

**MEETING****FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE****DATE AND TIME****THURSDAY 19TH JANUARY, 2017****AT 7.00 PM****VENUE****HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

Dear Councillors,

Please find enclosed additional papers relating to the following items for the above mentioned meeting which were not available at the time of collation of the agenda.

Item No	Title of Report	Pages
1.	ADDENDUM (IF APPLICABLE)	3 - 20

Edward Gilbert, [edward.gilbert@barnet.gov.uk](mailto:edward.gilbert@barnet.gov.uk), 0208 359 3469

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**Page 37-48**  
**129 The Vale**  
**Ref: 16/7691/FUL**

Further to the assessment featured in the Committee Report in addition to the existing flats and flat conversions on The Vale at numbers 18, 85, 117, 133, 183, and 220, there are also extant consents for numbers 83, 106, 227 for flat conversions which will further contribute to the future character of the street. This further reinforces the statement that The Vale is not necessarily characterised by houses and that the principle of losing a single family house and converting 129 The Vale to flats is acceptable.

**Dimensions of the extensions are as follows:**

Footprint/ground:

Front extension max. 0.6m

Rear extension max. 6.4m

Side (east) max. 0m (matches existing building line)

Side (west) max. 4.5m (infill) – existing garage is offset 0m

First floor

Front extension max. 0.6m

Rear extension max. 4m

Side (east) max. 0m (matches existing building line)

Side (west) max. 4.5m (infill) – existing garage is offset 0m

**Amend Recommendation to read:**

**Recommendation:** Approve subject to s106

**RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Amendment to traffic order to prevent resident from obtaining parking permits - £2,000
4. Monitoring of the Agreement - £100

## **RECOMMENDATION II:**

That upon completion of the agreement the Planning Performance and Business Development Manager approve the planning application under delegated powers subject to the following conditions:

1 The development hereby permitted shall be carried out in accordance with the following approved drawing and document: 129TV-PP3-03A Proposed Floor Plans and Elevations and the Design and Access statement by Tal Arc.

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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 the development hereby permitted is occupied, the screened facilities for the storage and collection of refuse containers as shown on drawing 129TV-PP3-03A Proposed Floor Plans and Elevations shall be provided in accordance with the approved details.

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).

4 The flat roof hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Adopted Barnet Development Management Policies DPD (2012).

6 The approved development shall make provision for cycle parking and cycle storage facilities in the location shown on drawing no. 129TV-PP3-03A Proposed Floor Plans and Elevations . Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport in accordance with 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.

7 The amenity space shall be subdivided as shown on 129TV-PP3-03A Proposed Floor Plans and Elevations before first occupation or the use is commenced and retained

as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

8 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

### **RECOMMENDATION III:**

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 19/03/17, unless otherwise agreed in writing, the Service Director of Development Management and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of amending the traffic order to prevent residents from obtaining parking permits. In the absence of this, the proposals would result in increased kerbside parking which would be detrimental to highway and pedestrian safety and the free flow of traffic. The proposal would therefore not address the impacts of the development, contrary to Policy CS9 and CS15 of the Local Plan Core Strategy (adopted September 2012), and the Planning Obligations SPD (adopted April 2013) and policy DM17 of the Development Management Policies 2012.

### **Informative(s):**

1 Refuse collection points should be located within 10 metres of the Public Highway; unobstructed and suitable access needs to be provided to collection personnel. Dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

2 The applicant must ensure that any gate operation equipment is located within the site boundaries and does not encroach onto the public highways.

3 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance

to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

4 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](http://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.

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.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

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.

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 CIL 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 at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories 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](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit

<http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

5 The applicant is advised that 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 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 [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7

#### **Page 49-84**

#### **12-18 High Road**

#### **Ref: 16/2351/FUL**

#### **Amend Recommendation I :**

The affordable housing contribution is £870,000 and not £850,000 as stated in the report.

#### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Highways Improvements - an agreement to provide junction improvements at the High Road Access on the public highway that are approved by the Highway Authority.
4. A financial contribution of £2,000 towards the amendment of Traffic Management Order to ensure to revoke the right to purchase a residential parking permit for the development site.

