

**LOCATION:** 12 Eleanor Crescent, London, NW7 1AH  
**REFERENCE:** H/03259/12  
**WARD(S):** Mill Hill  
**APPLICANT:** Mr & Mrs Katz  
**PROPOSAL:** Erection of a new two storey building including front and rear dormer windows and rooflights with 2no. off-street parking following demolition of the existing building.

**Received:** 23 August 2012  
**Accepted:** 06 September 2012  
**Expiry:** 01 November 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 plan, 12EC12/01, 12EC12/02, 12EC12/03, 12EC12/04 (Received 29/10/2012), 12EC12/05, 12EC12/06, 12EC12/07 (Received 29/10/2012)  
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 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.  
Reason:  
To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway.
- 5 Before the building hereby permitted is occupied the proposed rooflight window(s) in the flank elevations shall be glazed shall be obscure-glazed and non-opening unless the parts of the window which can be opened are more than 1.7 metres above the floor of the room in which the window is installed and shall be permanently retained as such thereafter with only a fanlight opening.  
Reason:  
To safeguard the privacy and amenities of occupiers of adjoining residential properties.
- 6 Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.  
Reason:  
To safeguard the visual amenities of the locality.
- 7 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.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the area of 12 Eleanor Crescent hereby approved.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

- 9 The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

- 10 Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

#### **INFORMATIVE(S):**

- 1 The reasons for this grant of planning permission or other planning related decision are as follows: -
- i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).  
In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D6, H16.

Supplementary Planning Document: Sustainable Design and Construction.

Core Strategy (Adopted) 2012: CS5

Development Management Policies (Adopted) 2012: DM01, DM02

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

considered to have an acceptable impact on the amenities of the neighbouring occupiers and the character and appearance of the streetscene and general locality.

- 2 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge of £3,290.

This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If Affordable Housing Relief or Charitable Relief applies to your development then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil)

You will be sent a 'Liability Notice' that will provide full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, this is also available from the Planning Portal website.

The Community Infrastructure Levy becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

## **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: 7.4, 7.6

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, D1, D2, D5, H16.

Design Guidance Note No 5 – Extensions to Houses  
Supplementary Planning Document: Sustainable Design And Construction

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.

#### Relevant Planning History:

**Site Address:** 'Fairholm' Eleanor Crescent London NW7

**Application Number:** W04109  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 13/06/1973  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** rear extension to lounge and glazed lean-to  
**Case Officer:**

#### 14 Eleanor Crescent

W11468 - Single storey front, side and rear extension, new and extended roof to contain living accommodation, and new patio. - Refused - Allowed at Appeal - 11/08/1998

W11468A - Single storey front, side and rear extensions, and extended roof to contain living accommodation. - Refused - Allowed at Appeal - 14/10/1998

W11468B - Single storey front, side and rear extension, new roof to main house. - Approved - 16/12/1998

W11468C - Single-storey front, side and rear extension, new and extended roof to contain living accommodation and new patio - amendment to planning permission W11468A allowed on appeal in February 1999 by the introduction of a front dormer window - Approved - 24/08/1999

#### 16 Eleanor Crescent

W13596/04 - Single storey front, side and rear extension. Construction of new roof with front and rear dormer windows to provide additional floor space to first level. - 03/05/2004

#### Consultations and Views Expressed:

Neighbours Consulted: 22                      Replies: 7  
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- Road is private, unmade and has no drainage
- Hardstanding and Cars to front of property will be detrimental to appearance of the area
- Owner has not been served notice, the applicant was not the owner of the property at the time the application was made.
- There has been no assessment of flood risk.
- Proposal is over development of the of the site, overbearing and visually obtrusive.
- No need for parking spaces to front of property and loss of gardens.
- Overlooking and loss of privacy.
- Loss of light
- Loss of grass verge
- Eleanor Crescent road surface cannot cope with heavy goods vehicles.

- Developments at no.14 and no.16 have eroded character of the area and should not set precedent. Policy has changed since this time.
- Impact on traffic access and parking
- Effect on biodiversity

Internal /Other Consultations:

N/A

Date of Site Notice: 13 September 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is a detached bungalow on the west side of Eleanor Crescent.

