

**LOCATION:** 4 Winnington Close, London, N2 0UA  
**REFERENCE:** F/00839/12 **Received:** 01 March 2012  
**Accepted:** 01 March 2012  
**WARD(S):** Garden Suburb **Expiry:** 26 April 2012  
**Final Revisions:**

**APPLICANT:** Mrs E Basrawy  
**PROPOSAL:** Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and access statement, Drawings 01a, 02e, 03d, 04e, 05d, 06c, 07d, 08c, 09f, 10e, 11d, 18b, ex01, ex02, ex03, ex04, ex05.  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 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 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.
- 4 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 5 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.
- 6 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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

Reason:

To ensure a satisfactory appearance to the development.

- 8 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

Reason:

To ensure a satisfactory appearance to the development.

- 9 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.

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

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 11 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to the Eucalyptus tree in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

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

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 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 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 15 Before development hereby permitted is occupied, underground parking spaces as per approved drawing shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 16 Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

Reason: In the interest of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

- 17 A Construction Management Plan must be submitted to and approved by the Local Planning Authority.

Reason: In the interests of highway safety in accordance with Policy M11 of the London Borough of Barnet Adopted Unitary Development Plan 2006.

**INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (UDP) (2006).

In particular the following policies are relevant:

National Planning Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

Local Development Framework:

Core Strategy Policies (Submission version) 2011 – CS4, CS5.

Development Management Policies (Submission version) 2011 – DM01, DM02, DM04, DM06, DM15, DM16, DM17.

ii) The proposal is acceptable for the following reason(s): -

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

2 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

3 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £23,767.10.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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](http://www.planningportal.gov.uk/cil)

You will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

4 Highways informatives:

The applicant is advised that prior to any alteration to the public highway (including pavement) will require consent of the local highways authority. You may obtain an estimate for this work from the Chief Highways Officer, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

Any highway approval as part of the planning process for the alteration to the

existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2 nd Floor, Oakleigh Road South, London N11 1NP

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 as part of the crossover application. The outcome of this assessment cannot be prejudged.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework 2012:

The determination of planning applications is made mindful of Central Government advice and the Development 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 basic question is whether the proposal would unacceptably affect amenities and the existing use of land and buildings which ought to be protected in the public interest.

'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 sets out the Government's planning policies for England and how these are expected to be applied. It sets out the Government's requirements for the planning system only to the extent that it is relevant, proportionate and necessary to do so. It provides a framework within which local people and their accountable councils can produce their own distinctive local and neighbourhood plans, which reflect the needs and priorities of their communities.

### The Mayor's London Plan July 2011:

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.

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.

Policy 3.4 of the London Plan states that development should optimise housing output for different types of location taking into account local context and character, the design principles set out in Chapter 7 of the London Plan and public transport capacity.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

#### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

One overall theme that runs through the plan is 'sustainable development'. Policy GSD states that the Council will seek to ensure that development and growth within the borough is sustainable.

Relevant policies: GSD, GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D4, D5, D6, D11, D12, D13, HC1, HC5, M8, M11, M13, M14.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong

planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the “spatial vision” that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD “Sustainable Design and Construction”. The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet.

### HGS Character Appraisal

### HGS Design Guidance

### Core Strategy (Submission version) 2011:

Barnet’s emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet’s Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy policies to this case: CS4, CS5.

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet’s Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management policies to this case: DM01, DM02, DM04, DM06, DM15, DM16, DM17.

### Relevant Planning History:

<b>Site Address:</b>	4 Winnington Close, London, N2 0UA
<b>Application Number:</b>	F/00107/09
<b>Application Type:</b>	Full Application
<b>Decision:</b>	Approve with conditions

**Decision Date:** 02/04/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing property and erection of a two storey detached house with rooms in the roofspace and basement.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 4 Winnington Close, London, N2 0UA  
**Application Number:** F/00108/09  
**Application Type:** Conservation Area Consent  
**Decision:** Approve with conditions  
**Decision Date:** 02/04/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing property.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 4 Winnington Close, London, N2 0UA  
**Application Number:** F/00899/12  
**Application Type:** Conservation Area Consent  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing property. (CONSERVATION AREA CONSENT)**  
**Case Officer:** Junior C. Moka

#### Consultations and Views Expressed:

Neighbours Consulted: 33                      Replies: 5  
Neighbours Wishing To Speak 1

4 objections and 1 letter of support have been received.

The 4 objections raised may be summarised as follows:

- proposed building out of scale
- overdevelopment
- possible impact on water board strip
- impact of building works
- impact on water table
- loss of light

#### Internal /Other Consultations:

HGS CAAC - No objection  
Conservation and Design: No objection

Date of Site Notice: 15 March 2012

## **2. PLANNING APPRAISAL**

#### Site Description and Surroundings:



The application site is located on the northern side of Winnington Close, a cul-de-sac situated off Winnington Road within Area 15 of the Hampstead Garden Suburb Conservation Area. The existing property on site is a detached two storey brick built single family dwelling with rooms in the roofspace. The Conservation Area Character Appraisal notes "*Winnington Close runs off the western side of the road and contains 1950s, 1960s and more modern houses which add little of architectural note. There are some overdone and unsympathetic added features which detract from the character of the road at this point. For example, modern doors and porches on Neo-Georgian houses, over elaborate doors, too many decorative features out of scale with front elevations. Some of these features are currently being changed by owners*".

