

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 7TH SEPTEMBER, 2020

AT 7.00 PM

VENUE

VIRTUAL TEAMS MEETING

LINK TO LIVE STREAM OF THE MEETING - <https://bit.ly/3b0HmC5>

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Brian Gordon
Vice Chairman: Golnar Bokaei

Councillors

Elliot Simberg	Nizza Fluss	Helene Richman
Gill Sargeant	Ammar Naqvi	

Substitute Members

Val Duschinsky	Mark Shooter	Lachhya Bahadur Gurung
Charlie O-Macauley	Zakia Zubairi	Linda Freedman
Alex Prager		

**You are requested to attend the above meeting for which an agenda is attached.
Andrew Charlwood – Head of Governance**

Governance Services contact: Hendon@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

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Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	3 -5
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Hendon	
6.	32 Rowsley Avenue, London - 20/2488/HSE	7- 18
7.	16 Glebe Crescent, London, NW4 1BU - 20/2319/RCU	19 - 28
8.	Henley Court - 20/2836/FUL	29 – 46
	Edgware Ward	
9.	Rear of 1A Shelley Close, Edgware - 20/0888/FUL	47 - 64
	West Hendon Ward	
10.	6 Edgeworth - 20/2086/HSE	65 - 76
11.	Any Item(s) the Chairman decides are urgent	

Decisions of the Hendon Area Planning Committee

8 July 2020

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)
Councillor Golnar Bokaei (Vice-Chairman)

Councillor Elliot Simberg	Councillor Ammar Naqvi
Councillor Gill Sargeant	Councillor Helene Richman
Councillor Nizza Fluss	

Also in attendance

Councillor Zakia Zubairi (as speaker for Agenda Item 6)

1. MINUTES

Councillor Simberg MOVED that the minutes of the meeting dated 24 June 2020 be agreed as a correct record. This was SECONDED by Councillor Richman.

RESOLVED that the minutes of the meeting dated 24 June 2020 were agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

None.

6. LAND ADJACENT TO 1 BOOTH ROAD LONDON NW9 5JS - 20/0733/FUL - COLINDALE

The Committee received the report.

The Committee heard verbal representations from Mr Frank Timothy who spoke in objection to the item, and Mrs. Janet Long, who spoke in support of the item as the Applicant's Agent followed by Councillor Zakia Zubairi, the Ward Member who also spoke in support. Members of the Committee had the opportunity to ask questions of the speakers.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to REFUSE the application for the reasons set out in the report.

The votes were recorded as follows:

For: 4

Against: 3

Abstain: 0

RESOLVED that the application be REFUSED for the reasons set out in the Officers' report.

7. 70 ABERCORN ROAD LONDON NW7 1JT - 19/6387/FUL - MILL HILL WARD

The Committee received the report.

The Committee heard verbal representations in support from the applicant, Mr Jonny Simmons, who spoke in favour of the application.

Members of the Committee had the opportunity to ask questions of the speaker.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to REFUSE the application for the reasons set out in the report

The votes were recorded as follows:

Against: 4

Abstain:3

Since the recommendation in the Officer's Report had not been approved by Members it was then moved by Councillor Bokei and seconded by Councillor Richman that the application be **APPROVED** for the following reasons:

That the proposal is considered to be of a proportionate scale to the other properties in the area, and it is not considered to be detrimental to the character and appearance of the area and to the street scene.

Prior to moving to the vote, the Lawyer in attendance advised that the insertion of policy references in support of the approval and the listing of conditions should be delegated to Officers. The Planning Officer in attendance agreed with this proposed approach, and the Chairman therefore moved to the vote on this basis.

For (Approval) 4

Against (Approval) 0

Abstaining 3

RESOLVED that the application be APPROVED for the reasons detailed above.

8. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

There were none.

The meeting finished at 20:12pm

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Location **32 Rowsley Avenue, London, NW4 1AJ**

Reference: **20/2488/HSE**

Received: 5th June 2020

Accepted: 10th June 2020

Ward: Hendon

Expiry 31st July 2020

Applicant: Mallerton Ltd

Proposal: Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension (AMENDED PLANS)

AGENDA ITEM 6

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

U-ML-LP001 Page 0 - Existing Site Plan

U-ML-EP001 Page 1 - Existing Ground Floor Plan and Existing First Floor Plan

U-ML-EP001 Page 2 - Existing Loft Plan and Existing Roof Plan

U-ML-EE001 Page 3 - Existing Front Elevation, Existing Side Elevation, Existing Rear Elevation and Existing Section A-A

U-ML-PP001 Page 4 - Proposed Ground Floor Plan and Proposed First Floor Plan

U-ML-PP002 Page 5 - Proposed Loft Plan and Proposed Roof Plan

U-ML-PE001 Page 6 - Proposed Front Elevation, Proposed Side Elevation and Proposed Rear Elevation

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 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension 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 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, of the extension hereby approved, facing Nos 30 and 34 Rowsley Avenue.

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).

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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.

1. Site Description

The application site comprises a semi-detached dwellinghouse, located on the eastern side of Rowsley Avenue. To the south, the host dwelling directly adjoins No.30 Rowsley Avenue, to the north, the application site shares a common boundary with No.34 Rowsley Avenue. To the rear, the application site abuts Nos 29 and 31 Downage.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear and off-street parking facilities to the front.

The application site does not comprise a listed building and does not fall within a conservation area.

2. Relevant Site History

Reference: 18/6698/PNH

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Prior Approval Not Required

Decision Date: 17 December 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 18/6973/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 23 January 2019

Description: Single storey side and rear extension. New raised terrace area with associated access steps to garden level. New front porch

Reference: 19/6017/192

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Lawful

Decision Date: 11 November 2019

Description: Roof extension involving hip to gable, rear dormer window and 2no front facing rooflights

Reference: 19/5234/HSE

Address: 32 Rowsley Avenue, London, NW4 1AJ

Decision: Approved subject to conditions

Decision Date: 30 January 2020

Description: Single storey side and rear extension. First floor rear extension. New raised terrace area with associated access steps to garden level. New front porch (AMENDED DESCRIPTION).

3. Proposal

This application seeks full planning permission for the "Amalgamation of the ground floor rear extension with crown roof. Erection of ground floor side and first floor rear extension."

The roof extension approved under 19/6017/192 is already in situ.

The ground floor rear extensions granted Prior Approval under 18/6698/PNH have also been built in accordance with the approved plans.

The current proposal relates to the consolidation of extensions approved in previous applications, namely the front porch, side extension and first floor rear extension together with the more extensive ground floor rear extensions brought forward under the Prior Approval process.

The roof form of the ground floor rear extension would be altered to create a crown roof, with an eave height and maximum height of 2.53 metres and 3.6 metres respectively - as measured from the natural ground level.

The side extension would exist nearest to the shared common boundary with No.34, it would measure a depth of 9.06 metres, wrapping around to adjoin the proposed rear extension, and a width of 2.74 metres. The side extension proposes a maximum height of 3.26 metres with a flat roof design, the height of the side extension reduces to a height of 2.00 metres on the boundary with No.34.

The first floor rear extension proposes a maximum depth of 2 metres, width of 3.4 metres and eave height and maximum height of 5.1 metres and 6.1 metres respectively (from ground floor level).

The porch measures a maximum height of 3.0 metres, incorporating a flat roof design, width of 2.60 metres and depth of 0.72 metres from the front building line.

The new raised terrace area would measure a height of 0.72 metres from ground level, with associated access steps.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

11no. objections were received in the lifetime of the application. The objections can be summarised as follows:

- Developer using every possible loop-hole in the planning system
- The proposal would impact neighbouring residential amenity by reason of loss of privacy, light, overbearing and enclosure to ground and first floor rear habitable windows, reduced enjoyment of rear amenity space
- Risk of damage to house foundations
- Harm attractiveness of neighbouring properties.
- The works to the rear garden would result in drainage problems. With current concerns over climate change the garden should be in order to help sustain the local ecosystem.
- Applicant falsely conveyed that neighbouring residents have withdrawn their objections and visited many neighbours and asked to withdraw their comments through various means.
- Previous assessments in planning applications did not account for the elevation change from the site and neighbouring property and the impact of the extensions
- The proposed works are causing me concern and distress.

- The 6m deep extension which adjoins my property, which I understand was erected under a prior approval application numbered 18/6698/PNH is overbearing and causes overshadowing of my property including my lounge. It results in a loss of outlook, especially as I now look out onto a concrete block wall which does not match any materials found either at 32 Rowsley Avenue or my property.
- The proposed development will result in an increase in height of the 6m deep extension by a further 600mm, which will make an existing bad situation worse. The proposal will be even more overbearing and therefore harmful to my amenities compared to the existing situation and therefore the application should be refused.
- I am concerned about how a 6m deep extension could have been allowed in the first instance. I should have been consulted about the proposal, but to the best of my recollection I was not consulted. The officers delegated report for application 18/6698/PNH is totally lacking in any information as to how the decision was made, which is very odd, when one compares it with the very detailed delegated officer's report for the roof extension which was also erected under the permitted development regulations.
- The material used for the existing extension do not match materials of the main dwelling. I believe that if the single storey extensions, as built, requires planning permission then the council can take into consideration its policies on extensions.
- The current extensions do not comply with the Council's Residential Design Guidance which seeks to limit rear extensions to a depth of 3.5m. The current proposal and the extensions as built are not modest and proportionate additions to the original dwelling house.
- There is insufficient information for the council to determine the application because there are no drawings of the proposed side elevation adjoining my property.
- If the Council is minded to approve the development can the council impose a condition that the concrete wall is finished off in either brick or render, which will be materials more in keeping with the character of the original building.
- Noise and disturbance resulting from use.
- Adequacy of parking/loading/turning.
- The view from the neighbouring bay window is now obstructed by the current extension, at 6m on the ground level has already significantly blocked my view. I cannot imagine how this must feel if you live at number 30. The extension at the first floor level will obstruct further.
- I am concerned by the overall size of this proposed building. It is being developed far beyond that of other properties. This is a particularly green road, so much development in one house, obstructing view, light and gardens is very much out of keeping.
- Concerns over the scale, massing and bulk of the extensions.
- The site has been incrementally extended and elevated to massive proportions
- Concerns over the number of occupiers at the application site following the development has taken place and whether the site will remain a single family dwelling. This would conflict with the harmony of the street and stress opportunity for off street parking at the site and along the street.
- Huge quantities of excavation material have been placed in the rear garden of the application site.
- Concerns over flood risk to lower lying properties and the site will have a increased likelihood to failing to retain water within the curtilage.
- Roof extension has already been completed.
- The development would result in a harmful impact to the character and appearance of the dwelling and wider area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 Revised National Planning Policy Framework (NPPF) was published in February 2019. 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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2016

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.

