Location	**47 Hale Lane London NW7 3PL**		
Reference:	**17/2074/HSE**	Received:	30th March 2017
		Accepted:	4th April 2017
Ward:	Hale	Expiry	30th May 2017
Applicant:	Mr Matthew Wood		
Proposal:	Excavation and construction of basement level habitable space with external light-well		

Recommendation: Approve subject to conditions

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

E1.0
E1.3
E2.0
E3.0
P1.0
P1.1 A
P1.2 A
P2.0
P2.1
P3.0

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 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).

4 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

5 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) 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 (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. 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 applicant is reminded of their responsibilities to comply with the requirements of the Building Regulations.

Officer's Assessment

1. Site Description

The application site contains a semi-detached single family dwelling located on northern side of Hale Lane which is an area that is predominantly residential in character . The proposal site is a corner property and shares a boundary with Beech Walk.

The host site benefits from a detached garage which is built along the common boundary line shared with the host site and No. 1 Beech Walk. The site also benefits from a single storey rear projection; however this appears to be an original feature. Despite the extensive site history, the property remains unextended.

The site is not part of a designated conservation area nor is it a listed building.

2. Site History

Reference: 15/02017/FUL
Address: 47 Hale Lane, London, NW7 3PL
Decision: Withdrawn
Decision Date: 4 June 2015
Description: Demolition of existing house and garage and erection of a three storey building comprising 3no. self-contained flats with associated amenity space, refuse and cycle stores

Reference: 15/02018/HSE
Address: 47 Hale Lane, London, NW7 3PL
Decision: Withdrawn
Decision Date: 4 June 2015
Description: Part single part two storey side and rear extension. Extension to roof including 1no. side dormer facing no. 45 Hale Lane and 2no. dormers facing Beech Walk

Reference: 15/05775/PNH
Address: 47 Hale Lane, London, NW7 3PL
Decision: Prior Approval Required and Refused
Decision Date: 22 September 2015
Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: 15/05957/PNH
Address: 47 Hale Lane, London, NW7 3PL
Decision: Prior Approval Required and Approved
Decision Date: 2 November 2015
Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 15/07591/192
Address: 47 Hale Lane, London, NW7 3PL
Decision: Lawful
Decision Date: 5 February 2016
Description: Side dormer to provide partial hip to gable loft conversion

Reference: 16/1479/HSE
Address: 47 Hale Lane, London, NW7 3PL
Decision: Refused
Decision Date: 30 June 2016
Description: Part single, part two storey rear extension. Loft extension involving 1 no dormer window to the side elevation

Reference: 17/0911/192
Address: 47 Hale Lane, London, NW7 3PL
Decision: Lawful
Decision Date: 8 March 2017
Description: Roof extension involving hip to gable, rear dormer window to facilitate a loft conversion. Erection of new outbuilding to rear (AMENDED DESCRIPTION),

3. Proposal

The application seeks permission for the following:

A basement extension with a depth of 8.1 metres, a maximum width of 7.2 metres and height of 2.5 metres. The basement will only be accessible from the main ground floor of the property as no additional access to the garden is proposed under this application. Along with the basement excavation an external light well of 1 metre x 2 metres is also proposed . The light well will be positioned on the western side of the host site.

With regards had to the light well, this be situated towards Beech Walk, to where there is no adjoined neighbour. As such, the light well is set away from the common boundary line shared with No. 45 Hale Lane by 7 metres and 8.5 metres from the nearest side elevation of No. 45 Hale Lane.

Due to the positioning of the lightwell, a distance of 22 metres will be retained between the light well and the detached garage that already serves the host site and a distance of 22 metres will be facilitated between the light well and the common boundary line shared with No. 1 Beech Walk.

4. Public Consultation

Consultation letters were sent to 19 neighbouring properties.

