

LOCATION: 77 Totteridge Lane, London, N20 8DX
REFERENCE: B/03695/12 **Received:** 28 September 2012
Accepted: 03 October 2012
WARD: Totteridge **Expiry:** 28 November 2012

**Final
Revisions
:**

APPLICANT: Mr Brendan Breen

PROPOSAL: Construction of two storey block of 5 apartments with basement parking (Amendment to planning permission B/00236/11 - amendments to include the raising of the height of the approved roof, provision of conservatories to the rear of apartments 1 and 2, raising of the lift shaft above the roof, reorientation of the footprint, addition of front and rear light wells, and alterations to fenestration)

APPROVE SUBJECT TO A SECTION 106 AGREEMENT

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £13,295.00**
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £695.00**
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £5,920.00**
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £995.50**
Contribution towards the Council's costs in monitoring the obligations of the agreement.

RECOMMENDATION II:

That upon completion of the agreement the Acting Assistant Director of Planning and Development Management approve the planning application reference: B/03695/12 under delegated powers subject to the following conditions: -

1. The development hereby permitted shall be carried out in accordance with the following approved plans:

Drawing No. 002 (received 28 September 2012)

Drawing Nos. SE-000B, SE-001D, SE-002B, SE-003B, 305H, (received 12 December 2012)

Drawing No. PL221 (received 17 December 2012)

Drawing Nos. L0232L01 Rev B and L0232L02 Rev A (received 19 December 2012)

Drawing Nos. 308N and 313A (received 15 January 2013)

Reason:

For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

2. No part of the development shall be occupied until the car parking spaces shown on the approved plans have been provided. The spaces shall thereafter be retained in the approved form and shall be used for no other purpose.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area, to comply with Policies DM01 and DM17.

3. All work comprised in the approved scheme of landscaping (as shown on approved plan Nos. L0232L01 (Rev B) and L02 (Rev A) (received 19 December 2012) 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

4. Any existing tree shown to be retained or trees or 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 in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

5. Prior to the first occupation of the development hereby permitted, the boundary treatments as detailed on Drawing 313A shall be erected in the positions shown on drawing No.L0232L01 Rev B. The bricks to the front boundary wall shall match those used in the external construction of the main development hereby permitted. The boundary treatments shall be maintained as such thereafter.

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.

6. The materials to be used for the external surfaces of the building hereby permitted shall be Ibstock Birtley Olde English brick, with a Redland Plain tile in Farmhouse Red as approved in application reference B/00593/12.

Reason:

To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

7. 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 DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

8. Before the building hereby permitted is occupied the proposed windows at first floor level in the flank elevations of the building hereby approved shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

9. No part of the building hereby permitted shall be occupied until surface water drainage works have been implemented in accordance with details that have been submitted to and approved in writing by the Local Planning Authority.

Reason:

In order to protect the amenity of the area and in accordance with Policy DM04 to reduce or slow the amount of rainfall entering the drainage network.

10. Notwithstanding the provisions of Class A of Part 2, Schedule 2 of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), the lightwells hereby approved shall not be enclosed.

Reason:

To safeguard the amenities of the general locality in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

INFORMATIVE(S):

1. The reasons for this grant of planning permission 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 Core Strategy (2012) and Development Management Policies DPD (2012). In particular the following policies are relevant:

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

Development Management Policies (Adopted) 2012: DM01, DM02, DM08 and DM17.

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

The proposed development is considered to have an acceptable impact on the character and appearance of the application site and the general street scene. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This proposal is considered to accord with Council policies and guidance.

The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

iii) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused

on solutions. The Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.

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 £34720.

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

3. Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
4. Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 29 March 2013, unless otherwise agreed in writing, the Acting

Assistant Director of Planning and Development Management REFUSE the application ref: B/03695/12 under delegated powers for the following reasons:

The proposed development does not include a formal undertaking to meet the costs of extra education facilities, library facilities, health facilities and associated monitoring costs arising as a result of the development, and therefore would not address the impacts of the development, contrary to Barnet Supplementary Planning Documents - Contributions to Education (2008), Health (2009), Libraries (2008) and Monitoring (2007), and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

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, DM17.

