

Location **2 Green Close London NW11 6UX**

Reference: **16/4681/HSE**

Received: 15th July 2016

Accepted: 15th July 2016

Ward: Garden Suburb

Expiry 9th September 2016

Applicant: Mr Christopher Tredway

Proposal: Ground floor side and front extension to create a new garage to west (side) elevation. First floor side extension to west side including conversion of existing garage into habitable room. First floor side extension to east side. Roof extensions including 2 no. rear dormer windows to replace existing rooflights. Alterations to hard and soft landscaping. [AMENDED DESCRIPTION]

Recommendation: Approve subject to conditions

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

1157/LP 01

1157/S2/01a

1157/S2/02a

1157/S2/03a

1157/S2/04a

1157/S2/05a

1157/S2/06

1157/S2/07

1157/S2/08

1157/S2/09

1157/S2/10

1157HGST2/01a

1157/HGST2/02a

1157/HGST2/03a

1157/HGST2/04a

1157/HGST2/05a

1157/HGST2/06a

1157/HGST2/07

1157/HGST2/08

1157/HGST2/09

1157/HGST2/10

1157/SK41a

1157/SK44a

1157/SK48a

Tretec 1157 Tree Survey and Arboricultural Method Statement (amended November 2016)
1157/T02
Design and Access Statement (dated July 2016)
Heritage Asset Significance Appraisal (dated July 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 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 No site works or works shall be commenced before a dimensioned tree protection plan, in accordance with section 5.5 of British Standard 5837: 2012 Trees in relation to design, demolition and construction recommendations, and a method statement detailing precautions to minimise damage to trees in accordance with section 6.1 of the same BS and consistent with the details pursuant to condition 5 below, are submitted to and approved in writing by the LPA and the development hereby permitted shall be carried out in strict 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 2016.

- 4 No site works, or start on this development hereby approved, shall be commenced before temporary protection has been erected around existing trees in accordance with the details approved in writing by the LPA pursuant to condition 3 above. This protection shall remain in position until after the development works are completed and no excavations shall be made, and no material or soil shall be stored, within the protected 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 2016.

- 5 Neither site works, nor any start of the development hereby permitted, shall be commenced until a Construction Method Statement (CMS) has been submitted to and approved in writing by the LPA. The CMS shall include details of demolition, construction methods and sequencing of operations including: details of protective measures to the RPA to TPO/CA/4260; details of piling; measures for the removal of excavated material; size and location of plant and machinery, and; access to the site and be consistent with the details pursuant to condition 3 above. Throughout the period of demolition, enabling works and construction, the detailed measures contained within the approved CMS shall be adhered to strictly and the operations

shall be under the constant supervision of a named suitably qualified specialist (to be agreed in writing by the LPA).

Reason: In the interests of highway safety, good air quality and to safeguard the health of existing trees which represent an important amenity feature, in accordance with Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.21 and 7.21 of the London Plan (2016).

- 6 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).

- 7 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).

- 8 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 2015.

- 9 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the elevations of the extensions hereby approved.

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).

- 10 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).

- 11 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.

- 12 No development or other operations shall commence on site in connection with the development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 Recommendation for Tree Works (or as amended).

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 2016.

- 13 Before the building hereby permitted is first occupied the windows serving the new master dressing room shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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).

- 14 The development shall be implemented in accordance with the details of levels as shown on Drawing No. 1157_HGST2 01a, 1157_SK41a, 1157_SK44a and 1157_48a, 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.

- 15 The submission of details pursuant to conditions 3, 5, 8 and 12 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.

Officer's Assessment

1. Site Description and Surroundings

The application property is within the Hampstead Garden Suburb Conservation Area.

It lies at the end of short cul de sac on a gentle slope which runs down from the Hampstead Golf Course to Wildwood Road. In addition to the golf course there is more open land (Hampstead Heath Extension) to the west.

The property is at a higher level than the neighbouring properties in both Green Close and Wildwood Road. To the north of the site is 1 Green Close. To the east of the site is Hampstead gold course. To the south is No. 1 Bunkers Hill, whilst its west boundary borders 3 Green Close, and No. 40 - 44 (evens) Willdwood Road.

The Hampstead Garden Suburb was founded in 1906 by Dame Henrietta Barnett. A Master plan was prepared by Raymond Unwin and Barry Parker. Distinguished architects, who contributed to the house designs, included Sir Edwin Lutyens.