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity.

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD 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.
- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity it states that 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.

Sustainable Design and Construction SPD (adopted 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on the character and appearance of the property and general locality (Principle):

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application relates to the amalgamation of the ground floor rear extension with crown roof, first floor rear extension and front porch.

It is noted that the ground floor rear extensions approved under reference number 18/6698/PNH have been constructed. As such, they constitute a material fall-back position for the consideration of this application - and consequently, the scope of the works at ground floor level are limited to the infilling of the 0.5m gap between the two extensions and the amendments to the roof to form a crown.

On that basis, the infilling of the gap made between the two existing extensions to form a flush rear elevation is not in an of itself considered to be detrimental to the character and appearance of the host property.

With regard to the crown roof, as a result of the Prior Approval extensions being set at a lower level, the resultant overall height would not increase compared to the height than previously approved under 19/5234/HSE. This is confirmed by the distance from the top of the proposed roof to the first floor cill level for both applications being 1 metre. The extension is also noted to wrap round to the side extension to create a visually congruent and sympathetically designed rear elevation that would be acceptable to the existing dwelling and wider locality.

In regards to the proposed first floor rear extension, this element is identical to that approved under grant of consent 19/5234/HSE. In determining that application, the delegated report reads as follows:

Paragraph 14.23 of Barnet's Residential Design Guidance (2016) states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and projects more than 3 metres in depth is not normally considered acceptable. It is noted that the proposal is 2 metres in depth and is situated 2.5 metres from No.30 and 3.7 metres from No.34. The first floor rear extension would be set away from the first floor rear bay window so would be compliant with Paragraph 14.11 of Barnet's SPD (2016). As such, the proposal would appear sympathetic and not overly bulky or dominant in the context of the dwellinghouse and surrounding area. Having assessed the wider area, it is seen that numerous properties on

the eastern side of Rowsley Avenue benefit from flat roofed two storey rear extensions. Given this element of the proposal is subordinate and sympathetically design the proposal is not considered to conflict with the character of the wider locality.

In regards to the ground floor side extension, again a similar proposal was made under reference number 19/5234/HSE. With regard to that element, the delegated report stated the following:

The proposed side extension would measure a depth of 9.06 metres, nearest to the boundary with No. 34, wrapping around to adjoin the proposed rear extension. Barnet's Residential Design Guidance SPD outlines that side extensions to existing buildings can be unacceptably prominent features in the streetscene, it goes on to stipulate that side extensions should not be more than half the width of the original dwellinghouse.

The host dwellinghouse measures a width of 7.50 metres, the proposed side extension would measure a width of 2.74, and therefore the proposed side extension is in compliance with the aforementioned guidance, officers have raised no concerns regarding its impact on the streetscene.

In this current application, it is noted the height of the side extensions has been altered to account for the level change experienced across the cross-section of the dwelling. It is noted however, that the extension would not further add to the height approved under 19/5234/HSE so is considered to be acceptable. Overall, officers consider that the proposal is sympathetic and subordinate to the existing property, streetscene and general locality. It is not considered that the side extension would harm the character of the local area.

The current front porch extension was previously approved under 19/5234/HSE. In approving that application it was noted following an examination of aerial photography and historical records that several properties in the immediate vicinity benefit from planning permission for porches including Nos 7 approved under ref no. (H/05705/13), 43 approved under ref no. (18/3995/HSE) and 52 approved under ref no. (H/00363/14). Given that several properties benefit from porch extensions, officers do not consider that this element of the proposal would be of detriment to the character of the general locality, or to affect the adequacy of parking/loading/turning

Barnet's Residential Design Guidance SPD outlines that where a porch is proposed on the front elevation, special care should be taken that it does not spoil the appearance of the property and street. By virtue of its modest scale and the aforementioned character of the surrounding area, it is not considered this proposal would adversely impact the streetscene and host dwellinghouse.

As such, it is found that - within the context of the existing works and previous approvals - the proposed extensions would not have a detrimental impact on the character of the dwellinghouse, the surrounding locality or the wider area. Therefore, the proposal would comply with policy DM01 of Barnet's Development Management Policies DPD.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The proposed ground floor infill extension is not considered to result in unacceptable harm to the neighbouring occupiers by virtue of being between the two existing extensions approved under 18/6698/PNH. Even with the addition of the crown roof to the extensions, the overall height of the structure would not increase the maximum height of the rear extension than those previously approved under 19/5234/HSE. Only the additional height of that part of the roof between 3m and 6m relative to the flat roof of the Prior Approval scheme would constitute any additional detriment. However, within the context of the development overall it is not considered that this part would render the proposal unacceptable.

It was noted that a level change exists between the host dwelling and No.34, with the host property situated at a higher position on Rowsley Avenue. The roof of the side extension is noted to remain consistent with previous approvals and is thus not considered to result in an unacceptable residential amenity impact, despite the elevation change, by virtue of enclosure and loss of outlook and light. The proposed side extension does not propose any windows to the side elevation.

In order to ensure the privacy of the neighbouring occupiers is not compromised, by way of overlooking, a condition will be applied to ensure that the roof of the ground floor side and rear extension will 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.

Due to the subordinate scale and distance from respective neighbouring properties, the proposed first floor rear extension is not considered to be unacceptably overbearing on the neighbouring occupiers no result in a significant loss of outlook to the detriment of the occupiers. Again, in order to ensure the privacy of the neighbouring occupiers is not compromised, by way of overlooking, a condition will be applied to ensure that no windows can in future be placed in the side elevations of the extension.

It is considered by officers that the proposed porch would not cause harm to the living conditions of the neighbouring properties. It is considered that by virtue of its scale, height and design, the porch would not result in a significant loss of light, outlook or privacy for the neighbouring properties.

This application proposes a raised terraced area with steps to the rear of the property, measuring a height of 0.72 metres. It was noted that the host dwelling originally benefitted from a larger terraced area measuring a height of 1.09 metres from ground level. Given that this application proposes a terraced area with a reduced height to that which is existing, officers do not consider that the proposed terraced area would be of unacceptable detriment to the privacy of the neighbouring occupiers.

Overall, officers do not consider that the proposal would result in an unacceptable level of harm to the amenity of the neighbouring occupiers, and as such would comply with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

The majority of points have been addressed in the body of the Report.

With regard to other matters:

- Developer using every possible loop-hole in the planning system: That the owner may have pursued a phased approach to developing the property is not in itself grounds for refusal. As long as any necessary approvals are in place and works have been carried out to effect the necessary fall-back position, then they are material considerations which must be given due weight. The LPA are able to consider the cumulative impact and have done so. However, it is not considered that the consolidation of those extensions in the manner proposed would be inappropriate or unacceptable given the context which they provide.
- Risk of damage to house foundations: Not a planning matter. This would be covered by Building Regulations and the Party Wall Act.
- The works to the rear garden would result in drainage problems/flood risk: Not a planning matter but a civil issue. Notwithstanding that, it is noted that the site is within Flood Zone 1 and is not at risk of surface water flooding
- Applicant falsely conveyed that neighbouring residents have withdrawn their objections and visited many neighbours and asked to withdraw their comments through various means: Not a planning matter however, the requisite number of objections to bring the matter before the Committee has in any event been achieved
- The proposed works are causing concern and distress: Not a planning matter
- Consultations and Report relating to 18/6698/PNH: Prior Approval applications are subject only to extremely limited consultation prescribed in the Order. No objections from those parties were received. On that basis, under the terms of the Order, Prior Approval is not required and as such, no report is necessary.
- The material used for the existing extension do not match materials of the main dwelling: A condition will be applied requiring the extensions to be finished in materials to match the host property
- Concerns over the number of occupiers at the application site following the development has taken place and whether the site will remain a single family dwelling: The future use of the property as an HMO or flats would constitute a development requiring a further grant of permission. As such, the LPA would retain governance and the discretion to enforce
- Noise and disturbance resulting from use: The extensions subject to this application would create increased living space at ground floor level and an en-suite to the first-floor rear bedroom. As such, an intensification of occupation is not anticipated.
- Huge quantities of excavation material have been placed in the rear garden of the application site: Not a planning matter unless, subsequent to the construction phase, they remain and effect a material change to the level of the land. This would require consent and should be reported to Planning Enforcement.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that - within the context of the existing extensions and approvals and subject to compliance with the attached conditions - the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality and would not have an unacceptable adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



Location **16 Glebe Crescent, London, NW4 1BU**

Reference: **20/2319/RCU**

Received: 1st June 2020

Accepted: 4th June 2020

Ward: Hendon

Expiry 27th July 2020

Applicant: c/o Agent (Mr Stern)

Proposal: Change of use from dwelling house (Class C3) into HMO (Class C4) for 6 people (Retrospective)

AGENDA ITEM 7

Recommendation: Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 In the absence of a demonstrable need for the proposed HMO, the proposed change of use results in the loss of a single family dwelling house for which there is a known demand and the proposal introduces a use that is out of character with the prevailing character of the locality, harmful to the amenity of the area and contrary to policies CSNPPF, CS5 of the Adopted Local Plan Core Strategy 2012, policies DM01, DM08 and DM09 of the Adopted Development Management Policies DPD 2012 and Adopted Supplementary Planning Document - Residential Design Guidance (2016).
- 2 The conversion of the property into a six person HMO will harmfully increase noise, disturbance, congestion and disruption to neighbouring residents through associated general activity and will result in an over-intensive use that will have an adverse effect on residential amenity, contribute towards change in the function and character of the street and be out of character with the established settled residential pattern. The proposal would therefore be contrary to Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02, DM04 and DM09 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).
- 3 The proposal fails to comply with the Councils relevant housing standards for HMO and thus would provide substandard accommodation detrimental to the residential amenity of future occupiers, contrary to the requirements of Policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and Policy DM09 of Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), Policy 3.5 of the London Plan (2016) and The Mayors Housing Supplementary Planning Guidance (Adopted March 2016).

