

MEETING

PLANNING COMMITTEE A

DATE AND TIME

THURSDAY 25TH MARCH, 2021

AT 7.00 PM

VENUE

VIRTUAL MEETING

PLEASE JOIN AT THIS LINK: <https://tinyurl.com/zznxwbpj>

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

Chairman: Councillor Eva Greenspan
Vice Chairman: Councillor Helene Richman BA (Engineering), JD (Juris Doctor),
Barrister (Middle Temple), TEP

Councillors:

Richard Cornelius
Danny Rich
Tim Roberts
Gill Sargeant
Elliot Simberg

Substitute Members:

Paul Edwards
Mark Shooter
Zakia Zubairi
Kath McGuirk
Thomas Smith
Shimon Ryde
Reuben Thompstone

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is **Monday 22nd March at 10AM**. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk

Media Relations Contact: Tristan Garrick 020 8359 2454

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	3 - 6
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	Addendum (if applicable)	
6.	79 Chandos Avenue, N20 9EGA 20/5477/FUL Oakleigh Ward	7 - 22
7.	7 - 18 Temple Close London N3 3SB <20/5207/FUL Finchley Church End	23 - 42
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10.	39 Lincoln Road London N2 9DJ 21/0111/HSE East Finchley	69 - 78
11.	Any item(s) that the Chairman decides are urgent	

Decisions of the Planning Committee A

9 February 2021

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)
Councillor Helene Richman (Vice-Chairman)

Councillor Richard Cornelius Councillor Gill Sargeant
Councillor Danny Rich Councillor Elliot Simberg
Councillor Tim Roberts

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 7th January 2021 were approved.

2. ABSENCE OF MEMBERS

None.

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

Cllr Danny Rich declared a non-pecuniary interest by virtue of the fact that a close relative lives in Hollickwood Road (Item 8).

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

The addendum was noted. Items in the addendum would be dealt with under individual agenda items.

6. 20/2925/FUL 33 LYONSDOWN ROAD EN5 1JG

The Committee received the report and addendum.

Mr Guy Braithwaite, Dr David Massam and Cllr Sachin Rajput addressed the committee in objection to the application.

Mr Simon Wallis, agent for the applicant, addressed the committee.

The Chairman moved to the vote on the officer's recommendation:

For (approval) – 0

Against (approval) - 7

Cllr Richman moved a motion to REFUSE the application on the grounds that the building would have a harmful effect on the character and appearance of the area,

contrary to policies as listed by the Inspector, and that the application conflicts with the recently-awarded local listing.

The motion was seconded by Cllr Rich. The Chairman moved to a vote on the motion:

For (refusal) – 7

Against (refusal) - 0

CARRIED – it was resolved that the application was REFUSED for the following reasons:

1. The proposed development would result in the loss of a locally listed building of heritage value and by reason of its excessive height, scale and massing, the replacement building would constitute an incongruous and visually dominant form of development on this corner plot that would fail to respect and respond to the adjoining streetscenes and context of both Lyonsdown Road and Richmond Road in particular. The proposal would be contrary to Policies 3.4, 3.5, 7.4, 7.6 and 7.8 of the London Plan (2016), Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted 2012) and Policies DM01 and DM06 of the Development Management Policies DPD (Adopted 2012).
2. The application does not include a formal undertaking to secure an adequate contribution to affordable housing provision to meet the demand for such housing in the area. The application is therefore unacceptable and contrary to Policies 3.12 and 3.13 of the London Plan (2016), Policies CS NPPF, CS4, CS15 of the Barnet Local Plan Core Strategy, Policies DM01, DM02, DM10 of the Development Management Policies Document (both adopted September 2012), the Barnet Planning Obligations (adopted April 2013) and Affordable Housing (adopted February 2007 and including subsequent amendments) Supplementary Planning Documents, and the Mayoral Affordable Housing and Viability SPG (adopted August 2017).
3. The proposed development does not include a formal undertaking to meet the costs of the required carbon off-set provision. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the London Plan (2016), Policy CS13 of Barnet's Local Plan Core Strategy (2012) and Policy DM04 of the Barnet's Adopted Development Management Policies Document DPD (2012).

7. 2 TENNYSON ROAD LONDON NW7 4AP 20/4744/FUL

The planning officer presented the report.

Representations were heard from Mr Robert Cowan and Mr Leon Malekzad in objection to the application.

The Chairman moved to a vote on the officer's recommendation:

For (approval) – 5

Against (approval) – 1

Abstained – 1

RESOLVED that the application was approved subject to conditions as per the officer's report.

8. 20/4713/FUL 74 HOLLICKWOOD AVENUE N12 0LT

The planning officer presented the report.

A representation in objection to the application was heard from Dr Oliver Natelson.

The agent for the applicant, Mr Joe Henry, addressed the committee.

The Chairman moved to a vote on the officer's recommendation:

For (approval) – 5
Against (approval) – 0
Abstained – 2

RESOLVED that the application was approved subject to the conditions set out in the officer's report.