Hampstead Garden Suburb was designated as a conservation area by Barnet Council in 1968 in recognition of its special character. The Hampstead Garden Suburb is also covered by an Article 4 Direction, which gives additional control over external alterations to properties or new building works.

The application property is not a statutory listed building. The application property is however a locally listed building, listed by the Council on the 12th October 2010.

Area 7 of the Hampstead Garden Suburb Character Appraisal states on page 12: 'Nos. 1 and 2 Green Close are substantial Neo-Georgian houses, designed in Soutar's Office in 1935. No. 2 terminates the steep driveway.'

All trees on the application site are subject to planning control because the site lies within a conservation area. There are Tree Preservation Orders at neighbouring properties and immediately adjacent to the boundary of the application site.

2. Site History

Reference: F/02895/13

Address: 2 Green Close, London, NW11 6UX

Decision: Withdrawn

Decision Date: 16 January 2014

Description: Creation of new basement level.

Reference: F/04509/12

Address: 2 Green Close, London, NW11 6UX

Decision: Approved subject to conditions

Decision Date: 13 June 2013

Description: First floor side extension (west side) including conversion of existing garage into a habitable room. First floor side extension (east side). Roof extension including 2no. rear dormer windows to replace existing rooflights. Associated works. (Additional information: Design & Access Statement and Heritage Asset Significance Appraisal)

Reference: F/01213/12

Address: 2 Green Close, London, NW11 6UX

Decision: Deemed Refusal (Appeal)

Decision Date: 14 December 2012

Description: Two storey side extension (west) including conversion of existing garage into a habitable room. First floor side extension (east side). Two storey side extension (ground) to create a new garage and (lower ground floor) to facilitate creation of a new basement. Roof extension including 2no. rear dormer windows to replace existing rooflights. Associated works.

Appeal decision: Split decision

Appeal decision date: 11 March 2014

Reference: C05080F/04/TRE_B

Address: 2 Green Close, London, NW11 6UX

Decision: Exempt

Decision Date: 1 June 2004

Description: Cherry (Dead) - Fell

3. Proposal

The planning application proposes a single storey ground floor side/front garage extension to the west side, which was previously allowed at appeal by the Planning Inspectorate and which permission remains extant.

The application also proposes a first floor side extensions to both side elevations. These extensions were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The proposals also include 2 no. dormers to the rear roof slope (to replace the existing rear rooflights) and alterations to hard and soft landscaping. The 2 no. dormers and landscaping alterations were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The existing garage will be converted into a habitable room with the associated fenestration alterations. A new single storey garage will be built to the west (side elevation), which will be sited at a distance of approximately 1 metres from the boundary of the rear of the properties along Wildwood Road. This garage extension will include a bay projection to the rear.

At first floor, a side extension will be constructed on the west (side) elevation above part of the ground floor area. The first floor side extension would remain set back from the front main wall by 3.8 metres. It would have a width of 4.8 metres and a depth of 7.3 metres. This would result in a projection beyond the rear main wall of 0.7 metres. On higher ground this extension would have an eaves height of 6 metres with a maximum ridge height of 9 metres. It would be set down from the main roof by 0.7 metres.

To the east (side) elevation, the first floor side extension would be extended forward of the existing first floor side extension to comprise a larger first floor side extension which would be situated above part of the existing ground floor flat roof. It would extend forward 2.05 metres, resulting in a side projection of a total depth of 6.5 metres, and a width of 3.7 metres. It would remain set back from the front main wall by 3.8 metres. It would have an eaves height of 6 metres with a ridge height of 8.9 metres. It would be set down from the main roof of the house by 0.7 metres.

4. Public Consultation

6 consultation letters were sent to neighbouring properties.

A site notice was erected on 21 July 2016.