5. Car Club associated with the development
6. Commuted sum towards Affordable Housing - **£870,000**
7. Monitoring of the Agreement - £100

**Amended Plans.**

It has come to light that elevation plans had not been updated to show the reduced footprint of the roof terrace at third floor level. Amended plans have now been received reflecting this.

For clarification, the roof of the projecting bay to Ingram Road above First floor level would not be permitted to be used as a balcony and this has been confirmed in writing by the applicant.

Amend condition 1:

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

- HR-AGE01
- HR-G-AG01 E
- HR-G-AG02 E
- HR-G-AG03 **E (Received 18/01/17)**
- HR-G-AG04 E
- ~~HR-G-AG05 D (Plan Removed)~~
- HR-G-AGP01 F
- HR-G-AGP02 E
- HR-G-AGP03 **E (Received 18/01/17)**
- HR-G-AGP04 E
- HR-G-AGP05 **E (Received 18/01/17)**
- HR-G-AE01 D
- HR-G-AE02 B
- HR-G-AE03 **B (Received 18/01/17)**
- HR-G-AE04 B
- HR-G-AE05 **D (Received 18/01/17)**
- HR-G-AE06 **(Received 18/01/17)**
- HR-G-AE07 C
- HR-G-AE08 **C (Received 18/01/17)**
- HR-G-AE09 A
- HR-G-AE10 B
- HR-G-AE11 B
- Design and Access Statement
- 12-18 High Road - East Finchley Site Analysis
- Daylight and Sunlight Report
- Construction Management Plan
- Transport Assessment
- Revised Environmental Assessment
- Planning Statement
- Air Quality Assessment
- Travel Plan

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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted



September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

### **Amend condition 15 (Ventilation)**

The level of noise emitted from the **plant** hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

### **Additional condition**

No parts of the roof of the first floor roof shown on plan HR-G-AGP03E, or the second floor roof on plan HR-G-AGP04E (with the exception of the second floor areas specifically annotated as roof terraces) shall be used as balcony, amenity or sitting out area.

Reason: To safeguard neighbouring amenity.

### **Further Clarifications in report**

Page 68 paragraph 5.3 – The reference to a retail use being provided is incorrect and should relate to office

Page 71 – reference to 22 dwellings being proposed is incorrect – number of dwellings is 21

Page 71 – reference to the site being PTAL 4 and is not strictly correct as site frontage is within PTAL 5.

Page 76 – should read as follows:

#### ***Impact on no.11 Ingram Road***

**At ground, and first and second floors, the proposed building would be approximately 28.5m from the main rear wall of no.11 and 21.3m from the rear outrigger.**

**At second and third floor the proposed building would be approximately 30.8m from the main rear wall of no.11 and 23.9m from the rear outrigger.**

**All balconies at second and third floor level have been removed beyond the main rear wall of block B.**

~~It is noted that there is a small balcony proposed facing this property at first floor level of approximately 1.5m depth. This would be sited away from the part of the building directly facing the outrigger. On balance it is not considered that harmful overlooking would result if this element is screened adequately and a condition is suggested to ensure this.~~

- ***This has now been removed from the scheme following discussions with officers and is reflected in the amended plan numbers condition.***

### **Additional comments from neighbouring residents have been received as follows:**

Correspondence was received from a resident outlining an alternative proposal utilising parking on Brompton Grove to the rear of the site. Highways Officers would advise that that there may be issues with the adoption of this road. Highways officers consider in any event that the proposals can be supported without the benefit of such a scheme.

### **Additional Comments from officers:**

The fact that there has been significant level of public objection to the scheme is noted. However whilst any objections need to be considered the scheme still needs to be considered against planning policy on it's merits.

In terms of highways impact, this is dealt with in the main report. However, officers would add that the site is in a highly accessible location. A legal agreement would be required in order to ensure that residents of the development would not be eligible for residents parking permits. It is acknowledged that the existing area suffers from parking stress. Highways officers consider on balance that the proposals would not lead to harmful impact.

Highways officers are also content that there is adequate provision for deliveries on site and adequate turning space for vehicles; there would not be harmful impact on highway and pedestrian safety.

