

**ItMEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 21ST OCTOBER, 2020**

**AT 7.00 PM**

**VENUE**

**VIRTUAL**

**LINK TO VIRTUAL MEETING : <https://bit.ly/2ItSlKt>**

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

Chairman:

Vice Chairman: Councillor Golnar Bokaei

Councillor Elliot Simberg  
Councillor Gill Sargeant  
Councillor Nizza Fluss

Councillor Ammar Naqvi  
Councillor Helene Richman

**Substitute Members**

Val Duschinsky  
Zakia Zubairi  
Alex Prager

Charlie O-Macauley  
Lachhya Gurung

Mark Shooter  
Linda Freedman

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

Governance Service contact: [Hendon@barnet.gov.uk](mailto:Hendon@barnet.gov.uk)

Media Relations Contact: Tristan Garrick 020 8359 2454

**ASSURANCE GROUP**

*Please note 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	5 - 6
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Addendum (if applicable)	
	<b>Hale</b>	
5.	Report of the Monitoring Officer (If any)	
6.	7 Selvage Lane London NW7 3SS - 20/3524/HSE	7 - 14
	<b>Hendon</b>	
7.	5 Egerton Gardens London NW4 4BB - 20/0744/S73	15 - 28
8.	32 Rowsley Avenue, London, NW4 1AJ - 20/2488/HSE	29 - 40
	<b>Edgware Ward</b>	
9.	Rear Of 1A Shelley Close, Edgware, HA8 8DX - 20/0888/FUL	41 - 58
	<b>West Hendon Ward</b>	
10.	Arbiter House Wilberforce Road London NW9 6AX - 20/1972/FUL	59 - 72
11.	5 Shirehall Lane London NW4 2PE - 20/1773/HSE	73 - 82
	<b>Burnt Oak</b>	
12.	Menorah Grammar School Abbots Road Edgware HA8 0QS - 20/2462/FUL	83 - 104

13.	Any Item(s) the Chairman decides are urgent	
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## Decisions of the Hendon Area Planning Committee

7 September 2020

Members Present:-

AGENDA ITEM 1

Councillor Golnar Bokaei (Vice-Chairman)

Elliot Simberg  
Ammar Naqvi

Nizza Fluss  
Helene Richman

Gill Sargeant  
Linda Freedman

### 1. MINUTES

Resolved: That the minutes of the meeting that took place on 08 July 2020, be approved.

### 2. ABSENCE OF MEMBERS (IF ANY)

The Committee noted an apology of absence from the Chairman, Councillor Brian Gordon. Therefore, the Vice-Chairman Councillor Golnar Bokaei was the Chairman of the meeting. It was noted that Councillor Linda Freedman was in attendance as a Substitute Member.

### 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)

The Committee noted the Addendum to the Officer's report that had been published to the Council's website and circulated to Members of the Committee.

### 6. 32 ROWSLEY AVENUE, LONDON - 20/2488/HSE

Before the Officer's presentation and consideration of the item, the Chairman moved to defer the item for a site visit. This was unanimously agreed by the Hendon Area Planning Committee.

### 7. 16 GLEBE CRESCENT, LONDON, NW4 1BU - 20/2319/RCU

The Committee received the report and heard a verbal representation from the applicant's agent.

Following the consideration of the application the Hendon Area Planning Committee **unanimously:**

**Resolved:**

That the item be refused as recommended in the Officers report.

**8. HENLEY COURT**

The Committee received the report and heard a verbal representation from the applicant's agent.

Following the consideration of the application the Hendon Area Planning Committee **unanimously:**

**Resolved:**

That the item be refused as recommended in the Officers report.

**9. REAR OF 1A SHELLEY CLOSE, EDGWARE - 20/0888/FUL**

The Committee received the report and heard a verbal representation from Mr Stephen Wool Mr Samuel Bennett who spoke in objection and a response from the applicant's agent.

During the consideration of the item the Chairman moved to defer the item for a site visit. This was unanimously agreed by the Committee.

**Resolved:**

That the application be deferred for a site visit.

**10. 6 EDGEWORTH - 20/2086/HSE**

The Committee received the report and heard a verbal representation from the applicant's agent.

Following the consideration of the application the Hendon Area Planning Committee **unanimously:**

**Resolved:**

That the application be approved as recommended the Officer's report and addendum.

The vote recorded was:

For – 6

Against – 0

Abstained – 1

**11. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 20:25

**Location**                      **7 Selvage Lane London NW7 3SS**

**Reference:**                      **20/3524/HSE**

Received: 31st July 2020

Accepted: 31st July 2020

Ward:                              Hale

Expiry 25th September 2020

Applicant:                      Meytal Stirling

Proposal:                      Erection of a rear outbuilding for use as home office/gym/playroom  
(AMENDED DESCRIPTION)

**AGENDA ITEM 6**

### **OFFICER'S RECOMMENDATION**

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The proposed outbuilding, by virtue of its size, height and siting, would constitute a disproportionate intervention, incongruous to the prevailing pattern of development and detrimental to the character and appearance of the host property and surrounding area, contrary to Policy 7.4 of the London Plan (2016), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and Residential Design Guidance SPD (2016)

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

- 1 The plans accompanying this application are:

Location Plan; Site Plan: Drg No 7SL-PP1-01

Existing Ground Floor Plan; Proposed Floor Plans and Elevations: Drg No 7SL-PP1-02 Rev A

- 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. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

## **OFFICER'S ASSESSMENT**

This application has been brought before the committee at the request of Cllr Simberg for the following reason:

*I would like to call the above application into committee for consideration.*

*There have been some objections to this application however I feel this building does not have a negative effect on street scene or amenities.*

### **1. Site Description**

The application site relates to a detached property at 7 Selvage Lane situated within the Hale ward. The properties benefit from both front and rear amenity space.

The property is not a listed building and does not fall within a Conservation Area. Whilst there are no TPO's at the application site, to the rear of the garden, there is an area of considerable mature vegetation and trees.

### **2. Site History**

No relevant planning history.

### **3. Proposal**

The proposal is for the erection of a rear outbuilding for use as a home office/gym/playroom.

The proposed outbuilding would be situated at the back of the rear garden. Since the original submission, amendments have been received altering the internal layout of the outbuilding from a guest bedroom into a multifunction space incorporating a home gym, office and playroom to ensure the outbuilding would remain ancillary to the main dwellinghouse and could not be used a separate dwelling.

The amendments also included alterations to the roof from a gable to hipped form and minor repositioning of the outbuilding further from the rear and western boundaries to alleviate some arboricultural concerns.



The amended proposal would have a depth of 6.5 metres, a width of 8.3 metres, an eave height of 2.8m and a maximum height of 4.3m.

#### **4. Public Consultation**

Consultation letters were sent to 14 neighbouring properties,

10 objections have been received.

The main points for consideration are:

- Concerns regarding impact of mass, bulk and height of proposed development on surrounding character.
- Concerns regarding potential use of outbuilding as a residential dwelling.
- Concerns regarding design and materials used and impact on surrounding character.
- Concerns regarding impact of proposed development on neighbouring amenity including loss of outlook, overshadowing, loss of privacy and potential overbearing nature.
- Concerns regarding loss of garden space.

#### **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 on 19th 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 London Plan is currently under review. 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 adopted 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.

### 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

Officers consider that the main planning considerations are as follows:

- 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.
- Landscaping

### 5.3 Assessment of proposals

#### Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

Policy DM01 requires that the design and layout of new development should respect the character of the area in which it is situated and respond to the positive features of that character.

The National Planning Policy Framework 2019 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area

Selvage Lane is located in the Hale ward. The Council's characterisation study defines the local area as suburban in character. Selvage Lane benefits from large detached properties fronting the street and long rear gardens extending and abutting the boundary with the rear gardens of Elmgate Gardens in a traditional block pattern

After analysis it is clear than in general there is limited evidence of outbuildings to properties along the rear of Selvage Lane or Elmgate Gardens. This does not mean that an outbuilding would not be acceptable but that in light of the surrounding context and the lack of built form to the rear of properties along this street, it is important to ensure any proposed built form to the rear has been sensitively designed of an appropriate size and scale to ensure it does not detract from the generally open and green characteristics, pattern of development and spaces identified within this local area in accordance with Policy 7.4 of the London Plan and Policy DM01 of the Development Management Policies DPD.

Whilst amendments have been received altering the proposed to a hipped roof instead of a gable roof form, it is not considered that the marginal reduction in mass at roof level overcomes officers' initial concerns regarding the extensive footprint and height..

The proposed would still result in a significant built form with a square meterage of 48m<sup>2</sup> and a height of 4.3 metres height at the rear of the garden. As stated, the rear of Selvage Lane has limited built form to the rear of properties with a combination of open and green characteristics and a traditional pattern of development. Whilst the amendments did indeed reduce the mass and height of the building marginally, the overall resultant development would still be significant and represent a form of development that would detract from the open, green and spacious characteristics afforded to this area and pattern of development contrary to Policy DM01 of the Development Management Policies DPD.

The original proposal indicated a home office alongside a guest bedroom, a bathroom and a living room within the outbuilding. Amendments were requested and received to remove the guest bedroom form the unit in order to ensure that the proposed would remain demonstrably ancillary to the main dwelling and could not be used in a self-contained manner. Officers are satisfied that the proposal could not be used in a self-contained manner in its current proposed form. A condition in the event of an approval would be attached to ensure the outbuilding continues to remain ancillary to the dwellinghouse.

The proposal would not be visible from the street scene of Selvage Lane, therefore there would be impact in this respect.

In conclusion, the proposed outbuilding due to its overall mass, height and footprint is considered to be a form of development that would detract from the local characteristics of this area contrary to Policy DM01 of the Development Management Policies DPD.

#### Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (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. With specific regard to Paragraph 14.40 of the Residential Design Guidance SPD (pursuant to Policy DM01), any application should ensure it would not unduly over-shadow neighbouring properties, nor unduly affect outlook from an adjoining property's habitable rooms or principal garden areas.

Despite the significant footprint, by virtue of the depth and width of surrounding gardens and the separation from common boundaries, the proposal is not considered to unduly over-shadow neighbouring properties.

Similarly, notwithstanding the uncharacteristic height, as a result of the depth of corresponding gardens, it is not considered that the proposal would unduly affect outlook - though it would be visible. If approved, a comprehensive landscaping condition could be applied which might further mitigate the impact. However, notwithstanding the comments below, the absence of such a condition is not considered to warrant grounds for refusal.

