

**LOCATION:** 79 West Heath Road, London, NW3 7TH  
**REFERENCE:** F/01019/12 **Received:** 14 March 2012  
**WARD:** Childs Hill **Accepted:** 14 March 2012  
**Expiry:** 09 May 2012  
**Final Revisions:**

**APPLICANT:** Globalhome Estates Ltd  
**PROPOSAL:** Demolition of existing dwellinghouse and erection of three storey plus rooms in roofspace and basement detached building to provide 2no. self-contained maisonettes. Associated amenity space and off-street car parking.

**Subject to Unilateral Undertaking**

**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £7,799.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Health £1,685.00**  
A contribution towards Health Facilities and Resources in the borough
- 5 **Libraries (financial) £34.00**  
A contribution towards Library Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £699.95**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: F/01019/12 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site and Location Plan; Design and Access Statement; Arboricultural Method Statement, Dated 9<sup>th</sup> March 2012; Construction Management Plan; Plan No's: 000-OS; 000-01; 010-OS; 000-02; 000-03; 040-01 A; 040-02 A; 040-03 A; 040-04 A; 040-05 A; 040-06 A; 040-07 A; 010-LG A; 010-OG B; 010-01 A; 010-02 A; 010-0R A; 010-03 A; Email from Agent (Mr Spry), Dated 17/05/12, 28/05/12 & 29/05/112).  
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 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.
- 4 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.
- 5 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.
- 6 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.  
Reason:  
To safeguard the health of existing tree(s) which represent an important amenity feature.
- 7 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.
- 8 No development or other operations shall commence on site in connection with the demolition and development hereby approved until a detailed tree felling / pruning specification has been submitted to and approved in writing by the local planning authority and all tree felling and pruning works shall be carried out in full accordance with the approved specification and the British Standard 3998: 2010 *Recommendation for Tree Works* (or as amended).  
Reason: To safeguard the health of existing trees which represent an

important amenity feature.

- 9 The development works hereby consented shall be implemented in accordance with the precautions and methods specified within the Arboricultural Method Statement, dated 9<sup>th</sup> March 2012 and the details contained within the e-mail chain submitted to the Council on the 17<sup>th</sup> May 2012 onwards.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

- 10 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.

- 11 Prior to the occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason:

To protect the amenities of future and neighbouring residential occupiers.

- 12 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).

- 13 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.

- 14 The level of noise emitted from the ventilation and extraction equipment hereby approved 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.

- 15 The floor plan layout as shown on the hereby approved plans must not be changed.

Reason:

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

- 16 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with the Drawing No. 010-0G Rev B submitted with the application and that area shall not thereafter be used for any purpose other than for the parking and turning of vehicles associated with the development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policies M11, M13 and M14 of the London Borough of Barnet Adopted Unitary Development Plan 2006

**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, D11, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

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

Development Management Policies (Examination in Public version)2012: DM01, DM02, DM08, DM17.

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

The replacement of the property with two self contained maisonettes is considered acceptable, in character with the surrounding area. As conditioned, the proposals would not impact on trees of special amenity value. The proposal would protect the character of this part of Childs Hill and respect the setting of nearby buildings. The proposal would provide acceptable standards of amenity for future occupiers and respect the amenity of existing neighbouring occupiers. The proposal is acceptable on highways grounds.

- 2 Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the

developer or householder who wish to have an address created or amended. Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf>

or requested from the Street Naming and Numbering Team via email:

[street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 3 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 £ \_\_\_\_\_ (to be supplied in the addendum to the report).

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](http://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](mailto:cil@barnet.gov.uk)

- 4 Trees at and adjacent to this site are included within a Tree Preservation Order. This grant of planning consent confers no rights to undertake any treatment to any trees at and/or adjacent to the site. If any treatment is proposed to trees at and/or adjacent to the site as part of the development works hereby consented then this should be specified in details submitted for the discharge of condition 8 of the planning permission hereby approved. Alternatively, a separate application would be required in accordance with the tree preservation legislation. You are reminded that unauthorised treatment of protected trees is a criminal offence which may carry a heavy penalty.
- 5 The applicant is advised that in case if any modifications are proposed to the

existing access off the public highway then it will be subject to a detailed investigation by the Environment, Planning and Regeneration Directorate. This may result in alterations to the existing on-street controlled parking bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. Any modification works including relocation of any existing street furniture would need to be done by the Highway Authority at the applicant's expense. You may obtain advice and an estimate for this and any associated work on public highway from the Environment, Planning and Regeneration Directorate Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.