Reference is made to daylight and sunlight impact of the proposals. It is acknowledged that the applicant's daylight/sunlight report incorrectly refers to north facing windows that are in fact west facing however officers are of the view that the impact would nevertheless not be so great as to warrant refusal of the scheme.

The impact on privacy is addressed in the officer's report. Additional plans have been received clarifying the position of any roof terraces. All terraces at second floor level have been removed and terrace at third floor level has been reduced in footprint.

Comments have been raised regarding possible need for mechanical ventilation. Environmental Health officers have commented on the scheme and consider that such details could be secured by planning condition. This is reflected in condition 14. It is not considered that the development will result in harmful levels of noise and or disturbance.

### **Add informatives:**

#### **TRAFFIC SENSITIVE**

**Informative:** The applicant is advised that the High Road is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Saturday. Careful consideration must also be given to the optimum route(s) for construction traffic.

#### **SRN**

**Informative:** The applicant is also advised that the development is located on a Strategic Road Network (SRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.

### **LICENSE ADJACENT PUBLIC HIGHWAY**

**Informative:** For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses

**Informative:** The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

**Informative:** The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicant and will require the applicant to enter into a 278 Agreement under the Highways Act 1980. Detailed design will have to be approved by the Highways Authority.

**Informative:** The applicant advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section – Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

**Informative:** The applicant is advised that the proposed development may involve alterations to the existing on-street waiting and loading restrictions. Alterations to on-street waiting and loading restrictions will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

**Informative:** The applicant is advised that although the Travel Plan is not required as the development falls below the appropriate Travel Plan thresholds, they are encouraged to develop a Voluntary Travel Plan to promote more sustainable forms of travel. Further advice can be sought via [abetterwaytowork@barnet.gov.uk](mailto:abetterwaytowork@barnet.gov.uk) or tel: 020 8359 7603.

**Page 11-26**  
**124 Friern Park**  
**Ref: 16/7238/FUL**

The previous appeal decision is attached.

## Appeal Decision

Site visit made on 20 September 2016

**by John Dowsett MA DipURP DipUD MRTPI**

**an Inspector appointed by the Secretary of State for Communities and Local Government**

**Decision date: 7<sup>th</sup> November 2016**

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**Appeal Ref: APP/N5090/W/16/3153155**

**124 Friern Park, North Finchley, London N12 9LN**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Mr Y Shahar of Legacies of London (Friern) Limited against the decision of the Council of the London Borough of Barnet.
  - The application Ref: 15/06884/FUL, dated 10 November 2015, was refused by notice dated 4 February 2016.
  - The development proposed is demolition of the existing dwelling and construction of a new three storey property with 8no. self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space.
- 

### Decision

1. The appeal is allowed and planning permission is granted for demolition of the existing dwelling and construction of a new three storey property with 8no. self-contained flats with balconies and terraces and patio. Associated parking and cycle storage, landscaping, refuse storage and amenity space at 124 Friern Park, North Finchley, London N12 9LN in accordance with the terms of the application, Ref: 15/06884/FUL, dated 10 November 2015, subject to the conditions in the attached schedule.

### Procedural matter

2. During the course of the planning application the scheme was amended. The original description on application form included underground car parking which was removed before determination. The application description was changed to that used on the decision notice and which I have used for the purposes of the appeal.

### Main Issues

3. The main issues in this appeal are:
  - The effect of the proposed development on the character and appearance of the area; and
  - The effect of the proposed development on the living conditions of the occupiers of nearby residential properties with particular regard to noise and disturbance.

