

WEST AREA PLANNING SUB-COMMITTEE

9 April 2013

ADDENDUM TO ACTING ASSISTANT DIRECTOR OF PLANNING & DEVELOPMENT MANAGEMENT'S REPORT

All references in the recommendations which refer to the Assistant Director of Planning and Development Management should be amended to refer to the "Acting Assistant Director of Planning and Development Management"

Pages:

Reference: F/00853/13

Address: 42 Woodstock Road, London, NW11 8ER

Additional neighbour objections (including a petition signed by 25 local residents) refer to:

- 1) extension is out of proportion
- 2) extension is out of character and will affect balance & symmetry or rear elevation
- 3) loss of light to neighbours. A report submitted by 'Right of Light Consulting' states that there would be an unsatisfactory loss of light to the adjoining neighbours rear 'bayed' (dining room) window and that the applicant should instruct a consultant to assess the impact of the proposal on this window. The report states that the proposal would fail the 25 degree test because of the impact on the two windows of the bay that face 42 Woodstock Road.
- 4) disruption caused by construction
- 5) overshadowing, overdominate/overwhelm and sense of enclosure
- 6) precedent should not be set
- 7) basement is dangerous and will cause damp, wall damage, subsidence and potentially affect groundwater conditions
- 8) noise from proposed uses at the house including extractor fans
- 9) overlooking
- 10) the owner could rent the finished property out
- 11) The garage/studio could be used as a home
- 12) The site has no permitted development rights because the applicant has made no application to change the property's status to a single-family dwelling
- 13) Application should be subject to criteria used for assessing applications affecting a Conservation Area
- 14) Loss of view
- 15) The basement extension means that the proposal is actually a two/three storey extension
- 16) Majority of the basement area would not receive any natural lighting and ventilation
- 17) Financial contributions
- 18) The applicant will receive a significant financial benefit from the proposal

19) Overdevelopment

Officer comments on objections:

1 & 2) The proposal is considered acceptable in terms of design, height, bulk and massing and it should be noted that the majority of the alterations to the existing building would not have an impact on the streetscene. The roof pitch of the two-storey rear extension matches the roof pitch on the main dwelling and so is sympathetic to the appearance of the existing building. Furthermore, the depth of the two-storey rear extension is considered to be subservient to the appearance of the main dwelling. The basement extensions to the main dwelling and garage would not be visible from the streetscene and the alterations to the existing garage are sympathetic to the character of the area. It should be noted that the excavation of a basement below the original footprint of a house is permitted development. The side dormer extension would be visible from the streetscene but is considered acceptable because it is set back from the front of the main dwelling and includes the provision of windows that are sympathetic to the appearance of the main dwelling. The front porch alteration would also be acceptable given that it too is set back from the front wall of the main dwelling. The scheme would not harm the Conservation Area which directly abutts the rear of the garden. Finally, given that the proposal is considered to be sympathetic to the design of the existing dwelling it is therefore not considered to detract from the appearance of the rear elevation even though there would be a lack of symmetry at the rear of the two-adjoining properties. It should be taken into account that whenever anyone extends the rear of their property it will affect the symmetry on a semi-detached dwelling but does not necessarily make the proposal unacceptable.

3) The largest part of the proposal, the two-storey rear extension, would not be located in close proximity to either boundary with neighbouring properties and would be situated 4m away from the nearest neighbouring boundary. The only parts of the rear extension which project by more than 3m in depth are not located in close proximity to any neighbouring boundaries and so there are considered to be no harmful impacts with regard to loss of sunlight.

With regard to the 'Right of Light Consulting Report' it is surprising that the light consultant has taken measurements from the nearest bay windows because these would be classed as secondary windows. It is normal practise to take measurements from the middle of the primary (bay) window. Therefore, it is not considered necessary for the applicant to consult a light expert.

4) A planning condition will control hours of construction to ensure that there is no detrimental impact from the development to neighbours with regard to noise disturbance.

