

**LOCATION:** Land rear of 698 Finchley Road, London, NW11 7NE  
**REFERENCE:** F/00869/12  
**WARD(S):** Garden Suburb  
**APPLICANT:** Walnut Investments  
**PROPOSAL:** Reserved matters application seeking approval for i) Appearance and Landscaping pursuant to Appeal decision reference APP/N0590/A/11/2157809 dated 21/11/2011.

**Received:** 05 March 2012  
**Accepted:** 19 July 2012  
**Expiry:** 18 October 2012  
**Final Revisions:**

**RECOMMENDATION: Approve Subject to Conditions**

1 The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan - LOC - 01; P-100 Rev P1; P-101 Rev P1; P-200 Rev P1; Landscaping Note – Details of Trees to Rear Garden read in conjunction with Dwg. No. 10029 P-90.

Reason:

For the avoidance of doubt and in the interests of proper planning.

**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, the Adopted Barnet Unitary Development Plan (2006) and the Local Plan (2012).

In particular the following policies are relevant:

National Policy:

National Planning Policy Framework

London Plan (2011):

3.4, 3.5A, 3.5B, 7.4A

Adopted Barnet Unitary Development Plan (2006):

GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, D1, D2, D3, D4, D5, D11, M4, M5, M11, M12, M13, M14, O7, H2, H5, H16, H17, H18, H20, H21.

Local Development Framework:

Core Strategy (Adopted) 2012 – CS NPPF, CS1, CS4, CS5, CS9.

Development Management Policies (Adopted) 2012 – DM01, DM02, DM6, DM17.

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

Having taken all material considerations into account, it is considered that all relevant policies contained within the Local Plan, the Mayor's London Plan, National Policies and Supplementary Planning Documents, have been complied with.

## 1. MATERIAL CONSIDERATIONS

### National Planning Policy Framework:

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.

National planning policies are set out in the National Planning Policy Framework (NPPF). This 65 page document was published on 27 March 2012 and it replaces 44 documents, including Planning Policy Guidance Notes, Planning Policy Statements and a range of other national planning guidance. The NPPF is a key part of reforms to make the planning system less complex and more accessible.

The London Plan is recognised in the NPPF as part of the development plan.

The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications, such as this proposal, which are considered to accord with the development plan.

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

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 2031. It forms part of the development plan for Greater London.

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.

Policy 3.5A states that housing developments should be of the highest quality internally, externally and in relation to their context and the wider environment taking account of strategic policies to protect and enhance London's residential environment and attractiveness as a place to live.

Policy 3.5B indicates that the design of all new housing developments should enhance the quality of local places taking into account, amongst other things, physical context, local character and density. Table 3.3 sets out minimum space standards for new dwellings.

Policy 7.4A states that, development should have regard to the form, function, and structure of an area, place or street, and the scale, mass and orientation of surrounding buildings. The policy goes on to say at 7.4B that buildings should provide a high quality design response that, amongst other things, is informed by the surrounding historic environment.

The Mayor for London has introduced a Community Infrastructure Levy. This applied from 1 April 2012 to most developments in London where the application is determined by the Local Planning Authority.

Within Barnet the levy will be charged at a rate of £35 per square metre of net additional floorspace.

### Relevant Unitary Development Plan Policies:

The statutory plan for the Borough is the Barnet UDP. This was adopted on 18 May 2006, replacing the original UDP adopted in 1991.

On 13 May 2009 the Secretary of State for Communities and Local Government issued a Direction "saving" 183 of the 234 policies within the UDP.

Relevant policies to this case: GSD, GBEnv1, GBEnv2, GBEnv3, GBEnv4, GParking, D1, D2, D3, D4, D5, D11, M4, M5, M11, M12, M13, M14, O7, H2, H5, H16, H17, H18, H20, H21.

