

LOCATION: 33 Wetherill Road, London, N10 2LT

REFERENCE: B/00395/13

Received: 30 January 2013

Accepted: 30 January 2013

WARD(S): Coppetts

Expiry: 27 March 2013

Final 30 May 2013

Revisions:

APPLICANT: Quinn London Ltd

PROPOSAL: Demolition of existing building at 33 Wetherill Road and outbuildings to the rear of 23-33 Wetherill Road. Erection of two storey residential building to accommodate 2no. self-contained flats and erection of 1no. part single, part two storey residential building including rooms in roofspace to the rear of 22-33 Wetherill Road to accommodate 4no self contained flats. Hard and soft landscaping.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

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

Drawing No. 33WR 000, 901 Rev B (received 30 January 2013)

Drawing Nos. 33WR 010, 100 Rev K, 101 Rev L, 201 Rev E, 202 Rev F and letter from the agent (received 29 April 2013)

Drawing No. 33WR 204 (received 30 May 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. This development must be begun within three years from the date of this permission.

Reason:

To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

3. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site 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 ensure that the development is carried out at suitable levels in relation to

the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4. 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.

5. 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).

6. 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).

7. A scheme of hard and soft landscaping, including details of existing trees to be retained, 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 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

8. 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.

9. 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.

10. Before the building to the north of the site fronting Forest Walk hereby permitted (fronting Forest Walk) is first occupied the proposed windows in the flank elevations 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).

11. Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 in accordance with policies DM01, DM03, DM17 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

12. Prior to the first occupation of the development hereby permitted, details of the privacy screens to the balconys shown on Drawing No. 33WR 101 Rev L shall be submitted to and approved in writing by the Local Planning Authority. The privacy screens shall thereafter be constructed in accordance with the approved details prior to the first occupation of the first floor flat, and shall be maintained as approved thereafter.

Reason: In order to protect the privacy of the occupants of neighbouring properties, in accordance with Policy DM01 of the Development Management Policies DPD.

13. Prior to the occupation of the development hereby permitted, elevation and material details of the pergola structure as shown within the shared amenity area on Drawing 100 Rev K shall be submitted to and approved in writing by the Local Planning Authority. The pergola shall thereafter be constructed in accordance with the approved details and maintained as such thereafter.

Reason: In order to protect the character and appearance of the locality, in accordance with Policy DM01 of the Development Management Policies DPD.

14. Before the development hereby permitted is occupied the parking spaces shown on Drawing 100 Rev K shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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 policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

15. 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).

16. All new residential dwellings within the development hereby approved shall be constructed to meet and achieve the 'Lifetime Homes' standard.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and policies 3.8 and 7.2 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, CS5.

Development Management Policies (Adopted) 2012: Policies 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. The previous reasons for refusal have been overcome, and this proposal is considered to accord with Council policies and guidance.

- 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 Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £12320 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £47520 payment under Barnet CIL.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

If affordable housing 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 provides 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, which 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 other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us: cil@barnet.gov.uk.

3. Any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The Council of the London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

4. 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.
5. 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.
6. The applicant is advised that if any modification is required to the existing access from the public highway, such works would be subject to a detailed investigation by the Highway Authority. Any resultant works, including alterations to the access or relocation of street furniture will be carried out by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Highways Group, Building 4, North London Business Park, London, N11 1NP (telephone 020 8359 3018).

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 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". The NPPF 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 and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies:

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 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

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

Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation.

Included advice states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

In respect to amenity, developments 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Relevant Planning History:

Site Address: 33 Wetherill Road, London, N10 2LT
Application Number: B/03588/09
Decision: Refuse
Decision Date: 07/12/2009
Proposal: **Erection of two 2 storey buildings plus rooms in basement and roof space to accommodate 7 flats, with basement office and storage units to both buildings, following demolition of existing storage buildings.**

Site Address: 33 Wetherill Road, London, N10 2LT
Application Number: 02730/10
Decision: Refuse
Decision Date: 16/09/2010
Proposal: **Erection of two 2 storey buildings plus rooms in basement and roof space to accommodate 6 flats, with basement office and storage units to both buildings, following demolition of existing storage buildings.**

Site Address: 33 Wetherill Road, London, N10 2LT
Application Number: B/03661/11
Decision: Refuse. **1)** Proposal would result in loss of employment land. **2)** Inappropriate form of development, out of character and scale with surrounding development. **3)** Insufficient floor space. **4)** No quality useable amenity space provided. **5)** Excessive hard landscaping, arrangements for bin stores and boundary treatments would be out of keeping with established character and appearance of the street scene. **6)** Appear overbearing and intrusive from No. 31. **7)** No contributions secured toward essential services.

