

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 18TH NOVEMBER, 2019

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

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 - 10

Abigail Lewis abigail.lewis@barnet.gov.uk 020 8359 4369

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Addendum

Hendon Area Planning Committee

18 November 2019

AGENDA ITEM 5

Reference: 19/3742/RCU

Ground floor flat 49 Woodland Way, London, NW4 2JP

Pages 19 – 26

Further objections and photographs have been submitted to the Council by the occupier of the first floor flat at 49 Woodland Way. While some of the comments raised have been considered in the report, a number of objections pertaining to the content of the Committee Report have also been provided as follows:

- The proposed extension has been incorrectly described as projecting 2.19m beyond the rear of 51 Woodland Way as opposed to 2.19m
- The height of the extension has been underestimated by 1.1m in the report. The extension has a total height including rooflights of 3.9m as opposed to 3.5m in the report.

Officer response: The proposed development has a height (based on the plans) of 3.7m from ground level immediately outside of the extension and approximately 3.5m from the finished floor level. The plans indicate that the depth is 2.25m which is consistent with the plans but in any case a projection of 6cm is imperceptible.

- No reference has been made to earlier enforcement cases.

Officer response: It is protocol to avoid making reference to enforcement cases in officer or committee reports.

- A change in the number of consultations has occurred with a rise from 4 to 11.

Officer response: There were four original consultees, however, there were 7 objections which cumulatively equates to 11. There has been no change to the fact that there were four original consultations.

- Objections against design, character and impact on living conditions are re-iterated by the objections.

Officer response: These are already outlined in the course of the officers' report and considered in depth.

- The matter of damp, structural cracking and oversailing of the first floor level has been raised in the submission.

Officer response: As stated in the officer's report, these are not material planning considerations and precedents through the courts have established to support this point. While reference has been made to London Plan regarding the pooling of water on the roof of the extension, the avoidance of this on building surfaces is not what the policy framework seeks to avoid. Surface water drainage arising from overspilling of rivers and from storm events have a demonstrable impact on public safety and the environment.

- In response to the view that there are many extensions of similar depth and height within Woodland Way, the objector has stated that there are no comparative extensions within the street.

Officer response: Aerial photographs show that virtually every building on the western side of Woodland Way has been extended. While from aerial photographs, it would appear that substantively, every property has been extended to the same extent. However, there may be discrepancies between buildings which are imperceptible from aerial photographs. It is noted however that some properties have been extended to a greater extent than is normally the case in this street.

- The officer report makes reference to three properties that are not single dwellinghouses and therefore where the extension may project greater than the norm, there are no parallels to be drawn in this instance.

Officer response: While this might be the on site circumstances, it does not the diminish the fact that the extensions are greater than the norm and should be taken to be relevant material considerations.

- Objections that the extension are obstructive of a view and give rise to a sense of enclosure are raised again.

Officer response: This is raised in the officer report.

- Inaccuracies reported as to the current status of 39 Woodland Way in relation to the shape and form of the extension and the tenancy and interior layout.

Officer response: Planning permission H/03212/13 granted consent for two self contained flats. The presence of a third flat would be unlawful. The presence of an HMO has never been regularised although enforcement complaints about this have been closed. The approved plans associated with this development indicate a flat roof rear extension.

- Impact on the wider streetscene has not been assessed.

Officer response: In a street characterised by single storey rear extensions, this extension is not going to be incongruous. In addition, the extension is not visible from the street and is blocked from view from the M1 to the rear. The development has no streetscene impact.

Reference: 19/4521/FUL
90 Wise Lane, Mill Hill , NW7 2RD.
Pages 27 - 40

The agent for 90 Wise Lane, Katherine Else sent an email to all committee members on the 14th November. The Case Officer dealing with the application and author of the delegated report will respond to each point below;

Katherine's Comment:

When you visit the application site please note the staggered building line along Wise Lane. The proposed replacement dwelling at No.90 Wise Lane maintains the front building line of the existing dwelling, as agreed with Planning Officers during pre-application discussions.

Planning Officer Response:

No objection to this comment, building lines are staggered along Wise Lane but this does not overcome the design and amenity concerns.