- 4 In the absence of details regarding cycle parking spaces and cycle storage facilities, the applicant has failed to demonstrate that the proposed development would provide cycle parking facilities in accordance with the standards set out in Policy 6.9 and Table 6.3 of The London Plan and that the development would be in the interests of promoting cycling as a mode of transport in accordance with Policy CS9 of Barnet's Core Strategy DPD (2012); the Supplementary Planning Guidance (Residential Design Guidance) (2016); and Policies DM09 and DM17 of Barnet's Development Management Policies (2012).

Informative(s):

- 1 The plans accompanying this application are:
EX-P002 - Existing First Floor
EX-E001 - Existing Front/Rear Elevation
EX-E002 - Existing Side Elevation
EX-P001 - Existing Ground Floor
EX-P003 - Existing Loft Plan
EX-P004 - Existing Roof Plan
3 - Existing Section AA'
PE-P002 - Pre Existing First Floor
PE-E001 - Pre-Existing Front/Rear Elevation
PE-P001 - Pre-Existing Ground Floor
PE-P003 - Pre-Existing Loft Plan
PE-P004 - Pre-Existing Roof Plan
PE-S001 - Pre-Existing Section AA'
PE-E002 - Pre-Existing Side Elevation 1
PE-L001 - Pre-Existing OS Map Location
EX-L001 - Existing OS Map Location Plan
- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) 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 applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

This case has been called to the Committee at the request of Cllr Finn for the following reason:

"...I am open minded as to whether the proposal for five to six people would drastically be different from a family which could consist of more than this number e.g husband, wife, grandparents plus three or four grown up children.

I am doubtful therefore if a change of this type would have a severe effect on the neighbouring properties.

The only effect which I can see would be an increase in demand for resident parking permits...[which]...could be dealt with by a restriction on the issue of parking permits, if permission was subject to a condition of no limits being issued for the property.

The proposal loses of course a single-family dwelling house but does provide accommodation for another group which needs to be accommodated.

There is no one single answer and there is no one single correct decision, but I think it would do no harm at this time for a conversion to take place in public so that options can be aired"

1. Site Description

The application site comprises a two-storey semi-detached dwelling with rooms in the roof space, located on Glebe Crescent within Hendon. The house has been extended in the past and benefits from enlargements which enable the property to incorporate six bedrooms.

The character of the surrounding area predominantly consists of similar residential, two-storey dwelling houses with amenity space to the rear.

The property is not Listed, nor does it lie within a designated Conservation Area.

2. Site History

Reference: W13396/03

Address: 16 Glebe Crescent, London, NW4 1BU

Decision: Approved subject to conditions

Decision Date: 24 September 2003

Description: Single storey rear extension and single storey rear conservatory.

Reference: W13396A/04

Address: 16 Glebe Crescent, London, NW4 1BU

Decision: Approved subject to conditions

Decision Date: 4 January 2005

Description: Two-storey side extension. Single storey rear extension. Conversion of garage to a habitable room including insertion of front window. Alterations to roof including extension to ridge line and addition of rear dormer window to facilitate a loft conversion.

3. Proposal

This application seeks retrospective planning permission for the change of use from dwelling house (Class C3) into HMO (Class C4) for 6 people

4. Public Consultation

23 consultation letters were sent to neighbouring properties. No responses were received.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 19 February 2019. 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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The Mayor's London Plan 2016

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.

Draft London Plan 2017

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM09, DM17

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)
Sustainable Design and Construction SPD (2016)

On 26 May 2016 the Council implemented an Article 4 Direction across the borough requiring planning permission for any change of use from buildings used as dwelling houses (Use Class C3) to buildings used as small scale houses in multiple occupation (Use Class C4).

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle / The need for an HMO
- Character
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with HMO standards
- Accessibility and parking

5.3 Assessment of proposals

Principle / The need for an HMO

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (constituting separate households; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms.

On 29 May 2016 an Article 4 Direction was introduced to remove the permitted development right to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Therefore, planning permission is now required for such proposals.

Policy DM09 part a) states that "Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant standards for HMO."

The applicant has not identified any need or provided justification as to why this property should be converted to an HMO. In the absence of any identified need, the proposal would result in the loss of a priority dwelling type - as set out under Policy DM08 of the Development Management Policies DPD.

Character

No planning permissions have been granted for conversion to HMO in Glebe Crescent. Notwithstanding that, current licences are in place for Nos 15, 20, 28 and 36.

A minority of dwellings are also now configured as flats, namely Nos 3, 5 and 9. Aside from this, the Planning and Council Tax records demonstrate Glebe Crescent to be otherwise characterised by two storey semi-detached single-family dwellings.

This is supported within the planning appeal for No.7 Glebe Crescent, where a similar retrospective planning application dated 28 February 2017 (17/1246/RCU), for the use of the property as a HMO (Class C4) for 4 people was refused due the loss of a single family dwellinghouse. The decision was subsequently upheld at appeal under ref no. (APP/N5090/W/17/3180380). Within this appeal, the inspector noted that 'it is evident that much of the street remains occupied as single dwellings, and that this is the prevailing character'.

The development is considered to result in harm to the established character of the area which comprises predominantly houses in single family occupation. The National Planning Policy Framework indicates that the character of an area is made up of much more than its physical appearance but includes how it functions and contributes to local identity and sense of place. Taking account of such considerations, the development breaches Policies DM01 and DM09 to the extent that it would erode the well-established character of the area and the principle of an HMO in this location is considered to be unacceptable in principle.

Impact on the amenities of neighbours

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street due to the level of intensification above and beyond properties which are in single family occupation or have been converted into flats.

The introduction of an Article 4 across the borough is recognition that HMOs need to be controlled and their proliferation can be harmful to more permanent residential character. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street and to undermine the more permanent residential nature afforded by single dwelling houses and flats.

The pre-existing plans suggest that the property benefitted from 6no. bedrooms, the HMO also benefits from 6no. bedrooms. Although the occupancy level remains essentially the same, it is likely that unrelated residents are likely to have different schedules than that of a single family dwellinghouse who are likely to make similar movements and thus generating less noise and disturbance.

As expressed in the section above, there are a minority of examples of known properties used as HMO's on Glebe Crescent and the increased number of households at the host property is likely to result in the unacceptable level of over-intensification of the site from the increased comings and goings associated with 6no. separate households using the property and garden. It is therefore likely to result in noise and disturbance which would be detrimental to the living conditions of neighbouring occupiers.

Whether the scheme complies with HMO standards

On Conversions, the Residential Design Guidance states at Para 15.6:

"Where the conversion of a single family home into a small HMO or subdivision into flats is proposed the following should all be considered:

- The property should be large enough to be converted without the need for substantial additional extensions and
- There should normally be access to the rear garden for all flats and
- There should be adequate space off street to meet parking standards set out in DM17 and
- There should be adequate space to provide suitable refuse storage in line with council guidance for architects and
- Unit sizes should conform with the London Plan's minimum space standards set out in Appendix 2 of this SPD or for HMO the Councils adopted Housing Standards.

Paragraph 4.1.1 stipulates that "Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation". The HMO would only provide one kitchen at ground floor level, thus over one floor distance from those accommodated in the room in the roof space.

The Mayors Housing Supplementary Planning Guidance (Adopted March 2016) under paragraph 3.5.1 states that LPAs should ensure "...schemes are of good quality and meet all relevant Housing Act and HMO standards and requirements".

The HMO space standards outline that for one room lettings the minimum room floor area where a kitchen is separate should be 8.5m². One bedroom at the first floor, towards the front of the property does not meet this requirement.

Given the above, the proposal fails to comply with the Councils relevant housing standards for HMO and thus fails to comply with the requirements of Policy DM09 of the Development Management Policies DPD and The Mayors Housing Supplementary Planning Guidance (Adopted March 2016).

The submitted application documents do not show details of refuse/recycling storage.

With regard to amenity space, Section 2.3 of the Sustainable Design and Construction SPD (2016) states that 'Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough'. While there are no minimum amenity space standards for HMOs, the application site provides a communal rear amenity area of approx. 434 sqm and is accessible to all tenants. This is deemed acceptable.

Accessibility and Parking

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states:

The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

- i. with limited or no parking outside a Controlled Parking Zone (CPZ) but only where it can be demonstrated through a survey that there is sufficient on street parking capacity.
- ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ.

Public Transport Accessibility Level (PTAL) rating for the site is assessed as 2 which is 'poor'.

The Local Highway Authority has been consulted on the application and note that there is existing space for off-street parking. When comparing the existing and proposed use, there is likely to be a slight uplift in parking demand on the surrounding streets. The street is within a CPZ with restrictions Mon-Fri 10am-5pm, if restrictions were imposed on permits vehicles will be still able to park in the evening and weekend.

The highways department consider that the impact is unlikely to be detrimental. The proposal is therefore in accordance with Policy DM17 of the Development Management Policies DPD.

In accordance with the London Plan, cycle parking should be provided with 1 space per room. No details of cycle parking have been provided within this application. In the event of an approval, a condition would be attached to the retrospective planning permission outlining that details of cycle parking and cycle storage facilities must be submitted within 3 months to be approved by the Local Planning Authority and implemented within 3 months of approval.

