

**Location**                      **Wessex Court 51 West End Lane Barnet EN5 2RA**

**Reference:**                      **19/0464/S73**

Received: 28th January 2019

Accepted: 28th January 2019

Ward:                              Underhill

Expiry 25th March 2019

Applicant:                      Mr M BISHOP

Proposal:                      Variation of condition 1 (Plan Numbers) pursuant to planning appeal APP/N5090/W/18/3201916 dated 07/01/19 (planning reference 18/7820/FUL) for 'Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.' Amendments include provision of new balconies to the rear of 6 flats

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

423714-20, 423714-21, 423714-22, 423714-23.

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 the original permission ref: APP/N5090/W/18/3201916 dated 07/01/19

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) 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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

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The development shall be implemented in accordance with the following documents:

Landscape Masterplan, prepared by Guarda Landscape (drg. no.18/08\_01)

Detailed soft landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-002 rev.P01)

Detailed hard landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-004 rev.P01)

Planting Schedule (drg.no. GUA-DR-L-003 P01), dated 13/02/19

Planting Schedule Wessex Court - As per Landscape Masterplan drawing no. 18/08\_01 prepared by Guarda Landscapes

Sample of the roof tile, SVK Vertessa Roofing slate, 600mm x 300mm, Blue Black in colour

Email from agent, dated 19/02/19, confirming the tile to be used as approved under discharge of conditions application 19/0153/CON approved 20.02.2019

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).

- 6 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 7 Prior to the first 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 in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 8 The development shall be implemented in accordance with the following documents:

Landscape Masterplan, prepared by Guarda Landscape (drg. no.18/08\_01)  
Detailed soft landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-002 rev.P01)  
Detailed hard landscape proposal, prepared by Guarda Landscape (Drg.no. GUA-DR-L-004 rev.P01)  
Planting Schedule (drg.no. GUA-DR-L-003 P01), dated 13/02/19  
Planting Schedule Wessex Court - As per Landscape Masterplan drawing no. 18/08\_01 prepared by Guarda Landscapes  
Sample of the roof tile, SVK Vertessa Roofing slate, 600mm x 300mm, Blue Black in colour  
Email from agent, dated 19/02/19, confirming the tile to be used  
as approved under discharge of conditions application 19/0153/CON approved 20.02.2019

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 9 Before the development hereby permitted is first occupied, details of improvement to the amenity areas shall be submitted to and approved in writing by the local planning authority.

The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the local planning authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 12 Notwithstanding the plans submitted, before the development hereby permitted is first occupied, details of the operation of the gated vehicular access as indicated on Drawing No. 423714-12 Rev. B submitted with the planning application, including maintenance contract details if electronically operated gates are proposed, shall be submitted to and approved in writing by the local planning authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: To ensure pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 13 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than \_\_\_ of the car proposed parking spaces to be provided with active Electric Vehicle Charging

facilities and a further additional \_\_\_ of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2016.

- 14 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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

- 1 In accordance with paragraphs 38-57 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.



## **Officer's Assessment**

### **1. Site Description**

The site property is a residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The existing block comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane.

To the rear of the site are two storey terrace houses of Bayford House. There are existing garages at the rear of Wessex Court, which abut the rear boundary of Bayford House.

There are two storey terraces houses 53, 59, 61, 63 West End Lane along the west boundary. Their rear gardens abut the common west boundary.

No. 1 to 5 Gladstone Place are at the south east of Wessex court. Side boundary wall of No1 Gladstone Place abuts the common boundary at the south east.

### **2. Site History**

Reference: 19/0155/CON

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Approved

Decision Date: 20.02.2019

Description: Submission of details of conditions 2 (Details of Roof Tiles) and 5 (Landscaping) pursuant to appeal decision APP/N5050/W/18/3201916 dated (planning reference 17/7820/FUL)

Reference: 18/6020/CON

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Split Decision

Decision Date: 14.11.2018

Description: Submission of details of conditions 3 (Materials) 4 (Demolition and Construction Management Plan) 5 (Refuse/Recycling) 6 (Sound Mitigation) 7 (Landscaping) 8 (Amenity area) 9 (Cycle parking/storage) 10 (Gates) 13 (Vehicle Charging) pursuant to planning permission 18/2390/FUL dated 26/07/18

Reference: 18/2390/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: - Approved subject to conditions

Decision Date: 02.07.2018

Description: Demolition of an existing garage and removal of existing roof and creation of a new mansard roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level with balconies to front and rear elevations. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage

Reference: 17/7820/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 05.04.2018

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.

