

1. The development hereby permitted shall be carried out in accordance with the following approved plans: 755/01 (Site Location Plan); 755/02, 755/03, 755/04, 755/05, 755/06 Rev.D, 755/07 Rev.D, 755/08 Rev.B and 755/09 Rev.B and the Design and Access Statement.

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. 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 for the external surfaces of the extensions and alterations to the building shall match those used on the existing building.

Reason:

To safeguard the visual amenities of the building and surrounding area in accordance with policies DM01 of the adopted Barnet Development Management Policies DPD (2012) and policies CS NPPF, CS1 and CS5 of the adopted Barnet Core Strategy DPD (2012).

4. Prior to the commencement of the development, details of the access and estate road(s), including construction details to adoptable standards, shall be submitted to and approved in writing by the Local Planning Authority. Highways Engineering Drawings and detailed Construction Specifications shall be submitted, with a minimum scale of 1:200m. The estate road as approved shall be constructed in accordance with the approved details before the site is occupied. The access road details should include measures to prevent vehicles obstructing the access road and turning area for refuse vehicles. For further guidance and contact details please refer to the Traffic and Development Team, Environment and Operations Directorate.

Reason:

To ensure the safe form of access to the development and to protect the amenity of the area and to conform to London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

5. No development shall take place until a 'Demolition & 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 and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

6. Before the development hereby permitted is occupied the parking spaces shown on Plan No. 755/06 Rev.D shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces shall be constructed of a porous material, or provision shall be made to direct surface water run-off from the hard surface toward a permeable or porous area or surface within the site.

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 in accordance with policy DM17 of the Barnet Development Management Policies DPD (2012) and policies 6.3 and 6.13 of The London Plan (2011).

7. Before the development hereby permitted commences, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority and shall be provided at the site in accordance with the approved details before the development is occupied.

Reason:

To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

8. 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 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.

9. Before the building hereby permitted is occupied the proposed first-floor landing room window in the south-east facing flank wall of the development shall be glazed with obscure glass only and shall be fixed shut up to a height of at least 1.7m above the internal finished floor level of the room it would serve and be permanently retained as such thereafter.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Barnet Development Management Policies DPD (2012) and policy 7.6 of The London Plan (2011).

10. The flat roofed areas of the extension hereby permitted shall not be used as a balcony, roof garden or similar amenity area without the grant of further specific permission from the local planning authority.

Reason:

To safeguard the amenity of neighbouring residents in accordance with policy 7.6 of The London Plan (2011), policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Council's Adopted Supplementary Planning Guidance: Extensions to Houses (2010).

11. A scheme of hard and soft landscaping, including a detailed planting plan showing the type, siting, numbers and density of species and including details of any retaining walls and boundary treatments, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.

Reason:

To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and policies 7.4 and 7.6 of The London Plan (2011) and policies CS5 and CS7 of the adopted Barnet Core Strategy (2012).

12. 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.

13. 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 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.

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 Core Strategy (2012) and Development Management Policies DPD (2012).

In particular the following policies are relevant:

Core Strategy (Adopted) 2012: CS NPPF, CS1, CS4, CS5, CS9, CS11, CS12, CS13, CS14, CS15.

Development Management Policies (Adopted) 2012: DM01, DM02, DM03, DM04, 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. Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the

provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

3. The applicant is advised that Oakleigh Road North is a Traffic Sensitive Road; deliveries during the construction period should not take place during the hours of 8.00 am-9.30 am and 4.30 pm-6.30 pm, Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Council's Traffic and Development Team in the Environment and Operations Directorate should be consulted in this respect.
4. For construction works adjacent to the public highways, the applicant must contact the Council's First Contact Team on 0208 359 2000 for any necessary Highways Licenses.
5. The applicant is advised that Emergency Services should be contacted directly to discuss their requirements and agree any necessary measures to allow emergency services to access the site or required alternative arrangements.
6. **INFORMATIVE: GLA COMMUNITY INFRASTRUCTURE LEVY (CIL) CONTRIBUTION:**
Please be advised that in accordance with Section 211 of The Planning Act 2008 and the Greater London Authority CIL charging schedule, it has been estimated that this development, upon implementation, will be liable to pay £2537.50 towards the Mayor of London's Community Infrastructure Levy fund. The development is considered to be CIL liable as, although the net additional residential floorspace created would be less than 100 sqm, it would involve the creation of new dwellings. The amount due has therefore been calculated based on the CIL levy rate for Barnet of £35/sqm and the proposed increase in residential floorspace of 72.5sqm and should be paid to Barnet Council which is the responsible CIL collecting authority.

