

Finchley and Golders Green Area Planning Committee 9th May
Addendum to Officers Report

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10 And 12 Dunstan Road

Ref: 17/0794/HSE

Amend conclusion:

Having taken all material considerations into account, it is considered that this proposal would comply with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for Approval.

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15 Wycombe Gardens

Ref: 16/8061/FUL

Condition 18 should be removed as it is covered by condition 14 (Demolition and Construction Management Plan)

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46 And 48 Woodstock Road

Ref: 16/8060/FUL

Applicant's name is JH Ventures Ltd.

Site Description:

This is a joint application for two semidetached dwelling properties that have been converted into flats and is located at 46 and 48 Woodstock Road, on the corner with Armitage Road.

No.46 comprises 1 x 2 bed flat at ground floor, 4 bedsits at first floor and 1 x 1 bed flat at second floor.

No.48 comprises 1 x 3 bed flat at ground floor and 1 x 4 bed occupying the first and second floors.

The proposal property is not listed. Whilst the site does not fall within a conservation area, it is located adjacent to the Golders Green conservation area.

Proposal:

Amend the 'proposal' section by adding the following to the introductory paragraph of this section on p.83 of the report.

“The Proposed extensions will enlarge all the flats and the rear two bedsits. No additional units of accommodation or other form of change of use is proposed.”

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31 – 33 Dollis Avenue
Ref: 17/0864/FUL

The location plan included at the end of the committee report is incorrect as it only includes 31 Dollis Avenue. The amended plan below illustrates both 31 and 33 Dollis Avenue.



In addition for the benefit of the Committee’s information, the following extract has been taken from dismissed Appeal Decision on this site relating to the previously refused application on this site (Barnet reference 16/2399/FUL)

Under the character and appearance section of the Appeal Decision:

“Dollis Avenue is a quiet, well established residential street characterised by semi-detached and detached properties on generous plots. Whilst most of the houses appear to be in single family occupation, there are a number of purpose built apartment blocks which form part of the character and built fabric of the street. The appeal site straddles two generous plots which share a drive and rear garden, one comprising of a pair of 3 storey semi-detached houses and the other comprising a detached property which has been subdivided into five flats. The appeal property is bound by and separated from 29 Dollis Avenue by a public footpath.

The proposal encompasses the demolition of the existing properties and the erection of a two storey apartment complex with rooms in the roof space and basement level. The Council have not objected to the principle of additional flats on the site and given the presence of other flatted developments in the locality I have no reason to disagree.

The adjacent properties on this side of Dollis Avenue follow a similar pattern of development with houses of comparable footprint fronting the highway with generous rear gardens. Spaces between the dwellings vary but combine with the generous road width to give the area a characteristic sense of spaciousness. I accept that the height of the proposed building would respect that of adjoining properties. However, the overall footprint, depth and bulk of the building would be much greater with the space between the building and 35 Dollis Avenue visibly reduced. As a result of the visual bulk, scale and mass of the building and limited gap between the properties, the proposal would result in a large and deep building which would have an unduly cramped appearance, materially diminishing the spacious character and prevailing pattern of development on this particular part of Dollis Avenue. Whilst I acknowledge the site is not a corner plot, its prominence would be exacerbated by the proximity to the junction with Church Crescent.

I spent some time at my site visit observing the numerous flatted developments in the locality which have been drawn to my attention by the appellant. Whilst I note some parallels, there are differing individual attributes between the sites either in terms of plot size and shape, design, number of storeys or relationships with adjacent properties. Furthermore, there are certain characteristics of these developments which persuade me that particular care needs to be taken when integrating such proposals into a well-established residential street. In any case, I have assessed the appeal proposal on its own merits.

I note that the design of the existing semi-detached properties is not of particular architectural merit and is somewhat at odds with the character of dwellings in the vicinity. Whilst there is no objection to their demolition, their removal is insufficient justification to negate the harm that I have found above. I also accept that proposed landscaping to the forecourt would improve and soften the frontage of the site. Nonetheless, these matters do not negate the harm identified above.

I therefore conclude that the proposed development would have a materially harmful effect on the character and appearance of the surrounding area and fails to accord with Policies CS1 and CS5 of the Barnet Local Plan Core Strategy (2012) (CS) and Policy DM01 of the Barnet Local Plan Development Management Policies (2012) (DMP) and guidance within the Residential Design Guidance Supplementary Planning Document (2013) (SPD). These seek, amongst other things, that development is of a high quality and respects local context including the appearance, scale, mass, height and pattern of surrounding buildings.”

