

LOCATION: 39A & 39B Flower Lane, London, NW7 2JN
REFERENCE: H/00133/12 **Received:** 10 January 2012
Accepted: 01 February 2012
WARD(S): Underhill **Expiry:** 28 March 2012
Final Revisions:

APPLICANT:
PROPOSAL: Erection of two detached three storey dwelling houses with garages following demolition of two existing bungalows and garages.

RECOMMENDATION: Approve Subject to Conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: A145_001 Revision PL01, A145_002 Revision PL01, A145_101 Revision PL01, A145_003 Revision PL04, A145_004 Revision PL01, A145_005 Revision PL01, A145_006 Revision PL04, A145_015_PL03 Fire Vehicle Turning Circle, A145_115_PL04 Proposed External Lighting, A145_111 Revision PL04, A145_112 Revision PL04, A145_113 Revision PL04, A145_114 Revision PL04, A145_115 Revision PL04, A145_301 Revision PL01, A145_302 Revision PL01, A145_303 Revision PL01, A145_304 Revision PL01, A145_311 Revision PL04, A145_317 Revision PL04, A145_318 Revision PL04, A145_319 Revision PL04, A145_320 Revision PL04 1 of 2, A145_320 Revision PL04 2 of 2, A145_321 Revision PL04, A145_402 Revision PL02, Design and Access Statement, Environmental Appraisal of Lighting - WSP May 2012.

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 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Flower Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

4 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

5 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as

approved.

Reason:

To safeguard the visual amenities of the locality.

- 6 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.

- 7 Before the building hereby permitted is occupied the proposed window(s) in the first floor flank elevations facing 1 Oakl Lodge Way, 39a, 39b and 41 Flower Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 8 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the first and second floor flank and rear elevations facing 1 Oaklodge Way, 39a, 39b and 41 Flower Lane and the University of London Observatory without the prior specific permission of the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 9 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 unless previously approved in writing by the Local Planning Authority.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 10 A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced. The landscaping scheme shall incorporate retention of existing trees and planting of additional coniferous trees along the boundary with the University of London Observatory.

Reason:

To ensure a satisfactory appearance to the development.

- 11 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.

Reason:

To ensure a satisfactory appearance to the development.

- 12 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.

- 13 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.

- 14 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 15 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 development otherwise permitted by any of Classes A, B, C, D and E of Part 1 to Schedule 2 of that Order shall be carried out within the area of 39a and 39b Flower Lane hereby approved without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 16 Before the development hereby permitted commences on site, details of all external lighting shall be submitted and approved in writing by the Local Planning Authority. Any external lighting placed within the curtilage of the property hereafter shall be in accordance with these approved details and in accordance with plan no. A145_015_PL03 (Proposed External Lighting) and report "Environmental Appraisal of the lighting proposed at 39A and 39B Flower Lane" WSP - May 2012.

Reason: To ensure the proposal does not impact on the University of London Observatory.

- 17 Before the development hereby permitted commences 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.

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 policies are relevant:

Adopted Barnet Unitary Development Plan (2006):

GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18

Supplementary Planning Document - Sustainable Design and Construction

Core Strategy (Submission version) 2011:

CS4, CS5

Development Management Policies (Submission version) 2011:

DM01, DM02

- ii) The proposal is acceptable for the following reason(s): -
The proposed development would be acceptable in size and design and would not unduly impact upon the visual or residential amenities of the neighbouring occupiers. It complies with all relevant council policy and guidance.
- 2 Refuse collection points should be located within 10 metres of the Public Highway, otherwise, unobstructed access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 3 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
- 4 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £13,475.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge

will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development 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 will be sent a 'Liability Notice' that will provide 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, this is also available from the Planning Portal website.

The Community Infrastructure Levy 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 statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: cil@barnet.gov.uk

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011
3.5, 7.1, 7.4, 7.6

Relevant Unitary Development Plan Policies:
GBEnv1, GBEnv2, D1, D2, D3, D4, D5, M14, GH1, GH2, H16, H17, H18

Supplementary Planning Document: Sustainable Design and Construction

Core Strategy (Examination in Public version) 2012
Development Management Policies (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.

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:

CS4, 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

Relevant Planning History:

There is no relevant planning history.

Consultations and Views Expressed:

Neighbours Consulted:	33	Replies: 8
Neighbours Wishing To Speak	2	

At the time of writing the report neighbours were being reconsulted on amended plans. Any additional representations received in respect of the amended plans will be reported in the addendum.

