



## **Officer's Assessment**

### **1. Policy Context**

Relevant Development Plan Policies:

- London Plan (2016)
- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.
- Relevant Development Management DPD (2012): Policies DM01, DM02.
- Residential Design Guidance SPD (2016)

### **2. Public Consultation**

The application is being referred to committee as a result of local interest and discussions held at the previous committee meeting on this condition element.

2 responses have been received from No.98 Holders Hill Road and on behalf of Aspen Court residents.

The letters provide the following comments:

- The entire pergola/trellis adjacent to No.98 Holders Hill Road needs to be removed. It is unsightly, poorly maintained and has no beneficial purpose;
- Removal of trellis and white panelling that is located immediately to the left of the parking area gates should be removed and front gate retained.
- Pleases to note the changes being proposed to the Holders Hill Road perimeter;
- Request that the trellis fencing at the south side of their property which borders onto Aspen Court be replaced with a 6ft high close boarded wooden fence in order to provide greater security

### **3. Assessment of proposal**

The application was due to be heard at the Finchley and Golders Green Area Planning Committee on 30 November 2017. However, it was subsequently deferred from that meeting due to the release of Appeal decision notice for previous refused application 16/7639/CON. The application is now being referred back to the committee following a number of amendments which take into account the appeal assessment.

#### **Background**

In 2010, planning permission (reference F/02820/10) was granted for the construction of a part 3/ part 4 storey building comprising of 9 flats, with accommodation in the roof space, car parking and cycle storage. Associated landscaping and amenity space. A subsequent application (reference 14/07374/FUL) was refused by the Council in 2015 for the Temporary change of use for five years involving alteration and conversion of existing 3 bedroom flat to create en-suite facilities and kitchenettes to each room at flat 8 Ullswater Court.

The site is managed by the International Bible Students Association (IBSA) which is the administrative organisation for Jehovah's Witnesses in the United Kingdom. The organisation's headquarters are currently based in Mill Hill, The Ridgeway, and the units within Ullswater are currently housing some of the IBSA members. It is the intention to

relocate the charity headquarters of Jehovah's Witnesses and its associated accommodation to Chelmsford which is expected to be completed around 2020.

The Council served an Enforcement Notice on the site in January 2015 as the approved 9 units had been subdivided into 36 dwelling units. The Planning Inspectorate considered appeals to both the Enforcement Notice and the refused change of use application from 2015. The decision concluded that there had been a breach of planning control as the approved 2010 permission had not been implemented and express planning permission was required. The Inspector corrected the breach as Without planning permission, the erection of 36 self-contained flats in a part 3 and part 4 storey building not in accordance with planning permission reference F/02820/10 granted 10 September 2010. The Inspector in their decision also granted an alternative planning permission for the erection of 9 (nine) self-contained flats in a part 3 and part 4 storey building on land at Ullswater Court 92 Holders Hill Road, London NW4 1LN. This reflects a variation of the original 2010 permission. The Enforcement Notice was amended to require the applicant to Cease the use of the building as flats other than in full compliance with the planning permission for 9 flats granted pursuant to appeal reference number APP/N5090/C/15/3005873 and required a 12 month period of compliance from the date of decision (21 June 2016).

Approval for these condition elements were previously considered by the committee and were refused at the meeting of 14 June 2016. Since then, a number of amendments have been to the proposal and are addressed within this application.

#### Condition 4 (Boundary Treatment)

Condition 4 states:

*No development shall take place until there has been submitted to, and approved in writing by, the local planning authority a plan indicating the positions, design, materials and type of boundary treatment to be erected. The boundary treatment shall be completed before any of the 9 flats are occupied in accordance with a timetable agreed in writing with the local planning authority. Development shall be carried out in accordance with the approved details.*

Within the appeal decision notice, the Inspector found that the landscaping and boundary enclosure details, taken as a whole, would result in material harm to the setting of the block of flats and the character and appearance of the area. The appeal was dismissed on this issue.

Specifically the Inspector commented that the secondary trellis fencing has no purpose and would be materially higher than the frontage railings and would appear prominent and incongruous in this location. Following this the proposal now involves the removal of all trellis fencing and white panels along the frontage and bin store. In addition, the trellis fencing along the side (southern) boundary with Aspen Court has been removed. Following discussions with neighbours, it has been agreed that a close boarded wooden fence will be installed around the bin store and a 1.8m high timber close boarded fence installed along the Aspen Court boundary.

In addition, the bicycle store along the side path with No.98 Holders Hill Road has been completely removed, with sufficient bike racks located within the undercroft.