Appeal Decision: Dismissed.
Appeal Decision Date: 13/7/2012
Proposal: **Demolition of existing building at 33 Wetherill Road and all outbuildings to the rear of 23-33 Wetherill Road. Erection of two storey mixed use building including basement attached to No.31 Wetherill**

**Road to accommodate 2no self contained flats and office/storage.
Erection of part single, part two storey mixed use building including
basement and rooms in roofspace to the rear of 23-31 Wetherill Road
to accommodate 4no self contained flats and business storage space.**

Consultations and Views Expressed:

Neighbours Consulted: 70 Replies: 13 objections received.
Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- Excessive increase in volume of traffic.
- Inadequate parking facilities.
- The appearance would not be in keeping with the surrounding properties or area.
- Loss of light to surrounding properties.
- Loss of privacy from overlooking.
- Loss of local history.
- Potential loss of wildlife.
- Concern over long term security and during construction.
- Excessive noise pollution generated.
- Concern over local trees.
- The development may result in inadequate lighting of Forest Walk.
- Increase in light pollution.
- The proposed units do not provide enough space for future inhabitants.
- The loss of employment floor space.
- Limited access for emergency vehicles.

Internal /Other Consultations:

Traffic and Development: Three off-street parking spaces are being provided. This is in accordance with the Local Plan. The site has a PTAL score of 2 which represents low accessibility and proximity to public transport services. Six flats are being provided. No objections are raised, subject to condition.

Date of Site Notice: 14 February 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application relates to land at No. 33 Wetherill Road and the land to the rear of the site. No. 33 Wetherill Road occupies an irregular boomerang-shaped plot of land in a primarily residential area. Part is a corner site at the end of a two-storey Victorian terrace on Wetherill Road, which contains a small single-storey building on a triangular footprint which was last used as a commercial premises. Forest Walk extends away from Wetherill Road and provides frontage to the remainder of the site comprising open space to the side and rear of No. 31 Wetherill Road (currently in use as a builders yard) and an area to the rear of Nos. 23-29 largely occupied by buildings currently used for storage. Two of these existing buildings are 1.5 storeys, forming an L-shape. The northeast side of this part of the site forms the side boundary of Nos. 1 and 2 Forest Walk (maisonettes in a two-storey building).

Proposal:

This application proposes the construction of a two storey building to accommodate two studio flats, and the construction of a part single storey, part two storey building incorporating lower ground floor level and accommodation within the roofspace to accommodate four flats. The application also incorporates hard and soft landscaping.

The two storey building containing two studio flats would front Wetherill Road, adjoining No. 31 Wetherill Road and appearing as a continuation of the existing terrace at Nos. 23-31. The building would measure 6.6 metres in width, 8.8 metres in depth, and have a pitched roof 8.3 metres high. The first floor flat would have a rear-projecting balcony measuring 6.5 metres in width by 1.5 metres in width, and would include a privacy screen adjacent to the boundary with No. 31. Storage for bins and recycling containers would be provided adjacent to the front entrance door to the building.

The building to the rear of the site containing four flats would measure 11.4 metres in width at ground floor level and 7.8 metres at and above first floor level. It would have a depth of 12.1 metres, and a height from ground floor level of 8.7 metres. However, it should be noted that the building is proposed to be set down within the site, approximately 1 metre below the existing ground level within the site. The building would contain two 1-bed flats and two 2-bed flats.

