

LOCATION: 15 Brunner Close, London, NW11 6NP
REFERENCE: F/02859/12
WARD(S): Garden Suburb
APPLICANT: Mr & Mrs Isaacs
PROPOSAL: Variation of condition 1 of planning permission F/03343/11 dated 11/01/2012 for Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level. Amendment is to raise crown roof height by 210mm.

Received: 25 July 2012

Accepted: 30 July 2012

Expiry: 24 September 2012

Final Revisions:

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; Design and Access Statement & Photographs; Covering Letter dated 12th March; Method Statement in Relation to Protected Trees by J & Z Construction Ltd; Construction Management Plan by J & Z Construction Ltd; Phase II Arboricultural Impact Assessment by Russell Ball & Associates; Document reference 2660011 470 dated 02/06/2012 including Trial holes photographs by Russell Ball & Associates; 265/PL/05 Rev B; 265/PL/06 Rev A; 265/PL/07 Rev B; 265/PL/08 Rev B; 265/EX/05; 265/EX/06; 265/EX/07; 265/EX/08; 266/L/01; 266/L/02; 266/EX/01; 266/EX/02; 266/EX/03; 266/PL/01 Rev A; 266/PL/02; 266/PL/03; 266/PL/04 Rev B; 265/PL/05 Rev A; 265/PL/06; 265/PL/07 Rev A; 265/PL/08 Rev A; 266/PL/02; 266/PL/03; 266/PL/04 Rev B; 266/PL/04 C; D/002 Rev T1; D/100 Rev T2; Drawing no. AEC155000111 Tree Protection Plan; Drawing no.01 Site Plan as Existing; Drawing no. 04 Site Plan with Proposed Ground Floor Plan; Drawing no. 05 Site Plan with Proposed Basement Plan (date received 25-Jul-2012).
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 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 the surrounding area.
- 4 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.
Reason:
To safeguard the character and appearance of the Conservation Area.
- 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 The level of noise emitted from the any plant 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.

- 8 Before development commences, a report should be carried out by a competent acoustic consultant and submitted to the Local Planning Authority for approval, that assesses the likely noise impacts from the development of the ventilation/extraction plant. The report shall also clearly outline mitigation measures for the development to reduce these noise impacts to acceptable levels.

It should include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the contents and recommendations. The approved measures shall be implemented in their entirety before (any of the units are occupied / the use commences).

Reason:

To ensure that the amenities of neighbouring premises are protected from noise from the development.

- 9 No development shall take place until details of a construction management plan have been submitted to and approved in writing by the local planning authority.

Reason:

To safeguard residential amenity.

- 10 No siteworks or works on this development shall be commenced before a method statement, expanding on the principles of the Russell Ball & Associates Phase II arboricultural Impact Assessment dated 16/08/ 2011, detailing precautions to minimise damage to protected trees, in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

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

- 11 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.

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 (UDP) (2006).
In particular the following policies are relevant:
Adopted Barnet Unitary Development Plan (2006): GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D11, D13, HC1, HC5 and H27.
Core Strategy (Adopted) 2012:
Relevant policies: CS NPPF, CS1, CS5
Development Management Policies (Adopted)2012:
Relevant Policies: DM01, DM02, DM04 and DM06.The proposal is acceptable for the following reason(s): - Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alteration is such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character and trees of special amenity value.
- 2 The applicant and agent are advised that any conditions discharged under application F/03343/11 dated 11/01/12 do not need to be discharged again under this application, unless the details have changed.

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.

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

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."

NPPF retains 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 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.

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: GBEnv1, GBEnv2, GBEnv4, D1, D2, D3, D5, D11, D13, HC1, HC5 and H27.

Design Guidance Note No 5 – Extensions to Houses

The Council Guide 'Extension to Houses' was approved by the Planning and Environment Committee (The Local Planning Authority) on March 2010. This leaflet in the form of a supplementary planning guidance (SPG) 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.

Included advice 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.

In respect to amenity, the extension should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook and be overbearing or cause an increased sense of enclosure to adjoining

properties.

The basic principles the Local Authority has adopted in respect to different types developments are that they should not unduly reduce light or outlook from neighbouring windows to habitable rooms, overshadow or create an unacceptable sense of enclosure to neighbouring gardens. They should not look out of place, overbearing or bulky from surrounding areas.