9. 20/0587/MDL 11-13 APPROACH ROAD EN4 8FG

The planning officer presented the report and addendum.

Cllr Geof Cooke addressed the committee in objection to the application.

Mr Bastami, agent for the applicant addressed the committee.

A motion was moved by Cllr Sargeant to defer the application to obtain information in relation to the purchase of the site. This was seconded by Cllr Rich.

The Chairman moved to a vote on the motion:

For (deferral) – 3
Against (deferral) – 4

The Chairman moved to the vote on the planning officers' recommendation:

For (approval) – 4
Against (approval) – 3

RESOLVED that the application was approved as per the agenda and amended recommendation set out in the addendum.

10. 2 NETHERFIELD ROAD LONDON N12 8DP 20/2734/FUL

The planning officer presented the report and addendum.

The Chairman moved to a vote on the officer's recommendation:

For (approval) – 7

RESOLVED that the application was APPROVED as per the agenda with an amendment to the description as set out in the addendum

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

The meeting finished at 8.04 pm

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Location 79 Chandos Avenue London N20 9EG

Reference: 20/5477/FUL

Receive d: 16th November 2020
Accepted: 16th November 2020
Expiry 11th January 2021

Ward: Oakleigh

Case Officer: Zakera Matin

Applicant: Haria

Proposal: Demolition of existing dwelling and erection of a two storey dwelling with rooms in the roofspace and off street parking and associated refuse and recycling and outbuilding in the rear garden

AGENDA ITEM 6

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:

PA_001, PA_002, PA_003, PA_004, PA_005, PA_006, PA_007, PA_008,
PA_009 REV_D, PA_010 REV_D, PA_011 REV_D, PA_012 REV_D, PA_013
REV_D,
PA_014 REV_D, PA_015 REV_D, PA_016 REV_D, PA_017 REV_D,
Planning Statement (20 November 2020),
Design & Access Statement, Planning and Sustainability Statement (21 October
2020),
Arboricultural Constraints and Tree Protection Plan (01/05/2020),

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of 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 the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 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).

6 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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.

7 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

8 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan

in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition 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.

- 9 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).

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no.77 and no. 81, shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 11 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 flank elevation facing no.77 and no.81.

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).

- 12 Prior to construction of the development; a parking layout plan showing 2 parking spaces in the development shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking spaces shall be used only as agreed and not to 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.

- 13 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 14 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 to E of Part 1 of Schedule 2 of that Order shall be carried out on the approved development within the application site known as No.96 Leaside Crescent, NW11 0LA hereby approved. Planning permission would be required for these works.

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

- 15 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.

- 16 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement 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 (2015) and the 2016 Mayors Housing SPG.

- 17 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.

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

Cllr Thomas Smith has requested that the application be considered at committee for the following reason:-

"I would like this to be called-in because the new dwelling will significantly overlook the neighbouring properties (no.77 and no.81), resulting in an unacceptable loss of privacy and amenity for those residents. The new dwelling will also be out of keeping with the street scene on Chandos Avenue."

1. Site Description

The application site is located on the west side of Chandos Avenue. The area is characterised by two storey traditional detached dwellinghouse featuring hipped roof and

two storey front bay projections. There is sufficient gap between the detached properties which is a characteristic feature along the road.

The site is occupied by a detached dwelling. It is 9.3m wide at front, 10.5m at the rear and features a depth of 10.8m. It features a single storey side garage which is sited 1.8 away from the property. The garage is extended at the rear and attached to the 4m deep single storey rear extension at the rear. It maintains around 1.8 m to 2.4m gap from the 2 storey flank wall of No.77 Chandos Avenue to the south and 4.8m gap from the 2 storey flank wall of no. 81 Chandos Avenue to the north. Existing property features a two storey front bay window with pitched roof with maximum 9.6 to 9.8m height.

No.77 Chandos Avenue is sited to the south west of the subject property. No.81 Chandos Avenue is sited to the north east. No.24 Temple Avenue is sited to the rear to the west of the subject property.

The building is not listed and not located in conservation area. There are no TPO trees on site.

2. Site History

Reference: 20/2743/FUL

Description: Demolition of existing dwelling and erection of a two storey dwelling with rooms in the roofspace and 3no. off street parking and associated refuse and recycling and outbuilding in the rear garden

Decision: Refused

Date: 14.08.2020

Reasons:

The proposed development by reason of its unsympathetic design, excessive depth, width and bulk and the closing of the gaps between the two neighbouring dwellings would result in an obtrusive and incongruous development of the site which would be out of keeping detrimental to the character and appearance of the area and the street scene, contrary to Policies 3.5, 7.4 and 7.6 of the London Plan (2016), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), and policies DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2016).

The proposed development by reason of its excessive rearward projection and close proximity to the rear gardens of no.77 and 81 Chandos Avenue, would give rise to an unacceptable degree of overlooking, loss of privacy and would appear overbearing, and would result in overshadowing and loss of day light for no. 81. Chandos Avenue to the detriment of the occupants of neighbouring properties. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted October 2016).

Appeal dismissed: 08.02.2021

Reference: N02317A/07

Description: Single storey rear extension.