RECOMMENDATION III

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 April 2013 the Acting Assistant Director of Planning and Development Management REFUSE the application ref: B/04361/12 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 adopted Barnet Core Strategy (2012).

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework (2012)

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 London Plan (2011):

The London Plan (2011) 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. The 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 Policies:

- 3.3 Increasing housing supply
- 3.4 Optimising housing potential
- 3.5 Quality and design of housing developments
- 3.8 Housing choice
- 3.17 Health and social care facilities
- 3.18 Education facilities
- 5.17 Waste capacity
- 6.3 Assessing effects of development on transport capacity
- 6.9 Cycling
- 6.13 Parking
- 7.1 Building London's neighbourhoods and communities
- 7.2 An inclusive environment
- 7.3 Designing out crime
- 7.4 Local character
- 7.6 Architecture
- 8.2 Planning obligations
- 8.3 Community infrastructure levy

Strategic London-wide Supplementary Planning Guidance (SPG):

SPG: Accessible London – Achieving an Inclusive Environment (2004) (Saved)

SPG: Sustainable Design and Construction (2006) (Saved)
SPG: Housing (2012)

Barnet Local Plan (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). Both DPDs were adopted on 11th September 2012

Core Strategy DPD (2012) Relevant Policies:

Policy CS NPPF	Presumption in Favour of Sustainable Development
Policy CS 1	Barnet's Place Shaping Strategy – The Three Strands Approach
Policy CS 4	Providing quality homes and housing choice in Barnet
Policy CS 5	Protecting and Enhancing Barnet's character to create high quality places
Policy CS 9	Providing safe, effective and efficient travel
Policy CS 11	Improving health and well-being in Barnet
Policy CS 12	Making Barnet a safer place
Policy CS 13	Ensuring the efficient use of natural resources
Policy CS 14	Dealing with our waste
Policy CS 15	Delivering the Core Strategy

Development Management Policies DPD (2012) Relevant Policies:

DM01 Protecting Barnet's character and amenity
DM02 Development standards
DM03 Accessibility and inclusive design
DM04 Environmental considerations for development
DM08 Ensuring a variety of sizes of new homes to meet housing need
DM17 Travel impact and parking standards

Local Supplementary Planning Documents and Guidance (SPD and SPG):

Barnet SPG: Design Guidance Note No. 5: Extensions to Houses (2010)
Barnet SPG: Design Guidance Note No. 7: Residential Conversions (1994)
Barnet SPD: Planning Obligations (September 2006)
Barnet SPD: Contributions to Health Facilities from Development (July 2009)
Barnet SPD: Contributions to Education from Development (February 2008, Updated January 2010)
Barnet SPD: Contributions to Library Services from Development (June 2008)
Barnet SPD: Sustainable Design and Construction (June 2007)

In addition to the above relevant adopted SPDs and SPGs with a view to supporting the effective implementation of the adopted Core Strategy and Development Management Policies DPDs, the Council published two new Supplementary Planning Documents in November 2012; a Residential Design Guidance SPD and a Sustainable Design and Construction SPD. The Residential Design Guidance SPD consolidates and updates the existing framework for residential design which mainly focused on improvements to the existing housing stock (Design Guidance Notes on Extensions, Residential Conversions, Porches, Hardstandings and Vehicular Crossovers). The Sustainable Design and Construction SPD focuses on the technical and construction aspects of all developments and was first published in 2007. However, since then the Council's Local Plan has been revised and updated with the adoption of the Core Strategy and Development Management Policies DPDs (2012), a new London Plan has been adopted (2011) and the National Planning Policy Framework has been published (2012) and it is therefore considered

timely to update this SPD. Both of these consultation draft SPDs have already undergone a public consultation exercise undertaken between 15 November 2012 to 17 January 2013 and in accordance with guidance at paragraph 216 of the NPPF, they are now material considerations to which weight can be attached when making decisions on planning applications.