7 responses were received amounting to letters of objection which can be summarised as follows:
- Obvious intention to convert the current property into flatted accommodation
- Concerns over flooding due to the absence of any hydrological investigations and modelling
- Concerns over the erection of the basement level would lead to the collapse of the current dwelling house.
- Character issues regarding the acceptability of basement levels in the surrounding vicinity as the wider surrounding area is not traditionally characterised by such development.
- The plans provide no clarity with regards to the use of the new basement level.
- Visual clutter caused by the light well

- Concerns of overdevelopment
- Concerns over inaccuracies of the plans submitted
- Concerns over the risk of subsidence and ingress of tree roots
- Concerns over the structurally stability of the dwelling house to accommodate a basement level
- Suggestions of conditions in the event of approval regarding the requirement of structural surveys as well as soil and hydrological/flood risk reports
- Clarification that should the application be approved and the dwellinghouse is to collapse that only a like for like rebuild of the current dwellinghouse would be permissible.
- The requirement for the application to be looked at in conjunction with previously approved permissions.

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 July 2016
The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

Residential Design Guidance SPD (adopted October 2016)
- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)
- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality

The principle of development within the site is unpacked in assessing impact on the character of the area. As such I shall consider both matters as one merit consideration.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The proposed basement would be sited within the footprint of the existing dwelling and would not be visible from the rear garden.

The proposed basement will be serviced by a light well as described in the proposal section of this report. Given its' location, the proposed light well will not be visible from the street scene when viewed from Beech Walk.

This is largely because the property benefits from a circa 2 metre high fence and the property benefits from a certificate of lawfulness for a new boundary treatment under Barnet planning reference: 17/0911/192.

As such, due to the boundary treatment in situ and the boundary treatment deemed lawful under the above, it is highly unlikely that the any other external manifestation would be visible.

Quality of accommodation

The basement will be used as habitable space (playroom). At 2.5 metres in height, the headroom of the basement would comply with the advised minimum headroom requirements

Whether harm would be caused to the living conditions of neighbouring residents

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed basement will not be visible from the neighbouring properties and so the extension itself is unlikely to physically impact on the living condition of the neighbouring occupiers due to the distances mentioned above separating the only visible part of the scheme (the light well) from the host properties adjoining neighbours. However, owing to the scale of the development it is acknowledged that potential nuisance may occur during the construction phase. As a result, a condition will be attached which will make allowances for the following: 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.

Given the proposals adherence to design principles contained in the Residential Design Guidance SPD it is considered that the proposed basement will not cause demonstrable harm to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal. It is also considered that it will not cause demonstrable harm

to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal.

5.4 Response to Public Consultation

Obvious intention to convert the current property into flatted accommodation

The plans do not make reference to using the basement as a self-contained unit and as such, the above statement is not agreed with.

Concerns over flooding due to the absence of any hydrological investigations and modelling

Concerns have been raised with regards to the potential localised flooding due to the basement in particular. Also, residents are concerned that the proposed construction of a basement would harm ground stability and ground conditions around the site.

It is noted that the submission of a structural report is not a planning requirement and this has not been submitted for the current application. However it is noted that the geology map of the area indicates this area is overlain with London Clay (a relatively stable subsoil). London clay has a relatively low permeability and is almost a complete barrier to ground water flow.

The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces or the number of trees to be removed. Excavation in a clay soil is less of a problem than in other areas of the borough where there are granular soils with high ground water flows.

Character issues regarding the acceptability of basement levels in the surrounding vicinity as the wider surrounding area is not traditionally characterised by such development

The impact on the character has been discussed in the above. Due to the minimal external manifestation caused by the proposed, it is not found to have a detrimental impact on the surrounding area

The plans provide no clarity with regards to the use of the new basement level

Revised plans were sought during the life of the application and as such, the use of the basement will be a playroom to the main dwellinghouse.

Visual clutter caused by the light well

The impact on the character has been discussed in the above. Due to the minimal external manifestation caused by the proposed, it is not found to have a detrimental impact on the surrounding area. With specific regard had to the light well in question, due to the boundary treatment in situ and the boundary treatment found lawful under application reference 17/0911/192 it is not found that the light well will lead to an unacceptable impact on the character of the surrounding area.

Concerns of overdevelopment

It is not found that the erection of a basement will not lead to a state of overdevelopment. This is due to the siting of the basement within the footprint of the original dwellinghouse and due to the minimal external manifestation caused by the proposed. Further no other extensions exist on the site.