5.4 Response to Public Consultation

N/A

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed conversion of the existing single-family dwelling into an House of Multiple Occupation (HMO) without any submitted justification, would be out of character and contrary to Policy DM01, DM04 and DM09, resulting in unacceptable harm to the character and appearance of the application site, the street scene and the locality as it will undermine the more permanent residential nature afforded by single houses. The proposal would also have an unacceptable impact on the residential amenity of neighbouring properties contrary to Policy DM01 and DM04 of the Development Management Policies DPD. The proposal fails to comply with the Councils relevant housing standards for HMO and thus would provide substandard accommodation detrimental to the residential amenity of future occupiers, contrary to the requirements of Policy DM09 of the Development Management Policies DPD

This application is therefore recommended for REFUSAL



Location **Henley Court, Watford Way, London, NW4 4SR**

Reference: **20/2836/FUL**

Received: 23rd June 2020

Accepted: 29th June 2020

Ward: Hendon

Expiry 18th August 2020

Applicant: Henley Court Properties Limited

Proposal: Erection of 7no residential units comprising 5no one bedroom apartment and 2no studio flats on top of the existing building (existing loft level) including 14no new car parking spaces and communal garden improvements

AGENDA ITEM 8

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Site Location Plan, HC-PP-01HC-PP-02, HC-PP-03, HC-PP-04, HC-PP-05, HC-PP-06, HC-PP-07, HC-PP-08 HC-PP-09, HC-PP-10

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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. HC-PP-06 submitted with the planning application and the access to the parking area and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 5 Before the development hereby permitted is occupied, the proposed cycle parking as detailed on Drawing No. HC-PP-06, together with two additional cycle parking spaces, shall be provided and shall not be used for any purpose other than parking of bicycles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;

- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a competent banksman;
- xii. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 The approved development shall make provision for electric vehicle charging points, details are to be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the approved parking spaces to be provided with electric vehicle charging facilities with a further 20% passive provision for electrical vehicles in the future. The development shall be implemented in full in accordance with the approved details prior to first occupation and thereafter be maintained as such.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan.

- 8 Notwithstanding the details shown in the plans submitted otherwise hereby approved, before the development hereby permitted is first occupied the following information shall be submitted to and approved in writing by the Local Planning Authority:

i. Details of all enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable.

ii. Plans showing satisfactory points of collection for refuse and recycling. The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first brought into use and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory refuse and recycling facilities are provided at the development in accordance with policies CS5, CS9, CS14, DM01, DM04, DM06 and DM17 of the Barnet Local Plan.

- 9 a) A scheme of hard and soft landscaping, including details of existing trees and hedges to be retained and the size, species, planting heights, densities and positions of any proposed soft landscaping (including new trees and hedges), shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of hard and soft 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.

c) Any existing tree or hedge shown to be retained or trees, hedges 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, hedges or shrubs of appropriate size and species in the next planting season.

Reason: To ensure the development has a satisfactory design and appearance and makes an appropriate contribution to biodiversity in accordance with policies CS5, CS7, CS13, DM01, DM02, DM04, DM06 and DM16 of the Barnet Local Plan and policies 5.10, 7.2, 7.4, 7.5, 7.6, 7.8, 7.19 and 7.21 of the London Plan.

- 10 No construction or demolition work in relation to the development hereby approved shall be carried out on the site at any time on Sundays, Bank or Public Holidays, before 8.00am or after 1.00pm on Saturdays, or before 8.00am or after 6.00pm on any other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policies DM01 and DM04 of the Barnet Local Plan.

- 11 Prior to the first occupation of the new dwelling (Use Class C3) hereby approved it shall have been constructed to have 100% of the water supplied to it by mains water infrastructure provided through a water meter or water meters and the 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 used to determine the water consumption. 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 and policy 5.15 of the London Plan.

- 12 Notwithstanding the details shown on the plans submitted and otherwise hereby approved, prior to the commencement of the development (other than for Groundworks and Site Preparation Works) full details, including annotated scaled plans, of all proposed boundary treatments, walls, fencing, gates or other means of enclosure to be erected at the site shall have been submitted to the Local Planning Authority and approved in writing. The development shall be implemented in full accordance with the approved details prior to the first occupation of the development hereby approved and be permanently retained as such thereafter.

Reason: To ensure that the development provides a safe and secure environment and protects the amenities of the occupiers of neighbouring properties, trees, hedges and the character of the site and wider area in accordance with policies CS5, CS7, DM01, DM06 of the Barnet Local Plan and policies 7.3, 7.4, 7.5, 7.6, 7.8 and 7.21 of the London Plan.

- 13 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 2016).

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) 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 in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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.
- 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 £60 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 £___ 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 £___ payment under Barnet CIL.

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.

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.

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

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.

3 Highway Condition Survey

Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate license. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 4 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

This application is identical to the scheme previously approved under grant of consent 17/7832/FUL, which remains extant until the 8th February 2021. The agent has stated this scheme has been submitted in order to ensure the applicant has sufficient time to arrange funding prior to the lapse of the previous permission. However, were that scheme to be begun, it could otherwise be placed in abeyance with the same material effect.

Given there have been no significant changes to the physical or policy context since the previous approval - which remains extant - it is considered the previous assessment is still valid and as such, it is quoted in Section 5.3 below. Officers have summarised and then responded to the objections to the current application under Sections 4 and 5.4 respectively.

1. Site Description

The application site is third floor of a detached, two storey flatted development with pitched roof form which fronts Aerodrome Road. The site is 'sandwiched' between the M1 to the west and Watford Way A41 to the east of the application site. There is vehicular and pedestrian access via a slip road along the western boundary of the site. There is car parking and a communal amenity space with trees along the south eastern boundary of the central courtyard. It is noted that the frontage of properties on Aerodrome Road are bounded for the most part by timber low rise fencing, several trees, and a mix of hard or soft landscaping features. There is no direct vehicular access from Aerodrome Road only via a laneway on the western boundary of the site.

The character of the area is mixed as the site is bounded to the south by two storey dwellings. To the north lies a three storey flatted development known as Canberra Close, shielded for the most part by hedging and trees on Aerodrome Road. To the east at the junction of Watford Way and Greyhound Hill there are flatted development of varying heights and a mix of commercial uses on the ground floor and residential properties above.

The site is not a Listed Building and is not located in a Conservation Area.

2. Site History

Reference: 17/7832/FUL

Address: Henley Court, Watford Way, London, NW4 4SR

Decision: Approved subject to conditions

Decision Date: 8 February 2018

Description: Additional of third storey to provide 7no self-contained flats (existing loft level)

Provision of 14no new car parking spaces. Associated alterations to landscaping, refuse and cycling

Reference: 18/1667/FUL

Address: Henley Court, Watford Way, London, NW4 4SR

Decision: Refused (allowed at appeal)

Decision Date: 1 June 2018

Description: Three storey side extension to provide 2no. self contained flats at first and second floor levels. Associated car parking, cycle store, refuse storage and alterations to landscaping

3. Proposal

This application is identical to the scheme previously approved under grant of consent 17/7832/FUL

The application seeks consent for the addition of a third storey to provide for 7no self-contained flats (existing loft level). Provision of 14no new car parking spaces. Associated alterations to landscaping, refuse and cycling.

The proposal will provide 7no residential units comprising 5no one bedroom apartment and 2no studio flats on top of the existing building (existing loft level) and includes 14 new car parking spaces.

The 5 x 1 bedroom 2 person units and 2 x studio flats on the third floor will comprise of:

Flat A- Studio 1b 2p unit of 56sqm

Flat B- 1b 2p unit of 60sqm

Flat C- 1b 2p unit of 60sqm

Flat D- 1b 2p unit of 60sqm

Flat E- 1b 2p unit of 60sqm

Flat F- 1b 2p unit of 65sqm

Flat G- 1b 2p unit of 58sqm

The proposed third floor internal layout for all 7no flats complies with the minimum internal space standards of the London Plan.

The additional flats will avail of 3x1100L refuse and recycling bins, close to the west entrance of the building adjacent to the car park entrance as shown on drawing HC-PP-06. The third floor flats can be accessed via stairs located on both sides (east and west) rear flank elevations of the building which leads to an external rear corridor into the third floor. The proposed third floor within the building will be characterised by a pitched roof which reflects the existing pitched roof form of the building. The proposed third floor will replicate the existing fenestration detailing and design of the existing building. Proposed materials will be render, brick and roof tiles which match the existing. Vehicular and pedestrian access is via an existing laneway which runs parallel on the western side of the site. 14 car parking spaces are proposed within the site and three of the fourteen spaces are to be sited adjacent to the existing laneway to the west as shown on drawing HC-PP-06. Bicycle storage in the form of racks will be located on the eastern side of the building fronting Watford Way.

4. Public Consultation

139 consultation letters were sent to neighbouring properties.

6 objections have been received which can be summarised as follows;

- Concerns regarding the existing structural issues to the property including subsidence, cracks, the integrity of the foundations, damp and the subsequent impact the proposed development would have to these ongoing issues.
- Concerns regarding impact on existing overstretched drainage and sewerage infrastructure on the site.
- Concern regarding under provision of parking for existing residents and exacerbation with increased demand from new residents.

- Concerns regarding loss of communal garden and impact on existing residential amenity. - Location of proposed children's play area will be adjacent to the car park which may be dangerous.
- Concerns on the access for emergency services and fire precautions.
- Concern regarding timescales of proposed construction works and the impact on existing residents.
- Concerns regarding discrepancies in the planning statement and number of unit proposed.
- Concerns regarding level of refuse provision and arrangement of this may lead to access issues.
- Concerns regarding impact on residential amenity of neighbouring properties.
-

Other / internal consultations:

Highway officers: Recommend approval with advised conditions.

Environmental Health: Recommend approval with advised conditions. The conditions proposed were not attached to the previous approval and in light of this being identical to the previous with no material changes in policy or with regard to the site conditions, it is not considered justified in planning terms to attach any additional conditions to those previously required

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 19 February 2019. 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 2016

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 Draft London Plan

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM07, DM08, DM17

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted 2016)

- 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. The SPD 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.

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

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet

5.2 Main issues for consideration

The main issues are considered to be:

- Whether the principle of flats would be acceptable in this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
 - Provision of suitable living conditions for future occupiers
 - Highways and parking provision

5.3 Assessment of proposals

Preliminary matters

As set out at the beginning of this report, this application is identical to a previously approved scheme (17/7832/FUL) which is valid until the 8th February 2021. Given that there has been no significant changes within a policy context since the previous approval or any relevant material changes to the physical context for the development, it is considered the previous assessment is still valid which is outlined below;

. Principle of Development

Henley Court is an existing two storey flatted development in residential use and the addition of a third floor for 7no flats is considered appropriate in this building. There are a range of residential units in the surrounding area, Aerodrome Road and Watford Way and therefore the provision of flats is considered acceptable in this location.

Proposed siting, character and appearance

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings.

Proposals involving the development of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the building.

This proposal has been considered against Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and seek to ensure that proposals are of high quality design, respect the scale of surrounding buildings, and harmonise with local townscape and character. The pattern of surrounding buildings should be respected.