## Reasons

### *Character and appearance*

4. Friern Park is a long, mostly residential, street. It is composed primarily of two and three storey buildings of a wide variety of ages and built form, ranging from single detached houses to large blocks of flats. There is also a diverse assortment of materials and, in addition to hipped and gabled roofs, a number of flat roofed buildings are present. As such the street has no strong, defining, architectural characteristics.
5. The proposed building is of a fairly traditional design, that includes architectural elements and materials that are present elsewhere in the street. Although the proposed building would be taller than the house that it would replace, there are other buildings in the street which are also taller than the existing house. It is proposed to lower the ground levels on the site which would result in the new building being perceived as being the same height as the neighbouring building at number 122a Friern Park. Whilst the new building would be taller than the short terrace of 126-130 Friern Park, this is set behind where the front wall of the new building would be and the height difference would consequently be less evident.
6. The proposed building would have a relatively deep plan. I note the Council's point that where existing houses have a deep plan form, roof forms and lower heights of rear additions break up the overall mass. However, I saw on my site visit that there are flat roofed blocks in the immediate vicinity of the appeal site which have comparable depth of plan and that elsewhere in the street there are blocks with very long continuous ridges. Friern Park is not within a conservation area and none of the adjacent buildings are Listed. The architectural diversity of the street is part of the character of the area. Within this context I do not consider that the design, height, and massing of the proposed building would be inconsistent with its surroundings.
7. The proposed development would introduce parking onto what is presently the rear garden area of the house, although this would not occupy the whole area and a communal garden would be formed in addition to there being a small private garden for one of the units. It is not suggested that inadequate outdoor amenity space is being provided for the development. As the car parking is to the rear of the proposed new building, it would not have any significant effect on the street scene. Although it would introduce parking and associated activity to the rear of the building, this would largely be concealed by the boundary fences and the sense of openness experienced at the rear of the adjoining houses would not be significantly altered. Whilst the proposal would result in the loss of some garden area, this of itself, would not warrant refusing planning permission.
8. I saw on my site visit that there are other examples of parking at the rear of flatted developments on Friern Park. Whilst I note the Council's point that these parking areas were created in either larger gardens or as part of the redevelopment of several plots, parking at the rear of developments is nevertheless an established feature in the area and, as previously noted, the Council is not contending that the development would result in an inadequate level of amenity space for the future occupiers. Therefore this would not be inconsistent with other developments in the street.

9. The Council suggest that the proposed development is an over-intensification of the residential use of the site based on units per hectare densities identified in the London Plan in relation to the Public Transport Accessibility Level (PTAL) rating for the area. Based on the sites PTAL rating, Table 3.2 of the London Plan suggests a density of 150–200 habitable rooms/ha, and 50–75 units/ha for the appeal site. The density of the proposal would be 154 habitable rooms/ha and 77units/ha which is marginally above the suggested densities in the London Plan.
10. Density alone cannot be the determining factor in assessing the quality of a scheme and, indeed, the supporting text to the relevant policy in the London Plan states that these densities are broad ranges and should not be applied mechanistically. The proposed development only marginally exceeds the guideline density and, as I have found that the design of the building is not inconsistent with its surroundings, I do not find the Council's argument that the proposal is an overdevelopment of the site a compelling one.
11. I therefore conclude that the proposed development would not cause harm to the character and appearance of the area. It would comply with the relevant requirements of Policies CS1 and CS5 of the Core Strategy; DMP Policy DM01 and the Barnet Residential Design Guidance SPD which seek to ensure that new development is of a high standard of design that has regard to the local context. It would also be consistent with the requirement of the National Planning Policy Framework (the Framework), which seeks a high standard of design in all new developments.

*Living conditions of adjoining residents*

12. It is common ground between the parties that the proposed development will not cause harm to the living conditions of the occupiers of neighbouring properties due to matters of loss of privacy, loss of outlook, overshadowing or loss of light. The Council's reason for refusal focusses solely on detriment caused by noise and disturbance arising from the proposed car parking area to the rear of the development.
13. The appellant has submitted a noise assessment with the appeal which concludes that the noise levels generated by the use for parking cars would only result in minimal increases in noise levels and that the resultant noise levels would be well within the guidelines contained in the British Standard. The noise assessment also recommends the provision of an acoustic fence to further mitigate possible noise from vehicle movements. However, as the noise levels would not exceed the guidelines in the British Standard, it is not necessary to require its installation through a planning condition.
14. The Council, whilst contending that increased vehicle movements will give rise to harmful levels of noise and disturbance, has not submitted any technical evidence in respect of noise to challenge the findings of the noise assessment. Nor has it challenged the assumed number of vehicle movements that the noise assessment is based on.
15. It is suggested that vehicle movements at night, when drivers are using headlights, will cause increased disturbance. Currently the rear garden is enclosed by a mix of timber fences and hedges, all of which are a minimum of approximately 1.8 metres high. A fence of this height would block car headlights from shining into adjoining garden areas or windows at the rear of

neighbouring properties. Whilst the headlight beams of vehicles turning into the access from Friern Park would potentially sweep across the frontage of the neighbouring property at number 126, this would be fleeting and, as the house is set well back from the carriageway, any disturbance resulting from this would not, in my view, be sufficiently severe as to warrant refusing planning permission on this ground alone.