Adopted Supplementary Planning Guidance and Documents

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. An updated version of this SPD (November 2012) was recently published for consultation and is a material consideration..

Relevant Planning History:

Application Number: B/02711/09
Decision: Approved
Proposal: **Demolition of existing detached house and garage. Erection of 2 detached houses with internal garages, access and associated landscaping.**

Application Number: B/00236/11
Decision: Refuse
Appeal Decision: Allow subject to conditions
Appeal Decision Date: 8/16/2011
Proposal: **Demolition of existing dwelling and the construction of a two-storey block of five apartments comprising four two-bedroom and one three-bedroom flats, and a basement parking area.**

Consultations and Views Expressed:

Neighbours Consulted: 20 Replies: 9 objections (including one from Totteridge Residents Association) and 3 letters of support received.

Neighbours Wishing To Speak: 2

The objections raised may be summarised as follows:

- Project has been subject to totally unwelcome amendments.
- The process through which the original application to erect two detached houses on the site has cunningly been allowed to materialise into a monstrous edifice.
- Original permission is being abused.
- Proposed conservatories add to the overall mass and intrusion of the property.
- Windows have been altered and increased in size, and overlook neighbouring properties.
- Current application has disregarded the Appeal Inspector's conclusions.
- Proposal would create a dominant and oppressive overdeveloped site.
- Increased height would overshadow neighbouring properties.
- Rear conservatories would overlook neighbours.

The letters of support can be summarised as follows:

- Development will not affect properties to the rear.
- Amendments would give a better spatial arrangement.
- The accommodation is greatly needed in the area.

Internal /Other Consultations:

Date of Site Notice: 18 October 2012

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is located on the southern side of Totteridge Lane, and between two detached dwellinghouses. Totteridge Lane in this location slopes up from east to west. Construction of the application building is considerably progressed, with the external structure, steels and roof rafters in place.

Proposal:

This application relates to the construction of a two storey block of 5 apartments with basement parking. The application was originally approved at Appeal in 2011 under reference B/00236/11. The current application seeks a number of alterations to the approved scheme, as follows:

- Alteration to the positioning of the building within its plot.
- An increase in the maximum height of the roof and the formation of a raised lift shaft above the roof.
- The provision of rear conservatories to Flats 1 and 2. The conservatory to Flat 1 would measure 3.5 metres in depth by 5.8 metres in width. The conservatory to Flat 2 would measure 4.3 metres in depth by 5.8 metres in width.
- Alterations to fenestration, comprising the omission of one ground floor window in the west flank elevation, increasing the size of the glazing in the front gable projections, the insertion of an additional window at first floor level in the centre of the front and rear elevations, the reduction in the size of a first floor window in the east elevation, and the provision of two new windows at ground floor level in the east elevation.
- The chimney to the east elevation is no longer proposed.
- The front and rear gable roof projections would have a ridge height matching that of the tallest part of the roof, rather than being set below.
- Light wells have been introduced to the front of the building, and in the rear garden. These are proposed to be covered with a metal grating.

The applicant has submitted, during the course of this application, letters which detail the changes between the current scheme and the previous approval (summarised):

- The size of the footprint is unchanged, however the footprint has been rotated clockwise by 2.3 degrees, to be parallel to No. 75. This has increased the gap between the site and No. 79. This positioning reflects the siting of the approved pair of detached houses, and not the siting of the appeal scheme.
- The building has a constant distance of 1 metre from No. 75.
- The side passageway adjacent to No. 79 converges from 1.5 metres in width at the front to 0.8 at the rear.
- The north west corner of the building is 0.5 metres closer to Totteridge Lane than the approved scheme, but would still be 8 metres away.
- Light wells have been provided to the basement, to the front of the building and to the rear of the rear terrace, to provide the minimum cross ventilation to the basement car park, as well as to provide ventilation to the air source heat pumps at basement level. The parking space layout has altered slightly to cater for structural columns.

