

Location **3 Reynolds Close London NW11 7EA**

Reference: **16/5576/HSE** Received: 22nd August 2016
Accepted: 25th August 2016

Ward: Garden Suburb Expiry 20th October 2016

Applicant: Mr Stephen and Mrs Margarita Grant

Proposal: Demolition and rebuilding of existing garage to provide habitable use.
Installation of 1no conservation rooflight

Recommendation: Approve subject to conditions

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

Site Location Plan; 15/857/Sur11; 15/857/Sur12; 15/857/Sur13; 15/857/P18; 15/857/P19

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

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

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

- 3 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the replacement garage hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 4 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).

- 5 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 6 The windows hereby approved shall match the original windows in material and style.

Reason: To protect the character of the house and the Hampstead Garden Suburb Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 7 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 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).

- 9 The details submitted in the Arboricultural Report, including Tree Protection Fencing by John Cromar's Arboricultural Company Limited shall be adhered to fully.

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.

- 10
- 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.

- 11
- a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies 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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The 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

The application site is located on the southern side of Reynolds Close, within Area 5 of the Hampstead Garden Suburb Conservation Area.

The existing building on site is a Statutory Listed, detached dwelling house. To the rear of the site the service road, additional parking facility and bin store for the adjacent Heathcroft development is located.

The adopted Conservation Area Character Appraisal notes;

"Reynolds Close is a T-shaped cul-de-sac with two communal greens (originally tennis courts). The impression is generally verdant, harmonious and quiet. The eye is drawn to No. 13, the large, central, detached house which unusually lacks a hedge, allowing clear views of the architecture. The other houses have well-established yew hedges of differing heights, creating an informal feel (No. 7 has copper beech). All front gardens survive, with many fine trees. The pavements are extremely narrow, partly due to encroaching hedges, and there are no street trees. A magnificent mature oak in the rear garden of No. 15 is visible above the roofline. One green has a mature ornamental plum tree, the other a few young trees. Gates are generally either white picket with rounded tops or solid timber with open struts at the top, though No. 17's is wrought-iron. The front paths are almost all of york stone (with one crazy-paving exception). The private road, with speed bumps, is in quite a poor state of repair. The vista is inevitably somewhat spoiled by numerous parked cars. Only numbers 1, 2, 3, 4, and 7 have rear off-road parking. Hampstead Way itself runs alongside the Heath Extension and is very wooded and attractive in spite of the heavy through traffic.

Designed by Parker and Unwin in 1910, this group of houses is now Listed Grade II. Intended as middle-class housing, the close has an intimate, homely feel. Informal terraces of houses line the road. Nos. 1 Reynolds Close and No. 43 Hampstead Way flank the entrance, set back from the building line. At the far end, the houses are semi-detached, except for the central, detached No. 13. Each pair is linked to the next by a simple brick arched entrance to rear gardens. All the houses are double-fronted, built of brown brick, with 1 dormer, and large, very steeply-pitched roofs."

2. Site History

Reference: 15/07397/HSE

Address: 3 Reynolds Close, London, NW11 7EA

Decision: Approved subject to conditions

Decision Date: 29 January 2016

Description: Replacement of windows. Internal alterations and external refurbishment.

Reference: 15/07398/LBC

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Decision: Approved subject to conditions

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Description: Replacement of windows. Internal alterations and external

refurbishment.

Reference: 16/3487/HSE

Address: 3 Reynolds Close, London, NW11 7EA

Decision: Approved subject to conditions

Decision Date: 21 July 2016

Description: Replacement of windows. Internal alterations and external refurbishment. External foul and rainwater drainage pipes and gutters to be replaced with traditional cast iron. Decorate the infill panel to the enclosed first floor balcony in a dark grey paint,

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3. Proposal

This application seeks consent for the demolition and rebuilding of existing garage to provide habitable use. Installation of 1no conservation rooflight to the rebuilt garage.

The proposed new garage structure will measure 6m long by 3.6m deep and 4.5m high. The proposed rooflight widow will be sited on the northern roofslope facing the main dwelling house.

4. Public Consultation

A site notice was erected on 1/9/2016

A press notice was published on 1/19/2016

13 consultation letters were sent to neighbouring properties.

5 objections have been received.

The views of objectors can be summarised as follows;

- Concerns garage will be used as a separate dwelling.
- Dispute submitted Design and Access Statement
- Noise and disturbance of separate dwelling
- Proposed separate dwelling out of character
- Increase in size of garage (24%) too much
- Potential detrimental impact on neighbouring trees
- Detrimental impact to residents of neighbouring Heathcroft; in particular the bin area

Internal / other consultations

HGS CAAC -Refer to heritage officer

Hampstead Garden Suburb Trust - No objection in principle

Trees-

An arboricultural report was submitted to the Council in March 2017.
The Council's Tree Officer reviewed the information and made the following comments;

"No Objection, subject to confirmation of the following;

The submitted arboricultural method statement is strictly adhered to throughout all phases of construction.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Submission of details about services into the garden room before any construction has started.

