

LOCATION: 33 Norrice Lea, London, N2 0RD

REFERENCE: F/03038/12

Received: 06 August 2012

Accepted: 14 August 2012

WARD(S): Garden Suburb

Expiry: 09 October 2012

Final Revisions:

APPLICANT: Mr Samuels

PROPOSAL: Creation of new basement level with associated lightwell and 4no ventilation grilles.

RECOMMENDATION: Approve Subject to Conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Location Plan / Block Plan; 1- Existing Ground Floor Plan; 2A- Proposed Ground Floor Plan; 3A- Basement Plan (Proposed); 4- Rear Elevation (Existing and Proposed); D2- Basement Plan (Structure Above: Stage 1 and 2); D3- Basement Plan (Structure Below: Stages 2 and 3); D4- Basement Plan (Structure Below: Pool- Stage 4); D5- Drainage Detail; Design and Access Statement; Martin Redston Associates- Proposed Construction Method Statement and Sequence of Works; Letter from Martin Redston Associates dated 24th October 2012 confirming the basement will be designed to BS8102 or other relevant water retaining structure Code of Practice; Email from applicant (Marc Samuels) dated 24th October 2012 confirming (i) any land drains uncovered during construction will be maintained and protected, (ii) sheet piling will be used to control water ingress, (iii) temporary land drainage solutions will be put in place and maintained throughout construction, (iv) a permanent land drainage for post construction will be installed and maintained.
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 Before the development hereby permitted commences, details of the proposed ventilation grilles at a scale of 1:20 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.
- 4 All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
Reason:
To ensure a satisfactory appearance to the development.
- 5 Any shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.
Reason:

- To ensure a satisfactory appearance to the development.
- 6 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.

- 7 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason:

To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 8 No development shall take place until a Construction Method Statement has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for – access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety in accordance with Policy DM17 of the London Borough of Barnet's Local Plan.

- 9 All land drains on site are to be maintained and the drainage system designed by a qualified engineer.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

- 10 Prior to any works starting on site, further information on ground conditions and ground water levels should be submitted to establish how the soil will be stabilised during excavation and how ground water will be prevented from potentially entering the excavation and washing out soil to surrounding areas. Those details shall be submitted and agreed in writing by the Local Planning Authority before any works start on site.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties.

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 Barnet Local Plan (2010).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012:

Relevant policies: CS NPPF, CS1, CS5, CS7

Development Management Policies (Adopted) 2012:

Relevant Policies: DM01, DM02, DM06, DM17

ii) The proposal is acceptable for the following reason(s): -
Having taken all material considerations into account, the proposed extension would not detrimentally impact on the qualities of this building and protect the character of this part of the Hampstead Garden Suburb Conservation Area or the amenity of neighbouring occupiers. The design of the alteration is such that, as conditioned, it preserves the character and appearance of the individual property, street scene, conservation area, and area of special character. The construction of the basement would have an acceptable on the area and the amenity of neighbouring occupiers subject to planning conditions.

- 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 £7875.

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

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

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". It retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would "significantly and demonstrably" outweigh the benefits.

The Mayor's London Plan (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.

Local Plan Core Strategy (September 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). The Core Strategy was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

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

Local Plan Development Management Policies (September 2012):

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies are used for day-to-day decision making. The Development Management Policies DPD was adopted by the Council on 11 September 2012 and replaces the 2006 Unitary Development Plan.

Relevant Development Management Policies: DM01, DM02, DM06, DM17

Adopted Supplementary Planning Guidance and Documents

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.

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.

Relevant Planning History:

Planning applications picked up in spatial search

Site Address:	33 Norrice Lea London N2 0RD
Application Number:	C07735H/07
Application Type:	Full Application
Decision:	Approve with conditions
Decision Date:	03/03/2008
Appeal Decision:	No Appeal Decision Applies
Appeal Decision Date:	No Appeal Decision Date exists
Proposal:	Part single, part two-storey rear extension.
Case Officer:	Laura Knight

Site Address:	33 Norrice Lea LONDON N2
Application Number:	C07735C
Application Type:	Full Application

Decision: Approve with conditions
Decision Date: 18/04/1989
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension and alteration to side elevation**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735B
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 13/08/1987
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Alterations to side elevation**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735E
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 20/04/1993
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single and two storey rear extensions**
Case Officer:

Site Address: 33 Norrice Lea LONDON N2
Application Number: C07735D
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 25/02/1992
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension**
Case Officer:

Site Address: 33 Norrice Lea N2
Application Number: C07735
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 31/03/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **single storey rear extension.**
Case Officer:

Site Address: 33 Norrice Lea N2
Application Number: C07735A
Application Type: Full Application
Decision: Approve
Decision Date: 30/09/1982
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Single storey rear extension - details of facing materials pursuant to condition 2 of planning permission ref. C.7735 dated 31.3.82**
Case Officer:

Consultations and Views Expressed:

Neighbours Consulted: 10 Replies: 5
Neighbours Wishing To Speak 0

The objections raised may be summarised as follows:

- Concerns about overflow of water caused by proposed development
- Hydrological problems
- Flooding
- Size of ventilation grilles too large and out of character
- Light spillage as a result of proposed lightwells
- Concerns the excavations will damage the existing boundary hedges
- Overdevelopment of the property
- Impact on local wildlife
- Subsidence
- Basement too large contravening Design Guidance
- Nuisance
- Noise and disturbance

Internal /Other Consultations:

- Urban and Design and Heritage- No objection
- Hampstead Garden Suburb Conservation Area Advisory Committee- Objection: lightwells on the north boundary a source of light pollution for the neighbours, need to be reconsidered

Date of Site Notice: 23 August 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the eastern side of Norrice Lea within Area 13: Holne Chase and Norrice Lea, of the Hampstead Garden Suburb Conservation Area. The existing building on site is a linked, two-storey residential dwelling house with rooms in the roofspace. It has been designated as a locally listed following the adoption of the Hampstead Garden Suburb Character Appraisal in 2010.

The Conservation Area Character Appraisal notes; "*The Norrice Lea Synagogue and its hall and classroom block dominate the entrance to Norrice Lea from Lyttleton Road. On the west side of the road a group of houses by Caspari have distinctive metal windows, shallow roof and show modernist influences in their horizontal lines. No 26 has an original door case and is perhaps the most successful of this group. At the junction with Linden Lea, the gentle curve is marked by a sequence of Neo-Georgian houses Nos. 33-43 by Butler. These are the most distinguished houses in the road, showing Butler's refined Lutyens-influenced style.*"

Proposal:

This application seeks consent for the creation of a new basement level with associated internal lightwell and 4no. ventilation grilles, all measuring 2m width by

1m.

The new basement is proposed to project beyond the footprint of the house into the garden.

Planning Considerations:

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.

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:

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.

Council's policies and guidelines in respect of alterations to residential properties seek to ensure that they respect the scale, character and design of any building on which they are to be placed and are compatible with the character of the locality. Alterations will not be permitted if they do not have regard to the amenities enjoyed

by neighbours.

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 of the Development Management Policies (Adopted) 2012 states that where appropriate, all development will be expected to demonstrate compliance with national and Londonwide standards support by the guidance set out in the council's Supplementary Planning Documents.

Policy DM06 of the Development Management Policies (Adopted) 2012 states that development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet.

The provision of new basement accommodation is a relatively recent phenomenon in the Hampstead Garden Suburb Conservation Area. The adopted Design Guidance (2010) notes that; *"Both Barnet Council and the Trust will carefully control all external changes associated with basement development to protect the character and appearance of the Suburb and the setting of individual houses and groups"*. In the case of this application it is considered that the proposed basement is acceptable as it meets a number of stipulations set out in the Design Guidance, including; *"The above ground evidence of a basement should be as discreet as possible so as to have little impact on the setting of the house or garden"*, the external manifestations of the basement proposed at the application site are four modest lightwells.

The proposed lightwells to the rear and sides are proposed be covered with a metal grille flush with the ground level. None of the proposed lightwells are proposed to be located over the threshold of any doors, in line with the adopted Hampstead Garden Suburb Conservation Area Design Guidance (2010) which stipulates that *"Structural glass lightwells or grilles should not be located at the threshold of doorways from the house to garden"*. As such, the proposed lightwells are not considered to harm the setting of the host building. The proposed lightwells are consistent with other lightwells approved in the conservation area. Although basements may not always be appropriate within the conservation area, it is considered acceptable in this particular case, due to the size and footprint of the proposed excavation, location of surrounding trees and minimal external alterations to the building. The external alterations would not be visible from the street, and their number and size is considered to be restrained, and therefore acceptable.

Other stipulations of basement accommodation set out in the adopted Design Guidance include; *"Basements should generally be limited to the footprint of the house. In larger houses with extensive gardens it may be possible to extend under part of the rear garden."* It is also noted that; *"lightwells or skylights must be located away from the property boundary to enable a planted boundary to be maintained."*

In the case of this application it is noted that the proposed basement projects beyond the rear footprint of the property into the rear garden by 7.5m. It is considered that due to the size of the garden, the existing hardstanding and other landscaping features this projection will not detrimentally harm the character of the existing

property, the amenities of neighbouring occupiers will be maintained and there will be no harm caused to the wider conservation area.

The position of the basement in relation to neighbouring trees is considered acceptable and would not result in significant harm to their health or amenity. There are no protected trees within the boundary of the application site, nor within the gardens of neighbouring properties. The existing boundary hedge between the application property and No. 31 Norrice Lea is located within a retaining wall and therefore it is not considered the proposed basement development, in particular the lightwells proposed to the side passage will not cause harm to this hedge.