The Council has also adopted (June 2007), following public consultation, a Supplementary Planning Document "Sustainable Design and Construction". The SPD provides detailed guidance that supplements policies in the Unitary Development Plan, and sets out how sustainable development will be delivered in Barnet. 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, CS5.

Development Management Policies (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 (Adopted) 2012: DM01, DM02, DM04 and DM06.

Relevant Planning History:

Application:	Planning	Number:	C/13559/A/03/TRE
Validated:	10/04/2003	Type:	TIN
Status:	DEC	Date:	22/05/2003
Summary:	NMT	Case Officer:	
Description:	2x Oak - Reduce density by 20%. 2x Oak - Remove.		
Application:	Planning	Number:	F/01017/12
Validated:	13/03/2012	Type:	CON
Status:	DEC	Date:	09/05/2012
Summary:	AP	Case Officer:	David Campbell
Description:	Submission of details of conditions 6 (Details of Excavations for Services to Trees), No.9 (Construction Management Plan), 10 (Trees - Method Statement) and No.11 (Tree Protection) pursuant to planning permission Ref: F/03343/11 dated: 11/1/2012.		
Application:	Planning	Number:	F/01018/12
Validated:	13/03/2012	Type:	CON
Status:	REG	Date:	
Summary:	DEL	Case Officer:	David Campbell
Description:	Submission of details of conditions 7 and 8 (Noise from Site Plant and Noise Report for Site Plant) ; pursuant to planning permission F/03343/11 dated 11/1/2012.		
Application:	Planning	Number:	F/01860/12
Validated:	17/05/2012	Type:	S96A
Status:	DEC	Date:	29/05/2012
Summary:	APC	Case Officer:	Alissa Fawcett
Description:	Non-material minor amendment for planning permission F/03343/11 dated 11/01/2012 for 'Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level.' Amendments to include extension of approved basement level under full width patio to rear.		
Application:	Planning	Number:	F/02859/12
Validated:	30/07/2012	Type:	S73
Status:	REG	Date:	
Summary:	DEL	Case Officer:	David Campbell
Description:	Variation of condition 1 of planning permission F/03343/11 dated 11/01/2012 for Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level. Amendment is to raise crown roof height by 210mm.		
Application:	Planning	Number:	F/03343/11
Validated:	18/08/2011	Type:	HSE
Status:	DEC	Date:	13/01/2012
Summary:	APC	Case Officer:	David Campbell
Description:	Alterations to entrance and new first floor front extension with pitched roof to match existing. Conversion of garage into habitable room including new doors and windows to front and rear elevations and new parapet. Extension to existing sunroom. Two-storey side extension. Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion. New windows to match existing. New basement level.		

Consultations and Views Expressed:

Neighbours Consulted: 13 Replies: 8
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Raising height of roof will be visually obtrusive;
- Proposed increase in height is set to match height of no.16 however immediate neighbours are no.13 and no.17;
- Concern over scale and height of structure.
- Continuous audible hum of air conditioning will destroy the quiet and rural nature of the Suburb
- Repositioning of air-conditioning plant will impact amenities, should be sited in the direction of the allotments;
- Adverse effect of basement on water course in area that is prone to flooding;
- Root damage of Oak tree as a result of excavations;
- Building not in keeping with character of Brunner Close;
- Overly dominant building;
- 95% of demolition carried out without consent- no regard for planning law or the Conservation Area;
- Construction of basement causes considerable noise and disturbance
- Large vehicles/ machinery causing the road to subside;
- Noise disturbance of machinery and lack of compliancy to minimise disruption to other residents;
- Suburb not built for this type of intrusion- roads too narrow for size of vehicles;
- The property has over the years already been extended beyond its original form;
- Continued lack of information is misleading- drawings submitted are inaccurate, inconsistent and contradictory;

Internal /Other Consultations:

The HGS CAAC objected to the original application for the following reasons:

- The basement would endanger the oak trees.
- The front should match 16 Brunner Close
- The garage should not be converted
- Overdevelopment
- Fenestration and dormers out of keeping

Trees and Landscape - No objections subject to conditions.

Date of Site Notice: 09 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

15 Brunner Close is a detached property designated a locally listed building for its

group value, located at the far, west end of a symmetrically arranged cul-de-sac of similarly designed dwellings. The application site is adjacent to the footpath running between Southway and Middleway and shares a side boundary with the rear boundaries of properties on Southway. The oak trees close to the house are protected by a Tree Preservation Order.