Living conditions – neighbouring residents

“The proposed development includes a rear terrace and a number of balconies, some of which would have approximately 1.8 metre high side screens. I noted at my site visit that the existing properties have rear balconies and acknowledge that a degree of overlooking already exists towards neighbouring gardens, particularly that of No 35. However, despite the scope for incorporating privacy screens, the proposed development would result in a substantial increase in the number of balconies affording its users a more open and elevated view of the neighbouring gardens, particularly that of No 35. Given the above, the occupiers of the adjacent garden would be aware of people using the balconies and would experience the perception of being overlooked. In my view this would lead to an unacceptable loss of privacy for the occupiers of No 35.

Whilst the building would be considerably deeper than those properties immediately adjacent, there would be no material harm to the outlook for the occupants of No 29 due to the separation distance and intervening footpath. The degree of projection of the closest point of the proposed building together with the separation distance to the nearest windows of No 35 would mean that

the proposal would not result in an unacceptable effect on the outlook for the occupiers of this property.

The Council are concerned that the intensification of the site for 9 flats would lead to an unacceptable level of noise and disturbance due to the increase in potential car trips, comings and goings and use of the rear garden. The appellant disputes this assertion and has submitted a Traffic Impact Assessment and Noise Environmental Statement in support of their appeal. The reports show the proposal would result in one additional two way car journey in the AM peak time and one additional two way journey in the PM peak time and that the existing noise climate would not be significantly affected by the proposed increase in residential units.

I note residents' concerns regarding the outcomes of these reports and I share the view of the Council that the apartment complex has the potential to accommodate 50 residents if fully occupied. However, the TRICS database is an industry standard tool for determining trip rates and the Council has not disputed the validity of the reports nor has it provided evidence to the contrary. Furthermore, there is no evidence before me that similar developments in the locality give rise to such disturbance or complaints of this nature. Given the above, in the absence of any substantive evidence to the contrary, there is no reason to believe that the proposal would give rise to unacceptable levels of noise and disturbance.

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Ullswater Court, 92 Holders Hill Road

Ref: 16/7639/CON

The following extracts are taken from The Planning Inspectorate Appeal Decision reference APP/N5090/C/15/3005873:

Should planning permission be granted for an alternative scheme

Section 177(1) of the Act allows me to grant planning permission in respect of the matters stated in the Notice as constituting a breach of planning control, whether in relation to the whole or any part of those matters or in relation to the whole or any part of the land to which the Notice relates. The corrected allegation is the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with the 2010 permission. The latter is also referred to in the Notice's requirements. The purpose of the enforcement regime is remedial rather than punitive. The obvious potential alternative would be to consider granting planning permission for that scheme once again so that it operates as a fall-back.

That said however, the Appellant has submitted evidence to show that the scheme permitted by the 2010 permission is impractical. As an alternative to the 2010 permission, he advances an amended scheme to facilitate nine self-contained apartments in a part 3 and part 4 storey building. This revised development is illustrated in drawing no. 100122 – R3 1 to 5. The appeal parties are content for me to take this alternative scheme into consideration. There is broad agreement that this amended scheme can reasonably be regarded as being part of the development alleged and, if implemented, would result into the conversion of Ullswater Court into nine apartments. It genuinely falls within the scope of the deemed application.

Internal partitions would be differently located in comparison to the scheme approved in 2010. That said, however, the internal layout of each flat would be virtually identical. This is because kitchens, two en-suite bedrooms, living rooms and office/gym would be in the same position. The central hallway and internal staircase would be the same location. There would be nine car parking spaces. Externally, there would be no alterations and I am aware of concern about inadequate landscaping to the front but that could be addressed by condition. Noise generated

by the emptying of waste containers given the amount of rubbish produced is also a matter raised by HHR. However, this would be addressed by the considerable reduction in the number of flats at Ullswater Court. The time when waste is collected from the appeal property could be addressed by the service provider. The location of the storage facility is not detrimental to nearby residents.

In my planning judgement, the alternative development would not materially harm neighbours' living conditions, or have negative implications for existing or future occupiers given ample internal floorspace. The amended scheme would substantially overcome concerns raised by HHR and the Council. Granting planning permission for the alternative scheme would render unlawful development lawful and control the use which is beneficial to all - Appellant, local residents and the Council. On the particular circumstances, planning permission for the revised development via the alternative scheme presented and evaluated is an acceptable and pragmatic solution to this planning conundrum.