The Council's adopted Supplementary Planning Guidance, Design Guidance Note No. 5: Extensions to Houses (2010) was approved by the Planning and Environment Committee (The Local Planning Authority) in March 2010.

It advises applicants that extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form. In respect to amenity, it advises that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Relevant Planning History:

Application Number: B/02127/09
Application Type: Full Application
Decision: Refused
Decision Date: 7/2/2010
Appeal Decision: Dismissed
Appeal Decision Date: 7/2/2010
Proposal: **Two storey front extension and conversion to 2x2 bedroom flats, 3x1 bedroom flats and 2 bedsits.**

Application Number: B/03003/08
Application Type: Full Application
Decision: Refuse
Decision Date: 27/11/2008
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Two-storey side extension. Alterations to roof including front, side and rear dormer windows. Conversion of property into 7 No. self-contained units.**

Application Number: N11740
Application Type: Section 192
Decision: Lawful Development
Decision Date: 20/05/1998
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Conservatory**

Date of Site Notice: 12 December 2012

Consultations and Views Expressed:

Neighbours Consulted: 87 Replies: 10
Neighbours Wishing To Speak: 0

The comments received can be summarised as follows:

- Overlooking – No.s 6, 10, 20, 36 and 38 Fernwood Crescent
- Loss of light to the garden of No.s 20 and 36 Fernwood Crescent
- Exacerbation of parking congestion in the area
- Increased noise arising from number of vehicular trips to and from the site
- Exacerbation of an existing problem re: blockage of drainage (shared between No. 329 and 'League Lodge') for surface and foul water to public sewer
- Insufficient off-street parking provision
- The impact of the scale and appearance of the single-storey rear extension on adjoining occupiers.
- The development will generate noise, disturbance, smells and pollution.
- Loss of open space and historic street pattern
- Unsociable hours of operation
- The construction noise will be detrimental to local residential amenity
- Insufficient width for vehicular access which will make it unsafe and inconvenient and will increase the difficulty for emergency services, refuse collection and local amenity vehicles to access the property.
- Over-development not in keeping with the character of the area
- The proposal appears to provide substandard accommodation
- The proposed amenity space being located at the front of the building would not be appropriate for a flatted development.
- The development should be obliged provide financial contributions to offset its impact upon local health, education and public open space infrastructure and these should be secured through a formal legal agreement and not by way of a planning condition.

Other Consultations:

Highway Engineering, Traffic and Development Team

The application is for demolition of existing house at the rear of the site and construction of a development consisting of 4 flats (1No. 2 bed / 4 person unit, 1No. 3 bed / 5 person unit and 2No. 2 bed / 3 person units) with provision of 4 off street parking spaces and 1 disabled standard parking space. This provision is in accordance with the parking standards in the Development Plan for the Borough.

The proposed refuse collection arrangements are for vehicles to enter the site. The applicant has submitted swept paths for refuse vehicles to turn within the site and proposed access road widening. The submitted details are acceptable on highways grounds, however the proposed access road must be constructed to adoptable standards. Please include a condition to provide access road details including layout and construction details. In addition the applicant will be required to sign a Waiver Liability and Indemnity Agreement to indemnify the Council against any claims for damage arising from/ and or in connection with the collection of waste by the Council from the premises.

The applicant should contact Emergency Services directly to discuss their requirements.

Please include a condition for submission of refuse collection details. Refuse vehicles require access to a point within 10 metres of the collection points, if refuse vehicles are required to enter the site the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards. The applicant should provide details of measures to be implemented to prevent vehicles from parking in the access road and obstructing refuse collection vehicles access.

The proposal is acceptable on highways grounds subject to conditions and informatives.

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site is occupied by a detached 6xbedroom dwellinghouse on a 'backland site' set back from Oakleigh Road North. The existing single vehicular access to the site is located between dwellings at No.s 327 and 331 which front directly onto Oakleigh Road North. The dwellinghouse is positioned close to the site boundaries at the rear and on both sides (two-storeys at the rear and north-west side and single-storey on the south-east side). The property has a large front garden and hard standing area.

The site is surrounded by residential properties including those in Fernwood Crescent to the rear and north-west side, the maisonettes in Oakleigh Road North to the front and League Lodge (a detached dwellinghouse) to the south-east.