Proposal:

The application seeks consent for the variation of condition 1 of planning permission F/03343/11 dated 11/01/2012.

The original permission was granted for:

- Alterations to entrance
- New first floor front extension with pitched roof to match existing, approximately 2.8m further forward than the existing.
- Conversion of the garage into a habitable room including new doors and windows to front and rear elevations and new parapet,
- Extension to the existing sunroom, from 3.4m wide to 6.7m wide
- Two-storey side extension which will be 3m further out into the garden
- Alterations to roof including new dormer windows to rear and side elevations and roof lights to side elevation to facilitate a loft conversion,
- New windows to match existing
- A new basement level which will not extend beyond the profile of the extended house

The proposed amendment in the current application is to raise crown roof height by 0.21m.

Planning Considerations:

It is not considered that the raising of the crown of the roof by 21cm will give rise to any loss of neighbouring amenity and will not harm the character and appearance of the conservation area. There are therefore no objections to the amendment.

The details of the previous report are as follows:

The main issue in this case is whether or not the alterations would be visually obtrusive forms of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area and have an adverse and visually obtrusive impact upon the amenity of the occupiers of the neighbouring property.

Section 54A of the Town and Country Planning Act 1990 introduced a presumption in favour of development proposals which are in accordance with the development plan. (Also see PPS1 paragraph 28) Section 38(6) of the 2004 Act says the determination must be in accordance.

The supplementary planning guidance for the Suburb is the Hampstead Garden

Suburb Design Guidance which has been the subject of public consultation and Local Planning Authority approval. The guidance says:

It is worth remembering that the rear of houses were as carefully designed as the front and can often be viewed from public places such as footpaths.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an "Area of Special Character of Metropolitan Importance". The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder, was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 – 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

The alterations to the front entrance of the proposals are considered to be an improvement on the existing situation which has currently has an usual angled profile which is not in keeping with other properties in the road. The proposed front door and associated windows are also considered to be acceptable.

The new first floor front extension is considered to match that approved at 16 Brunner Close and as such would restore balance to the group of houses which is considered to be important in Brunner Close. The resultant building will be approximately 1m away from the neighbouring 17 Brunner Close, the same as existing and as such is not considered to give rise to any loss of amenity.

There are no objections to the loss of the garage, as it was noted on site that there will still be off street parking on the driveway. There are no objections to the changes to fenestration or the increase in the height of the parapet, as no neighbour is

considered to be adversely affected.

There are also no objections to the increase in the size of the sun room. The extended area is to be built on an adjoining footpath and as such it is not considered to impact on protected trees, even though it is acknowledged it would be within the root protection area. The extension would also be far enough away from neighbours not to cause loss of amenity.

The extension into the garden would be 4.7m away from 17 Brunner Close and is not therefore considered to give rise to any loss of amenity. The extension would be constructed with matching materials and would be similar to the extension approved at 16 Brunner Close. There are therefore no objections to this part of the application either.

The size of the side and rear dormer windows are considered to be subordinate feature within each roof slope and are not considered to cause harm to the character and appearance of the host property, street scene or wider conservation area. The proposed rooflights located on the side elevations would be concealed from public view. A number of properties in the area have been previously extended through the addition of dormer windows. There are no objections to any of the other changes in fenestration.

There are no objections to the basement as it would be entirely within the built form of the extended house. The lightwells are considered to be acceptable and will not be visible from the surrounding area. They have also been reduced in size from the original application.

The size of the basement has been reduced since the application was first submitted, and will now be under the existing footprint of the main house. There has been additional information submitted in relation to the protected Oak Trees. It is now considered that the development will have an acceptable impact on the proposed trees and should not result in harm to them. Conditions have also been attached which seek to further protect these trees. There are therefore no objections on these grounds.

It is considered the proposed extension and alterations would be in keeping with the character and appearance of the existing locally listed building. It is considered to preserve the character and appearance of the Hampstead Garden Suburb Conservation Area, and would have an acceptable impact on the character and appearance of the general locality.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been addressed in the main report. Others have been addressed below:

- It is considered that subject to conditions, the trees will be protected.
- The conversion of the garage is considered to be acceptable.
- The proposals are considered to be in character with the conservation area and would not represent overdevelopment.

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, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The design, size and siting of the alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, area of special character.

APPROVAL is recommended.

SITE LOCATION PLAN: 15 Brunner Close, London, NW11 6NP

REFERENCE: F/02859/12



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