Concerns over inaccuracies of the plans submitted

It is not found that the plans submitted under this application show any inaccuracies.

Concerns over the risk of subsidence and ingress of tree roots

Details of tree protection will be secured by condition

Concerns over the structurally stability of the dwelling house to accommodate a basement level

Structural stability is not covered by the Town and Country Act but is covered by Building Regulations and the applicant will be reminded to comply with their obligations regarding the latter.

Clarification that should the application be approved and the dwellinghouse is to collapse that only a like for like rebuild of the current dwellinghouse would be permissible

Each application would need to be considered on its' own planning merits and as such cannot be secured by condition.

The requirement for the application to be looked at in conjunction with previously approved permissions

The planning history of the site has been considered in relation to the currently proposed scheme.

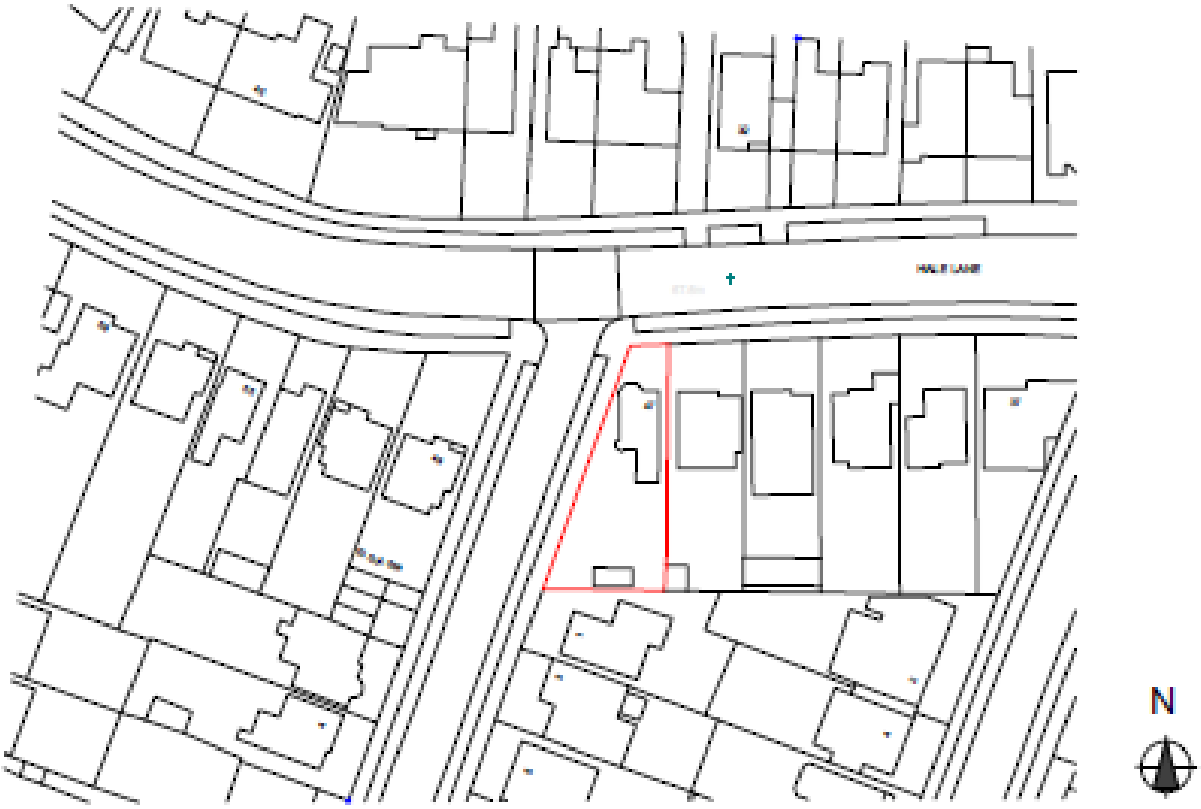
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

47 Hale Lane, London
NW7 3PL



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