Katherine's Comment:

In addition, the hillside position characterises the street scene considerably, as demonstrated by varying building heights and the position of buildings above the highway. This is most noticeable in respect of the neighbouring property at No.88, which rises above the application site.

Planning Officer Response:

No objection to this comment, the topography of Wise Lane is such that no.88 rises against no.90 Wise Lane. However primary amenity concerns are for the residential amenities of no.92 which is at a marginally lower level than the application site.

Katherine's Comment:

The application site is well screened from the Lane due to large mature trees that are positioned along the road frontage. These trees are protected by a TPO and have been surveyed through technical assessments to ensure that the replacement dwelling will not harm them.

Planning Officer Response:

The partial screening from the protected trees to the front do screen some of the site but also allow for specific views and vistas when passing by on Wise Lane. From these angles the building will look significant in terms of height, bulk and mass to the detriment of the street scene.

Katherine's Comment:

The design of the replacement dwelling has evolved through substantial pre-application discussions with Planning Officers. Unfortunately the Committee Report incorrectly advises that no pre-application talks were held, or the content of these negotiations which agreed key matters such as the position, footprint, hipped roof formation and height of the replacement dwelling.

Planning Officer Response:

Unfortunately, there was an administrative error that resulted in the report not highlighting the preceding pre-applications as highlighted usually through the standardised informative. Officers can confirm that pre-application meeting did take place, one on site and once in the Council's offices with a team manager. These discussions were constructive however the overall design is still not considered to overcome our concerns.

Katherine's Comment:

The proposed replacement dwelling is 2 storey in height with rooms in the roof space, as present in the existing property and neighbouring dwellings along Wise Lane. During the pre-application discussions the dwelling design was described in this way and therefore the references in the Committee Report to the proposed dwelling as being 3 storey are incorrect. This is clearly demonstrated when the London Space standards are applied to pitched roof construction;

Planning Officer Response:

With regards to the reference of three-storey, this was in particular reference to the visual views of the building from no.92 at a lower level and the size and height of the gable along the flank elevation and the perception of three storeys.

Katherine's Comment:

The proposed dwelling will not be of excessive dimensions. It will have a comparable width to the neighbouring dwelling at No.92, it will only be 0.9m higher than the existing dwelling and only projecting 1.5m to the rear of the neighbouring No.92. The dimensions referenced in the Committee report do not convey the proposed dwelling arrangement satisfactorily particularly in respect of the relationship to neighbouring properties;

Planning Officer Response:

Officers disagree and consider the proposed dwelling to be significant in mass, bulk and height to the detriment of residential amenity and character of the area.

Katherine's Comment:

The proposed dwelling does not impact on the residential amenity of neighbouring dwellings. The Committee Report clarifies that the proposed dwelling will not cause unacceptable shadowing and maintains the privacy of neighbours. The replacement dwelling is located so that it does not infringe the 45-degree code for any of the windows in No.92, which is normally a good indication of excessive projection or dominance. Unfortunately, despite the plans submitted to demonstrate this, no reference to the 45 degree code is included within the Committee Report.

Planning Officer Response:

Officers disagree that it does not impact on the amenities of neighbouring occupiers as outlined within the delegated report. The '45-degree code' is not part of Barnet's policy not used as a satisfactory assessment of the impact of a proposal on neighbouring amenity. Officers have concluded given the proposed scale of the building proposed, topography of the land, mass and bulk against the boundary of no.92 would be over bearing to the neighbouring occupiers contrary to Policy DM01 of the Development Management Policies DPD.

Katherine's Comment:

The dwelling does not introduce built form beyond the existing front building line. The combination of a hipped roof and location 1.2m from the side boundary removes any suggestion of inappropriate massing. The side elevation of the new dwelling adjacent No.92 is only 6m in height to the roof eaves, when the gable end of No.92 is 8m in height and will appear higher than the proposed dwelling at the boundary.

Planning Officer Response:

Officers disagree and have explained fully why the impact is significant on the neighbouring property within the delegated report.

Katherine's Comment:

The dominant design features along Wise Lane are identified as gable features in front elevations, as well as the use of render. The project architect has incorporated both of these features into the design of the dwelling alongside contemporary form.