Levels slope down across the site from front to back and also across the site from north-west to south-east, meaning that the properties in Fernwood Crescent to the side are higher, whilst League Lodge is approximately 1 storey lower than the subject dwellinghouse.

The Design and Access Statement confirms that the property is in use as a single-family dwellinghouse.

The building is neither statutorily or locally listed and the site is not located in a Conservation Area and is not within either Flood Zone 2 or 3 (areas which have a greater susceptibility to flooding than normal).

There are no trees of any significance on the site.

Proposal details:

The application seeks planning permission to extend the property by adding a two-storey front extension to the south east side of the building, a part-single, part two-storey side extension (effectively infilling the majority of the space to the front and side of the house) and a loft conversion including the formation of a rear dormer.

It is proposed to convert the extended building into 4 self-contained flats: 1No. 2 bed / 4 person flat, 1No. 3 bed / 5 person flat and 2No. 2 bed / 3 person flats.

The front layout would be rearranged to provide additional parking spaces and a new front garden.

The two-storey front extension would be 3.9m wide and 1.5m deep. The first-floor

part of the part two-storey, part single-storey side extensions would be 1.5m wide and would be set 4m behind the front wall of the front extension while the ground-floor part would be 4.3m wide, i.e., extending past the first floor part above by 2.8m but maintaining a distance of approximately 4m to the side boundary with League Lodge. This 4.3m width would be maintained to a depth of 6.1m at which point it would widen by a further 3.7m so as to finish flush with the existing south-east facing flank wall of the single-storey rear extension and conservatory which are to be respectively modified and demolished to accommodate the proposal. It would effectively extend the single-storey flank wall along the boundary with League Lodge by 2.2m to be 7.1m deep.

Planning Considerations:

- 1. The principle of development**
- 2. The impact upon the character and appearance of the area**
- 3. The standard of design, layout, accessibility and amenity for future occupants**
- 4. The impact upon neighbouring residential amenity**
- 5. Highway safety and parking standards**
- 6. Provision for refuse and recycling**
- 7. Section 17 of the Crime & Disorder Act 1998**
- 8. Planning obligations**

1. The principle of development

One of the 12 core planning principles laid out in the NPPF is to encourage the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value. Further to this paragraph 58 states, inter alia, that, 'Planning policies and decisions should aim to ensure that developments optimise the potential of the site to accommodate development'.

London Plan policy 3.4 (Optimising housing potential) requires LPAs to optimise housing output for different types of location, taking the local context and character into account.

Notwithstanding representations which assert the local built context to be predominantly characterised by single-family dwellinghouses, it is considered that the locality is characterised by a variety of dwelling types including single-family dwellinghouses, but also maisonettes and purpose built self-contained flats such that the extension and conversion of the property into flats would not in itself be out of character.

2. The impact upon the character and appearance of the area

London Plan policy 7.4 states, inter alia, that all development proposals should have regard to the local context, contribute to a positive relationship between the urban landscape and natural features, be human in scale, make a positive contribution and should be informed by the historic environment.

London Plan policy 7.6 states, inter alia, that all development proposals should; be of the highest architectural quality, which complement the local architectural character and be of appropriate proportion, composition, scale and orientation.

The bulk and massing of the proposed extensions to the existing dwellinghouse have been reduced considerably since the dismissal at appeal of the previous application (ref. B/02127/09) for a similar, albeit larger, development. The previous scheme proposed 2No. 2xbed flats, 3No. 1xbed flats and 2No. bedsit flats which was accompanied by the approximate doubling of the width of the main two-storey part of the dwellinghouse together with the sideward extension of the existing roof without any reduction in its height or bulk, i.e., a straight-forward continuation and expansion of the existing roof across what was a disproportionately wide and large two-storey side extension. At appeal, in considering the effect of this earlier extension upon the appearance of the host dwelling and the surrounding area, the Inspector concluded that, '...the proposed development would add considerably to the bulk of the building, intensifying the built form to such a degree that it would appear cramped in this part of its plot and overbearing.' He further found that, 'The dominant nature of the proposed building would be exacerbated by the difference in levels, particularly when viewed together with neighbouring League Lodge.'