A press notice was published on 21 July 2016.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- The two new side extensions would be clearly visible from No. 1 and 2 Bunkers Hill. The size of the house with these extensions would constitute overdevelopment of the site.
- Concerns regarding trees: Concern of impact on Lombardy poplar which is subject to a tree preservation order at No. 40 Wildwood Road. A tree preservation order was made on this tree after the permission reference F/04509/12 and inspectors decision reference APP/N5090/A/12/2188041, this is a material change in circumstances. The submission documents do not acknowledge this. RPA of TPO poplar not set out on certain drawings. Absence of details of hard and soft landscaping proposals. Objector's disagreements with assertions made in applicant's supporting tree report. Inspectors assessment may well have been different had the TPO poplar then been subject to a TPO. No revised impact assessment in submission documents.
- Any application should ensure that any further excavations at No. 2 Green Close would not exacerbate the unsupported drop between No. 1 Bunkers Hill and No. 2 Green Close.
- In the event of an approval, compliance with conditions and monitoring and enforcement of compliance is an uncertain approach to mitigating damage identified at public inquiry.
- In the event of an approval, conditions from the previous permission (reference: F/04509/12) and the Inspectors decision (appeal reference: APP/N5090/A/12/2188041) should be imposed to any recommendation. The objector has suggested amendments to some conditions.
- The application is simply not a renewal of application reference F/04509/12 dated 04 June 2013), as it includes a garage and alterations to hard and soft landscaping.
- One objector has provided a report by an independent arboriculturist dated 25 June 2014, proof of evidence of Ms Currell on behalf of the Council during public inquiry reference: APP/N5090/A/12/2188041, proof of evidence of Mr Pryce on behalf of Sir Victor Blank during public inquiry reference: APP/N5090/A/12/2188041, a drawing of the RPA of the TPO poplar; copy of Tree Preservation Order TPO/CA/426 ; letter dated 30 April 2014 regarding hydrological matters to the LPA.
- The inspectors reasoning and conclusions on hydrological matters in reference to the previous proposed basement were based on errors of law (although the basement is not included within this application under consideration).
- One objector has provided a copy of objections to previous planning application reference: F/04509/12 including contrary to Policy CS5 of the Core Strategy (2012) as it

affects character of the area and constitutes overdevelopment; and will detract from significance of this part of the conservation area contrary to the NPPF (2012).

- Additional comments were received on the 24th November 2016, which requested that an amended version of the applicant's tree report be attached as a condition in the event of an approval.

The HGS CAAC were consulted at a meeting on 10/08/2016. They recommended to reduce the size of the dormers. Upon this they recommended approval subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 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, DM06.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

Residential Design Guidance SPD (adopted October 2016)

- 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 October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the locally listed building, the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

5.3 Preamble

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as

an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

5.4 Background of application

The first floor extensions to the east and west elevations, and the roof extensions subject to this application were previously approved by the Council (by Committee members) under planning application reference F/04509/12, dated 04 June 2013. This permission has since expired.

The single storey garage extension was allowed at appeal by The Planning Inspectorate under a split decision (appeal reference APP/N5090/A/12/2188041, dated 11 March 2014 pursuant to LPA refused application F/01213/12, dated 26/3/2012).

In light of the grant of permission F/04509/12, the appeal was dismissed insofar as the unacceptable harm likely to be caused to the health of T13 (a mature Lombardy Poplar within the boundary of No. 40 Wildwood Road) from the proposed basement extension. The Inspector also concluded that any resulting loss of this tree would not preserve the character of appearance of the conservation area. The Inspector however was satisfied that any impact on the RPA of T13 would not be so damaging from the garage on its own. The Inspector therefore granted approval for the single storey garage, subject to conditions. This permission remains extant, and can still be implemented under the approved permission.

It is important to acknowledge that since both decisions, the London Borough of Barnet made a Tree Preservation Order on the Lombardy Poplar at No. 40 Wildwood Road (Tree Preservation order No. TPO/CA/426 dated 26 August 2014).

In the interest of clarity, since the previous decisions, Barnet's Residential Design Guidance SPD (adopted 2013, updated 2016) and Barnet's Sustainable Design and Construction SPD (adopted 2013, updated 2016) have been updated, as has The Mayor's

London Plan (2015). The main thrust and aims of these documents remain the same however.

This application includes the previously approved first floor extensions to the east and west elevations and roof extensions (now expired) and the approved appeal decision for a single storey garage extension which still has extant planning permission.

There is no basement proposed under this application.

5.5 Relevant Policy

The NPPF (paras 59 and 60) states the following on design; that "...policies should avoid unnecessary prescription or detail and should concentrate on guiding the overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally."

"Planning policies and decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation, originality or initiative through unsubstantiated requirements to conform to certain development forms or styles. It is, however, proper to seek to promote or reinforce local distinctiveness."