Reason(s)

1. Insufficient amenity space has been provided which would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/4338/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 24 October 2017

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

1. The proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site



property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: Dismissed on the basis of amenity space and provision of refuse and recycling facilities.

Appeal Decision Date: 07.11.2017

### **3. Proposal**

This application seeks variation of condition 1 (Plan Numbers) pursuant to planning appeal APP/N5090/W/18/3201916 dated 07/01/19 (planning reference 18/7820/FUL) for 'Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.' Amendments include provision of new balconies to the rear 6 flats

Amendments include alterations to the approved drawings by including balconies to the rear of 6 flats. Balconies would be included at the rear elevation of two flats at each level.

This application is called into Committee.

### **4. Public Consultation**

Consultation letters were sent to 178 neighbouring properties.

13 responses have been received, including 12 objections and 1 support.

#### **Summary of Objections**

- detrimental impact on existing parking problem in this area
- out of character
- Increased pressure on waste disposal
- Increased pressure on the existing Victorian drainage system
- destruction of trees and wildlife
- detrimental impact on neighbours privacy
- impact on daylight

- not sufficient amenity space for the flats
- Proposed rear balconies would overlook the houses and gardens of Gladstone Place
- Mature trees have been cut down, increasing the overlooking impact
- Gate would block the road and cause traffic problem

## **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 revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's 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.

#### 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.

#### 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, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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

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 and future occupiers.

## **5.3 Assessment of proposals**

The application seeks to amend the plans originally submitted under 18/7820/FUL which was refused and allowed under APP/N5090/W/18/3201916 dated 07/01/19.

The proposal includes 6 balconies at the rear elevation, which includes change in the approved plans and elevations.

Therefore this S73 application will only assess the balconies proposed to the rear elevation of the Flat 3 and 4 at second Floor, rear of existing Flat 7 and 8 at ground floor and Flat 15 and 16 at first floor level.

It is recognised that the proposed balconies would not change the character of the property significantly from the previous approved schemes. The proposed balconies would project only 1m at the rear and the balconies of ground floor, first floor and second floor would be one above the other and considered not to have any detrimental impact on the character of the property.

It is noted that under 18/2390/FUL, balconies for all the second floor flats were approved. Those balconies are different from the current proposal, in a way that, those were inset and not projected beyond the building fabric. Though in the current proposal, the balconies project, the projection is minimal which is only 1m.

Furthermore, the balconies would be sited to the rear elevation facing the rear parking/garage and rear communal open space.

It is mentioned in the previous report under 18/2390/FUL, which contained balconies at front and rear for all the 8 proposed flats;

"These views, whilst not likely to be shared by all parties, are now material for all future submissions. In this context, it should be noted that Members at the main Planning Committee meeting in March 2018 when considering the most recent application did not refuse consent on design, despite previous objections, and accepted the Inspector's findings on this point. It is not considered that the addition of small inset balconies would materially affect the overall design of the building and the aesthetic appearance is deemed acceptable."

In this context, the proposed balconies though not same as the previous application approved under

18/2390/FUL or allowed in appeal under APP/N5090/W/18/321916 dated 07/01/19; would not appear incongruous or obtrusive and considered to respect the character of the building and the area.

It is noted that under REF:18/2390/FUL dated 02.07. 2018, the previous proposal included balconies for proposed 8 flats at second floor level. 5 sqm of amenity space was provided for three 2 bed 3 person flats and one 2 bed 4 person flats. The rest of 3 the studio flats and one 1 bed 2 person unit had 4 sqm of balcony. Therefore in total 36 sqm of private amenity space was provided as balcony.