Consequently, this application is considered to be acceptable on the grounds of its potential impact upon the amenity of neighbouring occupiers

### Landscaping

As stated within the site description, to the rear of the property there is a significant amount of mature vegetation and some trees in close proximity of the proposed location of the outbuilding. The LPA has been in discussion with the arboricultural consultant to ascertain if the likely impact would be acceptable. The consultant has stated that in light of the amended plans and relocation of the footprint of the building, the closest trees will not be fatally impacted by the development. Whilst the LPA would rather the retention of the mature vegetation to the rear of the site, this is not considered of such importance to warrant a reason for refusal. However, in the event of an approval in order to ensure that the proposal does still contribute towards the green and open characteristics of the area a condition would be attached requiring re-provision of soft landscaping at the site to mitigate the loss of the existing.

## **5.4 Response to Public Consultation**

Key planning considerations have been addressed in the above section. With regard to other points raised:

- The proposed materials comprise brickwork - elements of which are to be found in the surrounding buildings - though the dominant finish is render. A condition requiring further details in respect of materials could be imposed in the event of an approval.
- Though the building takes up a large area of the garden (as discussed in more detail above), the residual amenity space would continue to meet the minimum standards required by Table 2.3 of the Sustainable Design and Construction SPD (2016)

## **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, the proposed development would have an unacceptable impact on the character and appearance of the application site and the wider locality. This application is therefore recommended for REFUSAL.



**Location**                                **5 Egerton Gardens London NW4 4BB**

**Reference:**                                **20/0744/S73**

Received: 11th February 2020

Accepted: 9th March 2020

Ward:                                        Hendon

Expiry 4th May 2020

Applicant:                                 Mr Gatano Maddalena

Proposal:                                    Removal of Condition 8 (Flat 4 - Study Use) pursuant to planning permission 18/1334/FUL dated 01/11/18 for `Single storey rear extension. Conversion of garage into a habitable room. Extension to roof including 1no rear dormer window and 1no rooflight to front elevation to provide additional 2no self-contained flats. Provision of amenity space, timber cycle store and refuse and recycling storage.`

**AGENDA ITEM 7**

### **OFFICER'S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

### **RECOMMENDATION I:**

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Deed of Variation to legal agreement signed as part of application 18/1334/FUL, which will secure the following financial obligations/contributions:

- Highways (traffic order) £2,000.00

A contribution of £2,000.00 is required towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

## RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Site location plan

Drawings:

BS 516-01 Existing Floor Plans

BS 516-02 REV A Existing Elevation Plans

BS 513-03 REV A Proposed Ground and First Floor Plans (Received 09.10.2020)

BS 516-04 REV A Proposed Elevation Plans

BS 516-05 Existing and Proposed Roof Plans

BS 516-06 Proposed Side Elevation and Detail Plans

BS 516-30-02 Rev A Proposed Second Floor Plans

Statements:

'Planning, Design & Access Statement' prepared by Prospero Planning Limited dated March 2018

'TRANSPORT NOTE' prepared by Joseph Cassinelli, Corun Associates, dated March 2018

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 01.11.2018

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 fenestration replacement of the garage door as detailed and approved under condition application 19/1884/CON shall be installed prior to occupation of the development and retained as such thereafter.

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.

- 5 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, 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 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 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 7 The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason:

To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 8 The development shall be implemented in full accordance with the details as approved under 19/3281/CON 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).

- 9 Prior to the 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 policy DM02 and DM04 of the Adopted Barnet Development Management Policies DPD (2012).

- 10 Prior to the first occupation of the new dwellinghouses (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 so that mains water consumption would meet a standard of 105 litres per head per day or less. 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 London Plan (2015).

- 11 The development shall be implemented in accordance with the details approved under 19/1884/CON before first occupation or the use is commenced and retained as such thereafter.

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

### **RECOMMENDATION III:**

- 1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 21.12.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):
1. The proposed development does not include a formal undertaking to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy DPD (2012) and Policy DM17 of the Adopted Development Management Policies DPD (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.
- 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](http://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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

Please visit

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site contains a semi-detached dwellinghouse converted into 2no self contained flats. The site is located on the north side of Egerton Gardens, within Hendon ward.

The site does not contain any listed buildings and is not within a designated conservation area.

The site comprises of an existing front driveway with 2no. parking spaces, an existing integrated garage and outdoor amenity space to the rear. Prior to the parent permission, there were 2no. existing self contained flats, the conversion having been granted under ref W08846B, dated 30 July 1991. The host dwelling is previously extended with a two-storey side extension which was approved alongside the conversion.

The existing accommodation (as approved under 18/1334/FUL) comprises 3no 2-bed units and 1no 1-bed unit and a maximum occupancy of 9no persons

## **2. Relevant Site History**

Reference: 19/3281/CON

Address: 5 Egerton Gardens, London, NW4 4BB

Decision: Approved

Decision Date: 29 August 2019

Description: Submission of details of conditions 4 (Revised front) 9 (Refuse/recycling) 12 (Amenity space sub-division) pursuant to planning permission 18/1334/FUL dated 19/11/18

Reference: 19/1884/CON

Address: 5 Egerton Gardens, London, NW4 4BB

Decision: Split Decision

Decision Date: 20 May 2019

Description: Submission of details of conditions 4 (Revised front) 9 (Refuse/recycling) 12 (Amenity space sub-division) pursuant to planning permission 18/1334/FUL dated 19/11/18

Reference: 18/1334/FUL

Address: 5 Egerton Gardens, London, NW4 4BB

Decision: Approved following legal agreement

Decision Date: 19 November 2018

Description: Single storey rear extension. Conversion of garage into a habitable room. Extension to roof including 1no rear dormer window and 1no rooflight to front elevation to provide additional 2no self-contained flats. Provision of amenity space, timber cycle store and refuse and recycling storage (amended description)

Reference: W08846B

Address: 5 Egerton Gardens London NW4

Decision: Approved subject to conditions

Date: 30 July 1991

Description: Single and two storey side extension and conversion into two self-contained flats

## **3. Proposal**

This application seeks permission for:

Removal of Condition 8 (Flat 4 - Study Use) pursuant to planning permission 18/1334/FUL dated 01/11/18 for `Single storey rear extension. Conversion of garage into a habitable room. Extension to roof including 1no rear dormer window and 1no rooflight to front elevation to provide additional 2no self-contained flats. Provision of amenity space, timber cycle store and refuse and recycling storage.`

## **4. Public Consultation**

66 consultation letters were sent to neighbouring properties. 6 representation was received within the statutory consultation period, comprising of 6 objections.

The 6 objections can be summarised below;

- Concerns regarding over development of the site, resulting in impact on character of neighbourhood
- Concerns regarding over development and potential impact on parking and road safety
- Concerns regarding increase to length of construction and building works on site and increased noise and disruption to neighbouring occupiers.
- Concerns regarding impact of increased number of occupants on local services.
- Concerns regarding increased noise and disruption from increased occupants.

## **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.

#### 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.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

The Council's approach to development 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.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Provides details on developments within town centres, structure and layout of new residential development; safeguarding of amenity, waste and cycle storage standards.

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 the principle of development is acceptable
- Whether the proposal would be a visually obtrusive form of development which would detract from the character and appearance of the street scene
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there is a sufficient level of amenity for future occupiers

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of development is acceptable

- Whether the proposal would have an acceptable impact on the character and appearance of the host property and surrounding area
- Whether harm would be caused to the living conditions of neighbouring and future residents
- Whether the proposals would have an acceptable impact on highway and pedestrian safety
- Whether there would be a sufficient level of amenity for future occupiers

### 5.3 Assessment of proposals

#### Principle

This application seeks alterations to the approved scheme (18/1334/FUL) which was for 'Single storey rear extension, conversion of garage into a habitable room. Extension to roof including 1no rear dormer window and 1no rooflight to front elevation to provide additional 2no self-contained flats. Provision of amenity space, timber cycle store and refuse and recycling storage.'

At second floor level the proposal now seeks to convert the existing 1 bedroom 2 person unit into a 2 bedroom 3 person unit through the use of the 'study' as a bedroom for 1no additional person.

Table 2.1 'Minimum residential space standards requirements' of the Sustainable Design and Construction SPD (2016) outlined the required floorspace for a unit dependant on occupancy level and bedrooms proposed.

It states for a 1 bedroom 2 person unit there is a requirement of 50sqm, whilst for a 2 bedroom 3 person unit there is a requirement for 61sqm of floorspace.

In the initially approved application (18/1334/FUL) the delegated report stated the following;

*'The unit Flat 4 has a gross internal area of 65 sqm however as it set in the loft accommodation it would have a sloping ceiling where height falls below 1.5 metres in parts. As a result, only the usable space is referred to [above]'*

Table 2.2 'Internal layout and design requirements' of the Sustainable Design and Construction SPD (2016) states that 'Habitable floorspace in rooms with sloping ceilings is defined as that with 1.5m or more of ceiling height.

The 'Technical Housing Standards - national described space standards' states under part (g) of Section 10 'technical requirements' provides the following additional definitions;

- f. any area with a headroom of less than 1.5m is not counted within the Gross Internal Area unless used solely for storage
- g. any other area that is used solely for storage and has a headroom of 900- 1500mm (such as under eaves) is counted at 50% of its floor area, and any area lower than 900mm is not counted at all.

In the initial scheme it was considered that only 51sqm of the unit was above 1.5m in height and therefore the unit could only be used at a 1 bedroom 2 person unit (in accordance with the SPD) and the second bedroom could only be used as a non-habitable room by these future occupiers.



A condition to this effect was attached to the previous approval which was as follows;

*The use of the room labelled 'study' in the upper floor unit Flat 4 hereby permitted shall at all times be used as a non-habitable room to the Flat 4 and shall not at any time be occupied as a habitable room.*

*Reason: To ensure that the development does not prejudice the amenities of future occupiers and that the unit provides acceptable daylight and outlook in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012)*

The applicant is now seeking the removal of this condition after a resurvey of the finished flat determined it to be larger than first projected. A dedicated storage solution in the areas of lower head-height has also been integrated into the scheme.

They now consider the proposed unit to benefit from a total of 58.31sqm of area above 1.5m, together with some 10.27sqm (with a head height of 900mm - 1500mm) proposed unit to provide dedicated internal storage. 50% of this floorspace can count towards the overall size of the property, equating to 5.13sqm

This added to the 58.31sqm results in an overall countable floorspace of 63.44sqm - in excess of the minimum floorspace required for a 2 bedroom 3 person unit.

The applicant did provide photographs and several illustrative details to confirm this and officers are satisfied this is indeed correct and accurate.

As such, the proposed removal of the restrictive condition is considered to be acceptable in-principle.

### **Whether the proposal would have an acceptable impact on the character and appearance of the host property and surrounding area**

The application would only result in internal alterations, with no additional external alterations proposed than what was approved previously and therefore the proposal is considered acceptable on the character of the property, street scene and wider locality in accordance with DM01 of the Development Management Policies DPD.