Paragraph 128 of the NPPF states: 'In determining applications, local planning authorities should require an applicant to describe the significance of any heritage assets affected, including any contribution made by their setting. The level of detail should be proportionate to the assets' importance and no more than is sufficient to understand the potential impact of the proposal on their significance.'

Paragraph 129 of the NPPF states: 'Local planning authorities should identify and assess the particular significance of any heritage asset that may be affected by a proposal (including by development affecting the setting of a heritage asset) taking account of the available evidence and any necessary expertise. They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.'

Paragraph 135 of the NPPF states: 'The effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.'

Paragraph 137 of the NPPF states: 'Local planning authorities should look for opportunities for new development within Conservation Areas and World Heritage Sites and within the setting of heritage assets to enhance or better reveal their significance. Proposals that preserve those elements of the setting that make a positive contribution to or better reveal the significance of the asset should be treated favourably.'

London Plan Policy 7.6 sets out the approach towards architecture stating that it "should make a positive contribution to a coherent public realm, streetscape and wider cityscape." The supporting text says that it "should make a positive contribution to the landscape and relate well to the form, proportion, scale and character of streets..."

Policy CS1 of Barnet's Core Strategy (2012) states that will seek the highest standards of urban design in order to generate development proposals of landmark quality. Policy CS5 of the Core Strategy (2012) 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'.

Policy DM01 of the adopted Development Management Documents DPD (2012) states that Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Policy DM01 states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

Policy DM01 also states that development proposals will be required to include hard and soft landscaping that: is well laid out in terms of access, car parking and landscaping; considers the impact of hardstandings on character; achieve a suitable visual setting for the building; provide an appropriate level of new habitat including tree and shrub planting; make a positive contribution to the surrounding area; contributes to biodiversity including the retention of existing wildlife habitat and trees; adequately protects existing trees and their root systems.

Policy DM06 of the adopted Development Management Documents DPD (2012) states that all heritage assets will be protected in line with their significance. All development will have regard to the local historic context. Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

Relevant supplementary planning guidance includes: the 2010 version of the Hampstead Garden Suburb Conservation Area Appraisal (CAA) and a companion document on Design Guidance (CADG); the Residential Design Guidance (updated 2016), and Barnet's Sustainable Design and Construction SPD (updated 2016).

5.6 Assessment of proposals

Single storey garage extension

As established, the single storey garage extension was allowed at appeal by the Inspector and which permission remains extant.

Paragraph 49 of the Inspector's decision stated: 'With proper protection, an agreed method of work (including the agreed revised proposals) and on site supervision, I judge that any impact on the RPA of T13 would not be so damaging, for the garage on its own, as to require the withholding of a split decision planning permission to allow just the single storey garage to proceed'.

Officers recognise that the tree in question (T13 - Lombardy poplar at No. 40 Wildwood Road) has been protected by a Tree Preservation Order (TPO/CA/426) by the Council since this decision. This is a material planning consideration. However, implications for the Lombardy Poplar were considered in great detail at the appeal and the amended designation does not affect the potential impact on the tree itself.

Upon review of the information, the Tree Officer is satisfied that the garage extension would not cause an unacceptable level of harm to the tree covered under the Tree Preservation Order, or any other trees within the conservation area, to deem a refusal in this instance.

It should be noted that the plans and other relevant information that were presented at appeal have been included within the consideration of this application. It should also be noted that the conditions attached by the Inspector have been attached to this recommendation (albeit amended where required).

Proposed first floor side extensions to the east and west elevations

As established, the proposed first floor side extensions were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

It is considered that the first floor side extension proposed to both elevations would comply with the guidance for side extensions set out in Paragraphs 14.14 to 14.17 of Barnet's Residential Design Guidance SPD (2016). It is not considered that the first floor side extension would significantly affect the visual and residential amenities of neighbouring properties, by reason of their distance from neighbouring boundaries, in accordance with Paragraph 14.20.

It is noted that the Hampstead Garden Suburb Design Guidance SPD (2010) advises that side extensions, even single storey, may close up the gaps between properties in a way that would detract from the appearance of the street and the amenity of neighbouring residents. The application property is a large detached dwelling on a spacious plot. By virtue of the pattern of development in this part of the conservation area and the properties' relationship with neighbouring properties it is not considered that the proposal is in conflict with this guidance.

It is noted that the conditions attached to the previously approved planning permission approved, have been attached to this recommendation (albeit amended where required). It should also be noted that there has been no change in policy since the granting of the previous permission to render a different conclusion on this application.