Reason: To protect visual tree amenity in the local area in accordance with DM01.

Provide a landscape plan showing the replacement of 2 trees removed for this proposal

Reason: To protect visual tree amenity in the local area in accordance with DM01.

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 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, 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

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues 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 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.

5.3 Assessment of proposals

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 12 of the National Planning Policy Framework at para 129 sets out that the local planning authority should identify and assess the particular significance of any heritage asset...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.

Paras 131-135 sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted. It would not harmfully impact the setting of the listed building as a designated heritage asset or its significance.

Under this application it is proposed to demolish the existing garage at the rear of the garden and erect a new garage structure to greater footprint and height, with conservation rooflight window sited on the northern roof slope facing the main dwelling house.

Whilst it is noted that the replacement garage building does benefit from a larger footprint and height to the existing it is not considered that the increase in significance is enough to result in harm to the setting of the listed building, character of the Conservation Area or amenity of neighbouring occupiers. The extension to the building is relatively small in proportion to the existing building.

The garage is sited at the rear of the plot along the boundary with the service road used by the adjacent Heathcroft development. It is positioned at such a distance, with vegetation

surrounding it that even with the increase in size it is considered that it will not dominate the plot or detract from the setting of the listed building.

The appearance of the replacement garage is similar to the existing with door and window arrangement facing north towards the main dwelling, with the addition of new conservation rooflight, on the western elevation the garage door will be replaced with a traditional-style timber door which matches the design found on the original archive plan. This introduction is considered to better enhance the setting of the listed building and the Conservation Area by returning to the original design.

The replacement garage will be sited on the same side building line along the flank boundary with 4 Reynolds Close as the existing. The additional projection will face away from this shared boundary thereby removing the potential to detrimentally impact upon the amenity of occupiers at this neighbouring site.

The proposals are not considered to be detrimental to the significance or setting of the Grade II listed residential dwelling house, or wider Conservation Area and as such are supported.

There is no objection to the introduction of conservation rooflight window which is proposed to the inwards facing roofslope and so not visible along the rear service road.

Upon the request of the Council's Tree Officer an Arboricultural Report including Tree Protection was submitted in March 2017. The Council's tree officer has reviewed the submitted information and raised no objection subject to the report being fully adhered to, confirmation of details of the services and replacement trees.

A condition is suggested requiring the details of the Tree Report and Protective Fencing to be adhered to has been suggested. It should be noted that the agent has confirmed that the existing garage already benefits from access to existing services and these existing routeways will be utilised. A landscaping condition is suggested to address the provision of replacement trees.

The proposed alterations do not detrimentally impact on the qualities of the host Statutory Listed building and protect the character of this part of Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations are such that they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual listed property, street scene, conservation area, trees of special amenity value and area of special character. The proposals would not impact detrimentally on the health of trees.

5.4 Response to Public Consultation

The concerns raised by objectors are noted. It should be noted that approval is not sought for the use of the rebuilt garage building as a separate dwelling but ancillary to the main dwelling house. Numerous other garages have been converted into ancillary accommodation and none have been allowed to be used as separate dwellings, it is considered that a precedent has been set in other applications to allow this application as it is considered to be in keeping with the Conservation Area. The proposed external appearance is similar to the existing garage, with the introduction of improved traditional style garage door and therefore its appearance is considered to better enhance the character and appearance of the host listed building and wider Conservation Area beyond

the contribution that the existing garage provides. A condition is suggested requiring the garage to remain ancillary to the main dwelling house.

The proposed increase in size of the garage; from an existing 5.3m long by 3.2m deep and 4.3m high to a proposed 6m long by 3.6m deep and 4.5m high is considered to be acceptable and proportionate to the size of the garden and setting of the listed building, in no way dominating the rear paved section of the plot. The proposed building line adjacent to the boundary with the neighbouring property at 4 Reynolds Close remains unchanged with the modest additional projection facing away from this shared boundary. It is not considered that the proposed increase in height and footprint will give rise to any loss of amenity to neighbouring occupiers, in particular 4 Reynolds Close.

In regards to the impact of the proposed new garage on the health of trees of high amenity value sufficient information to demonstrate how the new building can be constructed without causing harm to these trees must be provided through the imposition of a tree condition. This should include an arboricultural; report, impact assessment, method statement and tree protection plan based on a detailed engineering drawing of the foundations and construction of the new habitable room. Once approved these details must be strictly adhered throughout all development phases.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposals would not detrimentally impact on the qualities of the host Statutory Listed 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 listed property, street scene, conservation area, and area of special character.

