

LOCATION: 11 Neville Drive, London, N2 0QS

REFERENCE: F/03639/11

Received: 26 August 2011

Accepted: 23 August 2011

WARD(S): Garden Suburb

Expiry: 18 October 2011

Final Revisions:

APPLICANT: Mr D Cohen

PROPOSAL: Demolition of existing house and erection of new replacement house.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 4130 01A, 4130 02 A, site plan and Design and Access Statement.

Reason:

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

- 2 This work must be begun not later than three years from the date of this consent.

Reason:

To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 3 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason:

To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site.

- 4 No siteworks or works on this development shall be commenced before a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 *Trees in relation to design, demolition and construction - Recommendations* are submitted to and approved in writing by the Local Planning Authority 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.

- 5 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 (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS5

Development Management Policies (Adopted) 2012: DM01, DM02, DM06, DM17

ii) The proposal is acceptable for the following reason(s): - The proposals would not detrimentally impact on the qualities of the building and protect the character of this part of the Hampstead Garden Suburb Conservation Area. As conditioned, they would preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, trees, conservation area and area of special character.

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.

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: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D11, D13, HC1, HC5, M11, M13, M14, H16, H17, H18, H21, CS2, CS8, CS13, IMP1 and IMP2.

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 Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of a supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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 (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, DM06, DM17.

Relevant Planning History:

Application:	Planning	Number:	F/02405/10
Validated:	20/07/2010	Type:	APF
Status:	WDN	Date:	08/11/2010
Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.		

Application:	Planning	Number:	F/02406/10
Validated:	20/07/2010	Type:	CAC
Status:	WDN	Date:	08/11/2010
Summary:	WIT	Case Officer:	David Campbell
Description:	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace. (CONSERVATION AREA CONSENT)		

Application:	Planning	Number:	F/03638/11
Validated:	06/09/2011	Type:	APF
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Demolition of existing house and erection of a two storey detached dwelling including basement level and rooms in roofspace.		

Application:	Planning	Number:	F/03639/11
Validated:	23/08/2011	Type:	CAC
Status:	PDE	Date:	
Summary:	APC	Case Officer:	David Campbell
Description:	Demolition of existing house and erection of new replacement house.		

Consultations and Views Expressed:

Neighbours Consulted: 2 Replies: 5
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

- There is nothing wrong with the existing property.
- The owner does not need more space.
- No design and access statement has been submitted.
- Impact on the water table of the basement
- It is not certain where the party wall is.
- Impact of the works on neighbouring properties.
- Loss of amenity.
- Security measures should be used during construction.
- Over development.
- Out of Character with the conservation Area.
- The building is too high
- Design
- There are too many chimneys.

Internal /Other Consultations:

- Urban Design & Heritage - No objections.
- The HGS CAAC have objected to the application on a lack of existing plans.

Date of Site Notice: 08 September 2011

2. PLANNING APPRAISAL

Site Description and Surroundings: The application site is located within the Hampstead Garden Suburb Conservation Area, on the north side of Neville Drive, within the Holne Chase and Norrice Lea Character Area, Number 13. The Character Appraisal notes that 7 to 15 (odd) Neville Drive are examples of poorly-integrated 1950s homes, many of which have been substantially modified. These properties and number 3, were built by Bloom and Partners (1956-60) and are of typical 1950s contemporary style. All have large, front windows enhancing their flat, geometric appearance, wood boarding panels as a decorative feature and an open design. Some have been substantially modified and as a group they sit uneasily with the 1930s developments and do not add to the character of the area.

Neville Drive runs west-east and is gently curved, with an include towards the east. The two sides of the road have different ambiances. On the north side of the road, there is less greenery, boundaries are often marked by low stone walls; ion some cases the forecourts are open to the pavement. The architecture is much more varied and the open frontages do not reflect the Garden Suburb character. This road has an eclectic mixture of houses.

This site slopes downwards from the road towards the rear of the rear garden.

Proposal: The proposal relates to the demolition of No 11 Neville Drive and the erection of a replacement detached dwellinghouse (14.9m wide, 14.7m deep, 9.7m tall), with a red-brick two storey property with a pitched roof and two front and one rear facing gable.

Associated works include installation of a rear terrace, accessed from the ground floor (14.7m wide, 3.6m deep and has six bedrooms with accommodation at basement and roof level

Planning Considerations:

Policy HC1 is a Historic Conservation policy stating that the Council will refuse planning permission for development proposals which fail to preserve or enhance the character or appearance of Conservation Areas. When considering development proposals the Council will give special consideration to advice provided within the Council's Conservation Area Character Appraisal Statements and other supplementary design guidance.

Policy HC5 is a Historic Conservation policy stating that the Council will refuse development proposals which fail to safeguard and enhance the landscape and townscape features which contribute to the identity of Areas of Special Character.

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 Unitary Development Plan, as an "Area of Special Character". 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 Planning Listed Buildings and Conservation Area Act controls the demolition of buildings within the Conservation Area. There is a general presumption in favour of retaining buildings which make a positive contribution. The existing dwelling holds no significant architectural merit and is not considered to either preserve or enhance the significance of the Conservation Area; at best it is a neutral building. The demolition of the house is considered acceptable subject to a suitable replacement and conditions to protect trees.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The grounds of objection have been addressed below:

- *There is nothing wrong with the existing property* - It is considered that the existing property does not significantly contribute to the character and appearance of the conservation area and can be demolished.
- *The owner does not need more space* - this is not for the council to decide.
- *No design and access statement has been submitted* - A design and access

statement has been submitted.

- *Impact on the water table of the basement* - It is not considered that there is any evidence demonstrating that this would be a reason to refuse permission.
- *It is not certain where the party wall is* - Party wall matters are no material planning considerations.
- *Impact of the works on neighbouring properties* - Development during construction is not a planning consideration. Conditions on hours of works and wheel washing have been attached to the application.
- *Loss of amenity* - It is not considered that the property will lead to neighbouring loss of amenity.
- *Security measures should be used during construction* - An enclosure condition has been attached to the application. This is also covered under the building regulations.
- *Over development* - It is not considered that the application represents over development.
- *Out of Character with the conservation Area* - This is not considered to be the case
- *The building is too high* - It is considered that the height of the building is acceptable in relation to neighbouring properties.
- *Design* - It is considered that the design of the scheme is acceptable.
- *There are too many chimneys* - It is considered that the chimneys are acceptable also.

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 both buildings and protect the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, subject to a number of conditions to control the quality of materials and detailing the proposal would preserve the character of the area. The proposed development is not considered to have a detrimental impact on the residential amenities of neighbouring developments. This application is considered to comply with National, London Plan, and Council Policies and Guidelines and is recommended for **APPROVAL**.

SITE LOCATION PLAN: 11 Neville Drive, London, N2 0QS

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