As such, the proposed first floor extensions are found acceptable.

Proposed roof extensions

As established, the proposed roof dormers were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

The guidance set out in Barnet's Residential Design Guidance SPD (2016) aims to ensure that proposed roof extensions appear as subordinate and proportionate additions to the host property.

The Hampstead Garden Suburb Design Guidance SPD (2010) advises that where they are considered acceptable, dormers will be expected to be in proportion with the size of the roof, without overbalancing or dominating elevations, and with designs complementing the style and appearance of the house.

The existing property is a large detached dwelling, and as such, the two proposed flat roof rear dormers would appear to be in proportion with the size of the roof, would not overbalance or dominate the elevation and would have design and fenestration in keeping with the existing front dormer and general style and appearance of the house.

It is noted that the conditions attached under the previously planning permission approved by members, have been attached to this recommendation (albeit amended where required).

As such, the proposed roof dormers are found acceptable.

Hard and soft landscaping

The application proposes a minor increase of hard standing to facilitate the single storey garage extension. The Tree Officer has assessed existing and proposed levels, and methods of construction, and has deemed that these alterations will have an acceptable impact on trees covered under the Tree Preservation Order and trees within the conservation area, however a condition is recommended to require that these levels are implemented in accordance with the approved plans.

The application also seeks permission for an increased, circular raised patio area, to include steps, to the rear garden. It will be in a similar position as the existing hard standing, albeit of a larger size. The alterations to the rear garden were previously approved by committee members under application reference F/04509/12, dated June 2013, of which permission has since lapsed.

It is considered that subject to conditions, the proposed increase in hardstanding to the rear and front gardens would not harm the tree protected by a Tree Preservation Order (the Lombardy Poplar) to an unacceptable level. It is not considered that the increase in hardstanding would impact trees controlled by the conservation area.

It is not considered that the increase in hardstanding to the rear and front gardens would impact the character and appearance of the conservation area to an unacceptable level.

Cumulative impact of extensions

This application seeks permission for extensions which were previously granted approval under separate applications/appeal. It now seeks consent for the same extensions under one application.

The cumulative effect of the proposed extensions and their impact on the appearance and character of the host property and conservation area should be considered, in accordance with the advice set out in Barnet's Residential Design Guidance SPD (updated 2016).

It is considered that the proposed extensions, when taken cumulatively, would appear as subordinate and proportionate additions to the host property as they would reflect and respect the design and form of the original building, have regard for the character of the designated conservation area.

Furthermore, given the siting of the extensions and distance of the proposed extensions from neighbouring properties, it is not considered the development would impact the residential amenities enjoyed by neighbours to an unacceptable level. Considering the plot

size, it is not considered that, when taken cumulatively, the extensions would result in overdevelopment.

It is considered that the proposed extensions would preserve the character and appearance of the Hampstead Garden Suburb conservation area, in accordance with Policy DM06.

Impact on the Locally listed building

The building is not a statutory listed building. However, it is a locally listed structure, identified as a Building of Local Architectural or Historic Interest by the London Borough of Barnet. Whilst not a designated asset, significant material consideration should be given to its preservation.

The proposals would directly affect a non-designated heritage asset and would affect the character and appearance of a designated conservation area. In addition the proposed development would affect the setting of a heritage asset, which should be considered.

As established, the application proposes extensions and alterations which, when taken cumulatively, would appear as subordinate and proportionate additions to the host property. In addition, the extensions would reflect and respect the design and form of the original building, and have regard to the character and appearance of the designated conservation area

Having regard for the significance of the heritage asset, and giving significant material consideration to the building's preservation, it is deemed that the scale of harm to the heritage asset would not be so great to justify a refusal in this particular instance.

Furthermore, it is not considered that the proposed development would have a detrimental effect on the significance of the non-designated heritage asset, to justify a refusal.

It is not considered that the proposed development would impact the setting of the heritage asset to an unacceptable level.

Conditions

The conditions attached to the previously approved application reference F/04509/12, dated 13 June 2013, and the conditions attached by the Inspectorate under the split decision have all been carefully considered, and attached where appropriate to this application. The conditions have been updated in line with policy updates where necessary and the conditions reworded and combined where appropriate.

Conclusion

These proposed alterations are considered to ensure that this proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, undesignated heritage asset, street scene, conservation area and area of special character.