The surrounding area is mixed in character. Roof extensions have been constructed at no.14 and no.16 to form an additional storey. No.10 is of similar appearance to the site property, whereas other buildings such as those to the north and south are two storey, with a variety of designs.

Eleanor Crescent is a private Road. a grassed strip runs between the site and the highway.

Proposal:

Planning permission is sought for The erection of a new two storey building including front and rear dormer windows and rooflights with 2no. off street parking spaces following demolition of the existing building.

The proposed replacement dwelling would extend approximately 1.8m further rearwards than that existing at single storey level. This would be sited approximately 1m from the boundary with no.14 and 0.4m from no.10.

The building would extend approximately in line with the rear building line of no.14.

The proposals feature a front dormer window which has been reduced in width following discussions with the case officer. This would now be 1.8m wide. A rear dormer window is also proposed.

The drawings show that the building would be 8m high from the front and 7m from the rear.

The proposals include changes to the front garden to create car parking spaces for two cars. The layout has been amended to include some soft landscaping.

The proposed roof would be L shaped, extending closer to the boundary with no.10 to the rear.

## Planning Considerations:

The main issue in this case are considered to be covered under two main areas:

- The living conditions of neighbouring residents;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.

General Policy GBEEnv1 of the Unitary Development Plan (2006) aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 of the Unitary Development Plan (2006) aims to ensure compatibility with the established character and architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and townscape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Part of policy D5 of the Unitary Development Plan (2006) requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H27 of the Unitary Development Plan (2006) states that extensions to houses should harmonise existing and neighbouring properties, maintain the appearance of the streetscene and have no significant adverse effect on the amenity of neighbouring occupiers. They should be in keeping with the scale, proportion, design and materials of existing and neighbouring houses.

Policy H16 advises that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

Policy DM01 of the Development Management Policies (Adopted) 2012 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 advises that where appropriate, development will be expected to demonstrate compliance with the following national and Londonwide standards and those set out in the Council's suite of Supplementary Planning Documents:

1. By Design, the CABI urban design principles
2. Lifetime homes, the 16 design criteria required by the London Plan policy 3.8
3. Code for Sustainable Homes, the national standard for sustainable homes
4. BREEAM, the environmental assessment method for non residential development
5. Wheelchair accessibility, the London Plan policy 3.8
6. Minimum floor space, the London Plan policy 3.5
7. Outdoor amenity space



8. Secured by Design, the national Police initiative
9. Play space, the London Plan policy 3.6

#### *Impact on neighbouring amenity*

The proposed new building would extend approximately 1.8m beyond the rear wall of no.10. It is not considered that this relationship would cause material harm to the living conditions enjoyed by the occupiers no.10. No.10 has been extended previously with a conservatory.

The replacement dwelling would be of similar depth to that approved and constructed at no.14. It is considered that this would have an acceptable impact on the visual and residential amenities of the occupiers of no.14. The additional height of the building is not considered to harm neighbouring visual amenity.

The front of the building has been set back on the side nearest no.10 to prevent undue loss of light or outlook to the front and side windows of no.10.

It is considered that the proposals would have an acceptable impact on neighbouring visual and residential amenity.

#### *Impact on the character and appearance of the streetscene and locality*

The surrounding area has a mixture of building designs, including bungalows, chalet bungalows and two storey buildings, some of modern construction.

The land slopes down to the north across Eleanor Crescent. However, the building at no.12 is built at a similar level as no.14. No.14 has since been extended to have a higher roof. The proposals would involve replacing the building with a dwelling marginally lower than that at no.14. It is recognised that no.10 is at a lower level than the site property.

The proposals involve the creation of parking areas to the front of the property. The applicant advises that hardstanding will be combined paving stones with grass as the photo below. It will be drained through grated channels to an underground rainwater harvesting tank. There would be some opportunities for soft landscaping. It should be noted that other dwellings in the locality do have hardstanding areas across the front drive. However, it would appear that these have been done without the benefit of planning permission.

It is considered that the proposed replacement dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality.