- Flat 1: Ground floor windows facing No. 75 have been repositioned.
- Flat 2: Entrance door has been relocated, windowless en-suite bathroom has been relocated to replace the third study/bedroom.
- Flats 3 and 4: Windowless en-suite bathroom has been relocated to replace the third study/bedroom.
- Flat 5: Entrance door relocated and internal layout revised.
- Safety legislation now requires a lift overrun in all but exceptional circumstances. The previous chimney stacks have been replaced by the lift overrun to reduce the number of roof protrusions. This will be finished in a white render to match nearby chimneys.
- The roof lights to the flat roof have been re-arranged and reduced in number from 6 to 5.

Planning Considerations:

The history of development on this site (set out briefly above) is important in understanding the context of the current proposal:

Planning application B/02711/09 proposed the demolition of the original detached dwelling and the erection of two detached houses with internal garages. That application was approved in November 2009.

Planning application B/00236/11 proposed the demolition of the original detached dwelling and the construction of a two storey block of five apartments with a basement parking area. That application was refused planning permission by the Council. However, the decision was subsequently appealed, and the appeal was allowed. At Appeal, the Appeal Inspector commented that the site is larger than neighbouring sites, and that the proposed building was designed to follow the combined footprint of two houses which had previously been granted planning permission at the site. The extant planning permission for two detached houses was (at that time) considered to be a legitimate fallback position and a material consideration in the determination of the appeal. The Inspector stated that the height of the building was shown to be the same as that of the approved detached houses, and that the form of the crown roof was similar to that of the approved detached houses. The Inspector concluded that the proposal would not have an unacceptable effect on the character of the area.

In the current application, it is necessary to assess the changes made since the previous approval, and whether the resultant scheme would comply with the Council's current adopted planning policy. It should be noted that since the previous grant of planning permission, the Barnet Unitary Development Plan has been replaced by the Local Plan Core Strategy and Local Plan Development Management Policies DPD (adopted September 2012).

Positioning of the building and repositioning of external walls

It should however be noted that the building as constructed does not comply in full with the approval granted by the Planning Inspector. As explained by the agent (letter summarised above), the footprint of the building as constructed complies with the footprint of the two approved detached dwellings (with flank wall parallel to the common boundary with No. 75 Totteridge Lane) rather than the footprint of the approved scheme for the block of apartments. The massing and bulk of the building as proposed remains as approved by the Planning Inspector at appeal, and it is not considered that this revised siting results in the building being detrimental to the character of appearance of the street scene.

This application also proposes an increase to the height of the proposed building over the approved scheme, and the agents submitted information explains that this increase is required in order to comply with Building Regulations. The intermediate floors have been increased by 150mm, with the steel roof structure and increased thermal roof insulation accounting for the remainder of the increase. It is noted that the shape of the roof remains the same, with front and rear gable projections, and the central link element remaining at a lower level to ensure it remains visually subordinate.

In the roofspace/Flat 5, the walls have been relocated slightly closer to the eaves of the approved roof, which reduces their height under the roof and increases the floor area of that flat. This change is very small and is not considered to adversely affect the appearance of the building.

Lift Shaft

The approved planning application did not include a lift shaft protruding above the height of the main roof. It did include a number of chimneys. In the current applications, chimneys are no longer proposed. However, it is proposed to increase the height of the lift shaft such that it would protrude above the height of the main roof. The agent has advised that the additional height is as a result of safety legislation, and that it would be finished in a white render, similar to the white rendered chimneys of neighbouring properties. The additional height of the lift shaft would be visible when approaching the property along Totteridge Lane. However, due to the limited amount by which it would project above the roof to the main building, and its position relatively centrally within the building, it is not considered that the lift shaft element would appear as an unduly prominent or visually intrusive feature in the street scene. Furthermore, this element would be set away from the neighbouring properties and would not adversely affect the amenities of the occupants of the neighbouring properties.