The objections raised may be summarised as follows:

- Proposal will seriously curtail observations from the Observatory to the west.
- The inclusion of considerable expanse of glass facing the Observatory will be disastrous
- Trees/shrubbery along border with Nos 37 and 39 Flower Lane should remain untouched
- Over-development of existing bungalows
- Redesign of bungalows into three storey houses inappropriate in this location due to massive increase in height
- Roof line should be much lower to avoid excessive light pollution affecting the Observatory
- Concern about possible loss of undergrowth/trees could increase light pollution affecting the Observatory.
- Plans show large windows facing observatory - once in place and occupied little control over amount and timing of light passing through the windows towards the Observatory
- Request any permitted development rights are removed if development is permitted
- Existing driveway very narrow for building and vehicular access - should be joined with neighbouring day care centre access to make a wider and safer access arrangement
- Concern about fire/ambulance/refuse/Heavy Goods Vehicles access to the properties
- Proposal involves changes to gradient of site and major soil removal exercise

which could result in flooding

- Trees are shown on plans are remaining but doubt this will be adhered to
- Concerns regarding construction works outside of normal working hours
- Impact on traffic and road and pedestrian safety
- Proposal would impact on rights of way
- Proposal will double the amount of car parking spaces available
- Owner does not own 39b as contract been with Flower Lane developments
- Width of existing access inappropriate for the development, cars wider than when constructed in 1960s
- Proposal will result in increase in vehicular traffic
- Existing access is dangerous and had a blind corner
- Proposal does not create safe access for pedestrians, cyclists or people with disabilities
- Proposal does not comply with London Fire Authority's latest Fire Safety Guidance Note
- Noise and disturbance from construction work
- No details provided regarding lighting which should be an integral part of the development
- Object to use of permeable materials to pave driveway - deeds state only tarmac to be used and its potential impact
- Noise and disturbance resulting from refuse vehicles accessing the site
- Overlooking and loss of privacy
- Proposal takes no account of requirement to provide adequate drainage to deal with foul and surface water discharge

One comment received stating that as long as trees along boundary with 37 and 39 Flower lane retained as shown, happy to support application.

Internal /Other Consultations:

- Traffic & Development - No objection subject to informatives
- Street Lighting Engineer - Applicant is taking into account light spill and design constraints to limit light trespass. Ground levels are below that of Observatory plus elevated sections of proposed structure have design restraints which help in minimizing light spill which is further aided by trees at property boundary. Would need to have a lighting design to ensure lighting levels are adhered to. However, unlikely to be an issue as using recommended lanterns as advised by Institution of Lighting Professionals.

Date of Site Notice: 19 January 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site relates to a pair of backland semi-detached bungalows located on the east side of Flower Lane which is predominantly residential in character. The site is accessed via an existing access between Nos 39 and 43 Flower Lane. Located east of the site is the University of London Observatory, to the south is the Flower Lane resource centre and a pair of detached 2 storey dwellings are located to

the north.

Proposal:

The application seeks permission for the erection of two detached three storey dwelling houses (two storey with rooms in the roofspace) following the demolition of two existing bungalows and garages. The plans have been amended.

The proposed dwellings will measure 14 metres in depth, 8.8 metres in width and 10 metres in height with a gabled roof. The plans have been amended since originally submitted. The latest amendments have been made to incorporate changes to the design of the houses to try and address the concerns raised by the University of London Observatory. The houses have been re-designed internally to reduce the amount of fenestration in the rear elevation to ground floor only and a single bedroom window in the first floor of each house. Additionally, this window is recessed from the gable end of the roof by 1.8m to reduce any light spill from this window. The window originally proposed at second floor level in the rear elevation has been removed and the rear part of the roofspace will now be a playroom. The number and size of rooflights to each house is reduced considerably with only 4 small rooflights now proposed on the side elevations of each house.

The depth of the house nearest the resource centre has been increased and it's front elevation moved forward by 2m. The front elevation of the house proposed next to 1 Oaklodge Way remains the same.

The original application proposed two garages in the front forecourt, however these have been removed from the plans and the main courtyard will be able to accommodate several cars.

The applicant's agent has confirmed that the existing refuse arrangements involve residents bringing their refuse to the entrance with Flower Lane on refuse collection days and this arrangement will remain with the proposal.

Both properties will benefit from private garden amenity space.

Planning Considerations:

Design and Scale

Nos 39a and 39b Flower Lane are a pair of semi-detached bungalows that are not visible from Flower Lane. The neighbouring backland properties in Oak Lodge Way (two storey) and 41 Flower Lane (Flower Lane Resource Centre) comprise a mix of styles and there is no predominant building style which characterises the immediate area. The plans have been amended since originally submitted with regards to the style of the dwellings creating uniform gable fronted roofs to the front and rear elevations of both properties. The new dwellings respect the existing eaves and ridge height of the neighbouring property at Oak Lodge Way. The staggered front elevations introduced as part of the most recent amendments are considered to relate satisfactorily to the immediately adjacent buildings and the development is considered to sit comfortably within the existing surroundings.