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Firstly, the applicant had applied for pre-application advice and following those discussions had applied for full planning permission. The addition of at a third storey roof extension will raise the roof of the building approximately 3.3m taken (from its highest point). Also, the proposed pitched roof will replicate the existing pitched roof of the two storey building. Although the third floor roof extension is noted as taller than the existing building which spans across the width of the building, it is located on a streetscape which sees a variety of building heights with the neighbouring flatted development being three storey and other properties being four stories in height. Therefore, the proposed development is not considered to disrupt any uniformity in the street scene.

In addition, the proposed front and rear elevation drawings show that the third floor will replicate the existing symmetry of the building in terms of fenestration detailing and design which contributes to the appearance and symmetrical design of the building. Also, the replication of the existing pitched roof reduces the bulk and massing of this proposal, which appears subservient to the building.

It is considered that the general design, bulk and massing of this proposal would be in keeping with the size and scale of the existing building, adjoining block of flats and would preserve the character and appearance of the established residential developments.

Whether harm would be caused to the living conditions of neighbouring residents;

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured

The addition of the third floor roof extension is to be accommodated within the footprint of the main building. There are no significant external alterations to the building apart from the insertion of windows. Although the roof height will be raised approximately 3.3m, it is considered that the proposal is sited a sufficient distance away approximately 17m from neighbouring properties to the south and 30m from Canberra Close to the north of the site. Given the adequate separation distances, it is considered that the proposal will not give rise to overlooking, loss of privacy and or appear overbearing to the detriment of the amenity of adjoining occupiers. Conditions have also been recommended to ensure that the construction of the development does not result in unacceptable levels of noise and disturbance.

This comprises conditions requiring the carrying out of the works within certain hours and in accordance with a Construction Management Plan that has been previously agreed with the Local Planning Authority. The application is found to be acceptable in these respects subject to these conditions.

For the reasons set out above the proposed development is considered to be acceptable and compliant with the objectives of the relevant development plan policies and planning guidance as they relate to the protection of the amenities of neighbouring occupiers. The application is therefore found to be acceptable in this regard.

Provision of suitable living conditions for future occupiers

It is considered that the current application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space for future occupiers.

The proposed development would provide the following accommodation:

Second Floor

The proposal will provide 7no residential units comprising 5no one bedroom apartment and 2no studio flats on top of the existing building (existing loft level).

Flat A- Studio 1b 2p unit of 56sqm

Flat B- 1b 2p unit of 60sqm

Flat C- 1b 2p unit of 60sqm

Flat D- 1b 2p unit of 60sqm

Flat E- 1b 2p unit of 60sqm

Flat F- 1b 2p unit of 65sqm

Flat G- 1b 2p unit of 58sqm

The addition of the second floor flats would meet the minimum gross internal areas as required. The proposed dwellings are also compliant with Part 2.2 part of the Council's Sustainable Design and Construction SPD in regard to the size of bedrooms having a minimum floor area of 11.5sqm for double bedrooms. Furthermore the proposed development meets the requirement that glazing to all habitable rooms should not normally be less than 20%. Notwithstanding the above, development plan policy requires that new dwellings are provided with adequate outlook, daylight and sunlight. The design approach proposed maximizes the outlook, daylight and sunlight of occupiers of the new units. It is considered future occupiers will have adequate outlook, daylight and sunlight and as such, will create a good quality living environment for future occupiers.

The Council require garden space to be provided for new dwellings in order to help to protect and improve the quality of residential areas and maintain living standards, and it is recognised that residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For flat developments, the space can be provided communally around buildings but it must be usable. Front gardens that do not provide a reasonable level of privacy, areas that are overlooked by neighbouring development and areas whose use is hindered by their size or the siting of refuse storage enclosures will not be regarded as usable. For flat developments, in appropriate locations and where there is no significant overlooking, balconies may be considered an acceptable substitute for garden space.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats outdoor amenity space should be 5sqm per habitable room.

The communal outdoor amenity space provides for 220sqm and the playground a further 31sqm accumulating to 251sqm of outdoor amenity space. The proposal is increasing the amount of useable amenity space by creating a playground on site for the occupants of the site. Furthermore, it should be recognised that the site is located a 10 minute walk to Sunny Hill Park and an 8 minute walk to Lismore Boulevard. In this regard it is considered that the proposed development offers sufficient access to amenity areas for future occupiers.

An appropriate area for the storage of recycling and refuse bins, as well as cycle store has been provided for each new dwelling. A condition will be attached requested further details of an enclosure to lessen the visual impacts of the bins and cycle storage. In addition the refuse collection storage needs to be within 10m of the public highways and no details have been given therefore a condition will be secured through the imposition of a condition.

Highways:

Vehicular access to the car park at the rear will use the existing crossover. The road from which access will be taken is a private road. The PTAL for the site is 2 and is considered as poor accessibility. 14 car parking spaces are proposed to share between new and existing development. At least 1 parking space needs to be identified and designed for disabled use. 8 cycle parking spaces are proposed with this application and there is a shortfall of 2 cycle spaces. The applicant should provide a further two spaces and further details as to the location and type of cycle parking proposed to comply with the London cycle Design Standards.

A refuse storage area has been identified on drawing HC-PP-06. The refuse collection store needs to be within 10m of the public highway otherwise if the refuse collection vehicle is expected to access the refuse collection store via private road the applicant will be expected to sign an Indemnity Waiver Agreement with the Council. The doors for the refuse store should not be opening outwards to ensure highway and pedestrian safety.

Highways recommended approval subject to the attached conditions and informatives.

5.4 Response to Public Consultation

In regards to the concerns regarding the damaging impact subsidence, cracks, foundations this matter is a party wall surveyor issue and not a planning matter. In planning terms, a Construction Management Plan condition is suggested to ensure that the proposed development is constructed with the minimal amount of disturbance to the locality.

The concerns raised regarding potential loss of light to existing occupiers has been assessed and it was considered that the proposals will not detrimentally impact on the amenity of neighbouring occupiers in this manner.

In regards to concerns on parking pressure this has been addressed above and considered acceptable by the Local Highways Authority.

The provision of outdoor amenity and the inclusion of a playground in this location as considered acceptable in the previous assessment, in light of those being an identical scheme with no material changes on site or to policy the previous assessment is considered valid and these elements acceptable.

A condition has been attached requiring details of boundary treatments to be submitted and approved by the LPA prior to commencement of the development. The LPA will have the opportunity to ensure the boundary treatment between the car park and play area is sufficient to reduce any potential safety issues.

Concerns regarding level of refuse provision and arrangement of this may lead to access issues together with access for emergency services and fire precautions have been assessed within the previous approval. There is no change in this regard and thus the previous assessment is upheld.

Concerns regarding discrepancies in the planning statement and number of unit proposed are noted however the application is based on the submitted plans with is for 7 units was correctly described within the description of development. The development approved would be those indicated on the approved plans of 7 units.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and support the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would continue to have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers of future occupiers. This application is therefore recommended for APPROVAL



Location **Rear Of 1A Shelley Close, Edgware, HA8 8DX**

Reference: **20/0888/FUL**

Received: 21st February 2020

Accepted: 27th February 2020

Ward: Edgware

Expiry 17th April 2020

Applicant: Mr Akram Sawdaye

Proposal: Erection of a new two storey dwelling. New vehicular access to provide off-street parking. Associated refuse and recycling and cycle storage (AMENDED PLANS)

AGENDA ITEM 9

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

4942/19-100 (Existing Site Plan and Section)
4942-19/101 C (Proposed Site Plan and Section)
4942/19-102 C (Proposed Plans and Elevations)
4942-19-103 A (Proposed and Existing Short Section)

GUA-DR-L-001 P01 (Landscape Masterplan)
GUA-DR-L-002 P03 (Detailed Hard and Soft Landscape Proposals)
Tree Constraints Plan
Tree Protection Plan

Phase II Arboricultural Impact Assessment (AIA), Arbol Euro Consulting Ltd (dated 10/06/2020)
Planning Statement, Alan Cox Associates (dated February 2020)
Tree Survey Schedule, Arbol Euro Consulting Ltd (dated 19/05/2020)

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 a) Before works above ground level are begun, details of the materials to be used for the external surfaces of the building hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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 CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection as stated under the approved Phase II Arboricultural Impact Assessment (AIA), Arbol Euro Consulting Ltd (dated 10/06/2020) and Tree Protection Plan 101 490, Arbol Euro Consulting Ltd, has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 6 a) All work comprised in the approved scheme of landscaping as detailed in the approved drawings GUA-DR-L-001 P01 (Landscape Masterplan) and GUA-DR-L-002 P03 (Detailed Hard and Soft Landscape Proposals) 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, and, notwithstanding those plans, the screening hedge mix fronting the carriageway of Shelley Close shall be a minimum height of 2m where it is to the rear of the front elevation of the approved dwelling

b) 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 CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 7 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 8 Before the development hereby permitted is first occupied the parking spaces shown on Drawing No. 4942/19-101 C 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 Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2016.

- 9 Prior to occupation of the development the approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. 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.

- 10 a) Before the development hereby permitted is first occupied, 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.

b) 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 thereafter.

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).

- 11 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.

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) 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 in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2016) and the 2016 Mayors Housing SPG.

- 14 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 pm 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 Development Management Policies DPD (adopted September 2012).

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of application site hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 38-57 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.

- 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 £60 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.

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.

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

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.

- 3 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 or by telephoning 0208 359 4500.

- 4 The applicant is advised that any works required on public highway to facilitate the development will be at the applicant's expense and will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements.

If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

1. Site Description

The application site is located on the north-east side of Shelley Close and was historically part of the extended garden ground of 1A Shelley Close. It has since been subdivided, with the southern section forming the application site, and the northern section being retained as garden ground for No.1A.

The character of Shelley Close can be split into two sections: the southern end defined by east/west facing single-storey bungalows and the northern end by north/south facing detached bungalows. Whilst both single-storey, they have quite different forms and external appearances.

To the east and west, the site is flanked by the rear gardens of Glendale Avenue and Hillside Gardens. Properties along both these streets are comprised of two-storey, semi-detached dwellings. The topography of the area slopes west to east so Hillside Avenue properties are located higher than the application site, which is in turn sited higher than the properties along Glendale Avenue.