- 6 In the case where a highway tree is present on public footway in the vicinity of the site, which is likely to be affected if the vehicular access to the site is proposed for alteration, then the final approval would be subject to a detailed assessment carried out by the Environment, Planning and Regeneration Directorate as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP
- 7 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

### **RECOMMENDATION III**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 13th July 2012 the Assistant Director of Planning and Development Management REFUSE the application ref: F/01019/12 under delegated powers for the following reasons:

- The proposed development does not include a formal undertaking to meet the costs of extra education, libraries, health and social care facilities, amending to the traffic order and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet supplementary Planning Documents - Contributions to Education (2008), Libraries (2008), Health (2009) and Monitoring (2007) and policies, CS8, CS2, CS13, IMP1, IMP2 of the Adopted Unitary Development Plan (2006).

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework:

The relevant sections of the National Planning Policy framework are as follows:

Paragraph 49 of the NPPF states that "Housing applications should be considered in the context of the presumption in favour of sustainable development".

The government consider that "there are three dimensions to sustainable development: economic, social and environmental. These dimensions give rise to the need for the planning system to perform a number of roles:

- **an economic role** – ... by ensuring that sufficient land of the right type is available in the right places and at the right time to support growth and innovation
- **a social role** – ... by providing the supply of housing required to meet the

needs of present and future generations; and by creating a high quality built environment

- **an environmental role** – contributing to protecting and enhancing our natural, built and historic environment ... ”

In paragraph 21, the government encourages the effective use of land by reusing land that has been previously developed (brownfield land).

Paragraph 56 states “the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people”.

It is considered that the application complies with the above sections of the NPPF.

#### The Mayor's London Plan: July 2011:

The Mayor of London, The London Plan, Spatial development strategy for Greater London, Consolidated with Alterations since 2004 is the development plan in terms of strategic planning policy. Relevant strategic policy includes 3.5.

#### Relevant Unitary Development Plan Policies:

Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, CS2, CS8, CS13, IMP1, IMP2, GMon, GH1, H2, H16, H18, H23, H26, H27, M11, M13 and M14.

#### Supplementary Planning Guidance:

Supplementary Planning Document on Sustainable Design and Construction (June 2007).

Supplementary Planning Document on Contributions to Education (2008).

Supplementary Planning Document on Contributions to Library Services (2008).

Supplementary Planning Document on Contributions to Health and Social Care (2009).

#### 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.

Policies: DM01, DM02, DM08, DM17.

Relevant Core Strategy Policies:

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.

Policies: CS NPPF, CS1, CS5.

Relevant Planning History:

**Site Address:** 79 West Heath Road LONDON NW3 7TH  
**Application Number:** C05197A  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 24/04/1996  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground floor front extension.**  
**Case Officer:**

**Site Address:** 79 West Heath Road Hampstead NW3  
**Application Number:** C00578  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 25/01/1966  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Formation of new study/bedroom and extension of existing bedroom.**  
**Case Officer:**

**Site Address:** 79 West Heath Road London NW3 7TH  
**Application Number:** C05197D/05  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 19/04/2005  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground floor front extension (renewal of planning permission ref C05197B/00, dated 17/04/00).**  
**Case Officer:** Laura Knight

**Site Address:** 79 WEST HEATH ROAD LONDON NW3 7TH  
**Application Number:** C05197B/00  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 17/04/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Ground floor front extension.**  
**Case Officer:**



**Site Address:** 79 WEST HEATH ROAD LONDON NW3 7TH  
**Application Number:** C05197C/00  
**Application Type:** Section 192  
**Decision:** Lawful Development  
**Decision Date:** 12/09/2000  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension to terrace at rear.**  
**Case Officer:**