16. In the absence of any substantive evidence to the contrary, I conclude that the proposed development would not cause harm to the living conditions of the occupiers of neighbouring properties, with particular regard to noise and disturbance. The development would comply with the requirements of Core Strategy Policy CS5; DMP Policy DM01; the Barnet Residential Design Guidance SPD; and the Barnet Sustainable Design and Construction SPD which seek to ensure that new development protects the living conditions of existing residential occupiers. It would also be consistent with the requirements of the Framework, which seeks a good standard of amenity for all occupiers.

### **Other matters**

17. The proposed development would provide 8 car parking spaces, which is in line with the Council's car parking standards, and whilst the development would result in additional vehicles movements to and from the site, Friern Park has a wide carriageway and is not heavily trafficked and, consequently, I am satisfied that the development would not cause harm to highway safety in the area. No substantive evidence has been submitted by either party in respect of local housing need, and whilst the proposed development would result in the loss of a family sized house, it would lead to an increase in overall housing supply which would be consistent with the objective of the Framework to boost the supply of housing. I note that the Council have not raised any concerns in respect of these matters.
18. It is suggested that the existing house on the site is a non-designated heritage asset that is worthy of protection, and that it has been put forward for inclusion on the Council's local list. At present the building has no local or national protection and the Council have not identified it as a non-designated heritage asset in their evidence. The Planning Practice Guidance recognises that a substantial majority of buildings have little or no heritage significance and only a minority have enough heritage interest for their significance to be a material consideration in the planning process. I am mindful of the fact the Council have an established local list that is up to date, and given the age of the building, had it been considered to have significant heritage interest, it would already have been included on this. Whilst the existing house is a relatively attractive, old building, it is not a non-designated heritage asset and I can give only very limited weight to this point.
19. Whilst the garden area will have some biodiversity value, there is no substantive evidence that the proposed car parking area will lead to a significant loss of habitat or affect any protected species. I am satisfied that an appropriate landscaping scheme would mitigate any harm that might arise from a loss of part of the garden area to car parking.

### **Conditions**

20. I have had regard to the list of conditions suggested by the Council. In order to provide certainty as to what has been granted planning permission I have



attached a condition specifying the approved drawings. The application contains only general details of the proposed external materials, boundary treatments and refuse storage. In order to ensure that the development is in keeping with the surrounding properties, it is necessary it attach a condition requiring details of these to be submitted for approval. Similarly, the application only contains general details of landscaping and, consequently, in order to ensure that appropriate landscaping is provided, a condition requiring the full details to be approved is necessary. As the landscaping condition should identify any trees on the site to be retained it is necessary that the landscaping conditions are pre-commencement.

21. In order to ensure that the development does not have an adverse effect on the privacy of neighbouring occupiers it is necessary to attach a condition requiring that details of the privacy screens shown on the drawings are approved and the screens installed. For the same reason, it is also necessary to attach a condition requiring that the secondary windows in the side elevations of the building are fitted with opaque glazing.
22. The proposal involves lowering the ground levels of the appeal site. Full details of these have not been provided and in order to ensure that the development is implemented as proposed it is necessary to attach a condition requiring the finished levels to be submitted for approval. As this is fundamental to the setting out of the building it is necessary for this condition to be pre-commencement.
23. As the proposal is for the redevelopment of a site within an existing residential area, in order to ensure that any disturbance to existing residents is minimised, conditions restricting the hours of working at the site and to manage the operation of the construction site are required. As the site management method statement is required to cover the whole construction period, this condition must be pre-commencement.
24. The Council's development plan contains policies which seek to ensure that new development is accessible, water efficient, and minimise carbon dioxide emissions. On 1 October 2015 new optional national technical standards came into force, which allow such conditions to be imposed with reference to the nearest equivalent national technical standard. The Councils suggested condition on water efficiency specifies 105 litres per person which is not the figure specified in the optional requirement in the Building Regulations. I have therefore amended the wording to reflect the 110 litres figure in the Building Regulations optional requirement.
25. The Council's suggested condition relating to carbon dioxide emission reduction refers to Target Emission Rates in the 2010 edition of the Building Regulations. Following the introduction of the optional technical standards local planning authorities have the option to set additional technical requirements exceeding the minimum standards required by Building Regulations in respect of access and water efficiency, and an optional nationally described space standard. Where there is an existing policy relating to energy efficiency and carbon dioxide reduction, or which references the now withdrawn Code for Sustainable Homes, it is possible to impose a condition requiring a level of energy performance equivalent to that in the Code for Sustainable Homes. Policy DM02 of the DMP does not refer to a specific Code Level that would be sought in new developments and Policy 5.2 of the London Plan relates only to major