This application has been submitted following the refusal by the LPA of planning application B/03661/11, which was subsequently dismissed at appeal. The changes between that application and the current application are as follows:

- A basement containing office and business/office storage space is no longer proposed. The scheme is now entirely residential in nature.
- The layout of the amenity space to all units and landscaped areas has been changed since the previous application.
- The size and layout of the parking area has been changed, with the parking area set away from the residential units to the north of the site.
- A private amenity area directly in front of the ground floor flat in the northernmost part of the proposed detached building is now proposed.
- The ridge height of the detached building to the north of the site has been reduced from 9.3 metres to 7.5 metres. The building still includes three internal floors, but will be constructed at a lower level within the site, which affects its relationship with the neighbouring buildings.
- Balconies are proposed to the front of the building to the north of the site, and to the rear of the building containing two studio flats.

Planning Considerations:

This application follows the refusal of three previous planning applications, the most recent of which was also dismissed at appeal. At appeal, the Inspector identified five principle issues with the scheme. These were the effect of the proposal on the character and appearance of the area, the effect on living conditions of occupiers of adjoining properties, the effect on living conditions of prospective occupiers, the retention of employment floorspace and whether the scheme overall would constitute overdevelopment.

In his decision, the Inspector determined that given the history of the site, the appellant should reasonably be entitled to assume that the Council, having agreed purely residential use of the site in the past, would not seek to reverse its position and seek continuing employment floorspace. He concluded that the office and storage floorspace proposed as part of the previous application represented a bonus. The Inspector therefore did not agree with the first reason for refusal attached to the previous planning application. On all other matters, the Inspector agreed with the LPA's assessment, and the appeal was dismissed. It is therefore necessary to assess the current scheme against the previously refused scheme and the comments made by the previous Appeal Inspector, to ascertain whether previous reasons for refusal have been overcome.

Impact on the character and appearance of the area

With regard to the proposed buildings, the Inspector considered these would appear in keeping with the surrounding townscape and would respect the character and appearance of the area. The siting of the buildings has not changed in the current scheme.

With regard to the northern part of the site, the Inspector was concerned that 'the large space in front of the proposed building would be almost entirely given over to hard surfacing for turning and parking areas, and prominent bin and recycling stores, with minimal soft landscaping'. This was considered to present a harsh and stark appearance. In the current application, the amount of hard landscaping has been reduced to the frontage. A larger soft-landscaped area is proposed, with the provision of amenity space either side of the proposed access drive and the use of gravel and grasscrete parking surfaces to provide distinction in the landscaped areas. A dedicated refuse and recycling storage area is also provided adjacent to the entrance drive.

It is considered that the proposed revised landscaping provides a more appropriate layout to the front of the site, which takes the necessary opportunities for the visual enhancement of the site. As a result, the second and fifth reasons for refusal attached to the previous planning application have been overcome and it is considered that the proposal would not be detrimental to the character and appearance of the area.

Impact on the amenities of neighbouring occupants

With regard to the impact on the neighbours, the Inspector raised concerns that a 1.8 metre high wall on the boundary between the site and the rear of No. 31 Wetherill Road would seriously reduce the outlook from the window in the rear of this neighbouring property. The Inspector agreed that the loss of the existing outlook from this window would be unacceptable, but accepted that an alternative boundary treatment could be secured by condition. In the current scheme, a 1 metre high dwarf wall is proposed along this boundary, topped by metal railings. Such a boundary treatment would allow some permeability of light and outlook, and would not appear as harsh and solid as the previously proposed boundary treatment. It is considered that this boundary treatment would represent an acceptable solution, and mindful of the Inspector's comments no objections are raised. The sixth reason for refusal attached to the previous planning application has therefore been overcome.

The Appeal Inspector stated that the proposed building to the north of the site would abut the boundary with Nos. 1 and 2 Forest Walk, and that the building proposed at that time would have a disagreeably overbearing effect on Nos. 1 and 2 Forest Walk. In the current application, the ridge height of the building has been reduced from 9.3 metres to 7.5 metres. The submitted elevational drawings demonstrate that the proposed building is of a lesser height than the previous scheme and that the proposed building is set further from neighbouring property at Forest Walk at and above first floor level. Whilst the proposed domestic building would have a greater ridge height (7.5m) than the existing building (6.6m), its ridge (and so tallest point) would be set further from Forest Walk than the existing building, and it is considered that mindful of the massing of the existing building and the siting of the proposed building at and above first floor level, that the proposal would not appear overbearing when viewed from Nos. 1-2 Forest Walk. The elevation would contain obscure glazed fenestration and different materials which to some extent provide visual breaks to the elevation, ensuring this flank elevation does not appear visually obtrusive when viewed from the neighbouring properties.