5) The only parts of the rear extension that project by more than 3m are not located in close proximity to any neighbouring boundaries and so it is not considered that there would be unacceptable levels of overshadowing, overdominance and sense of enclosure

6) The proposal is not considered to set an unacceptable precedent

7) Structural issues, including damp, wall damage and subsidence will be addressed by an application for building control permission. A report to assess the impact on groundwater conditions is not required by the council for basements that are only single storey given that single storey basements can be constructed without planning permission

8) The proposed uses, and any associated domestic fans, are all ancillary to the residential use of the property and would not cause an unacceptable level of noise. A planning condition will also ensure that details of any plant equipment are provided before installation.

Additional Condition

Before the development hereby permitted commences on site, details of all extraction and ventilation equipment shall be submitted to and approved by the Local Planning Authority and implemented in accordance with agreed details before the use is commenced.

Reason:

To ensure that the proposed development does not prejudice the enjoyment or amenities of occupiers of adjoining residential properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

9) The proposal does not include the provision of any non-obscure windows at first floor level or above facing adjoining properties. Furthermore, the side dormer window is conditioned to be 'permanently fixed shut with only a fanlight opening'

10) It is not a planning consideration whether the house is occupied by an owner or a tenant providing the house is only used as one single dwelling house.

11) Condition 8 has been amended to specifically refer to the use of the outbuilding rather than in more general terms.

Amendment to condition 8

The use of the extensions and outbuilding (storage building/plant and art studio) hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

12) Planning permission is not required to revert back from flats to a single-family dwelling house. Furthermore, council tax records illustrate that the property is currently registered as a single dwelling.

13) The proposal is considered to be acceptable in design terms, as mentioned above, and so is not considered to detract from the nearby Conservation Area

14) Loss of view is not a planning issue but as mentioned above the two-storey elements of the proposal would not be located adjacent to the neighbouring boundary

15) The proposed basement does not constitute the creation of a two/three storey extension because there would only be one/two storeys created above ground floor level. Therefore, no two-storey element of the proposal above ground floor level would be located in close proximity to a neighbouring boundary

16) All proposed rooms in the basement are considered to have the potential to function properly. The only room that would require natural light / ventilation, which in this case is a bedroom, is served by large openings. The other rooms, such as the gym or cinema room, do not need natural light for normal functioning.

17) The applicant will be required to pay the relevant financial contributions for the proposal, in this case a Mayoril CIL contribution.

Informative 1 replaced by:

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, CS 1, CS 5

Development Management Policies (Adopted) 2012: DM01, DM02, DM14, DM17

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

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.*

iv) *In this case formal pre-application advice was sought prior to submission of the application.*

18) The financial gain the applicant will receive from the proposal is not a planning matter

19) Over 50% of the garden would still be available as amenity space and so the proposal would not result in overdevelopment of the site

Additional officer comments on application:

- The site is located within an Area of Special Archaeological Significance but given the small scale of the application it is not deemed necessary to condition archaeological recording.

- Alteration to case officer report:

Neighbours Wishing To Speak 1

Pages:

Reference: H/02331/12 and H/02332/12

Address: Former White Bear, The Burroughs

The description for application H/02331/12 be amended to:

Demolition of the existing building and construction of a new development at 2 storeys plus rooms in pitched roof providing 8 residential apartments and basement car parking.

The description for application H/02332/12 be amended to:

Demolition of the existing building and construction of a new development at 2 storeys plus rooms in pitched roof providing 8 residential apartments and basement car parking.

An additional 18 (4 specifically to H/02332/12) objections have been received following further consultation. These can be summarised as follows:

- Development would still adversely impact The Burroughs Conservation Area
- Existing building makes positive contribution to local area
- No justification for the loss of the building
- Proposal would harm the setting of neighbouring listed building
- Development in excessively dense.
- Excessive number of parking
- Location of access is dangerous
- Basement could cause damage to neighbouring buildings
- Question over whether the use – A range of alternatives could be viable
- Development contains factual inaccuracies and omissions
- The arboricultural impact assessment does not take into account the proposed swimming pool.
- Site has historically been a pub since Tudor times.
- The site is part of a group of 1930s era properties within the conservation area
- Council should consider building for local listing
- Building could be listed as a community asset under the localism act
- No need for the additional housing
- Building is not vacant
- The state of the building is deliberate and therefore should be ignored
- Presence of underground water and flood risk has not been examined.
- Decision should be postponed pending this information.