The revised proposal now simply seeks a modest sideways and frontwards extension of the existing hipped roof. In extending to the side it would cover the existing narrow section of flat roof on its south-east side and would improve the building's overall appearance as a result. The 1.5m deep x 3.9m wide two-storey front extension that would project out from the south-east half of the dwelling's front wall would have a matching hipped roof tying into the main hipped roof. A lower hipped section of roof with a small flat apex would partly cover the narrow 1.5m wide first-floor part of the side extension. In summary, the overall 11.25m width of the two-storey parts of the building would remain unchanged. The bulk and massing of the existing main pyramidal hipped roof would see a modest increase but the new roof would give the main two-storey part of the building a much more harmonious, coherent appearance.

The proposed rear dormer is considered to be reasonably proportionate in scale allowing it to fit relatively comfortably within the available roof area without unduly encroaching on the hipped corners. Measured vertically it would be set down from the roof ridge by 0.7m and up from the outer rear eaves by 0.5m and is therefore considered to be acceptable.

3. The standard of design, layout, accessibility and amenity for future occupants

Internal Space Standards, Layout and Amenity

London Plan policy 3.5 sets out minimum floor areas for different types of residential accommodation. Further guidance on both external and internal aspects of housing design including minimum space standards for different room types is contained within the Mayor's Housing SPG (2012). The development has taken due consideration of these standards. All of the flats with the single exception of Flat 2 would meet (and indeed have exceeded) the London Plan unit size standards.

It should be noted that Flats 1 and 3 both exceed the London Plan minimum size (gross internal floor area) standards by approximately 5 sq.m in both cases while Flat 4 exceeds the relevant minimum standard by almost 19 sq.m.

Overall it is considered that the modest 9% shortfall in the size of Flat 2 would be acceptable in the context of the high standard of the scheme as a whole.

Furthermore, the overall quality of the accommodation is enhanced by the fact that all of the units would be dual aspect, i.e., they would afford an outlook in more than one direction and all of the units have also been designed to include internal storage areas/cupboards. All of the main habitable rooms such as kitchens, living rooms and bedrooms are served by windows which provide good levels of natural daylight and all of the units have practical internal layouts with the lesser used hallway areas kept to the minimum necessary to allow access the rooms within. The flats are also successfully vertically stacked with bedrooms above bedrooms and living/kitchen rooms above living/kitchen rooms.

Landscaping and External Amenity Space

The development would leave a significant area for soft landscaping at the front of the building. This would serve a dual purpose of providing a semi-private communal amenity space for the occupants of the development as well as providing an attractive landscaped setting for the approach to the building. In addition two separate private garden areas are provided to the front and side of the ground-floor flats for the exclusive use of each of these flats occupants. These private garden areas are of an acceptable size, would not be unduly overshadowed and, subject to the provision and approval of further landscaping and boundary details as would be required by condition, should provide an acceptable level of privacy for their users.

Accessibility and Lifetime Homes

London Plan policy 3.8 requires all new housing to be built to the Lifetime Homes Standards and this is supported by policy DM03 (Accessibility and inclusive design) of the Council's adopted Development Management Policies DPD (2012) which states that development proposals should meet the highest standards of accessible and inclusive design.

The application is accompanied by a schedule which explains how the development has aimed to meet the requirements of the 16 Lifetime Homes Standard criteria. It is accepted that the scheme has generally been designed to achieve a high standard of inclusive access. For the most part the scheme has managed to overcome the constraints of a sloping site and of utilising an existing building with variable floor levels such that it would comply with the majority (and the most significant) of the applicable Lifetime Homes criteria. Notwithstanding this, it is appropriate to impose a condition to ensure that the development is implemented in accordance with the details in the submitted schedule and the Lifetime Homes Standard in general.

4. The impact upon neighbouring residential amenity

Overlooking

The existing dwellinghouse has approximately a 1m buffer on 3 sides (both sides and rear) to the boundaries adjoining League Lodge and the surrounding houses in Fernwood Crescent. However, the boundaries of the site immediately around the proposal are enclosed by 1.8m high close boarded fences and this is considered sufficient to ensure that any additional windows or alterations to existing windows on the ground-floor would not cause any unduly significant overlooking, even accounting for variations in ground-levels between the proposed extended dwellinghouse and its adjoining neighbours in Fernwood Crescent.