In June 2005 the Council published its "Three Strands Approach", setting out a vision and direction for future development, regeneration and planning within the Borough. The approach, which is based around the three strands of Protection, Enhancement and Growth, will protect Barnet's high quality suburbs and deliver new housing and successful sustainable communities whilst protecting employment opportunities. The second strand of the approach, "Enhancement", provides strong planning policy protection for preserving the character and openness of lower density suburbs and conservation areas. The Three Strands Approach will form the "spatial vision" that will underpin the Local Development Framework.

The Council has also adopted (June 2007), following public consultation, an SPD "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the UDP, and sets out how sustainable development will be delivered in Barnet. Part 4 recognises that noise can be a significant nuisance, and can undermine quality of life. In order to meet standards for internal noise appropriate levels of insulation will be required. Paragraph 4.16 indicates that the Council requires the acoustic performance of party walls and floors between dwellings to be designed to exceed the minimum requirements set out in Part E of the Building Regulations. Part 6 of the SPD relates to generic environmental requirements to ensure that new development within Barnet meets sufficiently high environmental and design standards.

### Core Strategy (Adopted) 2012:

Barnet's 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 (Core Strategy and Development Management Policies documents) 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.

The Core Strategy was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 16 policies in the CS. 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.

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9.

Development Management (Adopted) 2012:

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.

Development Management Policies was adopted by the Council on September 11 2012. It is now subject to a 6 week period of legal challenge which ends on October 30 2012. Therefore very significant weight should be given to the 18 policies in the DMP. 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.

Relevant Development Management Policies: DM01, DM02, DM6, DM17.

Relevant Planning History:

**Site Address:** Land rear of 698 Finchley Road, London, NW11 7NE  
**Application Number:** C06012AC/00  
**Application Type:** Full Application  
**Decision:** Deemed Refusal  
**Decision Date:** 02/04/2001  
**Appeal Decision:** Allow subject to conditions  
**Appeal Decision Date:** 02/04/2001  
**Proposal:** **Erection of part two, part four storey building comprising two 6 bedroom and one 5 bedroom self-contained residential units. Provision of two car parking spaces.**

**Case Officer:**

**Site Address:** Land rear of 698 Finchley Road London NW11 7NE  
**Application Number:** C06012AD/05  
**Application Type:** Full Application  
**Decision:** Finally disposed of  
**Decision Date:** 03/11/2006  
**Appeal Decision:** Allow subject to conditions  
**Appeal Decision Date:** 03/11/2006  
**Proposal:** **Erection of a three-storey building comprising of 10 self-contained units with 2no Car Parking spaces and cycle storage. (OUTLINE)**

**Case Officer:**

**Site Address:** Land rear of 698 Finchley Road London NW11 7NE  
**Application Number:** C06012AE/05  
**Application Type:** Full Application  
**Decision:** Finally disposed of  
**Decision Date:** 05/04/2006  
**Appeal Decision:** Dismissed  
**Appeal Decision Date:** 05/04/2006  
**Proposal:** **Erection of a three-storey comprising of 10 self-contained units with 2no car parking spaces and cycle storage. (OUTLINE DUPLICATE)**

**Case Officer:**

**Site Address:** Land at the R/O 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/03964/09  
**Application Type:** Details Application

**Decision:** Refuse  
**Decision Date:** 18/12/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of reserved matters pursuant to condition 1 (external appearance of the building and landscaping), appeal decision APP/N5090/A/06/2016758 dated 03/11/06. (Planning reference C06012AD/05)**  
**Case Officer:** Fabien Gaudin