One of the residents objecting has submitted a borehole report in support of their objections

Middlesex University have commented that efforts have been made to address concerns raised relating to the character of the area they are content for the officers of the Council to use their judgement on whether demolition of the building and the replacement scheme are justified

English Heritage have advised that they do not wish to make any comments on this application.

A letter of objection has been received from Save Briatans Heritage objecting to the loss of the building.

Additional colour plans and sketch massing drawings, and heritage statement have been received.

The following comments are made in response to the objections.

Proposal would harm the setting of neighbouring listed building – *It is considered that the replacement building would integrate well with the adjoining listed buildings.*

Development in excessively dense. – *The density is appropriate. The application fits within acceptable tolerances within the London Plan Density Matrix.*

Excessive number of parking – *The parking provision is considered appropriate for the development.*

Location of access is dangerous – *This is considered acceptable and has been assessed by highways officers*

Basement could cause damage to neighbouring buildings – *This is principally a building regulations matter. There is no reason to suggest there is any specific risk.*

Question over whether the use – *A range of alternatives could be viable – No alternative uses have been forthcoming*

Development contains factual inaccuracies and omissions – *These are considered to have been addressed where identified.*

The arboricultural impact assessment does not take into account the proposed swimming pool. – *The proposals have been assessed by the council's tree officer and are considered acceptable subject to conditions.*

Council should consider building for local listing - *It should be noted that consultation was undertaken at the time of the adoption of The Burroughs Conservation Area Appraisal. There were no requests to locally list the building. In the opinion of officers it would be unreasonable to do this at this stage.*

Building could be listed as a community asset under the localism act – *This would be possible but has not been suggested prior to the application.*

No need for the additional housing – *The scheme includes three bedroom units for which there is known demand*

Building is not vacant – *This is noted, the building is occupied unlawfully as flats.*

The state of the building is deliberate and therefore should be ignored – *Noted, though it is difficult to ascertain whether neglect is deliberate. Furthermore, the state of the building is not considered to be of particularly great relevance to the consideration of whether the building should be retained.*

Presence of underground water and flood risk has not been examined. – *The site is not located within an area of flood risk and therefore it is not reasonable to require a flood risk assessment. A condition is attached requiring a survey*

Decision should be postponed pending additional information. – *In the opinion of Council officers there is no justification for postponing the reporting of the item to a later committee.*

Attach additional conditions:-

Before the development hereby permitted commences a geological survey shall be submitted in relation to the proposed basement.

Reason: To safeguard the archaeological heritage of the borough in compliance with policy DM04 and DM06 of the Adopted Barnet Development Management Policies 2012.

Amend condition 17:

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

Reason:

To safeguard the health of existing trees which represent an important amenity feature in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

Pages:

Reference: H/00216/13

Address: 14 Poolsford Road

Add condition

Within 2 months of this grant of permission, details of the location for the proposed fence to demark the boundaries between 12 and 14 Poolsford Road shall be submitted to and approved in writing by the local planning authority. This shall be implemented in full accordance with the details within 3 months of the original grant of permission.

Reason: To safeguard the character and appearance of the general locality and comply with policy DM01 with the Adopted Barnet Development Management Policies 2012.

Amend condition 2 to read:

The use of the **outbuildings** hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

Amend informative 2

The applicant is advised that the proposed works should be **undertaken** within 3 months otherwise the Council will initiate prosecution against the extant enforcement notice.

Omit paragraph reading:

The proposals involve creating a kitchen and dining area linked to the main house, as well as a playroom.

As this relates no.12 Poolsford Road.

Pages:

Reference: H/00217/13

Address: 12 Poolsford Road

Add condition

Within 2 months of this grant of permission, details of the location for the proposed fence to demark the boundaries between 12 and 14 Poolsford Road shall be submitted to and approved in writing by the local planning authority. This shall be implemented in full accordance with the details within 3 months of the original grant of permission.

Reason: To safeguard the character and appearance of the general locality and comply with policy DM01 with the Adopted Barnet Development Management Policies 2012.