As regards the first-floor of the proposal, the only alteration which, it is considered, has the potential to cause harmful overlooking of neighbouring properties is the

large landing window in the south-east facing flank wall of the two-storey side extension. This single, albeit large, window would replace three existing first-floor windows in the existing south-east flank wall of the existing dwellinghouse. It would, however, be 1.5m closer to the side boundary with League Lodge than the existing three windows. The degree of actual overlooking likely to occur from this window would be mitigated by the fact that it would serve only a communal landing providing access to the first-floor flats and therefore not a habitable room such as a living room or bedroom. However, notwithstanding this, as viewed from League Lodge the proposed window would appear to directly overlook this property and may, to a lesser extent, overlook some of the properties either side of League Lodge. It is considered that this harm would be successfully mitigated by requiring this window to be both obscure-glazed and fixed-shut with only an openable top-light that would be no lower than 1.7m above the floor of the landing. Subject to such a condition, it is considered that this window would be acceptable.

A rear dormer serving a bedroom in the converted roof space is proposed in this scheme where it was not proposed in the previous appealed scheme. Given its position in the development in that it is set back some 10 metres from the two storey rear end wall of the existing building closest to the boundary with properties in Fernwood Crescent, it is considered that its relationship is such with neighbouring properties that it would not result in overlooking or loss of privacy such as to warrant refusal.

Loss of light to neighbouring gardens

All parts of the extension, including in particular the two-storey parts are sited sufficiently distant from the boundaries of the site so as to ensure that no unduly significant loss of light to neighbouring gardens would occur.

Subject to these conditions it is considered that the development would have an acceptable impact upon the residential amenities of the occupiers of neighbouring properties and would therefore comply with policy DM01 of the adopted Barnet Development Management Policies DPD (2012) and policy 7.6 of The London Plan (2011).

5. Highway safety and parking standards

Car parking and vehicular access to the site

The development would provide 5 on-site parking spaces to the front of the building, 1 of which would be a 3.3m wide disabled standard bay. The Traffic and Development Team, Environment, Planning and Regeneration Directorate, Barnet Council (the Local Highways Authority) is satisfied with this level of parking provision for a development of this scale in this area.

In accordance with the advice received from the Traffic and Development Team in response to consultation relevant conditions and informatives have been included to ensure the development provides an acceptable means of access for refuse and emergency vehicles. Subject to these conditions the arrangements for car parking and vehicular access to the site would comply with the Council's parking and highways standards as set out in policy DM17 of the adopted Development Management Policies DPD (2012) and policies 6.3 and 6.13 of The London Plan (2011).

Cycle spaces and storage

Secure, weather protected cycle parking storage should be provided at a rate of 1 space per 1-2 bed unit and 2 spaces per 3 bed unit. The development should therefore provide a total of 4 cycle spaces and the submitted plans show a covered cycle enclosure capable of storing up to 5 cycles. The siting of the cycle store between the building and the car parking area is considered to be acceptable as it should allow for reasonable natural surveillance of the store when the site is occupied. Further details will be required to ensure the enclosure is suitably securable, constructed from an appropriately robust material and properly protects cycles from the elements. Subject to this condition the cycle parking provision would comply with the Council's parking standards as set out in policy DM17 of the adopted Development Management Policies DPD (2012) and policy 6.9 of The London Plan (2011).

6. Provision for refuse and recycling

There is ample space for refuse and recycling storage within the site. Whilst the submitted plans show the bin store sited further away than the recommended maximum 10m from the public highway (Oakleigh Road North) this would be acceptable subject to the submission and approval of further details confirming the construction of the access road to an adoptable standard so as to facilitate refuse vehicles entering and turning within the site. Otherwise the Traffic and Development Team have advised that the proposed arrangement would still be acceptable providing the applicant signed a Waiver of Liability and an Indemnity Agreement to indemnify the Council against any claims for damage caused to private roads arising from and/or in connection with the collection of refuse/recycling by the Council from the premises. The submission and approval of further details confirming the construction of the access road to an adoptable standard prior to the commencement of development is the Council's preferred approach and this has therefore been sought by condition as set out above.

