Control Department, with the following comments received:

1. The site is located close to the boundary of London clay and Claygate beds, hence ground water levels could vary on a seasonal basis and should be regularly monitored.
2. According to the site investigation results the basement excavations will be below the water table, this should be taken into account in the method of construction and the resulting basement impact assessment.
3. Note, we do not check or approve method statements or temporary works design, however we should request confirmation theses have been checked and approved by the principal designer in accordance with the Construction Design and Management regulations.
4. The basement should be designed as watertight in accordance with BS8102.
5. The property is mid-terrace, the excavation and construction of the basement could cause additional settlement to the adjacent properties which share the party wall. Long term there could be differential movement between properties. This should be allowed for in the design and monitored on site.
6. It should be checked if any other properties in the terrace have a basement which could affect the design and the Basement Impact Assessment. If all the properties in the terrace were to have a basement this would have a greater impact on localised ground water levels.

It is considered that the above considerations suggest it is capable of establishing the proposed basement, subject to compliance with several considerations during the seperate building assessment process. Appropriate conditions of approval have been recommended in accordance with the advice received in points 1 to 6 above.

The applicant submitted all required information to allow the assessment of the present application.

The application relates only to the site property. No works are planned in the communal area.

Whilst it is acknowledged that construction works would result in some level of disruption with regards to noise, movement, parking issues, it does not appear reasonable to refuse permission on such a basis.

Each application is judged based on its own merits; therefore it is not possible to consider the impact of possible future developments.

Lease issues are out of scope of the assessment of a planning application and do not constitute a reason for refusal.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