**Site Address:** 79 West Heath Road, London, NW3 7TH  
**Application Number:** 00385/10  
**Application Type:** Householder  
**Decision:** Approve with conditions  
**Decision Date:** 20/04/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension to the time limit for implementing planning permission C05197D/05 dated 18/04/2005 for ground floor front extension.**  
**Case Officer:** Neetal Rajput

**Site Address:** 79 West Heath Road, London, NW3 7TH  
**Application Number:** 02142/10  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 01/07/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing dwelling and erection of three-storey detached dwelling including basement.**  
**Case Officer:** Neetal Rajput

**Site Address:** 79 West Heath Road, London, NW3 7TH  
**Application Number:** 03568/10  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 09/12/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking.**  
**Case Officer:** Neetal Rajput

**Site Address:** 79 West Heath Road, London, NW3 7TH  
**Application Number:** F/00155/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 10/03/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking and amenity space.**  
**Case Officer:** Neetal Rajput

**Site Address:** 79 West Heath Road, London, NW3 7TH  
**Application Number:** F/01881/11  
**Application Type:** Full Application  
**Decision:** Withdrawn

**Decision Date:** 03/06/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Variation to the previously approved application Ref: F/00155/11 "(Demolition of existing dwelling and erection of a three storey detached dwelling including basement. Associated parking and amenity space.)" to include single storey front extension.**  
**Case Officer:** Neetal Rajput

Consultations and Views Expressed:

Neighbours Consulted: 29 Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Objection to making the building wider on grounds of loss of light
  - Maintenance concerns with the development
  - Loss of outlook
  - Overdevelopment of site
  - Proposals out of character with the area
  - Concerns site is being used as an illegal rubbish dump
  - Concerns the basement development will detrimentally affect the underground water course and contribute to flooding in the area
  - Object to being able to use the pavement to unload construction materials
- Impact of delivery lorries on the vicinity, especially pavements
- Site located on dangerous bend
  - Neighbours will be unable to access their entry gates
  - Danger to pedestrians
  - Development affecting traffic flow and parking
  - Need for temporary lights
  - Impact on trees as a result of delivery lorries
  - Proposals do not create a "harmonious look"

Date of Site Notice: 29 March 2012

Internal /Other Consultations:

Traffic and Development - no objections  
Trees and Landscaping - no objections

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

West Heath Road is a residential street in the Childs Hill Ward. 79 West Heath Road is a large detached property located on the west side of the road opposite the entrance to Eden Close. There are a number of trees protected by Tree Preservation Orders located within the curtilage of the application site and within neighbouring properties. The area is characterised by different types of buildings and with different types of tenures.

### Proposal:

The proposal is for demolition of existing dwellinghouse and erection of three storey plus rooms in roofspace and basement detached building to provide two self-contained maisonettes with associated amenity space and off-street car parking.

There have been previous approvals at the application site (F/00155/11 & F/03568/10) for *demolition of existing dwelling and erection of a three storey detached dwelling including basement; associated parking and amenity space* in 10/03/2011.

### Planning Considerations:

The main considerations are the impact on the character of the surrounding area and on any neighbouring properties and occupiers.

### Proposed siting, character and appearance:

The application site is currently a large detached residential dwelling and as the existing property is not considered to be of particular architectural merit to warrant its retention, demolition is considered to be acceptable.

Whilst the planning history (F/00155/11) should be noted and is a material consideration in the determination of this application, this application should be considered on its own merits. The main change to this application from the previous approval (F/00155/11) is that the proposed building has been set back and the distance to the neighbouring property No. 77 West Heath Road is greater than what was previously approved and thus, in this respect, this application is an improvement and provides a better outlook to the adjoining neighbouring occupiers. The set back and distance to the boundary from the window on the first floor side elevation of the neighbouring property No. 77 West Heath Road, provides relief to the visual amenities of the neighbouring occupiers. In addition, there are no windows proposed in the flank side wall facing No. 77 West Heath Road. The distance to the neighbouring property and no side windows mitigates harm to the visual amenities of the neighbouring property.