Officers do not consider that the introduction of 1no additional person would result in such an intensification of the site that would constitute overdevelopment or detrimentally impact the character or the surrounding area.

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

As above, there are no additional external manifestations proposed under the scheme beyond that deemed acceptable in the previous approval.

The proposal would only result in the addition of 1 occupier to the development than previously approved. Officers do not consider that on balance, the uplift on the site of 1 person would result in any detrimental impact to neighbouring amenity to warrant a refusal.

Overall, it is considered that the proposals would not harm the visual or residential amenities

of future residents or neighbouring occupiers.

### **Whether the proposals would have an acceptable impact on highway and pedestrian safety**

The previous scheme was approved subject to a legal agreement that would restrict future residents of the proposed units from obtaining parking permits. This legal agreement would be amended by way of a Deed of Variation to be linked to this scheme and as such, any additional occupier as a result of this application would also be restricted from obtaining a parking permit.

It is therefore considered the proposal will not result in any unacceptable impact on the highways network or availability of parking in accordance with Policy DM17 of the Development Management Policies DPD.

### **Whether there would be a sufficient level of amenity for future occupiers**

#### Floor space standards

As set out under consideration of the principle of development, the resultant 2 bedroom 3 person unit would comply with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016.

#### Outlook, light and privacy

All units are still expected to meet the policy requirements for outlook, light and privacy as considered acceptable in the previous approval. The proposed bedroom benefits from the provision of 1no rooflight in the side elevation with a cill level below 1.7m providing daylight and an unobscured outlook. As such this is still considered acceptable.

#### Outdoor amenity space

No change to amenity spaces as approved under 19/1884/CON is proposed.

The addition of one bedroom results in the requirement for 5qm of additional outdoor amenity space for Flat 4. The proposed amenity space as detailed and approved under condition application 19/1884/CON illustrated 12.75sqm of usable amenity space for Flat 4 with a requirement of 10sqm at the time. This would result in an under provision of 2.25sqm. However on balance, as some on site amenity space is available, officers consider this under provision not to be of unacceptable detriment to the amenity of future occupiers, particularly when the proximity of the site to large open public spaces - including Grove Park, Hendon Park and Sunny Hill Park.

#### Refuse and Recycling

There is no change to refuse and recycling as part of this application, which was deemed acceptable subject to conditions in the previous permission. The uplift in occupancy of 1 person would not alter the refuse requirement and thus still consider the previous assessment to be correct and valid. As such this is considered acceptable.

## **5.4 Response to Public Consultation**

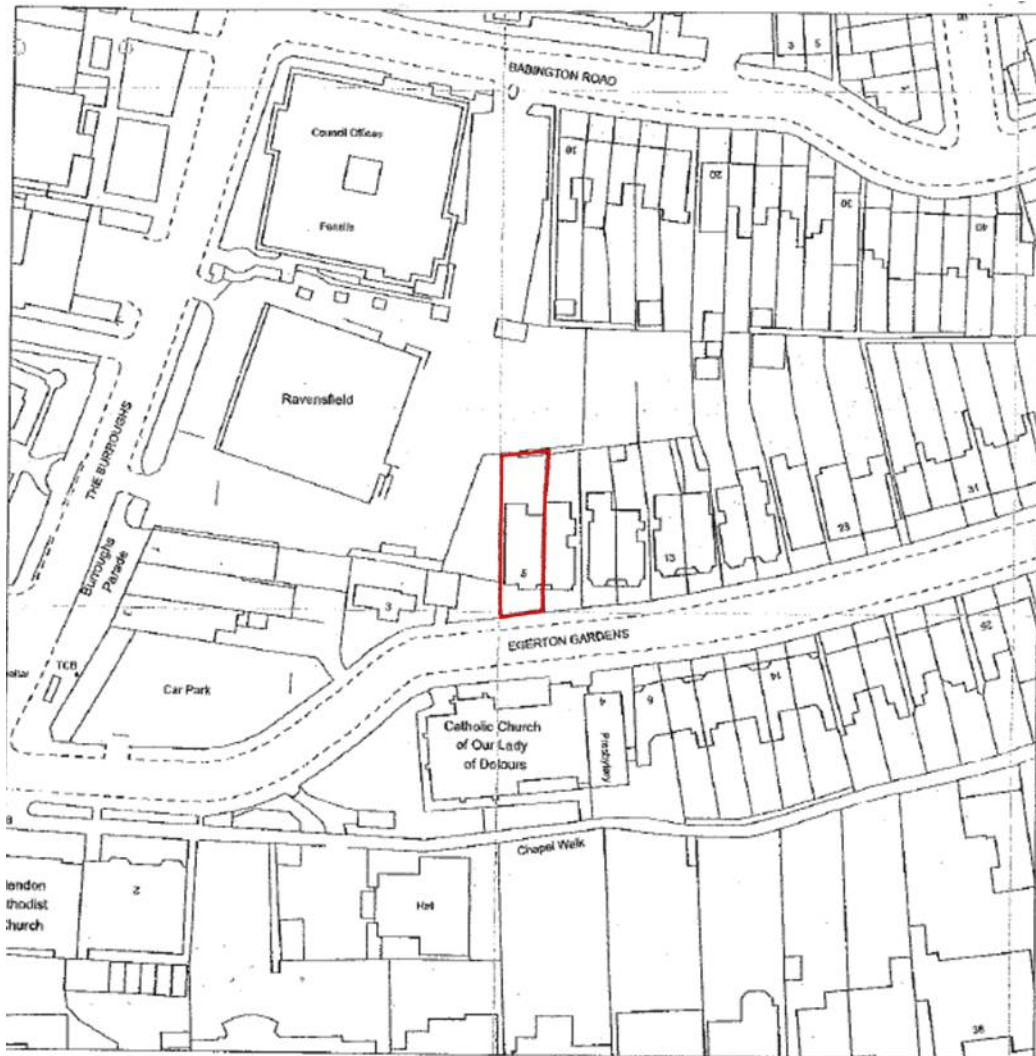
- Concerns regarding over development of the site, resulting in impact on character of neighbourhood; this has been addressed within the main body of the report.
- Concerns regarding over development and potential impact on parking and road safety; this has been addressed within the main body of the report.
- Concerns regarding increase to length of construction and building works on site and increased noise and disruption to neighbouring occupiers; Officers understand that the proposed alterations may result in minor delays to the finishing of construction works, however it is not considered that - within the context of the redevelopment of the previously approved works - it would result in such works that would be unacceptably noisy or cause unacceptable nuisance to neighbouring occupiers. Any issues with noise and nuisance should be referred to Environmental Health who can investigate if there has been a breach from a health and safety/ noise and nuisance perspective.
- Concerns regarding impact of increased number of occupants on local services; the addition of 1 no additional occupant is considered to be of negligible impact
- Concerns regarding increased noise and disruption from increased occupant; this has been addressed within the main body of the report.

## **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 have an acceptable impact on the character of the host property, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL



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

**Reference:** 20/2488/HSE

Received: 5<sup>th</sup> June 2020

Accepted: 10<sup>th</sup> June 2020

**Ward:** Hendon

Expiry 31<sup>st</sup> 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 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:

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

**Reference:** 20/0888/FUL

Received: 21<sup>st</sup> February 2020

Accepted: 27<sup>th</sup> February 2020

**Ward:** Edgware

Expiry 17<sup>th</sup> 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 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 along the entirety of the external boundary where it is to the rear of the front elevation of the approved dwelling shall be a minimum height of 2m

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 at any time following 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](http://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](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://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](mailto: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 occupiers.

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 probably 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% CO<sub>2</sub> 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.

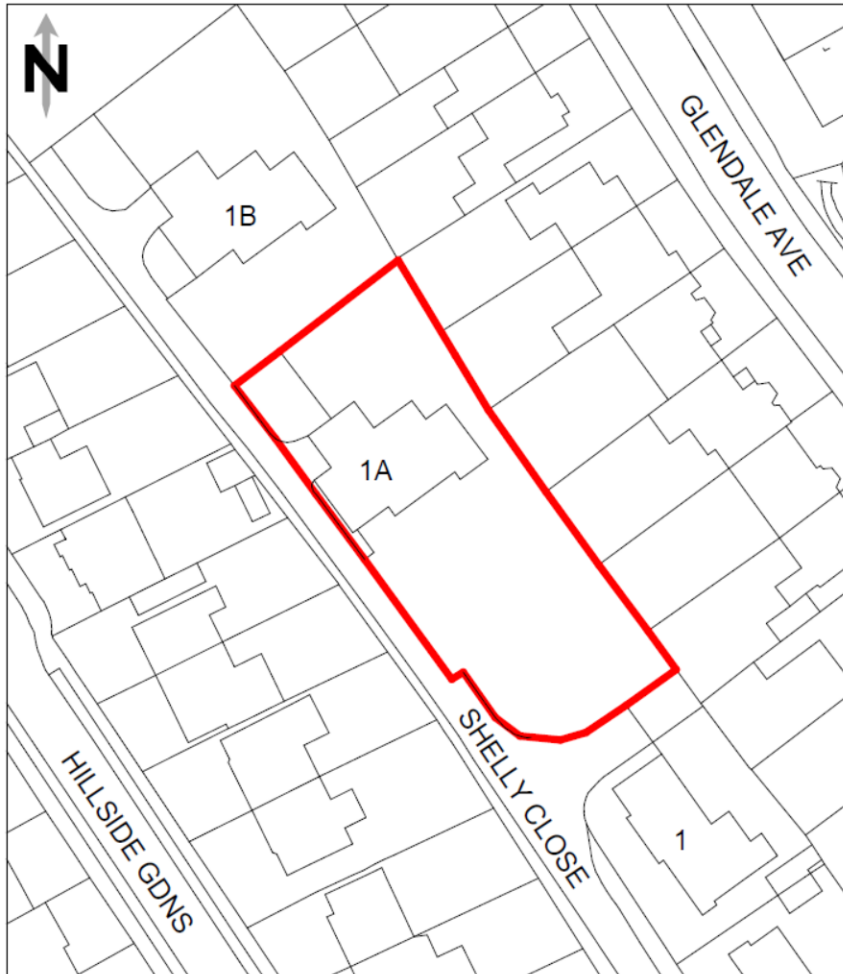
**Loss of street light** - this will be dealt with under a separate highways application.

## **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





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 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and 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.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of 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 The approved development shall only be used as ancillary to the school only and for no other purpose (including any other purpose in Class F1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use in order to safeguard the amenities of the area in accordance with Policy DM01 of

the Development Management Policies DPD (adopted September 2012).

- 6 The use of the development hereby approved shall only be permitted between the hours of 8.00am and 6pm on Mondays to Fridays and not at any time on Saturdays or Sundays. On no more than 12 occasions in any 1 calendar year, school-related events may take place outside the permitted hours, but shall be restricted to the hours of 8.00am to 10.00pm on those days.