It is a focal point of the street. This part of the Hampstead Garden Suburb Conservation Area is one of the later parts to be developed and the application site and surrounding building were originally built in the 1960s. Houses at 1, 3, 5 and 7 are new and were built in the last few years.

This application follows an approval for demolition and rebuild at the application site for similar scheme under application reference F/00107/09 dated April 2009. Therefore the principle of demolishing the existing dwelling on site has already been deemed acceptable.

#### Proposal:

The application seeks planning permission for demolition of the existing property and erection of a two storey detached house with rooms in the roofspace and basement. The applicant has also applied for conservation area consent for the demolition of the existing two-storey dwelling

This application follows the previously consented scheme, F/00107/09.

#### Planning Considerations:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

#### Main changes since the previous permission:

The main changes between the applications according to the agent's covering letter are as follows;

- The roof pitch has been reduced from 55 degrees to 52.5 degrees.
- The widths of the projecting wings to the front and rear have been reduced in width to allow the main ridge height to be lowered by 850mm.

- The footprint of the main body of the house has been pulled 665mm away from the rear boundary and the central projecting section has been pulled back a further 345mm. In addition, the right hand projecting wing has been removed at both first and second floor levels.
- The first floor windows to the former right hand wing have been omitted leaving six first floor windows facing Charlton Drive which matches the number of windows in the existing building.
- All dormer windows to the rear elevation have been omitted and velux windows have been substituted in lieu.
- The previously proposed stonework detailing has been reduced to all single storey parapet walls and the planting space between the garage and boundary to No. 5 Winnington Close should be increased to 1.2m.

As a result of the amendments the replacement property is now over 41m<sup>2</sup> smaller than the previously approved scheme. The principle of providing a smaller replacement property on site is supported.

There is no objection to the alterations proposed to the front elevation. There were initial concerns with the rear elevation of the amended scheme which have been addressed by the submission of a further amendment.

#### Principle of the demolition

It is considered that the application property makes a neutral contribution to the character and appearance of the Conservation Area as per the HGS Character Appraisal.

It is considered that the application complies with Policies 133 and 134 of the NPPF which are relevant in assessing the proposal to demolish the existing building on site.

This policy states; "where a proposed development will lead to substantial harm to or total loss of significance of a designated heritage asset, local planning authorities should refuse consent, unless it can be demonstrated that the substantial harm or loss is necessary to achieve substantial public benefits that outweigh that harm or loss, or all of the following apply:

- the nature of the heritage asset prevents all reasonable uses of the site; and
- no viable use of the heritage asset itself can be found in the medium term through appropriate marketing that will enable its conservation; and
- conservation by grant-funding or some form of charitable or public ownership is demonstrably not possible; and
- the harm or loss is outweighed by the benefit of bringing the site back into use."

Policy 134 of the NPPF states that; "where a development proposal will lead to less than substantial harm to the significance of a designated heritage asset, this harm should be weighed against the public benefits of the proposal, including securing its optimum viable use."

The Local Planning Authority raises no objection to the principle of demolishing the existing dwelling providing a suitable replacement dwelling is proposed which can make a greater contribution to the Conservation Area than what already exists within Area 15 of the Hampstead Garden Suburb Character Appraisal.

This replacement building has been applied for under planning application F/00899/12.

#### Proposed Design / Impact on amenity

The supplementary planning guidance for the Suburb is the Hampstead Garden Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

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.

The Conservation Area Advisory Committee for Hampstead Garden Suburb at the meeting on 28 March 2012 commented:- "*No character issues.*"

It is considered that the proposed siting of the replacement building is considered

acceptable in that it would respect the building lines created by other houses on this part of Winnington Close. The general proportions and bulk of the house are considered acceptable when compared to that of existing and previously approved.

The proposed house overall would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies that seek to preserve the character of areas as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas.

### Trees & Landscaping

The trees in the Hampstead Garden Suburb Conservation Area are an important part of the character of the street and their retention is critical to any development. The trees on the street also offer a relief from the buildings and act as a screen for the building. The application is considered acceptable subject to conditions.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

Planning matters are considered to have been addressed in the above appraisal.

### **4. EQUALITIES AND DIVERSITY ISSUES**

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

### **5. CONCLUSION**

Having taken all material considerations into account, the proposed dwellinghouse is considered to be a suitable replacement for the existing house and the existing house is not considered to be of such great architectural merits as to ensure its retention. The proposed replacement house meets the requirements of the UDP and would be in keeping with Council Policies and Design Guidance that seek to preserve the amenities of neighbouring occupiers. The house would not be overbearing or cause unacceptable overshadowing, loss of light, privacy or outlook. The size and design of the house complies with Council Policies and Design Guidance that seek to preserve the character of areas and individual properties as well as Policies which seek to preserve and enhance the character and appearance of the Borough's conservation areas. **APPROVAL** is recommended.

**SITE LOCATION PLAN: 4 Winnington Close, London, N2 0UA**

**REFERENCE: F/00839/12**



**LOCATION PLAN**

**scale 1:1250**

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