

Location **44A Church Lane (Formally Know As Land At Rear Of 1 King Street)
London N2 8DS**

Reference: **17/1022/S73** Received: 20th February 2017
Accepted: 20th February 2017

Ward: East Finchley Expiry 17th April 2017

Applicant: Mr Alan Warwick

Proposal: Variation of condition 2(Plans) pursuant to appeal desision
APP/N5090/A/13/2200572 dated 22/01/2014 for "Erection of 1no. two storey
dwelling house including rooms in roof space and hard/soft landscaping at
rear of 1 King Street. Erection of single storey rear conservatory to existing
house following demolition of existing extension.". Variations include 1no side
dormer window on the roof elevation facing the flank wall of 44 Church Lane

Recommendation: Approve subject to conditions

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

- Site Location Plan
- Existing Plans and Street Elevations Drawing No 1376.P.01
- Proposed Plans and Elevations Drawing No 1376.P.02 Revision I
- Proposed Elevations Drawing No 1376.P.03 Revision G

All Received 20 February 2017

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 the original appeal permission (application reference: F/00266/13) appeal decision APP/N5090/A/13/2200572 dated 22/01/2014.
- 3 The materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be those approved under planning application ref: 15/05344/CON dated 01/10/15.

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 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no additions or extensions to the approved dwelling or structure on any part of the appeal site shall be constructed.
- 5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any Order revoking, re-enacting or modifying that Order), no windows or openings shall be constructed on the north-eastern (side) elevation or on the south-western (side) elevation of the approved dwelling other than that expressly authorised by this permission without the prior written approval of the Local Planning Authority.
- 6 Before the first occupation of the dwelling hereby permitted the stairwell window on the north-eastern elevation and the first floor rear facing dressing room window shall be non-opening, fitted with obscured glazing and shall be permanently retained in that condition thereafter.
- 7 Prior to the commencement of works to construct the approved dwelling, the existing rear single storey extension to No 1 King Street shall be demolished in accordance with the approved plan drawing no 1376.P.02 SK7 Revision G.
- 8 The areas allocated for vehicular parking on the approved plan drawing no. 1376.P.02 SK7 Revision G shall be retained and kept available at all times for the purposes of parking a vehicle. The parking space fronting King Street shall be retained for the parking of private vehicles solely in connection with the residential occupancy of No 1 King Street. The parking space fronting Church Street shall be retained for the parking of private vehicles solely in connection with the residential occupancy of the dwelling hereby permitted.
- 9 The boundary treatment to the application site shall be implemented in full accordance with the details as approved under planning application ref: 15/05344/CON dated 01/10/15
- 10 The roof area over the single storey element of the dwelling hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.
- 11 No construction work on the development hereby approved or any associated delivery of materials shall take place outwith the hours of 0800 and 1800 from Monday to Friday inclusive, 0900 to 1300 on Saturdays, and at any time on a Sunday or a public holiday.
- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 13 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015)

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £4,675.27 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £18,033.17 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: www.planningportal.gov.uk/cil.

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site is a detached two storey dwellinghouse on Church Lane. Permission for the dwelling was granted on the 22 January 2014 through appeal reference APP/N5090/A/13/2200572. The land was previously known as land at the rear of 1 King Street. The dwelling is still under construction at the time of this application.

The application site falls within the East Finchley ward. The property is not listed and does not fall within a designated conservation area.

2. Site History

Reference: 17/0406/NMA

Address: Land at rear of 1 King Street, London N2 8EA

Decision: Refused

Decision Date: 14 February 2017

Description: Non material amendment to planning permission F/00266/13 dated 22/01/14 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension. ' Amendment to include installation of side dormer window to south west elevation of new house.

Reference: 16/1289/S73

Address: Land at Rear of 1 King Street London N2 8EA

Decision: Approved subject to conditions

Decision Date: 9 May 2016

Description: Variation of Condition 2 (plans) pursuant to planning permission F/00266/13 and appeal APP/N5090/A/13/2200572 dated 22/01/14 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension. ' Variation to include amendment to first floor extension.

Reference: 15/05344/CON

Address: 1 King Street, London, N2 8EA

Decision: Approved

Decision Date: 1 October 2015

Description: Submission of details of conditions 3 (Materials) 9 (Boundary Treatment) pursuant to appeal notice APP/N090/A/13/2200572 dated 22/01/14 ref F/00266/13

Reference: 16/0063/S73

Address: 1 King Street, London, N2 8EA

Decision: Withdrawn

Decision Date: 3 February 2016

Description: Variation of Condition 2 (plans) pursuant to planning permission F/00266/13 and appeal N5090/A/13/2200572 dated 22/01/14 for `Erection of 1no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.` Variation to include amendment to rear extension depth

Reference: F/00266/13

Address: 1 King Street, London, N2 8EA

Decision: Refused

Decision Date: 10 June 2013

Description: Erection of 1no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.

3. Proposal

The applicant seeks to vary condition 2 (Plans) pursuant to appeal decision APP/N5090/A/13/2200572 dated 22/01/2014 for 'Erection of 1 no. two storey dwelling house including rooms in roof space and hard/soft landscaping at rear of 1 King Street. Erection of single storey rear conservatory to existing house following demolition of existing extension.'

Variation is to include 1 no side dormer window on the roof elevation facing the flank wall of 44 Church Lane.

The dormer will measure 2.3 metres in width, 1 metre in depth and 1 metre in height.

4. Public Consultation

Consultation letters were sent to 92 neighbouring properties.

2 responses have been received, comprising 2 letters of support.

The responses are summarised as:

- no issues caused
- no overlooking as a result of side dormer
- high quality design

The application has been called in to committee by Councillor Arjun K Mitra, to discuss whether the proposed change will result in any overlooking to neighbouring properties.

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 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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

5.3 Assessment of proposals

The application is a material amendment to the planning application reference F/00266/13 and appeal decision ref APP/N5090/A/13/2200572 dated 22/01/14. The relevant planning matters were considered as part of the previous application and appeal so this report will consider the material changes proposed.

The side dormer is proposed to the side elevation of the dwelling facing 44 Church Lane. The dormer window will directly face a blank wall of the main side elevation of 44 Church Lane. There are two windows located on a side wall set in from the main side elevation wall. The window at ground floor is a kitchen window and the first floor window is an

obscure-glazed bathroom window. The dormer window will not directly overlook any habitable windows and the distance to existing windows is not likely to cause any overlooking or loss of privacy.

Residential Design Guidance for dormers states dormers should be subordinate features on the roof and should not occupy more than half the width or half the depth of the roof slope. The dormer cheeks should be kept as narrow as possible and the dormer should reflect the style of other windows on the existing house. The side dormer complies with Council policy and is a subordinate addition to the dwellinghouse. Due to the size and positioning at the side of the property, the side dormer will not be prominent from the streetscape.

Given the points raised above it is considered that the addition of a side dormer window would be a proportionate and subordinate addition to the approved dwellinghouse and would not have a detrimental impact on the character and appearance of the streetscene and surrounding area. The side dormer will not adversely affect the amenity of neighbouring occupiers or result in any overlooking or loss of privacy.

The proposal is therefore recommended for approval.

5.4 Response to Public Consultation

The comments support the application.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