Reason: To enable the Local Planning Authority to exercise control of the type of use in order to safeguard the amenities of the area in accordance with Policy DM04 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. 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 submitted Construction Method Statement shall include as a minimum details of:
  - o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

### **OFFICER'S ASSESSMENT**

## 1. Site Description

The application site is a two storey property named Arbiter House which is used as the Beis Soroh Schneirer Primary school. The school has been on the present site since 2005.

The surrounding area is mixed in character and uses with to the immediate south is the West Hendon Baptist Church, to the east is Wilberforce House an office premises and beyond this is Hendon Railway Station. The property runs along the eastern edge of Wilberforce road, with the western side of the street made up of a collection of terraced two storey residential dwellings. To the rear of the site is a large commercial premises.

The application site is not Listed, nor is it located within a Conservation area. There also are no protected trees on site.

## 2. Site History

Reference: 16/7956/FUL

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Refused

Decision Date: 28 February 2017

Description: Creation of 6no parking spaces. New vehicular access and hardstanding

Reference: H/04869/08

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Approved following legal agreement

Decision Date: 27 November 2009

Description: Continued use of building as primary school (Class D1) with removal of condition No. 1 of appeal decision reference APP/5090/C/05/2004650 for use to be discontinued on or before 31 December 2008.

Reference: W00154AX/05/ENF

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Application Received

Decision Date: No Decision Made.

Description: Retention of use of Existing Warehouse (Class B8) and Offices (Class B1) to Primary School

Reference: W00154AT/05

Address: Arbiter House, Wilberforce Road, London, NW9 6AX

Decision: Refused

Decision Date: 13 July 2005

Description: Conversion of existing warehouse (class B8) to primary school and other associated community uses (Class D1).

## 3. Proposal

This application seeks permission for the creation of roof top playground including

associated boundary treatment, external staircase and lift.

The proposed play space would be on top of the existing roof of the property with an overhang along the eastern flank wall.

The proposed play area would have a depth of 56 metres from the northern edge of the external staircase to the southern point of the play area, set back 10 metres from the principle elevation of the property.

The proposed would have a width of 12.7 metres, and at a platform height of 16 metres from ground level.

The resultant play area would have a square meterage of 620sqm with a boundary fence of 2.5 metres in height around the perimeter of the play area with a metal fence, the highest 1.2m of which would be crosshatched.

#### **4. Public Consultation**

Consultation letters were sent to 91 neighbouring properties.

26 responses have been received, comprised of 26 letters of objection.

The letters of objection can be summarised as follows;

- Concerns regarding loss of privacy to neighbouring properties.
- Concerns regarding loss of outlook to neighbouring properties
- Concerns regarding loss of sunlight and moonlight to neighbouring occupiers.
- Concerns regarding requirement for additional lighting and subsequent impact on neighbouring occupiers.
- Concerns regarding noise and disturbance due to the proposed development on neighbouring occupiers.
- Concerns regarding potential increase in student or staff numbers due to development and subsequent impact on amenities of neighbouring occupiers and access to parking.
- Concerns regarding health and safety of children playing at roof level and close proximity of railway tracks.
- Suggestions to use existing car park as playground and staff to use public transport.
- Concerns regarding potential after school hour use for other purposes and disturbance arising from this.
- Concerns regarding increase in pollution.

#### **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 revised on 19 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 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.

### 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, DM04, 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 pursuant to Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)



## 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 application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Other Matters

## 5.3 Assessment of proposals

- Preliminary Matters

The application site has been subject to several planning applications and enforcement appeals in the past. The use of the site as a permeant D1 use was established under planning application H/04869/08 on the 27th November 2009.

Since this time the property has been continually operated on site as a full-time primary education school. In light of the permanence afforded to the use since 2009, the school has been looking for ways in which to provide outdoor amenity space for the children within the school.

At present the small play area has been amalgamated into the existing car park on site and is intermittently cordoned off whilst children are playing. It is surrounded by vehicular parking which is not ideal from a health and safety perspective. Within discussions throughout the application process, the applicant did highlight that they had considered creating a more permanent separate area at ground floor, however in order to provide the required level of amenity space they need this would have resulted in loss of parking spaces which could attribute to more demand for off-site for parking.

As such, the school have chosen to apply for a roof top playground in order to try and provide a safe and secure play space whilst ensuring there is no loss of vehicular parking on site. Below is a full assessment of the scheme and the potential impacts.

- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;

As stated within the site description, the surrounding character of the application site is mixed with to the immediate south is the West Hendon Baptist Church, to the rear, Wilberforce House an office premises and beyond this is Hendon Railway Station. The property runs along the eastern edge of Wilberforce road, with the western side of the street made up of a collection of terraced two storey residential dwellings.

Development must be informed by the surrounding character and the Local Planning Authority must ensure that there is no detrimental impact on surrounding character in accordance with Policy DM01 of the Development Management Policies DPD.

Analysing the typologies of the area it is clear that there is no distinct or predominant characteristics surrounding the setting of the application site

Adjacent to the application site to the west runs the row of terrace two storey Victorian properties along Wilberforce Road.

Directly to the south is a two-storey office block of similar 60's architectural style as the application site, and then the West Hendon Baptist Church south of this which is more architecturally traditional suburban design with its hipped roof and mock tudor features.

To the north of the site is a two storey industrial building of similar architectural detail to the property.

Adjacent to the east is the railway tracks and Hendon Railway Station and associated overhead railway lines and platform bridge. Further east, of the station there is the M1 with associated street lighting and overhead signs.

The proposed play area would be located at roof level along the eastern boundary of the site adjacent to the railways and associated infrastructure. Officers consider that the structure itself and associated pylons and metal boundary treatment given its close proximity along the eastern elevation would not be harmful to the character of this particular part of the site.

Since submission officers have requested a set back of 10 metres from the principal elevation to ensure its level of prominence is reduced when viewed northwards along Wilberforce Road. The playground is also set to the western side of the ridge line of the property, resulting in a set back of 20 metres from the flank elevation fronting Wilberforce Road.

Officers consider that the level of set back proposed to the principle and western elevation are sufficient to ensure the roof play area when viewed from Wilberforce road would not result in an overbearing feature to the detriment of the surrounding character.

Officers have considered the perception of the structure from the only other public vantage point when heading along Station Road in a south westerly direction and although consider the structure will be visible from this vantage point, the structure would be partly obscured by Hendon station and viewed within the conglomeration of associated railway infrastructure including pylons, overhead electrified lines, the pedestrian platform bridge and railway lighting. Officers consider that given the setting of the site the impact on character would not be detrimental to the extent to warrant a refusal.

For the reason highlighted above, the proposed works are not considered to result in any unacceptable impact to the character and appearance of the existing property, street scene or wider locality - in accordance with Policy DM01 of the Development Management Policies DPD.

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

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.

Privacy is an important design issue and the positioning of homes, including their windows and balconies, should be carefully considered to ensure that adequate privacy is maintained. In particular, habitable rooms and areas of private gardens close to dwellings should not be

excessively overlooked by windows or elevated amenity areas such as balconies/terraces. Screening can reduce overlooking in these instances. Privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed).

The use of surrounding properties is a material consideration in the assessment of impact on amenity of the proposed scheme. The surrounding commercial and office uses are considered less sensitive to changes that may impact light or outlook compared to residential properties due to their intermittent use and the transient nature of the occupants.

As such, in light of the sites locality and surrounding context, the main amenity considerations are the potential impact on the residential and visual amenity of the neighbouring residential occupiers along Wilberforce Road. As stated, officers have been working with the applicants during the application process to reduce the mass from the western and southern elevations which has helped to alleviate the potential issues.

With regards to the potential issues regarding privacy of neighbouring occupiers from overlooking, officers requested a section to show any potential line of sight from the play area to neighbouring habitable windows.

The section indicates that even when stood at the closest point of the play area looking towards the properties along Wilberforce Road in order for a persons line of sight to not be obstructed by the western eaves of the building they would need to have a minimum height of 2 metres. Furthermore the maintained distance between the westernmost point of the play area and the first floor windows of the properties along Wilberforce Road is 37.5 metres. Considering these factors, officers are satisfied the proposal will not result in any loss of privacy to neighbouring occupiers.

Furthermore, in light of the maintained gap of 37.5 metres and that due to the eaves of the building only the highest 0.5 metres of the structure will be visible from these properties, officers are satisfied the proposal will not result in an obstructive feature or result in any significant loss of light to neighbouring properties.

With regards to the potential for noise and disturbance, officers have taken into consideration the existing situation on site. At present, the children are using part of the ground floor car park as a play area which is significantly closer to the residential properties along Wilberforce Road.

The LPA has been in discussions with the Environmental Health Team to ascertain the potential impact of the development and movement of the play area from the existing situation to the roof top. Environmental Health Officers reviewed the ambient background levels of noise at the site and surrounding area and established that the ambient noise levels along the western boundary where the play area will be located is significantly higher than the existing location of the play area. They are satisfied that the proposal although on the roof top, given the higher levels of ambient noise in the proposed location and further set back from residential properties would not result in any additional noise and disturbance than the existing situation on site. Therefore, in this regard, the proposal would have an acceptable impact on neighbouring amenity from a noise and disturbance perspective.

Officers have also considered the proposals potential impact on the neighbouring office premise, Wilberforce House to the south east of the site. Officers do note that the neighbouring property is sited at a higher level than the present play area which will to some extent mitigate the existing levels of noise and disturbance. Officers did consider during the

assessment process how the raising of the play area to a similar level as the widows of the office block would impact the neighbouring occupiers.

After assessment it is evident the majority of the windows on Wilberforce House are located on the east and western elevations which at present the western side overlooks the existing location of the play area within the car park. Officers consider the relocation of the play area to the roof top north of Wilberforce House which benefits from substantially less fenestration on its northern elevation will result in an improvement with regards to noise and disturbance. With regards to potential amenity impacts to light and outlook, given the proposal would be situated directly north and set back at least 15 metres from the closest flank elevation of the neighbouring property it is not considered there would be any unacceptable impact on light or outlook. Officers do not consider there would be any unacceptable impacts on light or outlook.

In order to ensure that the proposed play area is only used for purposes incidental to the school use and within the permitted hours for the school conditions will be attached to this effect. If operated outside of these hours the school would be breaching its conditions in the event of an approval and this could be referred to the Enforcement Team who would investigate.

Overall for the reasons highlighted above, officers do not consider the proposed to result have any unacceptable impact on the residential or visual amenities of neighbouring occupiers, in accordance with Policy DM01 of the Development Management Policies DPD.

#### - Other Matters

The LPA have also discussed with environmental Health the potential impacts on air pollution and the potential harm to children and the health and safety of children playing at roof level to ensure the proposal are acceptable in this regard.