As the site currently lies, there is an existing tree belt which runs along the north-eastern boundary with Glendale Avenue and low hedging/shrubbery around the western and southern boundaries. There are no TPO designated trees on the site.

The site does not fall within a designated Conservation Area neither is it in close proximity to a Listed Building. The site has a Public Transport Accessibility Level (PTAL) rating of 3 which is classed as 'moderate'. The site falls within Flood Zone 1 which is classed as low risk by the Environment Agency.

2. Relevant Site History

Reference: W00913H

Address: Land Between, Shelley Close Sterling Avenue Edgware

Decision: Refused

Decision Date: 04 February 1969

Appeal Decision: Dismissed

Appeal Decision Date: 11 February 1970

Description: Bungalow

3. Proposal

The application seeks permission for the erection of a new single-family dwellinghouse with 3no. rear dormer windows to provide rooms in the roofspace. A new crossover is proposed within the existing 'T' shaped turning head and would allow for 2no. off-street parking spaces to be provided within the site.

A landscape masterplan has been submitted which illustrates that the existing tree belt to the north-east is to be retained and new trees are to be planted in the south-east corner in front of the proposed car parking spaces. New hedging is also proposed to be planted within the site along the northern and western boundaries.

The application has been amended during the course of the application to include the following:

- Submission of Arboricultural Impact Assessment, Tree Survey and landscape masterplan;
- The proposed footprint has been reduced in size and shifted away from the north-eastern boundary.

4. Public Consultation

Upon validation of the application on 21/02/2020, consultation letters were originally sent to 54no neighbouring properties.

Following the submission of new documents and amended plans, a period of re-consultation was undertaken on 07/07/2020.

Overall, 24no responses have been received, comprising 24no letters of objection. This does include multiple letters from the same household due to electronic and hard copies being received and as a result of the re-consultation periods.

The objections received against the application as a whole can be summarised as follows:

- Proposed development conflicts with historic Secretary of State decision;
- Out of keeping for the street;
- Proposed design does not compliment or improve the character of the area;
- Accommodation within the first floor is out of keeping with the rest of the location;
- Proposed dwelling is more extensive with overbearing nature;
- Difference in topography will impact neighbouring properties;
- Adverse impact on amenity - overshadowing; overlooking; loss of light
- Loss of existing trees / vegetation / woodland and effect on environment;
- Impact on local wildlife;
- Increased traffic resulting from proposal;
- Inadequate parking provision;
- No provision of visitor parking;
- Potential conflict from narrow road with no facility for vehicles to turn;
- Addition flood risk harm;
- Risk of subsidence;
- Disturbance during construction phase and potential blocking of roads;
- Loss of street light;

Consultation Responses

Arboricultural Officer - No objection subject to conditions.

Traffic and Development - No objection subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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 in February 2019. 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 2016

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 2050. 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 Draft London Plan

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS7, CS9, CS10, CS11, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM16, DM17.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan Regulation 18 Preferred Approach was approved for consultation on 6th January 2020. The Regulation 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. Whilst still at an early stage, it is noted that the Council have identified a Schedule of sites that have the potential to be brought forward for development, subject to a suitable development proposal being submitted to and approved by the Council. It is noted that Site

No.56: Woodside Park Station West is identified as having potential for being developed for residential use. The application site falls within this identified strip.

The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development and impact on the character and appearance of the site, streetscene and wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the building would provide suitable living conditions for future occupants;
- Whether harm would be caused to parking conditions and highway safety;
- Any other material considerations; including trees, landscaping, drainage and accessibility

5.3 Assessment of proposals

Principle of development and impact on the character appearance of the site, streetscene and wider locality

The site falls within a residential area and as such the principle of a new dwellinghouse would not be at odds with the established character, subject to compliance with all other relevant policies.

In terms of siting and layout, the proposed new dwelling would be positioned at the southern-most part of the site. The proposal would broadly follow the existing footprints of the bungalows to the north, in that they are long and narrow in form and occupy the majority of the width of the plot. The separation distance between the proposal and no. 1A Shelley Close is approx. 20m which is comparable to the distances between 1A, 1B and AC. Therefore, the pattern of development is considered to be respected in terms of siting and layout. During the course of the application, the siting of the dwelling was shifted further away from the north-eastern boundary and the overall footprint was reduced in size. Overall, on the aspects of siting and footprint within the application site, Officers consider the proposed development to be appropriate and would not be significantly harmful to the character and appearance of the site or surrounding area.

Whilst the proposal has been described as a two-storey dwelling, Officers do not consider that is a wholly accurate description of the proposed development. The proposal would only have a full level at ground floor with dormer windows at roof level to provide rooms in the roof. A two-storey dwelling would typically comprise of two full levels at ground and first floor with a further roof level. The properties flanking the site at Hillside Gardens and Glendale

Avenue are very typical of two-storey styled houses. Therefore, the proposed developments should be considered as single storey with rooms in the roof or of being 1.5 storeys.

The topography of the site also slopes from north to south as can be seen on the site sections. The total ridge height of the proposal would be approx. 5.5m. The proposed site section plan illustrates that the proposal would be in keeping and respectful of the transitional height along Shelley Close. As such the proposed height is considered to be in keeping with the character of the surrounding area.

It is evident that the proposed design and external appearance does differ from the bungalows along Shelley Close. However, with Shelley Close being enclosed by Hillside Gardens and Glendale Avenue, its visual impact will be very localised and a different design is not considered to be significantly harmful that would result in the refusal of the application. The proposed dormer windows are small in scale and do not dominate the proposed roofscape.

Taking into account the assessments above, it is considered that the proposed development would be appropriate in terms of siting, layout, height and design and would not result in a significantly adverse visual impact on the character and appearance of the site, the streetscene or surrounding area.

Whether harm would be caused to the living conditions of neighbouring residents

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

Privacy, overlooking and outlook

Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

As this is an established residential area, the site is flanked by neighbouring properties on all sides.

In terms of no. 1A Shelley Close to the north, the proposed dwelling would be measure approx. 12m from the rear boundary and 20m to the facing elevation. Therefore, this is considered to be acceptable in term of safeguarding its amenity.

In terms of no.1 Shelley Close to the south, there is the existing vehicle turning area which separates the sites. There are no windows in the side elevation of no.1 facing the application site. Given that there are only ground floor windows within the proposed development facing No.1 Shelley Close and only rooflights at roof level (set further back and so more than 10.5m from the corresponding boundary), there is not considered to be any overlooking harm to this property. Taking into account the siting, height and orientation of the proposed development, there is not considered to be overshadowing or loss of light issues on this adjacent property.

To the west, the carriageway of Shelley Close separates the application site and the rear boundaries of the properties along Hillside Gardens. The proposed rear dormer windows are not positioned directly facing these properties and any potential views would be limited

by the orientation. There are no harmful overlooking impacts raised towards the properties on Hillside Gardens. Given the proposed scale and height, and that the properties are sited on higher ground levels, it is not considered that there would be any overbearing or loss of light impacts on these properties.

In terms of Glendale Avenue, the properties along this street are positioned on lower ground levels. The revised plans have resulted in the proposed development being shifted away from this shared boundary, with an approx. distance of 5m from the side elevation to the boundary. This is considered to result in an improved relationship with these neighbouring properties. The proposed ridge height of the dwelling would be less than the height of the existing tree belt and as a result of this and the proposed separation distance, the proposed development is not considered to be overbearing. There are two single windows which are proposed in the side elevation, which provide secondary windows to the proposed living room and bedroom 2. Given the separation distance between the sites, the secondary nature of the windows and the existing vegetation along the boundary, these windows are not considered to be detrimentally harmful in terms of overlooking.

Concerns have been raised in relation to the creation and positioning of the proposed car parking spaces in close proximity to the boundary. However, the proposal is for one dwelling only and the proposed intensity of cars entering and leaving the site, is not considered to be significantly harmful in terms of noise and disturbance.

Overall, whilst the proposal would introduce new built form into the site and surrounding area, for the reasons set out above, the proposal is not found to be detrimentally harmful in terms of the impact on neighbouring properties.

Whether the building would provide suitable living conditions for future occupants

Policy DM02 of the Barnet's Local Plan Development Management Policies DPD (2012), states that where appropriate, development will be expected to demonstrate compliance with the following national and London wide standards supported by the guidance set out in the Council's suite of Supplementary Planning Document.

The proposed dwelling would have an internal area of 207sqm which would far exceed the minimum internal requirements. It is considered that the proposed dwelling would benefit from adequate levels of daylight/sunlight and outlook.

Turning to amenity space provision, the proposed dwelling would benefit from a rear garden of approx. 270sqm which is considerably in excess of the SPD guidance.

As such, it is considered that the proposed development would provide an adequate standard of accommodation for future occupants.

In terms of the amenity space left for no.1A Shelley Close, it would still benefit from two large areas of outdoor amenity space, in front of and to the rear of dwelling. The remaining outdoor amenity in numeric value is still considered to be considerable and would provide suitable amenity space for the occupiers of no.1A Shelley Close.

Whether harm would be caused to parking conditions and highway safety

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate

transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposal requires a maximum of 2 parking spaces to meet the parking standards as set out in the Barnet Policy DM17. The proposal would provide 2 car parking space which is compliant with policy and is acceptable to the Council's Traffic and Development Officer.

Cycle parking should be provided in accordance with London Plan standards. Cycle store details have not been provided but this can be secured by planning condition.

Overall, the Council's Traffic and Development service raises no objection to the proposed development subject to a number of conditions being attached to secure a construction management plan and cycle parking.

Concerns have been raised in relation to the increase of traffic and the potential of vehicle conflicts within Shelley Close. However, the number of vehicles generated from the proposed development is considered to be low and is unlikely to cause conflicts with vehicles entering and leaving the application site. A condition will be attached to secure a construction management and logistics plan.

As such, subject to conditions, it is considered that the proposal accords with Policy CS9 Barnet Core Strategy and Policy DM17 of the Barnet's Local Plan Development Management Policies DPD (2012).

The applicant has not provided details to illustrate the location, siting and appearance of the refuse/recycling bins and enclosures. However, it is considered that there is sufficient space to accommodate this requirement within the site and the required details can be secured by way of a condition.

