

LOCATION: First, First House, Dollis Avenue, London, N3 1TX
REFERENCE: F/01103/12 **Received:** 21 March 2012
Accepted: 21 March 2012
WARD(S): Finchley Church End **Expiry:** 16 May 2012
Final Revisions:
APPLICANT: Mr Andreas Christodoulides
PROPOSAL: Formation of new basement, including spaces for two cars and car lift with study and entertainment room.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Planning. Design and Access Statement, Constrction Method Statement and Sequence of Works for Basement from Martin Redston Associated, PPS5 Assessment from Headland Archaeology UK, (EX) 00, (EX) 01, (EX) 02, (EX) 05, C1, C2, C3, (PL) 00a, (PL) 01a and (PL) 02.
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 any machinery is installed on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.
Reason:
To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties.
- 4 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement showing the position of piling and detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority 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.
- 5 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.
Reason:
To safeguard the health of existing tree(s) which represent an important amenity feature.

- 6 The developer shall afford access at all reasonable times to any archaeologist nominated by the Local Planning Authority, and shall allow that person to observe the excavation and record items of interest and finds.
Reason:
To enable archaeological investigation of the site.
- 7 The development hereby permitted shall be carried out in accordance with the following approved plans: Site & Location Plan; Plan No's: 12322.1; 12322.2.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 8 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.
- 9 The level of noise emitted from the any plant installed on site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.
- 10 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.
Reason:
To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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 (2006).
In particular the following polices are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, HC1 and H27.

Core Strategy (Examination in Public version) 2012: CS NPPF, CS1, CS5.

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM06.

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

material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet UDP policies and would be in keeping with the character and appearance of the surrounding area including neighbouring listed building and the neighbouring conservation area. The application is considered acceptable on archeological grounds subject to conditions. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for **APPROVAL**.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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 London Plan is recognised in the NPPF as part of the development plan.

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."

NPPF retains 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 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.

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.

Relevant policies to this case: GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, HC1 and H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

Core Strategy (Examination in Public version) 2012

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 sets the vision, core objectives and strategic policies for Barnet. 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: CS NPPF, CS1, 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: DM01, DM02, (DM06).

Relevant Planning History:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395B
Application Type: Full Application
Decision: Not yet decided
Decision Date: 29/11/1999
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of two storey detached house with integral garage and forecourt parking.**

Case Officer:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395
Application Type: Full Application
Decision: Refuse
Decision Date: 20/05/1999
Appeal Decision: Dismissed
Appeal Decision Date: 20/05/1999
Proposal: **Demolition of existing house and erection of two storey houses with semi-basement garages (Outline application).**

Case Officer:

Site Address: First House Dollis Avenue LONDON N3
Application Number: C13395A
Application Type: Full Application
Decision: Refuse
Decision Date: 08/11/1999
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Ground and first floor extensions to front, side and rear, extension/alteration of roof incorporating new windows and dormer extension to front and rear. New enclosure along front boundary involving wall railings**

Case Officer:

Site Address: FIRST HOUSE DOLLIS AVENUE LONDON N3 1TX
Application Number: C13395C/00
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 27/04/2000
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house and erection of a two storey detached house with rooms in the roof, integral garage with forecourt parking. [Variation of planning permission C13395B]**

Case Officer: Clive Townsend

Site Address: FIRST HOUSE Dollis Avenue London N3 1TX
Application Number: C13395D/01
Application Type: Full Application
Decision: Approve
Decision Date: 19/11/2001
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Retention of front wall, gates and railings.**
Case Officer: Clive Townsend

Site Address: First House, Dollis Avenue, London, N3 1TX
Application Number: F/03136/11
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/09/2011
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Minor alterations to ground floor with first floor extension above the existing garage.**
Case Officer: David Campbell

Site Address: First, First House, Dollis Avenue, London, N3 1TX
Application Number: F/01103/12
Application Type: Householder
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Formation of new basement, including spaces for two cars and car lift with study and entertainment room.**
Case Officer: David Campbell

Consultations and Views Expressed:

Neighbours Consulted: 25 Replies: 6
Neighbours Wishing To Speak 2

The objections raised may be summarised as follows:

- Harm to the tree adjacent to the site and associated subsidence.
- The entertainment room should not be for commercial purposes.
- Neighbours were not notified on the previous application.
- The resultant house will be too big.
- Impact on the conservation area.
- Impact on the building.
- Noise and disturbance.

Internal /Other Consultations:

- Thames Water Devt Control - No objections

Date of Site Notice: 05 April 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site consists of a large detached property in a residential area of the Finchley Church End ward. The site is outside but borders the Finchley Church End Conservation Area. It is located within an area of archaeological significance. It is also adjacent to a listed building. The property has recently been extended (above ground)

Proposal:

The application seeks permission for the formation of new basement, including spaces for two cars and car lift with study and entertainment room. The application has been amended since first being submitted and the basement has been moved away from a protected tree.

Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

The proposals would comply with the aforementioned policies and Council Design Guidance on Extensions to Houses and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The visible external alterations would be minimal and would consist of the two small lightwells (on to front and one to back) and the car lift when open.

It is considered that the amended proposal, moving the basement and ventilation away from the protected tree on the neighbouring site, which lies directly adjacent to the site together with the attached conditions would mean that no harm would be caused to the tree. The council is satisfied that the application is acceptable on these grounds. Conditions including a tree method statement and temporary fencing are recommended.

The site is located within an area of archaeological significance. The applicant has submitted an assessment which suggests that there is moderate significance of potential remains associated with prehistoric activity and medieval development. The applicant has indicated that possible mitigation would be through archaeological monitoring and recording of any ground works. This is conditioned.

It is considered that the application will not give rise to any loss of amenity to any neighbouring property, or harm the appearance of the building, the neighbouring conservation area, listed building and the character of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

the grounds of objection are addressed below:

- It is not considered that as conditioned the application would not cause harm to the tree adjacent to the site and would not cause subsidence.
- The entertainment room is for commercial purposes.
- Some neighbours were not notified on the previous application, however a site notice was erected which complied with the council's statutory obligations. The council has apologised to the neighbours affected.
- The resultant house is considered to be of an acceptable size.
- The impact on the building and the conservation area is considered to be acceptable.
- There is not considered to be excessive noise and disturbance resulting from the car lift or entertainment room which would justify refusing the application.

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, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property.

It is therefore recommended that the application be **APPROVED**.

SITE LOCATION PLAN:
1TX

First, First House, Dollis Avenue, London, N3

REFERENCE:

F/01103/12