There has also been an alteration to the roof form, whereby this now provides a terraced area which is considered to provide better quality of life for the occupants of the upper maisonette.

The principle of modern design is considered to be acceptable in this location given the general mix of houses in the vicinity. In addition, there are examples of approved buildings elsewhere in West Heath Road such as No. 183 West Heath Road, the redevelopment of which was granted in February 2007.

The proposed building has staggered footprints and thus the bulk of the building is not considered to be over dominate or overbearing to neighbouring occupiers.

It is considered that there is sufficient distance to the properties at the rear of the

application site and thus, there will not be issues of overlooking or loss of privacy. The size and bulk of the proposed buildings is considered to be appropriate for the site, street scene and general locality. As previously discussed, whilst the modern design differs from that existing, the street is characterised by properties of varying sizes and styles and is considered to be a suitable location for a modern design of this nature which will not appear as an incongruous development in the street scene.

The house has been carefully designed to take account of the massing of neighbouring properties and ensure that the building appears in context. The height, size, depth and massing are all considered to be in context with its neighbours.

The basement is proposed for purposes ancillary to the main dwelling and will sit directly below the dwellinghouse. During a site visit, it was evident that there is an existing basement at the application site and thus this element of the proposal is not considered to cause harm to the amenities of neighbouring occupiers or the character of the area. The lightwell at the front of the property does not take a large proportion of the hard surfaced area and its settings would contribute to a minimal impact to the neighbouring properties. The lightwell will not be seen from the streetscene and thus will not harm the character of the area.

The grounds of objection against the appearance and the impact on the character of the area from neighbouring residents are noted and it is accepted that this is a judgement. However, after considering all representations on these grounds and taking all material planning considerations into account, there are no objections to the design of the building or on its impact on the character of the area.

#### Neighbouring Residential Amenities:

Policy D5 of the adopted *Unitary Development Plan* is a Design policy states that new developments should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

With regards to No. 77 West Heath Road, the first floor element closest to the boundary has been set back by 3.4 metres, thus it is not in view from the window of the side elevation of the neighbouring property. The element on first floor level that will be in view from the window in the side elevation of No. 77 West Heath Road is located 3.23 metres away, this distance ensures that there will be minimal impact to the occupiers of the neighbouring property. Thus, the impact to the neighbouring property side elevation window at No. 77 West Heath Road will be minimal and it is noted that this is not the principal window serving this room.

The distance to the boundary with No. 77 West Heath Road on first floor and the set back of the first and second floor is considered to protect the amenities of the neighbouring occupiers and is not considered to cause loss of light or a sense of enclosure to these occupiers. Additionally, the eaves of the roof respects the adjoining neighbouring properties and this is not considered to have an impact on the neighbour's residential amenity in terms of its overbearing appearance and is not considered to lead to loss of light.

The front building line of the proposed new dwelling is to remain in-line with the original building line of the property. It is therefore not considered to harm the amenities of the neighbouring residents or appear out of character.

With regards to 81 West Heath Road, the single storey rear extension projects 4 metres in depth and there will be a distance of 0.95 metres to the boundary with the neighbouring property, thus there will be minimal impact to the adjoining occupiers. The footprint of the first and second floor only projects a mere 0.4 meters rearward than the neighbouring property No. 81 West Heath Road and therefore this development is not considered to cause harm or have a significant impact on the amenities of the neighbouring occupiers or future occupiers.

As a result of the shape and location of the application site, the proposal is considered acceptable. There is sufficient distance between the neighbouring properties at the rear, No's. 83 and 87 West Heath Road and the application site. Also, the neighbouring properties at the rear of the application site are set at an angle in relation to the application site. Therefore, the proposed siting and mass of the new dwelling is not considered to be unduly intrusive or overbearing. The proposal would not have an adverse impact on the residential and visual amenities of the neighbouring occupiers at the rear to the application site.