7. Section 17 of the Crime & Disorder Act 1998

It is considered that the proposed development would not adversely impact upon community safety issues and so it would comply with policy DM02 of the adopted Development Management Policies DPD (2012), policy CS12 of the adopted Barnet Core Strategy (2012) and policy 7.3 of The London Plan (2011).

8. Planning obligations

Planning obligations (or 'section 106 agreements') are an important aspect of planning applications. Their use in accordance with national guidance (currently DCLG Circular 05/2005) and legislation (particularly the Community Infrastructure Levy Regulations 2010, which give policy tests for planning obligations statutory force) balances the impacts of development and enables them to be addressed.

Policy 8.2 (Planning obligations) of The London Plan (2011) states, inter alia, that,

- *Development proposals should address strategic as well as local priorities in planning obligations;*
- *Importance should also be given to tackling climate change, learning and skills, health facilities and services, childcare provisions and the provision of small shops;*

- *It will be a material consideration whether a development makes an appropriate contribution or other provision (or some combination thereof) towards meeting the requirements made necessary by, and related to, the proposed development;*
- *Negotiations should seek a contribution towards the full cost of all such provision that is fairly and reasonably related in scale and kind to the proposed development and its impact on a wider area.*

The Community Infrastructure Levy Regulations 2010:

The contributions listed in the above recommendation are necessary, directly relevant and fairly and reasonably related in scale and kind to the development, in accordance with Regulation 122 of The Community Infrastructure Levy Regulations 2010.

Government Circular 05/2005 and the Council's adopted SPD for Section 106-related planning obligations is applicable for this site in respect of the following areas:

Adopted policy indicates that the Council will seek to enter into planning obligations in conjunction with new developments to secure the provision of community and religious facilities, health and social care facilities and library facilities where a residential development creates a need for school places contributions will be secured for such purposes via planning obligations.

The purpose of planning obligations is to make acceptable development which would otherwise be unacceptable in planning terms. Circular 05/2005 supports the use of planning obligations to secure contributions towards community infrastructure to mitigate the impacts of new development, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

Para. B5 of the Circular sets out five policy tests that must be met by the LPA when seeking planning obligations. In addition, Regulation 122 of the Community Infrastructure Levy Regulations, which came into force on 6 April 2010, makes it unlawful for a planning obligation to be taken into account in determining a planning application if it does not meet the three tests set out in Regulation 122. These statutory tests are based upon three of the five policy tests in Circular 05/2005 at paragraph B5 (tests (ii), (iii) and (iv)).

The Council's case for the recovery of costs arising from the monitoring of planning obligations is set out in Section 8 (para's 8.3 & 8.4) of the Planning Obligations SPD.

Education needs generated by the development:

Circular 05/2005 supports the use of planning obligations to secure contributions towards educational facilities, provided that they are directly related to the development proposal, the need for them arises from its implementation, and they are related in scale and kind.

The proposal would provide a larger residential unit, which would generate an increased demand for educational facilities in the area. The calculation of additional demand (SPD para's 4.6-4.14), existing facilities and capacity (SPD para's 5.5-5.12), method of calculating the required contribution (SPD para's 3.1-3.15 and 4.1-4.5), and use of the contributions (SPD para's 5.13-5.14) are set out in the Council's SPD

“Contributions to Education” adopted in 2008.

It is considered that a financial contribution towards future education facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this.

To accord with policy and the SPD the proposed scheme would require a contribution of £3827 plus a monitoring fee of 5%.

Contributions to Library services:

The increase in population resulting from this development is expected to place significant additional pressure on library services in the borough, which are already required to meet all the needs of Barnet’s diverse community. Developer contributions are therefore necessary to ensure service provision mitigates the impact of the proposed development.

The adopted SPD “Contributions to Library Services” sets out the Council’s expectations for developers contributions to the provision and delivery of a comprehensive and efficient library service, with the aim of opening up the world of learning to the whole community using all media to support peoples educational, cultural and information needs. The SPD provides the calculation of additional demand (paragraphs 4.10-4.12), existing facilities and capacity (paragraphs 1.1-1.4 & 2.5), method of calculation (paragraphs 2.4 & 3.1-3.11), and use of funds (paragraphs 5.1-5.7).