Living conditions of future occupants

The Inspector noted during the appeal that the windows to the bedrooms at ground floor level in the northern building would face the proposed parking and turning area, resulting in light and noise nuisance. It would also result in a disagreeable and restricted outlook. The layout of the site has since been revised, with private garden areas introduced immediately in front of the ground floor windows. The parking area has also been relocated. This ensures that the ground floor bedrooms would not suffer from undue light and noise nuisance as a result of vehicular movements.

With regard to the outdoor amenity space, the Inspector noted that in the previously refused scheme the shared amenity space could only be reached by either walking along Wetherill Road and Forest Walk, or by crossing the car park. The Inspector considered that the access to the amenity space and cycle stores would be inconvenient and potentially hazardous. The Inspector did not object to the quantity of amenity space provided. In the current scheme, the arrangement of amenity space has been revised. An outdoor amenity area serving the ground floor studio flat at No. 33 is proposed directly to the rear of this unit, enclosed by hedging to afford some privacy to occupants. The first floor studio flat would benefit from a balcony measuring 6.5 metres wide and 1.4 metres deep, which would provide occupants with sufficient area of amenity space to accord with the Council's SPD. In relation to the building to the north of the site, both ground floor flats would benefit from private amenity spaces to the rear and immediately in front of their front-facing ground floor windows. These would afford privacy to the rooms and provide an adequate outdoor amenity space for future occupants. The flats on the first and second floors would both now benefit from front-facing balconies. Given the relationship between the proposed balconies and the neighbouring properties, it is not considered that these balconies would be detrimental to the privacy of the occupants of any neighbouring property. In addition to these balconies, the first and second floor flats would have access to a shared amenity area set forward of the main building. It is noted that the supporting text to Policy DM02 states that the provision of shared communal gardens in flatted developments may allow suburban character to be maintained outside town centres. The use of a shared amenity space for the upper floor flats is considered to allow the suburban character of this area to be maintained.

It is therefore considered that the proposal would provide adequate outdoor amenity space, and the fourth reason for refusal attached to the previous planning application has been overcome.

As with the previous scheme, the proposed units and the rooms within those units comply with the minimum size requirements as set out in both the Mayor's Housing SPG and the Council's Adopted Sustainable Design and Construction SPD, and so the third reason for refusal attached to the previous planning application has been overcome. It is therefore considered that the proposed units would provide for sufficient living conditions for future occupants of the units.

Other Matters:

- Contributions: The seventh reason for refusal attached to the previous planning application related to the lack of a mechanism to secure financial contributions toward essential services in the Borough. It should be noted that since that application was refused, the Council has adopted its Community Infrastructure Levy. This levy is not secured by a Legal Agreement, but through separate legislation. As such, a formal mechanism to secure the levy is not required to be submitted as part of this planning application, and the seventh reason for refusal attached to the previous planning application is no longer relevant.

- **Highways:** It is noted that the scheme would provide a total of 6 residential units. Three off-street parking spaces are proposed to be provided within the site. Policy DM17 requires 1 to less than 1 space per unit for development consisting mainly of 1 bedroom flats, and 1.5 to 1 space for 2 to 3 bedroom flats. This application proposes two studio flats, two 1-bed flats and two 2-bed flats. This would require approximately four off-street parking spaces to be provided. Three parking spaces are provided within the curtilage of the application site. The Highways Engineer notes that the site is on a lightly trafficked road, with the entrance on a cul-de-sac and opposite an electricity substation. As such, there is opportunity for the highway network to absorb the additional spaces required by policy but not provided within the site. No objections are raised to the scheme by the Highways Engineer, subject to conditions.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The objections raised have been addressed in the appraisal above. With regard to the lighting of Forest Walk, no alterations are proposed to this.

