

**Location**                               **138 Hendon Lane London N3 3PS**

**Reference:**                               **17/7884/HSE**                               Received: 13th December 2017  
Accepted: 15th December 2017

Ward:                                       Finchley Church End                               Expiry 9th February 2018

Applicant:                               Mr Simon Winston

Proposal:                               Creation of new basement level to rear of property with associated lightwell, including extension to rear terrace and access steps to rear garden

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

1     The development hereby permitted shall be carried out in accordance with the following approved plans:

- Drawing No. 418PL(1)001;
- Drawing No. 418PL(1)010;
- Drawing No. 418PL(1)020;
- Drawing No. 418PL(1)102 Rev A;
- Drawing No. 418PL(1)103;
- Drawing No. 418PL(1)104;
- Drawing No. 418PL(1)105;
- Drawing No. 418PL(1)106;
- Drawing No. 418PL(1)110; and
- Drawing No. 418PL(1)111.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 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 pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

6 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

7 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

### **Informative(s):**

1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

## **Officer's Assessment**

### **1. Site Description**

The application comprises a semi-detached dwellinghouse located on the northern side of Hendon Lane, within the Finchley Church End ward. The adjoining neighbour, 140 Hendon Lane is located to the western boundary of the site, to the east there is a four-storey, purpose-built flatted development known as Ashby Lodge.

The surrounding area is predominantly residential, characterised by a range of semi-detached, detached dwelling houses and purpose built flatted properties.

The property is not listed nor does it lie within a Conservation Area.

### **2. Relevant Site History**

Reference: 15/00873/PNH

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Not Required

Decision Date: 31 March 2015

Description: Single storey rear extension with a proposed depth of 5.5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: F/05058/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Prior Approval Required and Refused

Decision Date: 22 October 2014

Description: Single storey rear extension with a proposed depth of 6.0 metres from the original rear wall. Eaves height of 3.5 metres and maximum height of 3.5 metres.

Reference: F/03051/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 28 August 2014

Description: Creation of new basement level to rear of property.

Reference: F/03052/14

Address: 138 Hendon Lane, London, N3 3PS

Decision: Approved subject to conditions

Decision Date: 27 August 2014

Description: Part single, part two storey side extensions.

### **3. Proposal**

This application seeks full planning permission for the creation of a basement level to the rear of the property with associated lightwell, and an extension to the rear terrace and access steps to rear garden.

The proposed basement level would measure 11.8 metres in length, 10.3 metres in width which would be the full width of the application site, and would be 2.25 metres in maximum depth below natural ground level.

The proposed extension to the rear terrace and access steps to the garden would add an additional 4.25 metres in length to the terrace and would be raised 1.19 metres above natural ground level, with the proposed steps leading down to garden level.

An amended plan has been received under this application to revised the proposed layout of the basement to include a cinema room instead of bedroom.

#### **4. Public Consultation**

Consultation letters were sent to 18 neighbouring properties.

6 responses have been received, comprising 6 letters of objection which can be summarised as follows;

- Water logging and hydrological considerations
- Potential damage to neighbouring property
- Light pollution from lightwells and skylights
- Inconvenience and major distrution from noise
- Access to site
- Loss of light to neighbouring property
- Loss of private amenity space at application site
- Impact to view of neighbouring properties.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

###### Draft National Planning Policy Framework

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft NPPF. Although this weight will increase as the Draft NPPF progresses to examination stage and beyond, applications should continue to be determined in accordance with the NPPF (2012).

###### The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposals**

It is noted that planning permission was granted for the same proposal at the application site under planning application reference F/03051/14. As three years have passed from the granted of permission on 28 August 2014, this permission has now lapsed and cannot be implemented. As such, this current application has been submitted to seek planning permission.

### **Impact on the character and appearance of the property and general locality (Principle):**

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 requires all proposals should preserve and enhance the local character of the area.

The proposed basement does not incorporate any large sunken terraces or ramp entrance ways which would be immediately visible from the streetscene. The basement is proposed to be accessed from internally and externally via steps from the rear garden. As such the only external manifestations are the proposed rear lightwell and rear staircase, as the bulk of the basement development is under part of the existing house, the extension and extended rear terrace and away from any public view.

With regards to the proposed extension to the existing raised terrace area and access steps, it would allow for an additional 4.25 metres to be added to the existing terrace and new steps leading down to garden level. Given the rearward positioning of the terrace extension, it would not be viewed from the streetscene of Hendon Lane and would be an acceptable addition to the dwellinghouse when viewed from the rear amenity space.

For the reasons set out above, along with the fact that the ground soil conditions are noted as being clay based and therefore it is not found that the basement level or extension to the rear terrace with access steps would have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area.

### **Impact on the amenities of neighbouring occupiers**

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers and the amenities of future occupiers. This will include taking a full account of all neighbouring sites.

A lightwell is proposed to the rear of the basement as well as 2no rooflight to the gym area of the basement. Given that the proposal is domestic in scale, and the proposed lightwell and rooflights are of an acceptable scale which is usual for residential properties, it is not considered that the proposed would give rise to unacceptable levels of light omission to cause harm to neighbouring amenities.

As mentioned above, the proposal is of a domestic scale and therefore it is not considered that the proposal would give rise to an unacceptable level of noise disturbance above and beyond that which is considered to be reasonable for residential household extensions. In the event of an approval, a condition would be added to the permission to ensure no construction be carried out at the application site 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.

With regards to the proposed extension to the rear terrace area and access steps, this would be at the same level as the finished floor level of the ground floor of the existing dwellinghouse and remain at the same level as currently existing. It is proposed that this would extend to a depth of 11.25 metres, which is an addition of 4.25 metres to that in situ. Whilst it is recognised that this is deeper than the existing, and therefore could result in a potentially greater impact to neighbours this is mitigated by the development being well screened, the details of which are required through the imposition of a condition.

As such, it is not considered that the proposed basement level and rear terrace extension with access steps would impact the amenities of neighbouring properties to an unacceptable level.

## **5.4 Response to Public Consultation**

'Potential damage to neighbouring property' - this is a civil matter which is dealt without outside of the Planning system.

'Access to site' - this is a civil matter which is to be considered by the applicant.

'Impact to view of neighbouring properties' - loss of view is not a material planning consideration and therefore cannot be considered in the assessment of this proposal.

All other matters raised are considered to have been addressed in the above assessment.

## **6. Equality and Diversity Issues**

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

Whilst it is acknowledged that the depth of the proposed basement would exceed the 3m recommended in the adopted Residential Design Guidance, it is nevertheless considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse



impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