5.4 Response to Public Consultation

- The two new side extensions would be clearly visible from No. 1 and 2 Bunkers Hill. The size of the house with these extensions would constitute overdevelopment of the site.

The proposed first floor side extensions, by reason of their siting and distance from neighbouring properties, it is not considered it would impact the visual or residential amenities of neighbouring occupiers to an unacceptable level.

As assessed above, it is not considered that the extensions would constitute overdevelopment.

- Concerns regarding trees: Concern of impact on Lombardy poplar which is subject to a tree preservation order at No. 40 Wildwood Road. A tree preservation order was made on this tree after the permission reference F/04509/12 and inspectors decision reference APP/N5090/A/12/2188041, this is a material change in circumstances. The submission documents do not acknowledge this. RPA of TPO poplar not set out on certain drawings. Absence of details of hard and soft landscaping proposals. Objector's disagreements with assertions made in applicant's supporting tree report. Inspectors assessment may well have been different had the TPO poplar then been subject to a TPO. No revised impact assessment in submission documents.

Officers acknowledge TPO on the Lombardy Poplar and have given material weight to this. However, implications for the Lombardy Poplar were considered in great detail at the appeal and the amended designation does not affect the potential impact on the tree itself.

The Tree Officer has also assessed the information submitted under this current application, and taking into consideration the tree preservation order has concluded that the proposed development is acceptable, subject to conditions.

- Any application should ensure that any further excavations at No. 2 Green Close would not exacerbate the unsupported drop between No. 1 Bunkers Hill and No. 2 Green Close.

In the interest of clarity, there are no basement excavations proposed under this application.

- In the event of an approval, compliance with conditions and monitoring and enforcement of compliance is an uncertain approach to mitigating damage identified at public inquiry.

As advised by Planning Practice Guidance conditions are attached to a permission to mitigate the adverse effects of a development. Failure to comply with conditions could not be considered a reason to refuse granting permission.

- In the event of an approval, conditions from the previous permission (reference: F/04509/12) and the Inspectors decision (appeal reference: APP/N5090/A/12/2188041) should be attached. The objector has suggested amendments to conditions.

It is noted that the conditions attached to the previously approved decisions by the Inspector and the previous permission (reference F/04509/12) have been attached to this recommendation.

- The application is simply not a renewal of application reference F/04509/12 dated 04 June 2013), as it includes a garage and alterations to hard and soft landscaping.

The site history has been explained in the main body of the report and has been given material weight in the assessment of this application.

- One objector has provided a report by an independent arboriculturist dated 25 June 2014, proof of evidence of Ms Currell on behalf of the Council during public inquiry reference: APP/N5090/A/12/2188041, proof of evidence of Mr Pryce on behalf of Sir Victor Blank during public inquiry reference: APP/N5090/A/12/2188041, a drawing of the RPA of the TPO poplar; copy of Tree Preservation Order TPO/CA/426 ; letter dated 30 April 2014 regarding hydrological matters to the LPA.

This information was carefully considered by Planning Officers. For the reasons outlined in the main body of the report, this application has been found acceptable by Officers.

- The inspectors reasoning and conclusions on hydrological matters in reference to the previous proposed basement were based on errors of law (although the basement is not included within this application under consideration).

The basement, as acknowledged by the objector, is not included within this application and is therefore not a material consideration under this application.

- One objector has provided a copy of objections to previous planning application reference: F/04509/12 including contrary to Policy CS5 of the Core Strategy (2012) as it affects character of the area and constitutes overdevelopment; and will detract from significance of this part of the conservation area contrary to the NPPF (2012).

As assessed in the main body of the report, it is not considered that the proposed extensions would impact the character and appearance of the host property or conservation area to an unacceptable level. The proposed development has been found compliant with adopted policy and guidance, and deemed acceptable subject to conditions.

- Additional comments were received on the 24th November 2016, which requested that an amended version of the applicant's tree report be attached as a condition in the event of an approval.

The applicant has provided Officers with this amended tree report. It has been included within the conditions of this application.

In regards to the CAAC's comments, as discussed above, the dormers are considered compliant with adopted policy and guidance.

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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, undesignated heritage asset,

trees covered under a Tree Preservation Order and trees protected by the conservation area, street scene, conservation area, and area of special character. It would not detrimentally impact the setting of the heritage asset.