With regards to potential pollution, Environmental Health Officers do not consider that the proposed location of the play area would result in a situation that would be worse than existing considering at present the children playing at ground level are almost at the same level as the railway lines, the proposal will be albeit closer being above the railway lines.

With regards to health and safety, at present the children are playing in essentially a small intermittently cordoned off part of the car park which poses a health and safety risk from movement of vehicles. The proposed although tarof top would be secured with considerable boundary treatments including on the external stairwell. Officers will condition exact details of boundary treatments to be submitted prior to occupation to ensure the resultant development is acceptable.

Environmental Health have also recommended given the use of the site and sensitive nature of the surrounding area that a condition is attached required the submission of a Demolition and Construction Management Plan to be submitted to and approve by the council prior to commencement of the works.

This will include detailing mitigation measured to reduce noise and disruption, proposed vehicular access and delivery times for construction materials and dust suppression in order to minimise disruption to neighbouring residents during the construction works. Officers have attached a condition required such details.

## - Highways

The application does not propose any additional teaching space nor any uplift in school children numbers or staff numbers and thus there is no expected increased parking demand over the existing. Furthermore, the number of children permitted at the premises has been conditioned previously under application H/04869/08 and thus the property would require separate planning permission in the event the school did wish to increase school numbers.

In light of the above, the proposal is not considered to have a detrimental impact on the local highways network in accordance with Policy DM17 of the Development Management Policies DPD.

### **5.4 Response to Public Consultation**

- Concerns regarding loss of privacy to neighbouring properties; this has been addressed within the main body of the report.
- Concerns regarding loss of outlook to neighbouring properties; this has been addressed within the main body of the report.
- Concerns regarding loss of sunlight and moonlight to neighbouring occupiers; this has been addressed within the main body of the report.
- Concerns regarding requirement for additional lighting and impact on neighbouring occupiers.
- Concerns regarding noise and disturbance due to the proposed development on neighbouring occupiers; this application does not seek permission for any additional external lighting. Any additional external lighting would be subject to a separate application.
- Concerns regarding potential increase in student or staff numbers due to development and subsequent impact on amenities of neighbouring occupiers and access to parking; this application does not result in any increase in teaching space and thus it is not considered would result in any additional staff or children. Furthermore, the number of student permitted at the school is subject to condition 3 of the previous permission (H/04869/08)
- Concerns regarding health and safety of children playing at roof level and close proximity of railway tracks; this has been addressed within the main body of the report.
- Suggestions to use existing car park as playground and staff to use public transport; officers can only consider the proposal that has been submitted.
- Concerns regarding potential after school hour use for other purposes and disturbance arising from this; hours of use of the premises and both subject to conditions (no.1 and no.5) in the previous permission (H/04869/08). If the school is open outside the times permitted or used for anything other than Class D1 of the Schedule of the Town and Country Planning (Use Classes) Order then this is a matter that should be referred to the Enforcement Team. The application will include conditions to ensure the use of the playground is ancillary to the principle use of the

site and will also restrict opening hour sin line with those conditioned within the aforementioned planning permission.

- Concerns regarding increase in pollution; this has been addressed within the main body of the report.

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this important legislation

The proposed development would provide considerably improved new facilities for an educational use.

In terms of likely negative impacts, the application has attempted to address these through the amendments and discussions of the design proposals. It is suggested that the majority of impacts have been alleviated through amendments and that any others can be mitigated through conditions that any impacts are unlikely to disproportionately affect any one group with a protected characteristic.

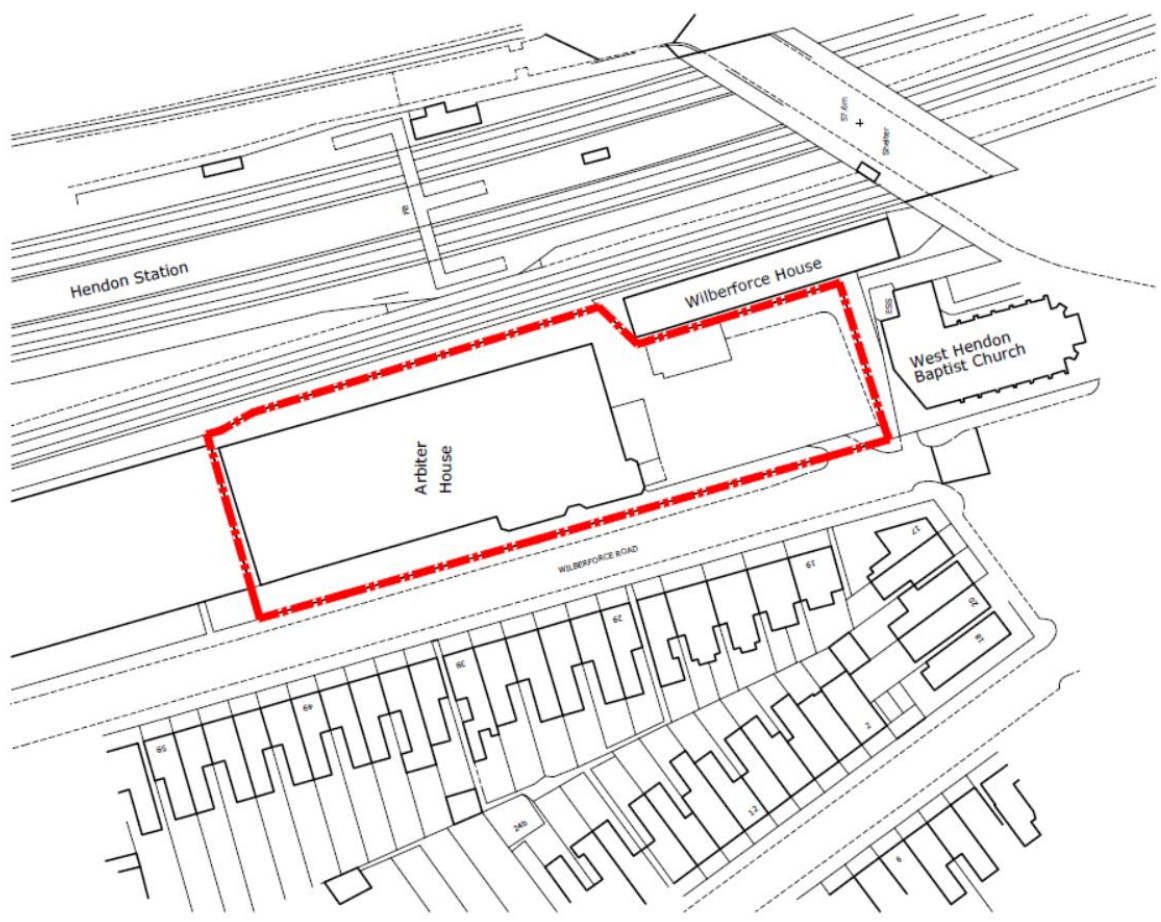
With the conditions recommended, the proposal is found to accord with development plan policies as they relate to the relevant equalities and diversity matters by providing a high quality inclusive design approach which creates an environment that is accessible to all and would continue to be over the lifetime of the development. The development would therefore have a positive effect in terms of equalities and diversity matters.

It is considered by officers that the submission adequately demonstrates that the design of

the development and the approach of the applicant are acceptable with regard to equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our Equality Scheme and supports the council in meeting its statutory equality responsibilities

## **7. Conclusion**

This proposal is recommended for APPROVAL subject to conditions





**Location**                      **5 Shirehall Lane London NW4 2PE**

**Reference:**                    **20/1773/HSE**

Received: 13th April 2020

Accepted: 28th April 2020

Ward:                              West Hendon

Expiry 23rd June 2020

Applicant:                      Mr & Mrs Spitzner

Proposal:                        Single storey infill rear extension and first floor rear extension (AMENDED PLANS)

AGENDA ITEM 11

### **OFFICER'S RECOMMENDATION**

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their 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-J11725-PP001  
U-J11725-PP002  
U-J11725-PP003  
U-J11725-PP004  
U-J11725-PS001  
U-J11725-PE001  
U-J11725-PS002  
U-J11725-PV001  
U-J11725-PV002

U-J11725-EP001  
U-J11725-EP002  
U-J11725-EP003  
U-J11725-EP004  
U-J11725-ES001  
U-J11725-EE001  
U-J11725-EE002  
U-J11725-EV001  
U-J11725-EV002

U-J11725-LP001

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 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 elevation facing No.3 Shirehall Lane

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).

- 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).

#### **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.

### **OFFICER'S ASSESSMENT**

#### **1. Site Description**

The application site contains a large detached single family dwellinghouse, located on the south-eastern side of Shirehall Lane. The neighbouring property is No.3 Shirehall Lane and the neighbouring property, situated across Shirehall Close to the south, is No.7 Shirehall Lane. There are no significant variations in levels across the site or neighbouring properties. The site is not within a conservation area and does not contain any listed buildings.

#### **2. Site History**

Reference: 19/4042/PNH  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Prior Approval Not Required  
Decision Date: 13 August 2019  
Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 19/4045/PNH  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Prior Approval Not Required  
Decision Date: 13 August 2019  
Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres.

Reference: 19/4241/192  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Lawful  
Decision Date: 10 September 2019  
Description: Roof extension rear dormer window and 1no front facing rooflight (amended description).

Reference: 19/4242/HSE  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Approved subject to conditions  
Decision Date: 11 October 2019  
Description: Two storey rear extension

Reference: 19/6043/HSE  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Refused  
Decision Date: 7 January 2020  
Description: Erection of new front porch. Two storey rear / side extension

Reference: 20/3240/HSE  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Pending Decision  
Decision Date: No Decision Made.  
Description: Single storey rear infill extension

Reference: 20/4338/HSE  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Pending Consideration  
Decision Date: No Decision Made.  
Description: Infill of ground floor rear extension and erection of previously approved first floor rear extension (19/4242/HSE)

Reference: 20/4339/HSE  
Address: 5 Shirehall Lane, London, NW4 2PE  
Decision: Pending Consideration  
Decision Date: No Decision Made.  
Description: Single storey rear infill extension. First floor rear extension

### 3. Proposal

The application seeks permission for a single storey infill extension and first floor rear extension.

Amendments plans were requested to reduce the width of the proposed first floor rear extension, which were subject to a re-consultation period.

The application will be decided at committee as more than 5 objections being received.

### 4. Public Consultation

Consultation letters were sent to 5 neighbouring properties. 8 objections were received within the initial consultation period.