To mitigate against excessive noise and disturbance during construction a construction management plan is requested by way of condition. In addition, the hours of work that construction can be carried out during have been restricted via the implementation of a condition and it is also requested that the wheels of construction vehicles are cleaned when leaving the site to prevent unnecessary disturbance to the highway.

The Hampstead Garden Suburb Trust have given provisional consent to the scheme with a number of conditions following an assessment by an independent engineer. They could see no reason to object to the proposals on either engineering or hydrological grounds.

These proposed alterations are considered to ensure that this 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. 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, conservation area and area of special character.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The main basis of objections relate to hydrology issues on which the scheme is considered to be acceptable. As a result of those objections, the applicant commissioned a hydrological report, which was passed on to the objectors for comment. A group of objectors commissioned their own hydrology assessment in response to the report provided by the applicant. All reports have been further assessed by the Council, as well as an independent hydrologist commissioned by the Hampstead Garden Suburb Trust. The Council's Principal Structural Engineer has commented that the application can be approved on those grounds subject to condition 10 recommended above to ensure that the proposed basement development does not prejudice the amenity of neighbouring occupiers. The condition requires the submission of further information on ground conditions and water ground levels before any works start on site.

4. EQUALITIES AND DIVERSITY ISSUES

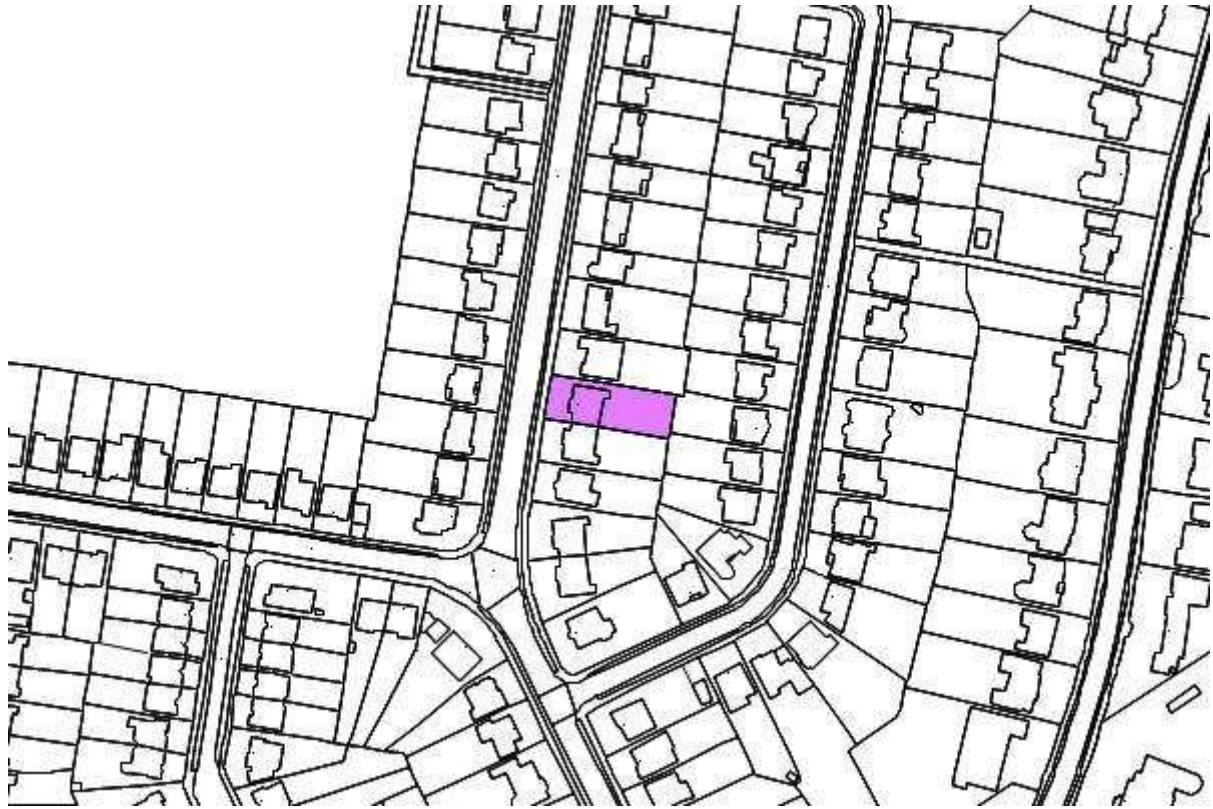
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, the proposed extension would not detrimentally impact on the qualities of this building and protect the character of this part of the Hampstead Garden Suburb Conservation Area or the amenity of neighbouring occupiers. The design of the alteration is such that, as conditioned, it preserves the character and appearance of the individual property, street scene, conservation area, and area of special character. The construction of the basement would have an acceptable on the area and the amenity of neighbouring occupiers subject to planning conditions.

SITE LOCATION PLAN: 33 Norrice Lea, London, N2 0RD

REFERENCE: F/03038/12



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