Planning Officer Response:

Officer have not argued that gabled elements are uncommon, but the use of three gabled elements to the front elevation instead of one centralised piece (as with most other properties along the street including opposite the application site) results in an elevation that is significant in mass and bulk and competing.

Katherine's Comment:

References in the report regarding the design of the dwelling have incorrectly assessed the design of the new dwelling against the Residential Extension Design Guidance which is not applicable to this development.

Planning Officer Response:

Officers assume the agent is referring to the Residential Design Guidance SPD which within the executive summary on Page 5 states the following;

'This SPD provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development.'

The development is a new build and thus the Residential Design Guidance SPD is valid and used accordingly.

Katherine's Comment:

If you have the opportunity to view the rear of the site you will also appreciate that there are no public viewpoints of the rear elevation and therefore the potential of its design to harm the public street scene does not exist.

Planning Officer Response:

Concern regarding the rear are based on the design of the property, whilst the rear elevation is not visible from the street scene it forms a crucial element of the design of the whole property and have raised concerns within the delegated report on this basis.

Katherine's Comment:

The proposed dwelling will be constructed using standard building methods, with no piling required. The construction works will also concur with the Council's recommended construction hours and will seek to minimise disturbance to neighbouring residents.

Planning Officer Response:

The building methods are not a material planning consideration. However, in the event of an approval a condition would be attached requiring a Demolition and Construction Management Plan to be submitted and approved prior to commencement of the development which would detail the construction hours which must be approved by the local authority.

Katherine's Comment:

The contemporary design of the replacement dwelling has been designed to take into account the character of Wise Lane whilst relying upon the local material vernacular of render, brick and hanging tile. The appearance, design and scale of the proposed dwelling have been supported through 16 representations from local residents, the full content of which have not unfortunately been conveyed in the Planning Committee report.

Planning Officer Response:

These comments have been addressed within the report and considered as part of the application, however the benefits of the property do not outweigh the potential harm from the design and impact on neighbouring amenity.

Reference: 19/2674/S73

Pillar Chapel, 19 Brent Street

Pages 51 – 60

Photographs have been submitted showing the erection of a marquee in the quadrant of chapel and hotel on a number of occasions over the last two years. While it is clear that there has been a breach of condition, this does not negate the acceptability of the proposal. The application proposes to relax the condition and not justify nor condone previous breaches of the condition.

Reference: 19/4775/FUL
41B Montagu Road, LONDON, NW4 3ER
Pages 95 - 108

The following amendments are proposed to the wording of draft proposed Conditions 6 and 13 to reflect the development being a new dwelling as opposed to extensions to an existing dwelling:

Condition 13

As originally drafted:

Notwithstanding the plans approved under Condition 1 of this permission, prior to the commencement of the development hereby approved, details of all proposed windows and rooflights must be submitted and approved by the Local Planning Authority. The development should be carried out in accordance with the approved details.

Reason: to ensure a satisfactory level of light and outlook for future occupiers of the development, in accordance with Policy DM02 of the Development Management Policies DPD 2012 and the Sustainable Design and Construction SPD 2016.

As amended:

*Notwithstanding the plans approved under Condition 1 of this permission, prior to the commencement of the development hereby approved, **revised plans and elevations shall be submitted to provide a minimum floor area to glazing ratio of 20% for the proposed living room/kitchen.** The development should be carried out in accordance with the approved details. **Any windows placed in the front elevation facing the rear of No 41 Montagu Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut up to a level of 1.7m above the corresponding internal floor level.***

Reason: To ensure a satisfactory level of light and outlook for future occupiers of the development and safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design & Construction SPD (2016) and the Residential Design Guidance SPD (2016).

In addition to the above, it is noted that - in the draft schedule of conditions laid out in the Committee Report - Conditions 11 & 12 are the same. As such, the Addendum proposes to delete Condition 12 as drafted. The revised Condition 13 as set out above will become Condition 12

Condition 6

As originally drafted:

Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing Nos. 39 or 43 Montagu Road.

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

As amended:

*Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission **(including those approved in discharge of Condition 12)**, shall be placed at any time in the side elevations facing Nos. 39 or 43 Montagu Road.*

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