#### *Whether the development would be acceptable in sustainability terms*

The new dwelling would need to comply with the Council's SPD on Sustainable Design and Construction. A condition is proposed to ensure that the development meets this standard.

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

Road is private, unmade and has no drainage - *This is noted.*

Owner has not been served notice, the applicant was not the owner of the property at the time the application was made. - *This has been raised with the applicant. It would appear that notice was served on the owner's solicitors at the time of making the application.*

There has been no assessment of flood risk. - *The site is not within an area of flood risk. The front landscaping scheme makes provision for drainage.*

Proposal is over development of the of the site, overbearing and visually obtrusive. - *It is not considered that the proposals are an overdevelopment of the site.*

No need for parking spaces to front of property and loss of gardens. - *It is considered that the parking provision is acceptable*

Loss of grass verge - *This falls outside the site. The creation of a vehicular access is normally permitted development, the road is not classified. The visual impact on the streetscene is considered acceptable.*

Eleanor Crescent road surface cannot cope with heavy goods vehicles. - *Given the nature of the scheme, it is not considered that the proposals would result in harm to highway safety. In any event it would be difficult to justify the refusal of the application on the grounds that construction vehicles would harm the road surface.*

Developments at no.14 and no.16 have eroded character of the area and should not set precedent. Policy has changed since this time. - *Policy has changed somewhat, however it is not considered that the proposals would materially harm the appearance of the area.*

Impact on traffic access and parking - *This is considered acceptable. The proposals would provide 3 parking spaces which is considered acceptable in highway terms.*

Effect on biodiversity - *It is not considered that there would be a material impact on biodiversity.*

### **4. EQUALITIES AND DIVERSITY ISSUES**

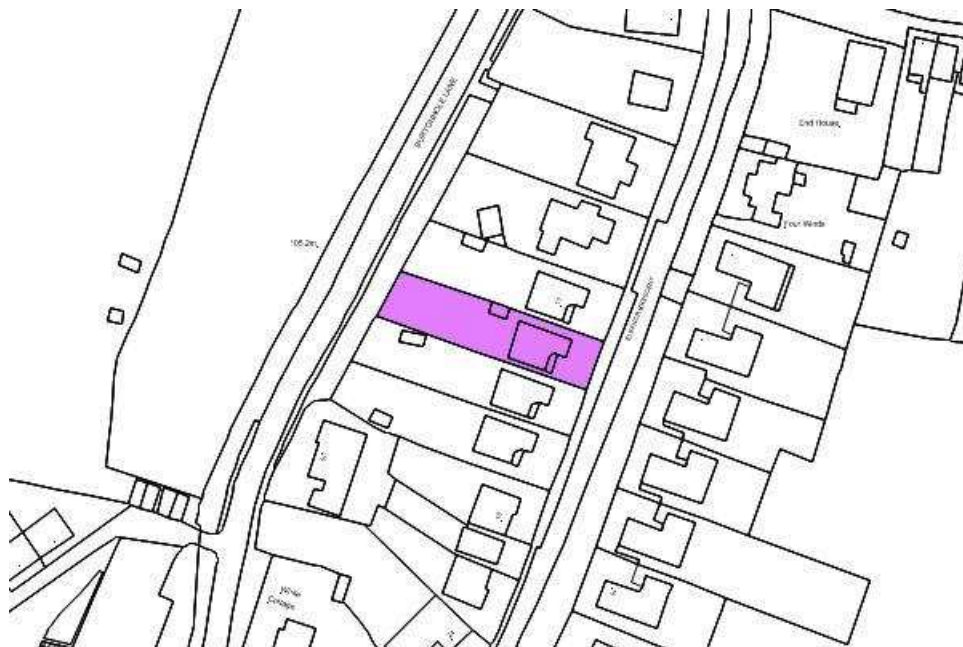
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

### **5. CONCLUSION**

The proposals would comply with the aforementioned policies and would be a proportionate addition to the dwellinghouse. It would have an acceptable impact on the character and appearance of the streetscene, site property, general locality and the residential amenity of neighbouring occupiers.

The proposals are recommended **APPROVAL**.

**REFERENCE: H/03259/12**



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