- Concern that the proposed plans are different to what appears is being built.
- Concern that privacy and light will be affected.
- Considered that the development would be very visible and prominent as it is a corner house.
- Considered that doors leading onto a flat roof would result in overlooking.
- Considered that the scheme represents overdevelopment of the site.
- Concern that the dwellinghouse will be converted into flats.
- Considered that the 8-metre rear extension is unacceptable.
- Objector questions the legal validity of the application, and that permitted development rights do not apply in this case.
- Considered that the proposed development would be bulky and ugly in appearance, which would be exacerbated by the conspicuous nature of the site having two road frontages.
- Considered that the site gradient has not been accounted for.
- Would set an unwanted precedent.

During the re-consultation period, the above objections were sustained but 2 comments of support were received:

- Considered that as the property was derelict for years and the sidewalk became overgrown, the renovations would lift the quality of the street. The amendments are supported.
- Considered that the proposed extension seems like a logical addition that would not result in harm to neighbouring amenity or character of the street scene.

### 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 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 London Plan is currently under review. 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 adopted 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 (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**

#### Design and Visual Amenity

##### Single storey infill rear extension

All proposed development should be based on an understanding of the local characteristics, preserving or enhancing the local character and respecting the appearance, scale, mass and height of surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies (2012).

A material consideration of substantial weight in this case, is the site's planning history. The applicant has implemented application ref. 19/4042/PNH - 2 No. single storey rear extensions with a depth of 8 metres from the original rear wall, eaves height of 3 metres and maximum height of 3 metres with a distance of 500mm retained between each structure.

The application seeks to infill this 500mm gap to create a full width 8 metre rear extension. The level of weight that can be given to the abovementioned application as a material fall-position relies on its stage of construction. For instance, the applicant must convey a genuine intent to otherwise proceed to fit out and occupy the 2 No. rear extensions. In this case, the agent was requested to provide photographic evidence that the foundations, brickwork/render, roof and windows/doors were near completion. Officers are satisfied that the level of work that has been undertaken provides a sufficient fall-back position

As such the principle of a full width rear extension is considered acceptable and the infill is not considered to result in any greater harm to the scale or visual amenity of the property and street scene than the current built form of 2 No. 8 metre rear extensions.

### First Floor Rear Extension

The application initially sought a first-floor rear extension that would occupy the full width of the dwelling at a depth of 3.00 metres. While it is noted that this element was approved under application 19/4242/HSE, it was permitted under a materially different context alongside a 4-metre ground floor extension. As such, the fall-back position in this case is weak as the permission could not be implemented in full. As such, its impact should be assessed in conjunction with the now proposed 8 metre full width rear extension.

It was considered that the proposed scheme when considered as a whole, would have an unacceptable impact on the scale, massing and bulk of the dwelling and would not respect its original footprint or architectural form. As such, the development would appear incongruous in relation to its surrounding setting and would set an unwanted precedent for future developments.

However, it was considered on balance, that the principle of a first-floor rear extension would not be unacceptable subject to a reduction to its width. Amendments were submitted to reduce the width of the proposed first floor extension, from full-width to 6.98 metres. The proposed first floor extension is considered to appear as a more subordinate addition to the dwellinghouse, and would be more in keeping with the scale of developments in the surrounding locality.

The proposed use of matching materials, together with the crown roof would have an acceptable impact on the architectural appearance of the dwellinghouse. Amendments were also sought to align the windows of the first-floor rear extension with the bi-folding doors beneath. It is considered that the proposed openings would now relate well to the size and position of windows on the rear elevation.

Overall, it is considered that the proposed development would comply with DM01 of the Development Management Policies (2012) and Barnet's Residential Design Guide SPD (2016).

### Residential Amenity

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 infill extension is considered acceptable by way of the existing site context. It would not introduce any additional harm in terms of overbearing impact, sense of enclosure, loss of light or outlook.

The first-floor extension would be set off the common boundary by 6.47 metres. As such, the proposal would be compliant with Barnet's SPD (2016) in that it is not considered to result in detrimental harm by reason of loss of outlook from principal rear elevation windows, light provision or sense of enclosure.

A distance of 18 metres would be retained between the proposed openings at first floor level and the flank wall of No.24. Given that the windows would be located on the same plane as existing habitable room windows, it is considered on balance that they would have an acceptable impact in terms of overlooking and loss of privacy.

#### **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 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 development would have an acceptable impact on the application site, the street scene and locality in terms of character and appearance. It is also considered that the development would have an acceptable impact on the amenity of neighbouring occupiers. This application is therefore recommended for APPROVAL.





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<b>Location</b>	<b>Menorah Grammar School Abbots Road Edgware HA8 0QS</b>	
<b>Reference:</b>	<b>20/2462/FUL</b>	Received: 2nd June 2020
		Accepted: 3rd June 2020
Ward:	Burnt Oak	Expiry 29th July 2020
Applicant:	Menorah Grammar School	
Proposal:	First floor courtyard infill extension with flat roof to create 4 new classrooms [ADDITIONAL INFORMATION]	

**AGENDA ITEM 12**

**OFFICER’S RECOMMENDATION**

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

**RECOMMENDATION I:**

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

1. Paying the council’s legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:
  1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
  2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
  3. A full school travel plan (STP) submitted and approved at least 3 months prior to occupation that meets the criteria in the Transport for London booklet 'What a School Travel Plan should contain';

4. STP monitoring fee of £5,000.00;
5. The STP should include hands up travel to school data from pupils and staff and consultation with the full school community - pupils and their families, staff, Governors or equivalent, Menorah Foundation School, residents and any other stakeholders;
6. The full STP should take account of the submission TP and any previous STP documents and activities previously completed by the school;
7. STP should be reviewed annually and resubmitted for approval for at least 5 years and meet at least Bronze level STARS (Sustainable Travel; Active, Responsible, Safe) accreditation from year 1 and at least silver STARS from year 3;
8. STP Champion should be in place at least 3 months prior to occupation and remain for the lifespan of the STP.

## **RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

Site Location Plan

Topographic Plan - Drawing No. 218/12

Existing Plans and Elevations:

Building A Elevations (Existing East and South elevation) - Drawing No. 218/06

Building A Elevations (Existing North elevation) - Drawing No. 218/07

Building A Existing Ground Floor Plan - Drawing No. 218/13

Building A Existing First Floor Plan - Drawing No. 218/14

Building A Existing Roof Plan - Drawing No. 218/15

Building A Courtyard Elevations (Existing Elevations A & D) - Drawing No. 218/16

Building A Courtyard Elevations (Existing Elevation B & C) - Drawing No. 218/17

Proposed Plans and Elevations:

First floor courtyard infill sectional elevations A (North) & C (South)- Drawing No. 1195.08.212

First floor courtyard infill sectional elevation B (East) & D (West) - Drawing No. 1195.08.212

Block A first floor courtyard infill plan - Drawing No. 1195.08.111 Revision A

Block A first floor courtyard infill roof plan - Drawing No. 1195.08.115 Revision A

Documents:

Document produced by Menorah Grammar School titled 'About Menorah Grammar School' (no date)

Design and Access Statement (produced by Brooks Murray; dated June 2020)  
Transport Statement and Interim Travel Plan (both produced by Ardent Consulting Engineers report ref: 192601-01, project no: 192601, dated August 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 The materials to be used in the external surfaces of the building shall match those set out in the plans and Design and Access Statement hereby approved under Condition 1

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 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and 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 a) Before the development hereby permitted is first occupied or first in use, the additional 4no long stay spaces for pupils and 1no long stay space for staff shall be provided in separate compartments in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Details shall include the type of stands, gaps between stands, location and type of cycle store proposed.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

6 The number of enrolled pupils at Menorah Grammar School shall not exceed 350 pupils at any time.

Reason: In the interests of highway safety, accessibility and to protect the amenities of the area in accordance with Policy DM04 and DM17 of the Development Management Policies DPD (adopted September 2012) and Policy CS9 of the Local Plan Core Strategy (adopted September 2012).

### **RECOMMENDATION III:**

1 That if the above agreement has not been completed or Section 106 agreement has not been submitted by 02.12.2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not include a formal undertaking to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and parking provision contrary to policy CS9 of the Adopted Core Strategy DPD (2012) and Policy DM17 of the Adopted Development Management Policies DPD (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](http://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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

3 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

4 The submitted Construction Method Statement shall include as a minimum details of:

- o Site hoarding
- o Wheel washing
- o Dust suppression methods and kit to be used
- o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.



- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 5 Surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is Menorah Grammar School, which is located on the southern side of Abbots Road, HA8 0QS, in the ward of Burnt Oak.

The red line site on the submitted site location plan encompasses part of the main building facing Abbots Road, with play space and other school buildings to the rear and side.

The blue line (which is drawn around any other land owned by the applicant, close to or adjoining the application site) is drawn around the adjoining primary school named Menorah Foundation School and its associated play space and teaching buildings. It does not form part of this application.

The red line site does not include any statutory or locally listed building.

The site is located within the designated Watling Estate Conservation Area.

The red line site does not include any Tree Preservation Orders.

The site is not within a Site of Importance for Nature Conservation.

The red line site is within Flood Zone 1.

### **2. Relevant Planning History**

Reference: 18/6700/FUL

Address: Menorah Grammar School, Abbots Road, Edgware, HA8 0QS

Decision: Refused

Decision Date: 28 December 2018

Description: Installation of 1no temporary single storey portakabin building to be used as additional classroom accommodation

In light of this decision an enforcement notice was issued by the Local Planning Authority (reference: ENF/1574/18).

The requirements of the notice is: 1. Permanently remove the portacabin from the site; 2. Permanently remove all constituent materials resulting from the works in 1. above from the property. The period for compliance with the requirements is: 2 months after this notice takes effect.

The enforcement notice was appealed (appeal reference: APP/N5090/C/19/3224536, decision dated 13 August 2019). The appeal was dismissed and the enforcement was upheld, albeit with the wording of the enforcement notice varied by replacing the words "2 months after this notice takes effect" under paragraph 6, with "31 August 2020". Planning permission was refused for the application deemed to have been made under S177(5) of the 1990 Act as amended.

Neighbouring application:

Reference: 19/2879/FUL

Address: Menorah Foundation School, Abbots Road, Edgware, HA8 0QS

Decision: Approved subject to conditions

Decision Date: 11 September 2019

Description: Construction of new raised flat roof to existing courtyard area. Insertion of a new mezzanine floor above the existing school hall to create new teaching rooms at first floor level

### **3. Proposal**

The application site consists of a building with a frontage to Abbots Road with a parallel building to the rear. Together with wings running from front to rear, these elements combine to create a courtyard which has been enclosed at ground floor.

This planning application proposes to replace the existing roof of the covered courtyard and construct a first floor infill extension within the courtyard area to provide 4 new classrooms, with a steel floor and roof construction similar to the existing roof cover - including the provision of openable rooflights.