Overall, the proposed removal of trellis is considered to reduce the amount of visual clutter at the front of the site and the removal of translucent panels removes a hard visual

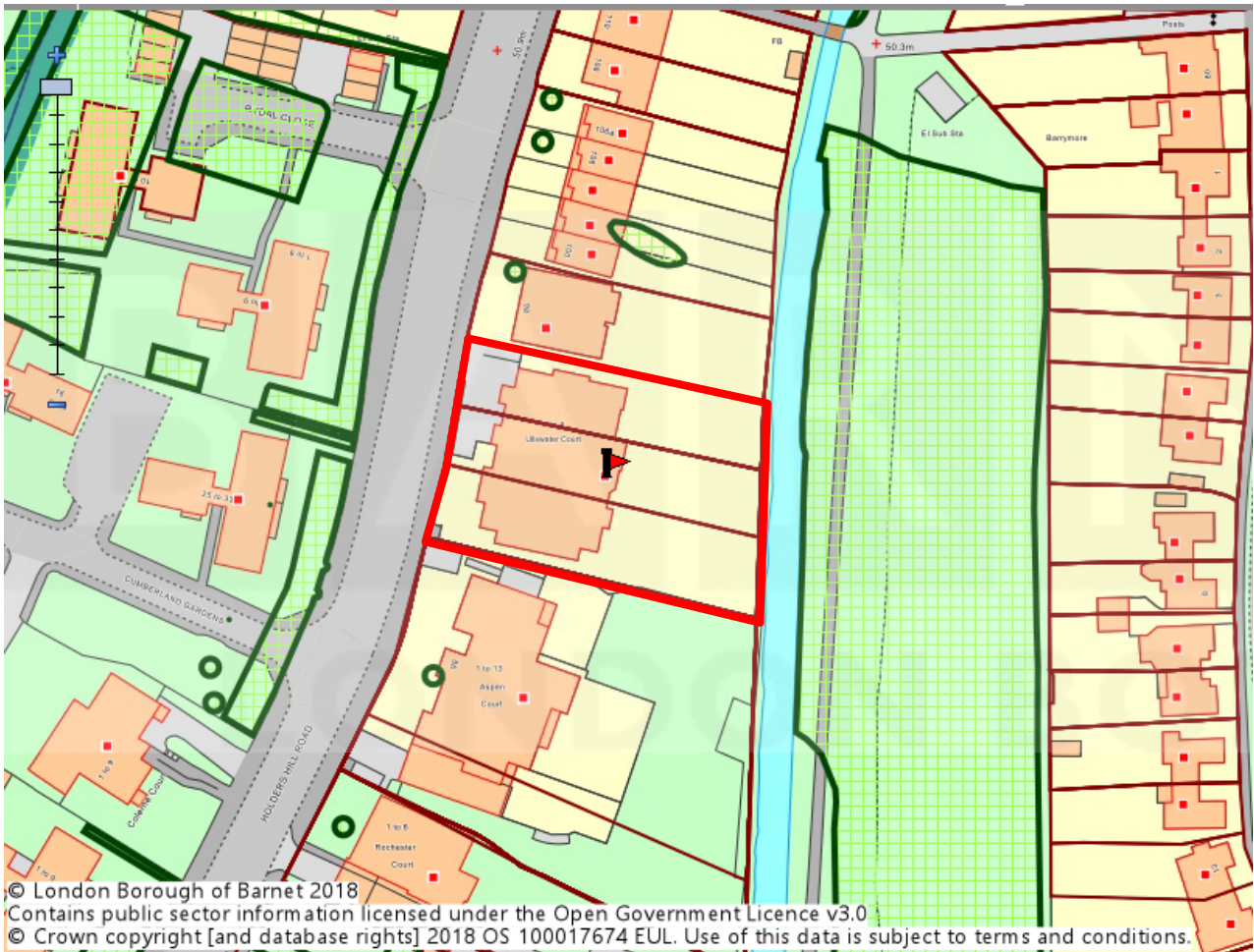
element from the site. The presence of a singular low metal railing is considered to be more in keeping with the street scene and would provide a further improved street scene appearance from the previous refused scheme. As such, the details provided are considered acceptable to meet the requirements of condition 4.

#### Condition 5 (Landscaping)

Condition 5 states:

*No development shall take place until there has been submitted to and approved in writing by the local planning authority a scheme of landscaping, which shall include indications of all existing trees and hedgerows on the land, and details of any to be retained, together with measures for their protection in the course of development.*

At present, the area of hardstanding to the front of the site comprises of 16% soft landscaping through verges or strips of landscaping. It has capacity to accommodate 3 parking spaces. During discussions with the applicant, the percentage of landscaping has been increased to 29% and 1 parking space has been removed from this area. The Inspector commented that the proposed landscaping, following the removal of trellis fencing, would not look particularly out of place or harmful to the street scene. Overall, the proposed landscaping details are considered to be acceptable and provide an appropriate mix of hard and soft landscaping. As such, the details provided are considered acceptable to meet the requirements of condition 5.



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