#### Use of site as two units:

The immediate surroundings are characterised by purpose-built flats and as well as properties in single family occupancy. The proposal would result in the re-use of a brownfield site and as such a small flatted development is considered acceptable in this location. The proposed density is in line with policy H21. The current application is for one 3 bedroom maisonette and one 4 bedroom maisonette (total of maisonette). Surrounding sites have or are being re-developed for higher densities. The principle of redevelopment has been deemed acceptable as part of the previous planning permissions to surrounding sites for similar schemes.

It is considered that the proposals comply with point i of Policy DM01 of the Emerging Local Plan Development Management Policies that states that loss of houses in roads characterised by houses will not be normally appropriate. This part of West Heath Road is characterised by purpose built flats and houses.

#### Highways:

The proposed development is for the demolition of the existing four plus bedroom house and erection of a new building to provide 1x3bedroom and 1x4bedroom maisonettes. Three parking spaces and four cycle parking spaces are being provided including a disabled car parking space.

The council's traffic and development team have confirmed that parking provision is in accordance with the Parking Standards set out in the London Borough of Barnet Adopted Unitary Development Plan 2006. The application is considered to be acceptable in terms of highways and parking and therefore there are no objections on these grounds.

A Construction Management Plan has also been submitted which is acceptable.

#### Amenity of existing/future occupiers:

It is considered that there is sufficient space to allow the occupants unrestricted movement within the premises. The flats exceed Barnet's minimum size and the minimum space standards within The London Plan, policy 3.5.

The proposed development also provides sufficient amounts of usable outdoor space for the enjoyment of future occupiers. The current scheme proposes a private garden to the rear for the lower ground maisonette and balconies and terraces for the upper floor maisonette which is in line with policy H18 of the Adopted Unitary Development Plan 2006. The rear garden and balconies and terraces would provide an acceptable quality of outdoor amenity space.

#### Impact on Trees:

There are protected trees on the site and the proposal is not considered to harm the health of the TPO trees on site. There are no objections to the proposal on tree grounds subject to the relevant conditions.

As the agent has confirmed in his e-mail dated 29/05/2012 that there will not be any need for any treeworks as part of this development the exemption provisions within the tree preservation legislation relating to works necessary to implement a full planning permission cannot apply and a separate treeworks condition has been attached in any event.

#### Sustainability:

To ensure the sustainability of each unit an insulation of acoustic separation for the proposed maisonettes will be required for the floors and party walls. The applicant has not submitted this information and it will therefore be enforced through an appropriate condition attached to this recommendation. A condition requires sound insulation systems in relation to impact and airborne noise to achieve a sound attenuation in line with the Building Regulation requirements for airborne sound and impact sound. The units are conditioned to meet Code 3 of the Code for Sustainable Homes.

#### The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/05 and the Council's adopted SPD for section 106 related planning obligations is applicable for this site in respect of the following areas:

UDP Policy CS2 indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities. Policy CS8 states that where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations. Policy CS13 states that the Council will seek to enter into planning obligations in conjunction with new residential developments to secure the provision of health and social care facilities.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 5/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The recovery of costs for the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations S

#### Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide an additional residential unit that it is considered would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD "Contributions to Education" adopted in 2010.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

#### Contributions to library services:

The increase in population resulting from development is expected to place serious pressures on libraries, which are already required to meet all the needs of Barnet's diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of their development activity.

The adopted SPD "Contributions to Library Services" sets out the Council's expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional

demand (para's 4.10-4.12), existing facilities and capacity (para's 1.1-1.4 & 2.5), method of calculation (para's 2.4 & 3.1-3.11), and use of funds (para's 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

#### Contributions to Health facilities:

The proposal would provide an additional residential unit that it is considered would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para's 6.1-6.4), existing facilities and capacity (SPD para's 5.7-5.18), and use of the contributions (SPD para's 8.1-8.4) are set out in the Council's SPD "Contributions to Health" adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

The education, library services, health facilities & monitoring fee of 5% contributions will be secured by Section 106 Agreement.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

The main grounds of objection are considered to have been covered in the main report.