It is considered that a financial contribution towards library services is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme should provide a contribution of £312 plus a monitoring fee of 5%.

Contributions to Health facilities:

The proposal would provide a larger residential unit which would generate an increased demand for health facilities in the area. The calculation of additional demand / method of calculating the required contribution (SPD para’s 6.1-6.4), existing facilities and capacity (SPD para’s 5.7-5.18), and use of the contributions (SPD para’s 8.1-8.4) are set out in the Council’s SPD “Contributions to Health” adopted in July 2009.

It is considered that a financial contribution towards future health care facilities is justified in terms of Circular 05/2005 and that a suitably worded legal agreement / undertaking could secure this. To accord with policy and the SPD the proposed scheme would require a contribution of £3218 and a monitoring fee of 5%.

The education, health facilities and monitoring fee of 5% contributions will be secured by unilateral undertaking.

3. COMMENTS ON GROUNDS OF OBJECTIONS

It is considered that the issue of harmful overlooking of neighbouring properties has been addressed by the conditions in respect of the first-floor window in the south-east facing flank wall.

All parts of the extension, including in particular the two-storey parts are sited sufficiently distant from the boundaries of the site so as to ensure that no undue

significant loss of light to neighbouring gardens would occur.

The development provides sufficient off-street parking and so it would not unduly increase levels of parking congestion in the surrounding area.

Any increase in the number of vehicular trips to and from the site and hence increase in associated noise is not considered to be significant when compared to the existing situation, noting that there is currently space for several cars on the site.

The existing problem re: blockage of drainage (shared between No. 329 and 'League Lodge') for surface and foul water to public sewer is not a planning matter.

The impact of the scale and appearance of the single-storey rear extension on adjoining occupiers is considered to be acceptable.

No evidence has been presented to support the claim that the development will generate levels of noise, disturbance, smells and pollution to a such a degree that harm would be caused to the amenities of occupants of the surrounding residential properties.

The proposal would not result in the loss of public open space or a private space of valued local visual amenity and it would not result in the loss of the historic street pattern or the general pattern of plots and buildings in the local area.

Concerns of unsociable hours of operation and noise from construction work can be addressed by agreeing acceptable working hours consequent upon the requirement for a Demolition and Construction Management Plan as per the suggested planning condition listed in the preceding pages of this report.

The Local Highways Authority is satisfied with the general vehicular access arrangements that have been outlined (including for refuse and emergency vehicles), subject to the submission and approval of further detailed engineering drawings and construction specification.

The development is not considered to be an over-development of the site. The current scheme has been reduced considerably both in size and in the number of dwellings as compared to previous proposals such that it is now considered to be in keeping with the character of the area.

The proposal provides an acceptable standard of accommodation in accordance with policies 3.5 and 3.8 of The London Plan (2011), the Lifetime Homes Standard and the Council's adopted and emerging policies and guidance on residential design standards.

The development provides reasonable private garden areas at the front and side of the of the building for occupants of the ground-floor units and the other larger amenity space at the front of the building is acceptable as a semi-private communal garden area where the residents could sit and relax, children of could play safely and clothes could be hung to dry naturally. The space is sufficiently large, level, of a practical configuration and would benefit from decent access to natural daylight and sunlight.

The applicant is aware that the development is obliged provide financial contributions

to offset its impact upon local health, education and public open space infrastructure. The applicant accepts the contributions and is willing to be bound by a formal legal agreement that the Council can rely on in order to secure the contributions. This draft agreement is being progressed and is due to be completed on or before the end of April 2013.

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 proposed development has been assessed against the policies and proposals in the Development Plan and other material considerations including comments received in response to notification and consultation it is considered that, subject to conditions, the proposed development would have an acceptable impact on the character and appearance of the surrounding area, would provide a high standard of amenity for future occupants, would be accessible to persons with mobility impairments, would not have an adverse impact on the amenities of neighbouring occupiers and would have an acceptable impact upon highway and pedestrian safety and the free flow of traffic. The proposal is therefore considered to accord with the policies and supporting guidance of the adopted Development Plan and has been recommended for approval, subject to conditions and the completion of a legal agreement, as set out formally at the beginning of this report.

SITE LOCATION PLAN: 329 Oakleigh Road North, London, N20 0RJ

REFERENCE: B/04361/12



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