**Site Address:** 698 Finchley Road, London, NW11 7NE  
**Application Number:** C06012AG/07  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 13/08/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of existing ground floor offices and flats. Erection of a five-storey building comprising of offices at ground floor and nine flats on the upper floors and associated landscaping.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 698 Finchley Road, London, NW11 7NE  
**Application Number:** C06012AH/07  
**Application Type:** Full Application  
**Decision:** Refuse  
**Decision Date:** 13/11/2007  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of building and erection of a 5 storey building with offices (Class A2) at ground floor and 9 self contained flats on upper floor. Provision of 11 car parking spaces at basement level accessed via Hoop Lane and associated landscaping.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 698 Finchley Road London NW11 7NE  
**Application Number:** C06012AJ/07  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 12/05/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Demolition of building and erection of a 5 storey building with offices (Class A2) at ground floor and 9 self contained flats on upper floor. Provision of 11 car parking spaces at basement level accessed via Hoop Lane and associated landscaping.**  
**Case Officer:** Fabien Gaudin

**Site Address:** 698A Finchley Road, London, NW11 7NE  
**Application Number:** F/03301/08  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 06/11/2008  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 5 /6 storey building comprising of car lift, 10No. self contained flats, with 8No. car parking spaces and 10No. bicycle parking spaces.**

**Case Officer:** Fabien Gaudin

**Site Address:** Land at the R/O 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/04014/09  
**Application Type:** Conditions Application  
**Decision:** Refuse  
**Decision Date:** 18/12/2009  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Submission of details of conditions 5 (materials), 6 (boundary treatments) and 7 (refuse) of appeal decision APP/N5090/A/06/2016758 dated 03/11/06. (Planning reference C06012AD/05).**

**Case Officer:** Fabien Gaudin

**Site Address:** Land rear of 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/00147/11  
**Application Type:** Outline Application  
**Decision:** Refuse  
**Decision Date:** 09/05/2011  
**Appeal Decision:** Allow subject to conditions  
**Appeal Decision Date:** 21/11/2011  
**Proposal:** **Erection of a four-storey building comprising 10 self-contained units with 2 car parking spaces and cycle storage. (OUTLINE - Access, Layout and Scale)**

**Case Officer:** Fabien Gaudin

**Site Address:** 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/00550/11  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 06/05/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Extension to the time limit for implementing planning permission C/06012/AJ/07 dated 06/05/08 for 'Demolition of building and erection of a 5 storey building with offices (Class A2) at ground floor and 9 self contained flats on upper floor. Provision of 11 car parking spaces at basement level accessed via Hoop Lane and associated landscaping.'**

**Case Officer:** Fabien Gaudin

**Site Address:** Land rear of 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/00869/12  
**Application Type:** Details Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Reserved matters application seeking approval for i) Appearance and Landscaping pursuant to Appeal decision reference APP/N0590/A/11/2157809 dated 21/11/2011.**

**Case Officer:** Junior C. Moka

**Site Address:** Land At The Rear Of, 698 Finchley Road, London, NW11 7NE  
**Application Number:** F/02782/12  
**Application Type:** Conditions Application  
**Decision:** Not yet decided  
**Decision Date:** Not yet decided  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists

**Proposal:** Submission of details of conditions 13 (Desk-top Study and Site Reconnaissance), 18 (Sustainability Strategy), pursuant to planning permission reference F/00147/11 (Appeal decision APP/N5090/A/11/2157809 dated 21/11/2011).

**Case Officer:** Junior C. Moka

Consultations and Views Expressed:

Neighbours Consulted: 190 Replies: 5  
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Design inappropriate;
- Effect on the listed building;
- Impact on trees and effect on nature conservation;
- Loss of amenity;
- Lack of sustainability;
- Security and safety;
- Loss of light to church;
- Overlooking and the loss of privacy;
- Impact on the Hampstead Garden Suburb;
- Noise and traffic concerns.

Date of Site Notice: 02 August 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site is a modest rectangular plot with a frontage along Hoop Lane of some 24 metres. It lies close to a junction with the busy Finchley Road and beside the imposingly solid early twentieth century 'gothic-styled' church of St Edward the Confessor, a 'locally listed building'. Once the site accommodated an Express Dairy, the foundations of which still remain. It is now used as a small car park. A four storey block of flats stands on the western boundary and the expanse of the Jewish Cemetery extends eastwards. Solid suburban semi-detached houses line the opposite side of Hoop Lane, which provides a partially treelined approach to the idyll of Hampstead Garden Suburb; 2 of those trees (attractive and protected plane trees) stand in the pavement beside the application site.