4. EQUALITIES AND DIVERSITY ISSUES

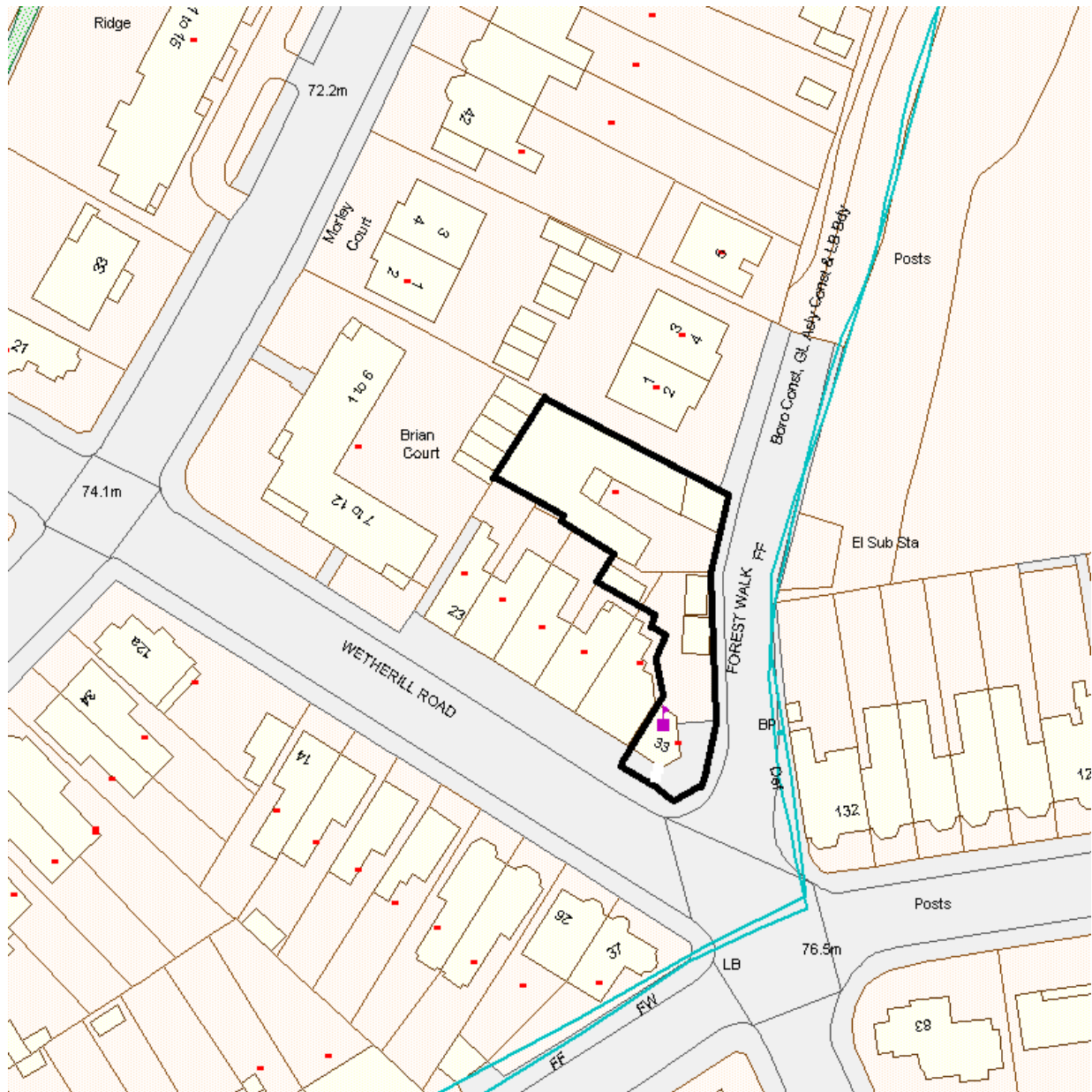
The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities.

5. CONCLUSION

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would 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. The previous reasons for refusal and objections raised by the Appeal Inspector have been overcome, and this application is therefore recommended for approval.

SITE LOCATION PLAN: 33 Wetherill Road, London, N10 2LT

REFERENCE: B/00395/13



Reproduced by permission of Ordnance Survey on behalf of HMSO. © Crown copyright and database right 2013. All rights reserved. Ordnance Survey Licence number LA100017674.