developments. On this basis I do not consider that there is sufficient justification that this condition is necessary and it would, in any event, duplicate the requirements of the building regulations.

26. The Council have suggested a condition requiring Sound Insulation Test Certificates to be submitted, however, this is not covered by the optional technical requirements and replicates the requirements of the Building Regulations. No substantive reason is given as to why this condition is required in order to make the development acceptable and is it therefore does not meet the test of being necessary in order to allow planning permission to be granted.
27. The Council have also suggested a condition preventing the change of the approved scheme to other uses falling within Use Class C3 or C4. The reason cited for the condition is to enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area. This is not supported by any evidence which would show that the other uses within Use Class C3 or C4 would cause harm. The Planning Practice Guidance is clear that conditions restricting the future use of permitted development rights or changes of use will rarely pass the test of necessity and should only be used in exceptional circumstances. I do not consider that the reason suggested by the Council is, of itself and in the absence of any evidence to demonstrate harm, sufficient to demonstrate exceptional circumstances and the condition does not pass the test of necessity.

### **Conclusion**

28. For the above reasons, and having regard to all other matters raised, I conclude that the appeal should be allowed subject to the conditions discussed above.

*John Dowsett*

INSPECTOR

### **Schedule of conditions**

- 1) The development hereby permitted shall begin not later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Site Location Plan; 124FP-PP1-01 Rev B (Existing Section and Site Plan \_Proposed Site Plan); 124FP-PP1-02 Rev D (Proposed Floor Plans); 124FP-PP1-03 Rev C (Proposed Floor Plans); 124FP-PP1-04 Rev D (Proposed Elevations); and 124FP-PP1-05 Rev D (Proposed Sections).
- 3) No development shall take place until full details of the finished levels, above ordnance datum, of the ground floor of the proposed building, in relation to existing ground levels, the adjoining land and highway and any other changes proposed in the levels of the site have been submitted to, and approved in writing by, the local planning authority. The development shall be carried out in accordance with the approved levels.
- 4) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas, as well as boundary treatments hereby approved have been submitted to, and approved in writing by, the Local Planning Authority. Thereafter the development shall be implemented in accordance with the materials and details as approved under this condition.
- 5) No development or site works shall take place on site 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. The development shall thereafter be implemented in accordance with the measures detailed within the statement.
- 6) Demolition or construction works shall take place only between 08:00 and 18:00 on Mondays to Fridays, 08:00 and 13:00 on Saturdays, and shall not take place at any time on Sundays or on Bank or Public Holidays.
- 7) Before the development hereby permitted is first occupied, details of enclosed 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. Thereafter the development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such.
- 8) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions

- of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.
- 9) 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.
  - 10) Any existing trees shown to be retained, or any 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.
  - 11) Before the building hereby permitted is first occupied the proposed windows in the side elevations facing 122 and 126 Friern Park shall be glazed with obscure glass only and shall be permanently fixed shut with only a fanlight opening and shall be retained as such thereafter.
  - 12) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.
  - 13) Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new flats permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such thereafter.
  - 14) Prior to the first occupation of the new flats hereby approved, they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new flat shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 110 per head per day or less. The development shall be maintained as such thereafter.