Unit Mix

The previous application proposed four 2-bed units and one 3-bed unit. The proposed scheme proposes all 2-bed units. It is noted that Policy DM08 states that three bedroom units are the medium priority in the Borough, and that the proposal would no longer provide any three bedroom units. However, it is noted that the third bedroom to Flat 5 was very small in size, and less than the 8 square metre minimum internal area required for a single bedroom as set out in the Mayor's Housing SPG and the Council's consultation draft Sustainable Design and Construction SPD. It is not considered reasonable to insist on bedrooms being provided within the current scheme that do not comply with current guidance with regard to minimum internal sizes, and no objections are raised with regard to the unit mix.

Rear Conservatories

The proposed rear conservatories would increase the ground floor depth of the building. They would be set away from the side boundaries of the site, and would have hipped roofs with a maximum height of 3.7 metres. These additions would appear as proportionate additions to the approved building, and would not adversely affect the appearance of the building. Furthermore, they would not result in a significant reduction in amenity space available for occupants of the flats, and would not adversely affect the privacy or amenities of the future occupants of any of the flats. The conservatory structures would be set away from the neighbouring properties along Totteridge Lane, such that they would not appear overbearing or

visually intrusive when viewed from these neighbouring properties, and would not adversely affect their privacy or amenities.

Front and rear light wells

The application approved at Appeal did not include any light wells to serve the basement parking area. A small lightwell has been installed to the front of the building, with a larger lightwell to the rear. These are shown on the submitted plans as being covered by a metal grating. The agent has advised that these are to provide the minimum cross ventilation to the basement car park, and to provide ventilation to the air source heat pumps located at the basement level. Given that the light wells do not include vertical protrusions above ground level, it is not considered that these are detrimental to the character of the building or the wider street scene.

Fenestration

The alterations to the fenestration in the building would not adversely affect the amenities of the occupants of any neighbouring property. Planning Conditions attached to the original and this permission could ensure the altered windows do not adversely affect the privacy of the occupants of any neighbouring properties. It is noted that the rearmost window at ground floor level would be located in close proximity to the rear amenity area of No. 75 Totteridge Lane, and it is considered both reasonable and necessary to attach a condition ensuring this window be obscure glazed and fixed shut. It would not be the sole window serving the room, and would not be detrimental to the amenities of the future occupants of this building.

Other Matters

- The previous approval required details of the boundary treatments to be submitted and approved in writing prior to the construction of works on site. The agent has submitted drawing 313 which shows the front boundary to comprise a low dwarf wall with railings, and brick piers, with a maximum height of 1.5 meters. This boundary treatment would reflect that to No. 79 Totteridge Lane, and is not considered to be objectionable in this instance. It shows the boundary treatment to the sides and rear of the site to be a 2 metre high close boarded timber fence. This is considered to be acceptable.
- The applicant has submitted a landscaping scheme with the current application, and the submitted details are considered to be appropriate.
- Materials have been submitted relating to the proposal, and these materials (Ibstock Birtley Olde English brick, and Redland Farmhouse Red plain tile) are considered to be acceptable. They would reflect the materials used in neighbouring buildings, and would be sympathetic to the character and appearance of the street scene.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The principle of the development has been found acceptable by the Planning Inspectorate. The comments raised are covered in the appraisal above.

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 proposal is considered to be acceptable in terms of its impact on the application site, the general locality and the amenities of neighbouring residents. The proposal accords with council policy and guidance and the application is subsequently recommended for approval subject to conditions.

SITE LOCATION PLAN: 77 Totteridge Lane, London, N20 8DX

REFERENCE: B/03695/12



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