A document submitted with this application (produced by Menorah Grammar School titled 'About Menorah Grammar School') and the submitted Transport Statement (produced by Ardent Consulting Engineers report ref: 192601-01, project no: 192601, dated August 2020) states that the proposed development would facilitate the improvement of current teaching accommodation, provide new academic uses and provide classrooms for a 30 pupil increase and 4 FTE staff increase (full time equivalent) for the 2020- 2021 academic year.

The submitted document states that future proposals will seek to provide further capacity for additional pupils and staff but that these will be subject to separate planning application(s). They do not form part of this planning application.

With regard to dimensions, the proposed first floor extension would be 15 metres in width and 15.4 metres in depth. The proposed first floor infill roof would be at a height of 6.45 metres above ground level and not exceed the heights of the existing courtyard walls. The new flat roof would have a bituminous felt finish as annotated on the proposed roof plan (Drawing No. 1195.08.115). Glass blocks are proposed in the new floor of the first floor extension to allow light into to the ground floor space below.

#### 4. Public Consultation

A site notice was posted 18 June 2020.

A press notice was printed 09 June 2020.

Consultation letters were sent to 98no neighbouring properties.

9no responses have been received, comprising 9no letters of objection.

The objections received can be summarised as follows:

- The applications for extending the school never stops. It is already a large school, I do not understand the need for expansion.
- The site is being overdeveloped.
- Traffic and parking concerns raised by residents in objections include the following:
  - o The sites parking has been lost leading to displacement of teachers parking onto the surrounding roads
  - o Complaints about people parking across people's drives. Impact on people accessing their drives/homes including residents with disabilities. Obstructing those with buggies/pushchairs
  - o People parking on double yellow lines and junctions; blocking the road; cutting in.
  - o Parking issues arise from parents (during drop off and collection times), teachers, cabs and deliveries for the School
  - o Parents are rude and inconsiderate
  - o Traffic is a risk to pedestrian and child safety
  - o In the event of an emergency, emergency services would not be able to access nearby homes due to the inability to access/park in Abbots Road and the surrounding roads
- Objections to the submitted Travel Plan and Transport Statement:
  - o The Interim Travel Plan and Transport Statement submitted do not reflect what happens in reality.
  - o The reality is that sections of 'School Keep Clear' markings along the frontage of Menorah Foundation and Grammar Schools, in addition to intermittent double-yellow lines around side road junctions are ignored
  - o In reality parents do not share car trips. Parents arrive early to gain a parking spot. Engines are left running, resulting in pollution which appears to have gone unnoticed by the Travel Plan
  - o Transport statement is factually incorrect. The school does not take pressure off other

local schools.

- o The metrics used in the report do not stack up with reality and should be disregarded for the purposes of this planning applications; they are too hypothetical
- o It also fails to address the significant planned increase in capacity of the school

Other objections:

- Loss of public land and green spaces taken by the School
- Impact on neighbouring resident's light, privacy and view
- School alarm goes off regularly and takes time to turn it off
- Rubbish and litter arising from the school
- Objection to proposed increase in pupils
- All the additional (non-original) buildings are an eye sore
- Health and safety concerns
- Noise pollution during loading/unloading and from play times from pupils
- Complaints about use of the school on a Sunday- parking, congestion and noise arising from use on a Sunday
- Planning documents have not been transparent making it difficult for residents to understand the nature of the application / orientate themselves to the plans and understand the impact it may have.
- As it is a relatively deprived area with significant social housing it means people are less likely to object to planning proposals and accordingly the site has been allowed to develop to over capacity
- The noise is already unbearable and the master plan to increase capacity will only add to this as well as parking issues and congestion
- The master plan also alludes to building upwards which means loss of privacy and light. The site is already an eyesore (except for the original building) and this will only add to it
- I wanted it recorded that from the very beginning I asked about the impact on pupil capacity of the planning proposal. Although this is a key piece of information it did not exist in any of the initial planning documents and the planning officer was also unable/unwilling to articulate the number despite asking the question numerous times. It now transpires that the school is already on a significant expansion plan which commenced in 2018/19 with the use of portacabins. It feels very underhand and devious that this information has not been readily available until recently, with the motivation being to get planning approved via stealth
- In the Planning letter of 2/9/20, an executive summary should have been included to highlight key points from the documents added. The Transport statement, in particular, is a

lengthy document (55 pages) and the master plan to build on site / increase capacity over the next 3 years should have been clearly called out for residents so they get the 'full picture'.

- I am surprised I have not received any formal notification of this planning application, as the close where I live (Ruddock Close) is immediately opposite the school. How many other potentially affected residents have not been consulted.

Internal consultees:

Highways Officer and Safe and Sustainable Travel Coordinator: No objection, subject to conditions and obligations. Discussed in greater detail in the assessment below.

Environmental Health officer: No objection, subject to conditions. Discussed in greater detail in the assessment below.

## **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 on 19th 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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 London Plan is currently under review. 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 adopted

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, CS9, CS10.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM06, DM13, DM17.

### Supplementary Planning Documents

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 the principle of development is acceptable;
- Impact on character and appearance, including impact on the character and appearance of the designated Conservation Area;
- Impact on amenity of neighbouring occupiers;
- Impact on highways network and parking;
- Any other material planning considerations.

## **5.3 Assessment of proposals**

### Principle of development

For proposals such as this, Core Strategy DPD (2012) Policy CS10 identifies that the Council will work with its partners to ensure that community facilities including schools are provided for Barnet's communities.

Paragraph 15.7.6 of Barnet's Core Strategy DPD (2012) states that the Council continue to identify opportunities to improve the condition of secondary schools in Barnet and to provide sufficient school places.

The National Planning Policy Framework (February 2019) states in Paragraph 94:

"It is important that a sufficient choice of school places is available to meet the needs of existing and new communities. Local planning authorities should take a proactive, positive and collaborative approach to meeting this requirement, and to development that will widen choice in education.

They should:

- a) give great weight to the need to create, expand or alter schools through the preparation of plans and decisions on applications; and
- b) work with schools promoters, delivery partners and statutory bodies to identify and resolve key planning issues before applications are submitted."

London Plan Policy 3.18 Education Facilities states that, regarding planning decisions:

"Development proposals which enhance education and skills provision will be supported, including new build, expansion of existing or change of use to educational purposes. Those which address the current and projected shortage of primary school places and the projected shortage of secondary school places will be particularly encouraged. Proposals which result in the net loss of education facilities should be resisted, unless it can be demonstrated that there is no ongoing or future demand."

The existing site is in educational use. The proposed development would provide 4 new classrooms. It would be built within the existing footprint of the school.

It is clear that national, regional and local policy is strongly in favour of improving school facilities, and this is a material consideration in the determination of this planning application.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the development in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies, as assessed below. As such, it is considered to be acceptable in-principle.

#### Design, appearance and character matters, including impact on the character and appearance of the designated Conservation Area

The National Planning Policy Framework (February 2019) states in Paragraph 124 that: "Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities."

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. It also states that developments should be safe, attractive and fully accessible.

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets (point b).

The site is located within the designated Watling Estate Conservation Area.

Policy DM06 of Barnet's Development Management Policies Document DPD (2012) states that 'All heritage assets will be protected in line with their significance. All development will have regard to the local historic context' (point a) and that 'Development proposals must preserve or enhance the character and appearance of 16 Conservation Areas in Barnet' (point b).

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or

appearance of a conservation area.

The Heritage and Design Officer has assessed the application and commented:

"It is proposed to create 4 classrooms with an infill development in one of the two courtyards behind the main block (A). This space has already been infilled at ground floor level and the proposal would add a second storey. The structure would be 6.4m in height above ground level but would not extend beyond the external courtyard walls. Thus the structure would not be visible externally. It would have a flat roof but with openable rooflights to aid light and ventilation. I consider the scheme to be sympathetic to the host building and retains original features including the majority of the original windows within the courtyard.

I raise no objections to the proposal which would not harmfully affect the character or appearance of the Watling Estate conservation area."

As explained in the Heritage Officer's comments, the proposed extension would be set within the building, which is greater in height, and thus would not be visible from the street scene or from the rear of the properties fronting Briar Walk (to the south) and Colchester Road (to the east).

This is demonstrated in the submitted proposed courtyard infill sectional elevations A (north), B (east), C (south) and D (west) [Drawing No. 1195.08.212 x 2).

The proposed development would therefore have limited visual impact on the perception of the application site, street scene and surrounding area, whilst its intrinsic impact on the host property is considered to be congruent within the context provided by the existing courtyard roof.

Section 66(1) of Planning (Listed Buildings and Conservation Areas) Act 1990 states that "In considering whether to grant planning permission [or permission in principle] for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

1-9 Buckle Court, Edgware and 10, 11 and 12 Ruddock Close, HA8 0SG, both to the west of the application site are statutory Grade II listed buildings.

The proposed development would not be visible, as discussed above. Furthermore, proposed development is sufficiently far enough away from the statutory listed buildings not to impact detrimentally on their setting.

Consequently, subject to the conditions recommended, the proposal is considered to preserve the character and appearance of the designated conservation area and the setting of nearby Listed Buildings, in accordance with Policy DM06 of Barnet's Development Management Policies Document DPD (2012) and the requirements of the Planning (Listed Building and Conservation Areas Act) 1990.

The application site is not in an area of special archaeological interest.



### Impact on amenity of neighbouring occupiers

Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users (point e).

The application site is bounded by residential properties to the east (No. 10 Abbots Road and the rear of the properties fronting Colchester Road) and to the south (the rear of the properties fronting Briar Walk). There are also residential properties on the opposite side of Abbots Road facing the application site.

The courtyard extension would be sited approximately 20 metres away from the neighbouring boundary to the east and approximately 40 metres from the neighbouring boundary to the south. As aforementioned, the proposed first floor courtyard infill extension would not be visible as it would be lower in height than the existing buildings which surround it on all four sides.

This is demonstrated in the submitted proposed courtyard infill sectional elevations A (north), B (east), C (south) and D (west) [Drawing No. 1195.08.212 x 2).

The proposed extension would therefore not be visible, and thus would not detrimentally harm the residential or visual amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Development Management Policies Document DPD (2012).

Environmental Health have assessed the application and - within the context of the established school - deem the nominal uplift in students would result in no additional concerns with regard to noise.

Highway and parking impacts are discussed in greater detail below. Other objections are addressed at Section 5.4

### Impact on highways and parking

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's policies for providing safe, effective and efficient travel. Policy DM17 of Barnet's Development Management Policies Document DPD (2012) sets out the Council's policies in regards travel impact and parking standards.

The applicant has submitted a 'Transport Statement' (produced by Ardent Consulting Engineers report ref: 192601-01, project no: 192601, dated August 2020) and 'Interim Travel Plan' (produced by Ardent Consulting Engineers report ref: 192601-01, project no: 192601, dated August 2020).

