

LOCATION: Denver Court, 132 Hendon Lane, London, N3 3RH
REFERENCE: F/05103/10 **Received:** 15 December 2010
Accepted: 15 December 2010
WARD(S): Finchley Church End **Expiry:** 09 February 2011
Final Revisions:

APPLICANT: Dorchester Guernnso/General Partner Ltd.
PROPOSAL: Variation of condition 5 (Enclosure) relating to planning permission C01206Q/06 dated 29/1/2007.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Plan nos. L154-P2, 0608/PA.01, 0608/GA.02E, 0608/GA.03G, 0608/GA.04H, 0608/GA.05D, 0608/GA.06G, 0608/GA.07E, 0608/GA.08D, 0608/GA.09B, 0608/GA.10A, 0608/GA.11D, 0608/GA.12B, 0608/GA.13B, 0608/GA.14A, 0608/GA.15A, 0608/GA.16A, 0608/E.01, 0608/E.02, 0608/E.03, 0608/E.04, 0608/E.05, 0608/E.06, email from Maurice Clarke received received 26/01/07, Drawing AA688.01.
Reason:
For the avoidance of doubt and in the interests of proper planning.
- 2 The basement parking shown on drawing 0608/GA.03 G shall be provided and that area shall not be used for any purpose other than for the parking 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.
- 3 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.
- 4 No structure or erection with a height exceeding 0.85m above footway level shall be placed along the frontage to Waverley Grove from a point 2.4m from the highway boundary for a distance of 2.4m on both side of the vehicular access(es).
Reason:
To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.
- 5 The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01.
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.

- 6 The level of noise emitted from the lift and air conditioning unit 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 an existing neighbouring property at the time of this decision notice.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulses (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 an existing neighbouring property at the time of this decision notice.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring 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, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012: CS4, CS5.

Development Management Policies (Examination in Public version)2012: DM01, DM06, DM14.

ii) The proposal is acceptable for the following reason(s): The proposed development would be in keeping with the character and appearance of the surrounding area and in a design which is considered to be in keeping with neighbouring development. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring dwellings and this application is in keeping with Council Policies and Guidelines.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011: 3.4, 3.5A, 3.5B, 7.4A

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, H1, H2, H16, M11, M13, M14, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Examination in Public version) 2012: CS4, CS5.

Development Management Policies (Examination in Public version) 2012: DM01, DM06, DM14.

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.

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:

Site Address: 132 Hendon Lane London N3 3PS
Application Number: C01206Q/06
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 29/01/2007
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Demolition of existing house, swimming pool and garage and construction of a three-storey building (with rooms in roofspace) to provide 9No. self-contained flats. Provision of basement parking. Amendment to planning permission Reference C01206N/05 including amendment to approved landscaping plan and enclosure of proposed terrace at first floor level.**
Case Officer: Fabien Gaudin

Application Reference:	F/03709/08
Case Officer:	Fabien Gaudin
Proposal:	Submission of details pursuant to condition 2 (levels), 4 (refuse), 5 (enclosure) and 7 (landscaping) or planning permission C01206Q/06 dated 29/01/07.
Stat Start Date	13/11/2008
Application Type	CON
Decision	AP
Decision Date	20/11/2008

Application Reference:	F/01960/11
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Case Officer:	Fabien Gaudin
Proposal:	Erection of a handrail with guarding and timber decking to existing roof terrace.
Stat Start Date	12/05/2011
Application Type	HSE
Decision	APC
Decision Date	27/06/2011

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 10 (1 letter)
 Neighbours Wishing To Speak 0

One letter was received signed by 10 residents. Their objections may be summarised as follows:

- security
- insufficient privacy
- freeholder is not fulfilling his obligations

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located at the junction of Hendon Lane and Waverley Grove in a residential area of Finchley. The site was redeveloped as flats but was previously occupied by detached house. Although the area is mainly characterised by houses in single family occupancy there are examples of flatted developments in the vicinity including Waverley House on Waverley Grove, Broughton Park, off Waverley Grove and Ibis Court and Portland Court on Hendon Lane. The area around the site is relatively open and the site's boundary treatment highly visible in the streetscene.

Proposals and Planning Considerations:

The proposals seek permission to vary condition 5 of planning permission C01206Q/06 dated 29/01/2007.

Permission C01206Q/06 was for:

"Demolition of existing house, swimming pool and garage and construction of a three-storey building (with rooms in roofspace) to provide 9No. self-contained flats. Provision of basement parking. Amendment to planning permission Reference C01206N/05 including amendment to approved landscaping plan and enclosure of proposed terrace at first floor level".

Condition 5 of the consent read:

"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".

The reason for imposing the condition was 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.

Condition 5 was discharged in 2008 under reference F/03708/08. Details submitted included the construction of a close boarded fence along the boundaries with pavements.