As such, subject to conditions, it is considered that the proposals would not result in a harmful impact on highways and pedestrian safety in accordance with Policy DM17 of the Barnet's Local Plan Development Management Policies DPD (2012).

Other material considerations

Trees and Landscaping

Historically a large majority of the site was covered by trees. Following the submission of the application, a large number of those existing trees were felled and removed from the site, leaving the tree belt along the north-eastern corner and the low vegetation around the western and southern boundaries. However, the removal of these trees was not prevented by any Preservation Order.

An Arboricultural Impact Assessment and Method Statement was submitted at the request of Officers and was assessed by the Council's Arboricultural Officer. This statement, in combination with the dwelling being shifted away from the remaining trees, provides sufficient measures to ensure that the trees growing along the boundary with Glendale Avenue will be retained. A condition will be attached to ensure compliance with this statement and that the required tree protection measures will be installed prior to any works commencing on the site.

In terms of landscaping, the applicant has submitted a landscape masterplan and a scheme of hard and soft landscaping. These detail the retention of the existing tree belt, with new trees in the south-east corner and the provision of a new planted boundary within the site along the western and southern boundaries. The Arboricultural Officer has now commented that following the reduction of the footprint, the revised scheme leaves enough space to retain the boundary trees and the depth of the proposed garden provides space to provide replacement trees and screening to Shelley Close. This will enable the new dwelling to assimilate more appropriately with the established setting.

Drainage

Concerns have been raised through the objections that new built form on the site will result in increased flood risk and surface water travelling down to the lower ground of Glendale Avenue. The site is located within Flood Zone 1 (low probability of flooding) as designated by the Government's flood map for planning and is not within an area known for surface water critical drainage. As such the proposal is not considered to result in increased flood risk. As part of the obligations under Part H of the Building Regulations, the proposal will have to demonstrate how it will deal with drainage and surface water.

Accessibility and Sustainability

The scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the London Plan requires that the proposal is designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposal therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

The majority of concerns raised in the letters of objection have been addressed within the report.

Proposed development conflicts with historic Secretary of State decision - This decision was made fifty years ago and planning policy has since been updated - not least with regard to the further increased need for housing and identification of priority dwelling types in the current Development Plan. In addition, whilst the level changes remain the same, the remaining boundary planting will have considerably matured. On consideration of the present context, current planning policies and the revised plans received, the proposed development is considered to be acceptable.

Disturbance during construction phase and potential blocking of roads - A condition will be attached to secure the provision of a construction management plan.

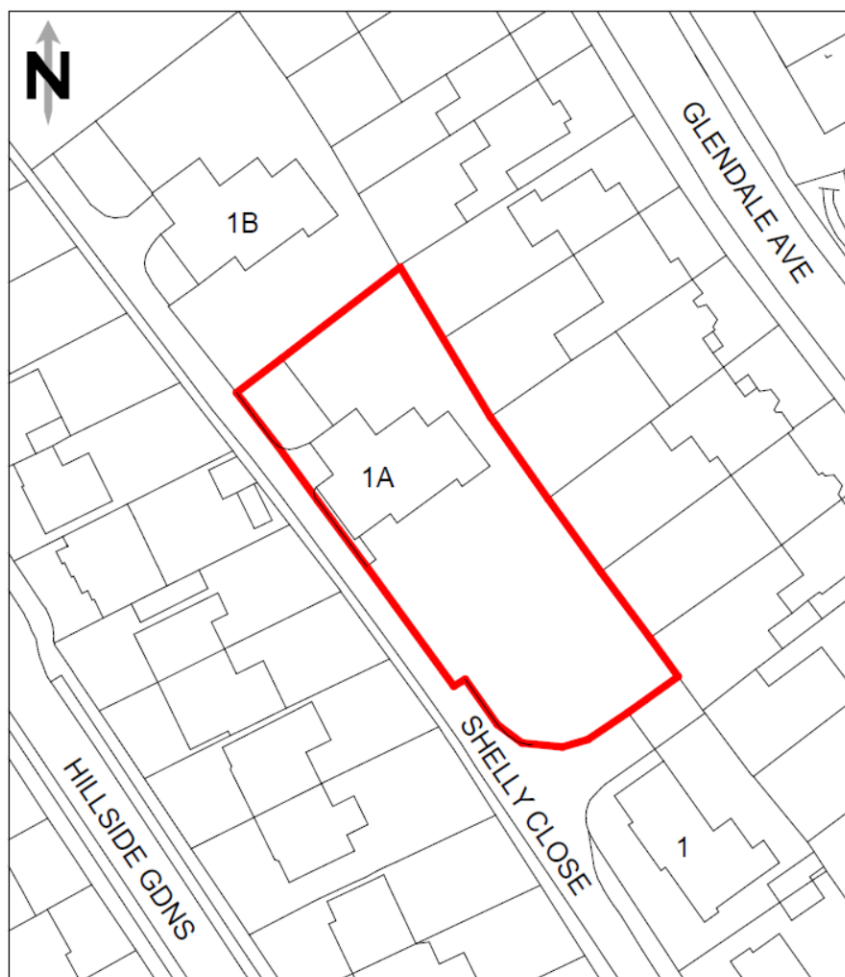
Loss of street light - this will be dealt with under a separate highways application.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy nor the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would be appropriate in terms of siting, layout, design and height and would not adversely affect the character and appearance of the site, streetscene and wider locality. The proposed development would have an acceptable impact in relation to neighbouring and future amenity. Matters relating to highways and trees are considered to be satisfactorily resolved. Over the proposed development is considered to comply with the Development Plan policies listed above and the application is therefore recommended for APPROVAL



Location **6 Edgeworth Avenue, London, NW4 4EY**

Reference: **20/2086/HSE**

Received: 3rd June 2020

Accepted: 9th June 2020

Ward: West Hendon

Expiry 29th July 2020

Applicant: Ms S Hussain

Proposal: Two storey front extension with matching gable. Roof extension to raise part of the roof. Rear dormer roof extension. Demolition of existing single storey rear extension and erection of a single storey rear extension. New windows at first floor level at the rear. New windows on side elevations. Insertion of roof lights. New roof over front entrance

AGENDA ITEM 10

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

01 Existing Drawings - Ground and First Floor Plans

02 Existing Drawings - Loft Plan

03 Existing Drawings - Front and Side Elevation

04 Existing Drawings - Elevations

05 Existing Drawings - Sections

11 Rev C - Existing Drawing - Block Plan

06 Proposed Drawings - Section

07 Proposed Drawings - Floor Plan

08 Proposed Drawings - Roof and Loft Plan

09 Proposed Drawings - Front Elevation and Side Elevation

10 Proposed Drawings - Rear and Side Elevations

11 Proposed Drawings - Ground Floor Plan

12 Proposed Drawings - First Floor Plan

13 Proposed Drawings - Loft 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).

- 2 This development must be begun within three years from the date of this permission.

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

- 3 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 4 The roof of the extension 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 Before the building hereby permitted is first occupied the proposed windows above ground floor level in the side elevations facing Nos 4 and 8 Edgeworth Avenue 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 Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 6 Within a period of no more than one month following the commencement of the development, the existing conservatory extension and adjoining verandah and outbuilding, as shown on drawing no. 11 revC, shall be demolished.

REASON To prevent overdevelopment of the site, protect the residential amenity of neighbouring occupiers and protect the character of the area in accordance with Policy DM01 of Barnet's Development Management Policies DPD.

Informative(s):

- 1 In accordance with paragraphs 38-57 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. 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.

1. Site Description

The application site is in the residential estate falling between Station Road and the M1, characterised by streets of mock-Tudor detached dwellinghouses, typically over two storeys with pitched, clay tile roofs. The host and neighbouring properties are consistent with this aesthetic and uniformly setback from the highway.

The application property itself is a 5-bedroom dwelling house. The front elevation is defined by its two storey projecting bay window under a steeply pitched, gable roof. The original property has been heavily extended over two storeys to the side and rear, with further single storey extensions to the front and rear.

The application site is not within a designated Conservation Area and the application building is not a Listed building.

2. Relevant Site History

Reference: 18/4087/HSE

Address: 6 Edgeworth Avenue, London, NW4 4EY

Decision: Approved subject to conditions

Decision Date: 10 September 2018

Description: Two storey front bay extension with matching gable. Roof extension involving raising of the roof, rear dormer window

Reference: 19/4557/192

Address: 6 Edgeworth Avenue, London, NW4 4EY

Decision: Lawful

Decision Date: 9 October 2019

Description: Erection of a rear outbuilding

Reference: 19/4558/HSE

Address: 6 Edgeworth Avenue, London, NW4 4EY

Decision: Approved subject to conditions

Decision Date: 21 November 2019

Description: Single storey rear extension following demolition of the existing conservatory

Reference: H/02294/12

Address: 6 Edgeworth Avenue, London, NW4 4EY

Decision: Approved subject to conditions

Decision Date: 3 December 2012

Description: Single storey front extension including new front porch. Extension to roof including removal of chimneys, alterations to roof, 1no front rooflight and 1no dormer at each side elevation and rear elevation (totaling 3no dormers) to facilitate a loft conversion.

Reference: W04306F/04

Address: 6 Edgeworth Avenue, London, NW4 4EY

Decision: Approved subject to conditions

Decision Date: 2 September 2004

Description: Single storey rear conservatory extension.

3. Proposal

This application seeks permission for a two storey front extension with matching gable, roof extension to raise part of the roof, rear dormer roof extension, demolition of the existing single storey rear extension and erection of a new single storey rear extension, new windows at first floor level at the rear, new windows on side elevations, insertion of roof lights and new roof over front entrance.

It should be noted that the majority of the proposed works have already been approved under grant of consent 18/4087/HSE and 19/4558/HSE. The changes to the previously approved elements within this application are therefore limited to the following:

- Larger side windows
- Larger rear windows
- Removal of chimneys
- Addition of rooflights to front and both side elevations

4. Public Consultation

The LPA sent out 7 no public consultations. 17 no objections were received
The responses are summarised below:

- Incorrect plans provided
- Privacy concerns
- Overdevelopment
- Loss of amenity space
- Uncharacteristic development
- Setting a precedent for overdevelopment in the local area
- Concerns raised over previous lawful development certificate application for a rear outbuilding
- Concerns the existing building is in use as a self-contained unit
- 'Terracing effect'

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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 Revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The Revised 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 Revised 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 2016

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 2050. 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 Draft London Plan

The draft New London Plan is at an advanced stage. In December 2019, the Mayor issued the "Intend to Publish" version of the emerging New London Plan. After considering that Plan, on 13 March 2020 the Secretary of State for Housing, Communities and Local Government wrote to the Mayor making a series of eleven Directions to the Plan. The Mayor cannot publish the New London Plan until the Directions have been incorporated, or until alternative changes to policy to address identified concerns have been agreed. Those policies affected by the Directions carry moderate weight, whilst those with no modifications can carry significant weight.