A Highways Officer has reviewed the submitted Transport Statement and their comments are summarised below:

The school fronts onto local residential roads, the site is not in a CPZ, it lies in an area with a PTAL rating of 3 (average). The nearest tube station is Burnt Oak (Northern Line) is 10 minutes walking distance from the school. Bus routes 302,303 and 305 can be access from stops within 2 mins walking distance of the school gates.

The school is currently served by three access points. The primary vehicular access is on

Abbots Road which serves a parking area with about 10 spaces at front of the school as well as an existing servicing /refuse collection area. There is also a segregated pedestrian entrance on Abbots Road and a rear secure pedestrian access from Briar Walk into the external playground area behind the main school.

There are parking restrictions in the form of school keep clear markings, yellow lines on surrounding roads and the D&A states that most of the staff and pupils travel to by public transport. The provision of 10 parking spaces is considered to be adequate for the 76 staff.

However, it is likely that some parents would drop-off their children in the morning and this may increase congestion on Abbots Road and Briar Walk during school drop-off times. A school travel plan is therefore requested to promote active travel by staff and pupils and reduce the level of vehicle trips associated with the school.

[An Interim Travel Plan] has been submitted by the applicant and Officers have reviewed [it] but it is not acceptable in its current form. A school travel plan is therefore to be secured by s106 and a contribution of £5k is required towards subsequent monitoring.

For the additional 30 students and 4 staff, 5 long stay [cycle] spaces are required. These should be provided in a covered, secure, lockable and enclosed environment. 4 spaces for pupils and 1 space for staff should be provided in separate compartments. The type of stands used must allow both wheels and the frame of the bicycle to be locked. This can be secured by way of a planning condition.

It is expected that servicing and refuse collection arrangements will remain unchanged.

Vehicle trip generation is not expected to be a major issue based on the proposed increase in pupil numbers (30).

A construction logistics and management plan is requested and this can be secured by way of a condition.

In principle, Highways accept the proposed development subject to contribution towards travel plan monitoring and a school travel plan secured via a s106 as well as conditions/informatives.

The 'Safe and Sustainable Travel Coordinator' at the Highways Authority has assessed the submitted 'Interim Travel Plan' and similarly commented that a full School Travel Plan will be required via S106 with the following requirements:

- "- A full school travel plan (STP) submitted and approved at least 3 months prior to occupation that meets the criteria in the Transport for London booklet 'What a School Travel Plan should contain'
- STP monitoring fee of £5000
- The STP should include hands up travel to school data from pupils and staff and consultation with the full school community - pupils and their families, staff, Governors or equivalent, Menorah Foundation School, residents and any other stakeholders
- The full STP should take account of the submission TP and any previous STP documents and activities previously completed by the school.
- STP should be reviewed annually and resubmitted for approval for at least 5 years and meet at least Bronze level STARS (Sustainable Travel ;Active, Responsible, Safe) accreditation from year 1 and at least silver STARS from year 3
- STP Champion should be in place at least 3 months prior to occupation and remain for the

lifespan of the STP."

In his comments, the Highways Officer refers to the Travel Plan not being acceptable in its current form. This is because the submitted Travel Plan is based on a workplace Travel Plan so does not have the required school related content. The Travel Coordinator has therefore advised that it will need to be re-written and submitted prior to occupation via a S106 agreement, assuming the planning permission is granted.

This is not considered to be a reason to refuse the application as no in-principle [highways and parking] objection to the minor increase in pupil numbers has been sustained and revised details can be secured by way of legal agreement.

As such, the application is deemed acceptable subject to obligations and conditions as scheduled.

#### Other material considerations

The Council's Environmental Health officer has recommended a planning condition for a Demolition and Construction Method Statement and Logistics Plan. The agent has confirmed that no extraction or ventilation plant is proposed and thus no conditions are required in this regard.

No trees would be affected by the proposed development.

The proposal would be constructed as a first-floor infill extension above an existing ground floor, and thus would not impact drainage or flooding.

The submitted Design and Access Statement states that the proposed first floor courtyard will provide step-free access to the additional 4 new classrooms. The first floor is accessible via a lift located on the north wing. It is therefore considered accessible with regard to Part M of the Building Regulations.

### **5.4 Response to Public Consultation**

- The applications for extending the school never stops. It is already a large school, I do not understand the need for expansion.

The application has been assessed on its own merits and assessed in accordance with development plan policy and relevant material considerations. As discussed in the assessment above, policy supports the expansion of, and extension to, educational facilities, subject to the scheme proposed being compliant with the other relevant parts of the development plan.

- The site is being overdeveloped.

For the reasons set out in the above assessment it is not considered that the proposed first floor courtyard infill extension would result in overdevelopment and would therefore not constitute a reason for refusal in this instance.

- Traffic and parking concerns raised by residents in objections include the following:

- o The sites parking has been lost leading to displacement of teachers parking onto the surrounding roads
- o Complaints about people parking across people's drives. Impact on people accessing their drives/homes including residents with disabilities. Obstructing those with buggies/pushchairs
- o People parking on double yellow lines and junctions; blocking the road; cutting in.
- o Parking issues arise from parents (during drop off and collection times), teachers, cabs and deliveries for the School
- o Parents are rude and inconsiderate
- o Traffic is a risk to pedestrian and child safety
- o In the event of an emergency, emergency services would not be able to access nearby homes due to the inability to access/park in Abbots Road and the surrounding roads

The applicant has submitted a Travel Plan and Transport Statement. As set out in the assessment above, the application has been assessed and deemed acceptable by the Local Highway Authority and Sustainable Travel Coordinator, subject to conditions and obligations.

- Objections to the submitted Travel Plan and Transport Statement:

- o The Interim Travel Plan and Transport Statement submitted do not reflect what happens in reality.
- o The reality is that sections of 'School Keep Clear' markings along the frontage of Menorah Foundation and Grammar Schools, in addition to intermittent double-yellow lines around side road junctions are ignored
- o In reality parents do not share car trips. Parents arrive early to gain a parking spot. Engines are left running, resulting in pollution which appears to have gone unnoticed by the Travel Plan
- o Transport statement is factually incorrect. The school does not take pressure off other local schools.
- o The metrics used in the report do not stack up with reality and should be disregarded for the purposes of this planning applications; they are too hypothetical
- o It also fails to address the significant planned increase in capacity of the school

The applicant has submitted a Travel Plan and Transport Statement. As set out in the assessment above, the application and these submitted document have been assessed and have been deemed acceptable by the Local Highway Authority and Sustainable Travel Coordinator, subject to conditions and obligations.

- Loss of public land and green spaces taken by the School

It is not clear what is being referring to here. For the benefit of clarity the proposed extension under this application would be built within the existing footprint of the School.

- Impact on neighbouring resident's light, privacy and view

For the reasons set out in the assessment above, it is not considered that the proposed first floor courtyard infill extension would harm the living conditions or residential and visual

amenities of neighbouring occupiers.

- School alarm goes off regularly and takes time to turn it off

This would not constitute a reason for refusal in this instance.

- Rubbish and litter arising from the school

Anti-social behaviour is not a relevant planning matter. With regard to formal refuse storage and collection arrangements, these are not anticipated to change as a result of the development.

- Objection to proposed increase in pupils

This matter has been considered in the assessment above, and subject to condition and obligations, deemed acceptable.

- All the additional (non-original) buildings are an eye sore

Previous extensions/additions do not form part of the application and would not constitute a reason for refusal.

- Health and safety concerns

It is not clear what is being referring to here. For the benefit of clarity this would not constitute a reason for refusal. A Construction management Plan is proposed to be secured by way of condition

- Noise pollution during loading/unloading and from play times from pupils

The Environmental Health Officer has assessed the application and deemed it acceptable subject to conditions.

- Complaints about use of the school on a Sunday - parking, congestion and noise arising from use on a Sunday

Paragraph 3.7 of the submitted Transport Statement states that: "It is also noted that Sunday school operates for pupils from 09:30 - 12:30, however this occurs outside the typical highway peak periods during weekdays." The agent states via email (dated 16 September 2020) this has been the case for many years. This is not understood to be directly impacted by the proposal and would not constitute a reason for refusal in this instance.

- The noise is already unbearable and the master plan to increase capacity will only add to this as well as parking issues and congestion. The master plan also alludes to building upwards which means loss of privacy and light. The site is already an eyesore (except for the original building) and this will only add to it

As explained in the report any further expansions would be subject to a separate planning application(s).

- Planning documents have not been transparent making it difficult for residents to understand the nature of the application / orientate themselves to the plans and understand the impact it may have.

- As it is a relatively deprived area with significant social housing it means people are less likely to object to planning proposals and accordingly the site has been allowed to develop to over capacity
- I wanted it recorded that from the very beginning I asked about the impact on pupil capacity of the planning proposal. Although this is a key piece of information it did not exist in any of the initial planning documents and the planning officer was also unable/unwilling to articulate the number despite asking the question numerous times. It now transpires that the school is already on a significant expansion plan which commenced in 2018/19 with the use of portacabins. It feels very underhand and devious that this information has not been readily available until recently, with the motivation being to get planning approved via stealth
- In the Planning letter of 2/9/20, an executive summary should have been included to highlight key points from the documents added. The Transport statement, in particular, is a lengthy document (55 pages) and the master plan to build on site / increase capacity over the next 3 years should have been clearly called out for residents so they get the 'full picture'.
- I am surprised I have not received any formal notification of this planning application, as the close where I live (Ruddock Close) is immediately opposite the school. How many other potentially affected residents have not been consulted.

The objections above refer to the nature and process of public consultation of this planning application.

A site notice was erected. Neighbour notification letters were sent to 98 addresses. A newspaper advertisement was published. The application was also posted on the Council's website. The statutory publicity requirements for applications for planning permission were therefore met.

The same number of neighbours (98) were re-consulted via letter dated 02 September 2020 advertising additional information had been submitted by the applicant (namely being the Transport Statement, Travel Plan and document produced by the applicant regarding the increase in pupil and staff numbers) and were invited to comment on this.

As explained by the applicant, and set out in this report, this particular planning application relates to the increase of 30 pupils and 4 FTE staff. Any further increase would be subject to future planning application(s).

## **6. Equality and Diversity Issues**

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- marriage and civil partnership;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Planning Officers have, in considering this application and preparing this report, had regard to the requirements of this section and have concluded that a decision to grant planning permission for this proposed development will comply with the Council's statutory duty under this legislation.

It is considered by officers that the submission adequately demonstrates that the design of the development and the approach of the applicant are acceptable regarding equalities and diversity matters. The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in Barnet's Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

## **7. Conclusion**

The proposal for the first-floor infill courtyard extension is considered to accord with the requirements of the Development Plan and is therefore recommended for APPROVAL, subject to the scheduled conditions and obligations.