### **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**

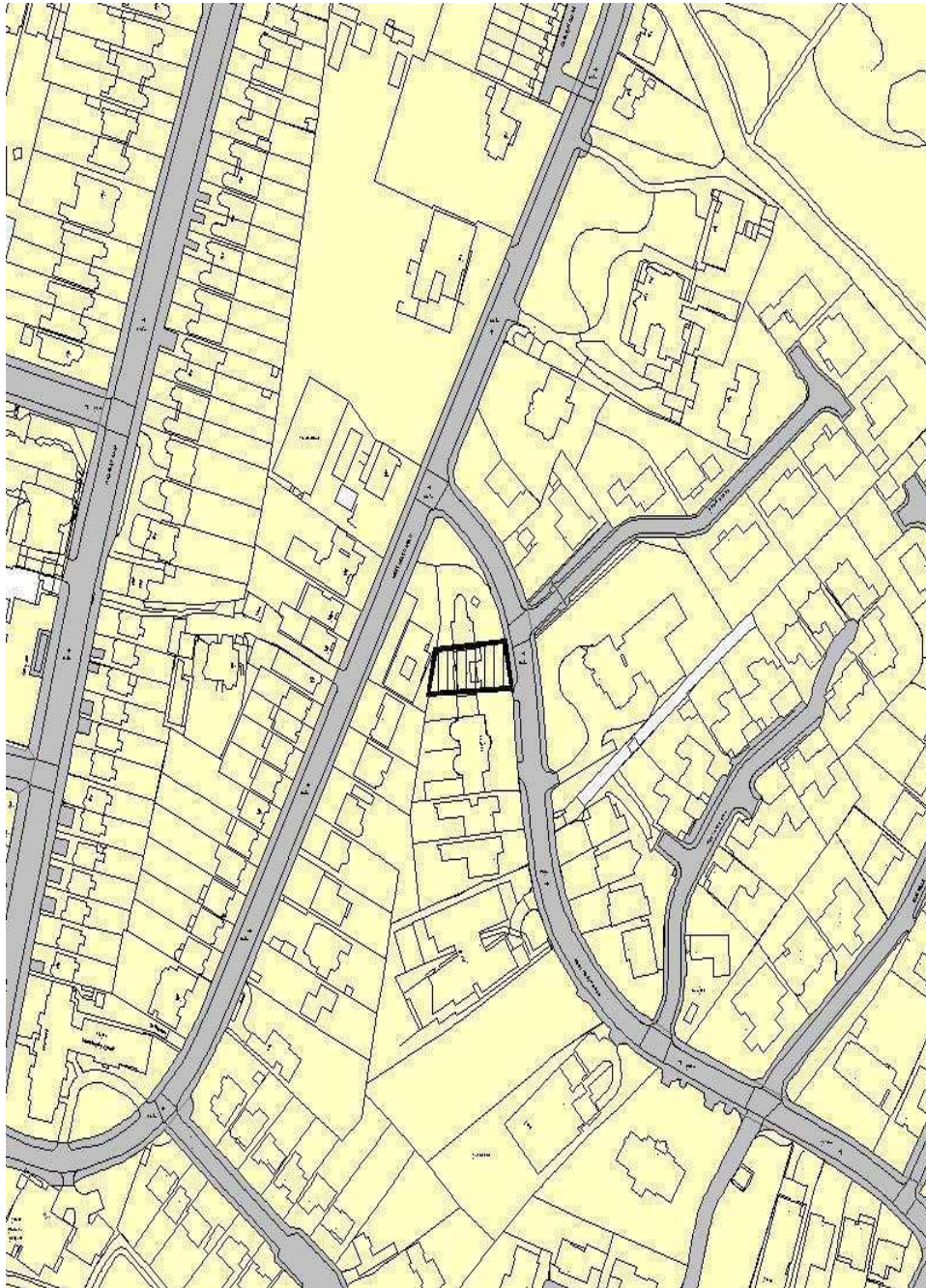
Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposal would comply with the Council's policies and guidelines and would not cause unacceptable harm to the area, the existing building or the amenities of any neighbouring property and would not cause unacceptable harm to the amenities of the area or prejudice highway safety or convenience.

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



**SITE LOCATION PLAN:** 79 West Heath Road, London, NW3 7TH

**REFERENCE:** F/01019/12



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