Proposal:

The proposal relates to a reserved matters application seeking approval for condition 1 in respect to appearance and landscaping pursuant to appeal decision reference APP/N0590/A/11/2157809 dated 21 November 2011 following the refusal to grant planning permission for application reference F/00147/11 dated 9 May 2011 for the development described as the 'erection of 4-storey building comprising 10 self contained units with 2 car parking spaces and cycle storage (outline – access, layout and scale).'

## Planning Considerations:

### **Compliance with Parameters of the Outline Planning Permission**

This reserved matters application has been submitted in accordance with the development parameters established by the outline planning permission. These parameters are set out in a number of approved drawings and documents. Condition 1 of the outline permission which requires all reserved matters submissions to be in accordance with these drawings as follows:

*'Details of the appearance and landscaping (hereinafter called the reserved matters)' shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out as approved.'*

The main considerations are:

1. Whether harm would be caused to the character and appearance of the area;
2. Whether the landscaping scheme is acceptable.

### Appearance:

Policy D2 states that the council will encourage development proposals which are based on an understanding of local characteristics, preserve or enhance local character and respect the appearance, scale, bulk, height and pattern of surrounding buildings, surrounding street patterns and the overall character and quality of the area.

Architectural features of neighbouring properties such as materials, details of the fenestration or the proportion of the window design are all used as a 'borrowed feature' of this proposed development.

The detailed design approach reflects the need to provide transition between the houses and the larger blocks of flats. The detailed design and appearance of the proposed building is considered to represent high quality.

In considering the appearance of this block it is considered that this design would not cause any significant harm to the character of the area. In that respect, it would not conflict with relevant saved policies of the Barnet Unitary Development Plan (UDP) and Development Management Policies (Adopted) 2012.

It would comply with policy GBEnv1, which seeks to protect and enhance the quality and character of the built environment, and with the aims of UDP policies GBEnv2 and D1 with respect to high quality design. In the terms of UDP policy D2, local character would be preserved, and the appearance, scale, bulk, height and pattern of surrounding buildings, and the overall character and quality of the area, would be respected. The proposal would harmonise with and respect the character of the area, as required by UDP policy H16.

It is also considered to comply with policy DM01 of the Development Management



Policies (Adopted) 2012 states in put that all development should represent high quality design.

#### Landscaping:

The scheme provides shared amenity space. This includes soft landscape with a communal area to the of the site.

The proposed landscape layout is considered to be acceptable and in accordance with the principles established by the indicative landscape strategy submitted with the Outline application.

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

The principle of this development has been allowed by the Inspector appointed by the Secretary of State for Communities and Local Government on the outline planning permission. It is considered that the appearance and landscaping scheme proposed ensures that trees new trees will be planted within the rear garden.

The Inspector when determining the appeal was quoted as saying, "Indeed, it is accepted that the overall scale, density, massing and height of the proposal, as well as the car parking arrangements, would be similar, both in relation to neighbouring buildings and to the local area, to the previously permitted project; such matters would not warrant a reason for refusal.

During the refused application and the appeal decision, the Local Planning Authority and the Planning Inspectorate didn't have any objections to the proposal on highway grounds. These matters are not considered relevant to this current application.

As a result it is considered that the planning related concerns are not sufficient to constitute a reason for refusal.

### **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 all relevant policies contained within the Local Plan, the Mayor's London Plan, National Policies and Supplementary Planning Documents, have been complied with. Accordingly, the application is recommended for **APPROVAL**.

**SITE LOCATION PLAN:**  
7NE

**Land rear of 698 Finchley Road, London, NW11**

**REFERENCE:**

**F/00869/12**



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