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02.

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of emerging policies and draft site proposals.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

5.3 Assessment of proposals

Impact on Character

As set out under Section 3 above, the majority of the works have already been approved under grant of consent 18/4087/HSE and 19/4558/HSE and remain extant. In respect of those works, the following assessment forms the basis of the previous approval;

Any proposed scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS5 (both Barnet Local Plan), 7.4 and 7.6 (both London Plan).

DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

With regard to the proposed two storey front bay extension, the Guidance pursuant to Policy DM01 states, where it is considered that a building may reasonably be extended forward (for example, on occasion detached houses in low density areas or in roads with irregular building lines), the following principles should be observed: the new roof should normally reflect the roof form of the existing house (e.g. pitched with tiles to match), front extensions should fit in with the architectural style of the house and care should be taken to ensure that front extensions have regard to, and do not conflict with, existing architectural features such as bay windows.

The proposed two-storey front bay extension reflects the existing bay window's gable roof by using an identical gable roof design and architectural style. The positive isometric relationship created from the existing and proposed front bay windows incurs a high quality and complementary design to that of the existing front elevation.

Regarding the rear dormer, the Guidance states, dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width of the roof slope.

The main dwelling has a rear roof width of 10.0m and the proposed dormer has a width of 4.0m, subsequently 1.0m below half the width of the existing roof slope as a result, in accordance with design guidance.

Regarding the increase in the roof height by 0.5m and the reconfigured roof design, the Guidance again states that roof extensions should avoid harm to the character of the property and area. The surrounding buildings within the Edgeworth Avenue area have different roof designs and with no dominant style in particular imposed on the area. Subsequently, the reconfigured roof design will not result in a harmful impact on the locality compared to what currently exists. Moreover, the increase roof height remains of a subservient design that relates positively with the main dwelling. The proposed roof works are therefore considered to be in accordance with design guidance.

The massing and bulk of the proposed two-storey front bay, rear dormer and roof extensions appear as sympathetic developments that respect the scale of the host dwelling and subsequently, are perceived as a subordinate feature which adequately integrates into the host dwelling's residential character.

With regard to single storey extensions, the Guidance states that those with a depth of up to 4 metres are normally considered acceptable for detached houses. However, applications are assessed on a case by case basis, with consideration for site context and the pattern of development in the surrounding area.

The proposed extension has a depth of 4 metres. This is the same as the existing rear conservatory extension. While it is noted that the proposed extension adjoins an existing two storey rear extension with a depth of 3 metres - and the total depth of extensions from the original rear wall of the dwellinghouse is therefore 7 metres - due consideration is given to the existing rear conservatory extension. Given the proposed development would protrude no further than the existing conservatory, it is not considered that it would be an incongruously deep extension.

The proposed extension is wider than the existing rear conservatory by approximately 2.5 metres. This represents an increase in the footprint of the existing conservatory of approximately 10 sqm. While not an insignificant increase, it is not considered that this increase in scale would result in the extension being unacceptably overbearing or disproportionate in relation to the existing conservatory.

Additionally, weight is given to the demolition of the existing veranda and adjoining outbuilding to the rear. This will result in an overall reduction in the amount of development in the rear garden, to the benefit of the visual amenities of the site. A condition will be attached to ensure the proposed development is implemented fully.

The specific amendments being brought forward under this re-submission relate to;

- Larger side windows
- Larger rear windows
- Removal of chimneys
- Addition of rooflights

The enlargement of the previously approved side and rear windows is not considered to harm the character of the original dwelling, streetscene or wider locality, due to the limited scale of the amendment and their relatively concealed position. In addition, no concerns have been raised regarding the removal of the chimneys or introduction of rooflights, as these could otherwise be carried out under the provisions of the General Permitted Development Order.

In conclusion, it is considered that the proposed remains consistent with the extant approved scheme and therefore, is compliant with the expectations of the Development Plan.

Impact on Neighbouring Amenity

Again, the majority of the works have already been approved under grant of consent 18/4087/HSE and 19/4558/HSE and remain extant. In respect of those works, the following assessment forms the basis of the previous approval;

It will be important that any scheme addresses the relevant development plan policies including DM01 (of the Barnet Local Plan), 3.5 (of the London Plan) and the guidance contained in the Barnet Supplementary Planning Documents 'Sustainable Design and Construction' and 'Residential Design Guidance.' In respect of the protection of the amenities of neighbouring occupiers, this will include taking a full account of all neighbouring sites.

Regarding the proposed two-storey front bay extension, the Guidance pursuant to Policy DM01 states windows should be positioned where they do not have a harmful effect on the amenities of neighbouring properties. The windows of the two-storey front bay extension will not create a harmful perspective into the neighbouring properties. In addition, the front extension is setback from the application boundary by 1.5m and as such, will not materially affect the outlook for neighbouring occupiers.

Regarding the proposed rear dormer, is sufficiently setback from No.8 and No.4 which adequately offsets impacts. The proposed rear dormer is considered acceptable.

Regarding the proposed the roof height increase of 0.5m, it is considered a minor increase of bulk and will likely result in negligible impacts onto the neighbouring properties of No.8 and No.04 who will still benefit from early morning and late evening sunshine. The proposed roof reconfiguration is of a low impact and good design, subsequently, the roof extension and reconfiguration is considered acceptable.

The rear wall of the neighbouring property at No. 8 Edgeworth Avenue projects in line with the rear of the existing two storey rear extension to the host dwelling. As such, the proposed extension would protrude 4 metres beyond the rear wall of the neighbouring property. The properties are detached, however the gaps between properties is quite small. There is a gap of approximately 1.1 metres between the flank walls of the host dwelling and No. 8. The extension is set in from the flank wall of the main dwelling on this side by approximately 0.4 metres. Given the additional set in, it is considered that the proposed extension would not cause an unacceptable loss of light, outlook or an increased sense of overbearing to the neighbouring occupiers at No. 8.

To the other side, the proposed extension would project to the same depth as the existing conservatory along the shared boundary with No. 4 Edgeworth Avenue. The existing boundary treatment consists of vegetation and a close board timber fence. This mitigates some of the impact of the proposed extension. Given the proposal would result in a similar relationship with the neighbouring property as the existing conservatory, it is not considered it would result in harm to the neighbouring occupiers. Additionally, the demolition of the existing veranda and outbuilding which abut the shared boundary on this side will result in lesser overbearing of the neighbouring amenity space.

With regard to the specific amendments being brought forward under this re-submission;

Adjacent to the shared boundary with No.4, at ground floor the windows serving the office and bathroom are to be enlarged. At first floor the windows serving bathrooms on either side are to be enlarged. Given that existing windows are to be enlarged and that no additional windows are proposed and those above ground floor level will be obscure glazed, it is not considered that the enlargement would result in an unacceptable increase in the level of any harm compared to the extant scheme. The proposed rooflights would serve non-habitable rooms - with regard to the definition in the Sustainable Design and Construction SPD

The removal of chimneys would have no effect on the amenity of neighbouring residents.

In assessment, it is considered that the proposal would not demonstrate significant amenity concerns regarding loss of light, privacy or outlook and is therefore compliant with Policy DM01 of Barnet's Local Plan 2012.

5.4 Response to Public Consultation

- Incorrect plans provided

The original block plan submitted did not outline the existing outbuilding located to the rear of the garden. During the lifetime of the application, the applicant provided an accurate block plan outlining all the existing outbuildings.

- Privacy concerns

Concerns have been raised regarding the increase in the size of the windows to the rear and side elevation, this point has been covered in the main body of the report.

- Overdevelopment

Whilst several elements are proposed within this application, officers consider that the scale of the individual extensions to be modest and sympathetic to the character of the host property. Therefore, it is not found that the culmination of extensions proposed in this submission would constitute overdevelopment at the application site. The existing dwelling benefits from outbuildings to the rear, a condition is to be applied to ensure that the existing conservatory extension, adjoining veranda and outbuilding shall be demolished prior to commencement of development, to ensure overdevelopment does not occur at the application site. The extensions have also already been approved.

- Loss of amenity space

As discussed, officers note that the host dwelling benefits from an existing rear extension, adjoining veranda and outbuilding. A condition is to be applied to ensure these are demolished prior to commencement of development, this will ensure the host property will benefit from sufficient amenity space. The extensions have also already been approved.

- Uncharacteristic development

Discussed in the main body of the report.

- Setting a precedent for overdevelopment in the local area

Each application is assessed on a case-by-case basis. Future planning applications will be assessed on their own merits.

- Concerns raised over previous lawful development certificate application for a rear outbuilding

For the outbuilding submitted within the Certificate of Lawful Development application (ref no. 19/4557/192), to be considered lawful it must comply with the information submitted within this application or with the requirements of Class E of the General Permitted Development Order 2015. If the site changes, the Certificate may not still be valid, and the applicant is advised to apply for a future Certificate application if changes occur at the site.

- Concerns the existing building is in use as a self-contained unit

This point is not relevant to the consideration of the current application and the outbuilding is proposed to be demolished as part of the works - for which a condition will be attached. Notwithstanding that, outbuildings in use as physically and functionally separate self-contained units require full planning permission. The Planning Enforcement Team should be contacted if there are concerns that the use of the outbuilding is not ancillary to that of the main dwellinghouse.

- 'Terracing effect'

In some instances, side extensions on semi-detached and detached dwellings can result in gaps between properties being reduced, this can result in a 'terracing effect'. However, within this application no side extensions are proposed, in addition it is not considered that the cumulation of extensions proposed would reduce the gaps between the host property and the neighbouring dwellings. As such, it is not considered that the proposal would result in a 'terracing effect'.

6. Equality and Diversity Issues

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

7. 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, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.