Those details were never implemented and enforcement action was instigated. The current application seeks permission for a different means of enclosure consisting of a low brick wall and thick evergreen hedging (*Photinia fraseri* "Red Robin").

The hedging has been planted for more than one year and is now established without breaks. It provides an attractive enclosure to the site and it is considered that it is more esthetically pleasing than the previously approved close boarded fence. The existing means of enclosure does not prejudice the appearance of the locality and provide a good level of privacy and protection for the occupiers of the ground floor flats. The low wall and landscaping do not affect highway safety.

It is recommended that the application should be approved and that condition 5 should be reworded as follows: "The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01".

Other relevant planning conditions should be attached to any new consent as suggested above.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Planning matters are considered to have been covered above.

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

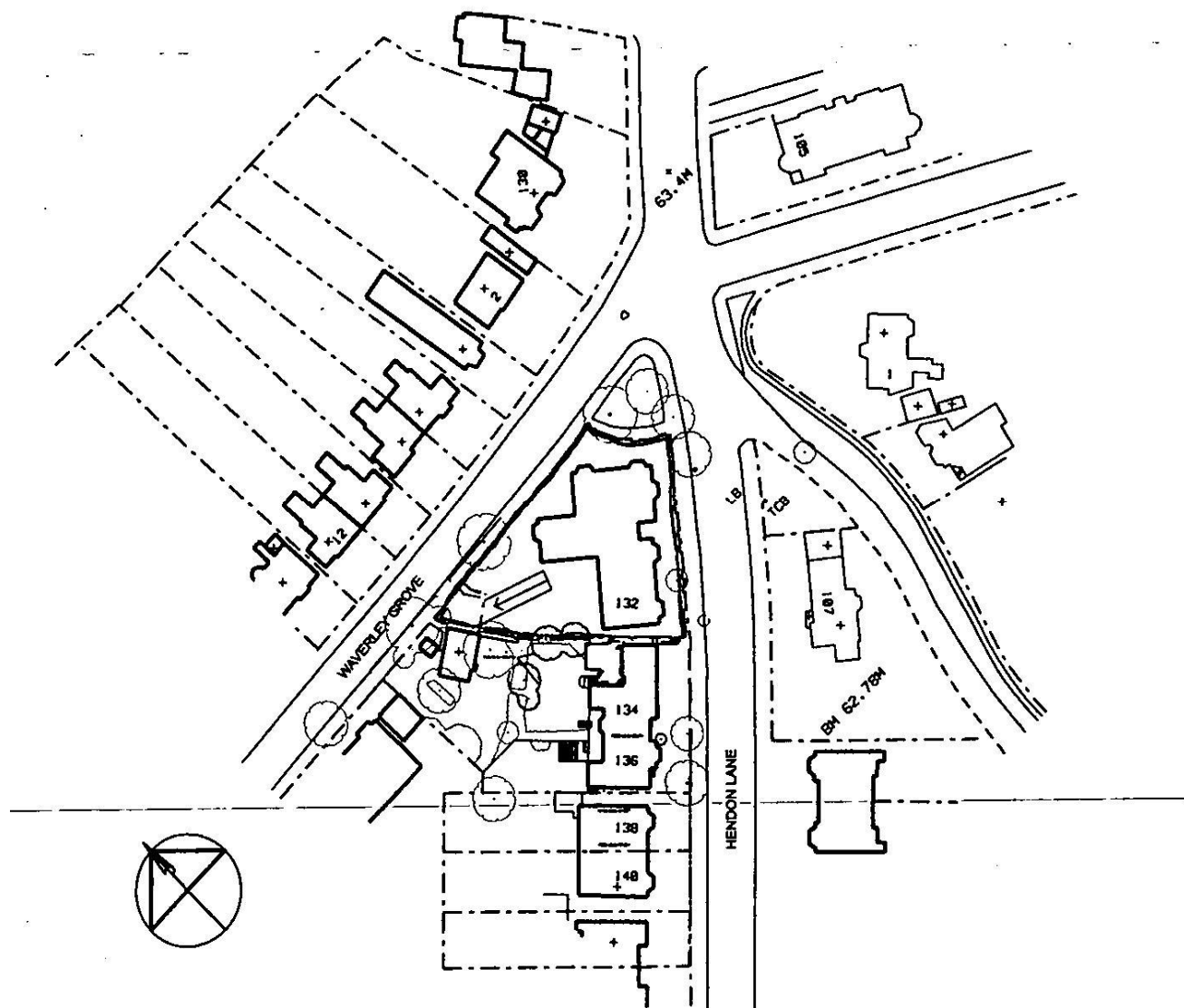
It is recommended that the application should be approved and that condition 5 should be reworded as follows: "The site enclosure and landscaping details consisting of a low brick wall and associated planting shall be permanently retained as shown on drawing AA688.01".

SITE LOCATION PLAN:
3RH

Denver Court, 132 Hendon Lane, London, N3

REFERENCE:

F/05103/10



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