Impact on amenities of neighbouring residents

The proposed dwelling nearest to 1 Oak Lodge Way respects the existing front building line of that property and will only project approximately 1.5 metres beyond the existing rear building line at a distance of approximately 3m from the flank elevation. Conditions have been recommended to obscure glaze the windows on the first floor flank elevations of both properties and restrict the insertion of further windows without prior consent from the Local Planning Authority. The proposed balconies on the rear elevations are recessed to ensure that they do not result in any overlooking to the occupiers of the neighbouring properties and the balconies to the front are located more than 21 metres from the end of the rear gardens of Nos 37 and 39 Flower Lane. Given all of the above it is therefore that the proposed dwellings will have minimal adverse impacts on neighbouring amenity.

Impact on operation of University of London Observatory

The Observatory object to the proposals. The nature of their objection is that the observatory is involved in long term research observations of extra-solar planets, which requires brightness changes of the order of 1 to 2% in the host stars to be monitored on a regular basis. Diffuse and scattered background light from the 2 houses particularly the upper floors and roof skylight style windows may reasonably be expected to swamp the subtle variations in brightness. The cumulative effect and proximity of the development will raise the existing threshold of the local sky background to a level which will inhibit effective observation.

As the property falls within direct sight of the University of London Observatory, the concerns raised by this organisation have been taken very seriously.

After receipt of the original objection, the Council and applicant discussed concerns with the Observatory. The plans were amended to bringing the houses further away from the Observatory, introduce brise soleil above the first and second floor windows to reduce potential light pollution and ensure the light shines downwards; lower the fascia on the second floor to reduce potential light pollution from external fixtures and so that it is now level with the balcony doors, reduce the amount of glazing on the second floor rear elevation from 3.5m to 2.2m and ensure external lights to the rear will face downwards.

The Observatory are concerned that the original application and subsequent amendments did not fully address the issues they raised and have submitted a report from a member of the British Astronomical Association. This expands upon the concerns raised by the Observatory which arise from the potential light spill from lights on the walls of the houses or gardens, light from extensive glazing facing the observatory and from skylights and the consequent increase in local skyglow. Astronomical observations employ sensitive imaging and measuring equipment and require the darkest conditions possible given the location, both for the operation of the equipment and the capability of the astronomer. The report's author considers that the level of lightspill from the development as shown on the drawings and from additional lighting installed in the future could adversely affect the ability of the Observatory to undertake it's observations.

As a consequence of this report, the applicant has amended the scheme further. The houses have been re-designed internally to reduce the amount of fenestration in the rear elevation to only 1 bedroom window in the first floor of each house. Additionally, this window is recessed from the gable end of the roof by 1.8m to reduce any lightspill from this window. The window originally proposed at second floor level in the rear elevation has been removed and the rear part of the roofspace will now be a playroom. The number and size of rooflights to each house is reduced considerably with only 4 small rooflights now proposed on the side elevations of each house.

The applicant has also submitted an environmental appraisal of the proposed lighting. This assesses the potential light sources from the development and the type of external lighting that will be provided.

Neighbours and the Observatory have been reconsulted about the amended plans and environmental appraisal report. Any comments made will be reported at the meeting.

The Council's street lighting engineer has looked at both reports and the development proposals. His opinion is that the applicant is taking into account light spill and design constraints to limit the amount of light trespass. This is aided by the fact that the ground levels are below that of the Observatory and there are mature trees at the property boundary.

Given the steps that have been taken to further amend the proposals to reduce the size and number of windows and rooflights and the details submitted about the external lighting proposals, it is considered that, subject to conditions, the amount of light from the development is unlikely to be greater than that from other buildings in the vicinity and that future lighting can be adequately controlled by conditions.

Highways issues

No changes are proposed to the existing access route in order to gain vehicular, pedestrian, cycle access to the site. As the access is existing and currently services the two existing bungalows, the Council's Highways officers have raised no objection to its width or vehicle manoeuvrability. It is considered that the removal of the garages in the front forecourt provides greater turning space for emergency vehicles should they need to access the site. With regards to refuse, the proposed arrangements will remain as the existing set up. The existing residents of Nos 39a and 39b are required to bring their refuse to the edge of the public highway (between Nos 39 and 41) on refuse collection days and as the refuse vehicles do not currently access the dwellings it is not proposed that they will do so in the future either. Furthermore, given that no changes are proposed to the access route or the number of dwellings in this location, it is not considered that the proposal will have a detrimental impact on pedestrian or highway safety.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Mostly addressed in the above report.

It is proposed that all existing trees will remain on site.

A condition has been proposed relating to hours of construction.

A condition has been proposed relating to levels, although there is no evidence to suggest that the proposal will give rise to increased flooding in the area. The area is not one identified by the Environment Agency as at risk of flooding.

A condition has been proposed relating to the use of materials in the hard and soft landscaped areas.

Impact on private rights of way is not a material planning consideration.

Drainage will be assessed under the Building Regulations.

Noise and disturbance as a result of construction works - a condition is proposed to restrict working hours.

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

The application is recommended for **APPROVAL**.

SITE LOCATION PLAN: 39A & 39B Flower Lane, London, NW7 2JN

REFERENCE: H/00133/12



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