The current application does not provide balcony for all the 8 proposed flats at the second floor level. There would be 2 balconies at the rear of two, 2 bed 3 person flats at the second floor level. In addition to that, the 2 balconies would be provided to the existing four rear ground and first floor flats. The balconies would be 3sqm which does not comply with the London Plan standard.

It is noted that the current proposal would reduce the number of balconies for the proposed 8 flats from the previous granted scheme under 18/2390/FUL dated 02.07. 2018. However, it would be an improvement in terms of private amenity space, from the scheme allowed originally under appeal APP/N5090/W/18/321916, which did not include any balcony for the flats.

In the appeal APP/N5090/W/18/321916, the inspector mentioned that,  
"The appellant refers me to the Council's decision dated 26 July 2018, ref 18/2390/FUL under which the same proposals, in terms of outdoor amenity space, as those now forming the subject of the appeal have been approved conditionally. Based on the information which has been provided to me by the appellant, the only material difference between the approved proposals and those forming the subject of the appeal is the deletion of the balconies."

The inspector considered the proposed outdoor amenity space provided as community garden and winter garden would provide adequate and quality amenity space for the existing and future occupiers of the proposed and existing flats of Wessex Court and Bells Hill flats .

The inspector concluded that,  
"I therefore conclude that the proposal would be acceptable in terms of the amenity space which would be provided and the living conditions which would be experienced by existing and future occupiers of Wessex Court and Bells Hill flats."

It is therefore, considered that the proposal would provide adequate amenity space in the form of outdoor communal garden and considered acceptable.

It is noted that the proposed balconies would be sited at the rear elevation. The location of the balconies is not different from the one approved under 18/2390/FUL, which found no detrimental amenity impact on the neighbouring occupiers.

The proposed balconies would be sited approximately 24m away from the properties of Bayford House at the rear. The habitable rooms would be 24m m away from the proposed

balconies. The rear gardens of Bayford House is buffered by the existing garages abutting the rear boundaries. Owing to the separation distance there would be no significant impact on the amenities of the properties at the rear in terms of privacy, overlooking, daylight or overbearing impact. Whilst balcony areas could increase a perception of overlooking it is not considered that any impact would be excessive or amount to a reason to refuse consent.

No. 1 to 5 Gladstone Place lies to the rear of Wessex Court and to the south east and the side boundary wall of no.1 Gladstone Place is 19 m away from the proposed balconies. The proposed balconies would only overlook the flank wall of no.1 and no habitable room window is located at the flank wall of no.1 Gladstone Place. It is considered that, the proposed balconies would not have any detrimental impact on the amenities of those properties in terms so privacy or overlooking impact because of the separation gap.

No. 59, 61 and 63 West End lane lies to the west and the side boundary wall of those properties are 13 m away from the flank wall of Wessex Court. The balconies would not have any direct view towards the rear gardens of those properties, because of the orientation. Furthermore, there are mature trees along the west side boundary. It is recognized that, balconies could increase a perception of overlooking, however, it is not considered that any impact would be excessive, which can warrant a refusal. Subject to a condition for including privacy screening on the side of the proposed balcony facing property in West End Lane , it is considered, that the proposed balconies would not have any detrimental impact on the amenities of those properties in terms of privacy or overlooking impact.

There would be no balconies at the front and east and west elevation and therefore the proposal would not have any detrimental impact on the amenities of those properties on east and west side along West End Lane.

In regards to the amenity of neighbouring occupiers, it is considered that, the proposal would not result in any unacceptable harm to the amenity of neighbouring occupiers and would comply with Policy DM01 of the Development Management Policies DPD.

## **5.4 Response to Public Consultation**

The application is for variation of condition of previously approved application allowed in appeal under APP/N5090/W/18/321916, which already established the acceptance of the proposal in term of character, neighbours amenity and amenity of future and existing occupiers.

There would not be any additional impact on parking, drainage, trees, character of the area and amenity of the neighbouring occupiers.

## **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

The proposed variation is considered to accord with the sustainability objectives and requirements of the NPPF, the Mayor's London Plan (2016) and the Council's adopted Development Plan and is therefore recommended for approval.