The alternative development would comply with purpose of DPD policy DM01, DM02 and DM10, as there would be no AFH contribution required, and policy 3.5 and 3.12 of The London Plan, and relevant SPDs. Accordingly, subject to conditions, the development would comply with the Development Plan as a whole. To achieve the desired outcome with a sufficient degree of precision, I intend to issue a split decision.

Conditions

In the light of the discussion at the Inquiry, and advice found in the PPG, I will impose a commencement condition because building work is required to bring about the alternative nine apartment scheme. In order to avoid any doubt, and in the interests of safeguarding character of the area, I shall impose a condition requiring development to be carried out in accordance with plans exhibited appendix KS5 to the Appellant's bundle of evidence. Landscape and boundary treatment details were previously agreed pursuant to conditions imposed on 2010 permission, but some alterations have been made. I shall re-impose slightly different worded conditions. In the interests of proper planning and safeguard residents' living conditions, timings for construction work are reasonable. To address concern about sound emitted from plant and machinery, this can be addressed by requiring details to be submitted to the Council for its approval. Environmental Health officers are best placed to assess the potential impact upon neighbours and any mitigation if required.

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Trojan House 34 Arcadia Avenue

Ref: 17/1086/FUL

Amend Condition 1:

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

- Block and Site Plans (4839_11)
- Existing Ground and First Floor (4839_01)
- Existing Second Floor Plan (4839_02)
- Existing Front and Side Elevations (4839_03)
- Existing Rear and Side Elevations (4839_04)
- Existing Roof Plan and Section (4839_09)
- Proposed 2nd and 3rd Floor Plans (4839_21)
- Proposed 4th Floor and Roof Plans (4839_22 Rev. A)

- Proposed Front and Side Elevations (4839_23 Rev. B)
- Proposed Rear and Side Elevations (4839_24 Rev. A)
- Proposed Line Section (4839_25)
- Proposed Ground Floor and Section (4839_26 Rev. B)

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31 Abbots Gardens, London, N2 0JG

Ref: 16/7854/CON

Since the publication of the report, 1 no. further letter of representation has been received. The letter concerns the discharge of Condition 18 (Basement Impact Assessment). The concerns within the letter can be summarised as follows:

1. As part of the site analytical work, 3 boreholes were dug in July 2016 and monitored only twice, on 4th August and 16th September 2016. At this time of year, the water table is at its lowest. In addition, the testing was carried out during and following a prolonged period of hot and very dry weather. The objector believes that this is the reason why 'no water inflows/seepage's were recorded' at the time the 3 boreholes were dug and on the two monitoring visits shortly after.

The objector believes it would have been good practice for monitoring to have been extended to the winter months. During this period, the water table in the garden at No. 29 Abbots Gardens garden (and in many other houses in the estate) is at ground level and the gardens are frequently water-logged or under water

2. The objector notes that the owner of No 35 Abbots Gardens (which is the property next to the existing basement at No. 33 Abbots Gardens) carried out a small extension 5 years ago. When the footings were laid, running fresh water was found 2.3 metres below ground level from the underground aquifer. The objector wishes to know why the owner of No. 35 Abbots Gardens was never contacted and asked to provide more details of the serious water problem he encountered.

3. The objector stated that given that London Clay is not porous it is inevitable that there will be a greater volume of water diverted towards other houses by the deep excavations and tanking for the new basement at No. 31 33 Abbots Gardens. The objector does not believe this has been adequately addressed. Rather, conclusions have been drawn based on boreholes being tested during a dry, warm summer.

4. There is a sewer pipe running under Nos. 31, 29 and 27 Abbots Gardens. The objector believes that the sewer pipe at 31 Abbots Gardens is above the depth of the area to be excavated. There is no mention in reports of the work that will be required to No. 31 and the adjoining houses. Has this matter been addressed?

The above comments relate to a mixture of Building Regulations and Hydrogeological issues. Building Control officers have looked over the details and are generally satisfied with respect to the Building Regulations issues. The applicant has appointed a consultant who has looked at hydrogeological issues. It must be noted that the site is located within an area of clay and that in many circumstances basements would be acceptable in policy terms without the need to submit a Basement Impact Assessment. The applicant's consultant believes that the research undertaken within the Basement Impact Assessment is adequate for the above issues to be addressed

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53 And 55-57 The Market Place Falloden Way London NW11 6JT

Ref: 16/8077/FUL

Amendment to the re-wording of Condition 6 to –

‘No deliveries shall be taken at or dispatched from the site before 09.00 am or after 5.00 p.m. on any Sunday, Bank or Public Holiday or before 07.00 am or after 11.00 p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.’