Decision: Approved subject to conditions

Date: 21.03.2007

Reference: N02317

Description: Alterations and extensions.
Decision: Refused
Date: 22.07.1970

3. Proposal

The application seeks permission for demolition of existing dwelling and erection of a two storey dwelling with rooms in the roofspace and 3no. off street parking and associated refuse and recycling and outbuilding in the rear garden.

The proposed two storey detached house would have a rectangular footprint with two projecting front gables and a crown roof and the dwelling would measure overall 13.5m wide, 15.5m deep on the south west side (no.77) and 14m deep on the north east side (no.81) at ground floor and 14.2m and 12.4m deep respectively at first floor level producing a staggered rear elevation. The house would have a crown roof with eaves 5.9m above ground level and the ridge 9.6m high above ground level.

The house would be set back between 1m - 1.6m from the boundary with no 77 and some 1.3 m from the boundary with no. 81.

4. Public Consultation

Consultation letters were sent to 44 neighbouring properties.

In addition to the comments raised by Cllr Smith in calling the application to committee, 10 objections have been received as a result of the consultation process which can be summarised as follows:-

- Overdevelopment of the site
- Probable impact on daylight reaching the rear of no.81 Chandos Avenue.
- Probable overbearing impact for no.81 Chandos Avenue.
- Disproportionate, overbearing and probable impact on character and street scene.
- Probable impact on amenity for no.77 Chandos Avenue in terms of loss of daylight, overlooking and privacy

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 2021

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. 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.

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, CS13
- Relevant Development Management Policies: DM01, DM02, DM04, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the 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 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

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.
- Provision of suitable accommodation for future occupiers
- Provision of waste recycling and cycle parking
- Sustainability and Accessibility
- Highways and parking
- Tress
- Ecology

5.3 Assessment of proposals

Impact on the character and appearance of the existing site, streetscene and wider locality

The site is occupied by a detached dwelling. It is 9.3m wide at front, 10.5m at the rear and features a depth of 10.8m. It features a single storey side garage which is sited 1.8 away from the property. The garage is extended at the rear and attached to the 4m deep single storey rear extension at the rear. It maintains around 1.8 m to 2.4m gap from the 2 storey flank wall of No.77 Chandos Avenue to the south and 4.8m gap from the 2 storey flank wall of no. 81 Chandos Avenue to the north. Existing property features a two storey front bay window with pitched roof with maximum 9.6 to 9.8m height.

The replacement dwelling has been reduced in width, depth and foot print from the previous refused scheme. Proposed single storey rear projection has been reduced from 2.1m to 1m on the side of no.77. Proposed first floor rear has been reduced from 4.8m to 2.5m on the side of no.77. Existing 1.8m to 2.4m gap is maintained between the two -storey flank wall of no.77 and the proposal.

Proposed single storey rear has been reduced from 6.4m to 4m on the side of no.81. Proposed first floor has been reduced from 4.6m to 2.2m on the side of no.81. The flank wall has been set in on the side of no. 81 from 1.5m to 2m from the flank wall of no.81.

It is noted that the proposal would be wider and larger than the dwelling on site. However, the proposal has been reduced to maintain sufficient gap from the neighbouring dwellings. The existing gap with no.77 would be maintained and the amended proposal would maintain 2m gap with the two storey flank wall of neighbouring property no.81. The proposal would not be higher than the existing dwelling and the roof height would be actually lower than the roof height of neighbouring dwelling no.81 and 77.

NPPF (2019) in paragraph 124. States that, "The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. 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 states that, "We will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design."

SPD Residential Design Guide in paragraph 6.2 states that, "New residential development provides the opportunity to reinforce the character of an area by contributing and adding to

the positive aspects of the built and natural environment. The council want new residential development to respect and enhance the positive features of Barnet's character and local distinctiveness. Respecting local character does not necessarily mean replicating it; however, great care should be taken when incorporating contemporary design into the existing urban fabric. New and old buildings can co-exist without negatively influencing the character of the area, but new development should always sit comfortably with its neighbours."

It is noted that the street features varied Architectural style and design. The existing and neighbouring buildings are traditional in design and features two storey front bay windows with gable roof. Though the proposal would not be traditional in design, however, the proposal has taken into account of the existing features and incorporated those in the design of the proposed dwelling. It is noted that, the proposed two storey front gable projections would be similar to the existing two storey front bay windows with gable roof of the neighbouring properties. The replacement dwelling would respect the scale and proportionate of the neighbouring dwellings and would not appear incongruous.

It is considered that the replacement dwelling would sit comfortably within the site and street scene and would relate well with the neighbouring properties due to acceptable scale, design and adequate separation gap from the side boundaries. It is not considered that the proposal would have any detrimental impact on the character along the street and the area.

The proposed outbuilding is considered acceptable given similar outbuildings exist within the rear gardens of properties.

Impact on the amenities of neighbours

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local 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 two storey replacement dwelling would project 2.5 m from the two storey rear of no.77 Chandos Avenue and would be sited to the north in relation to no.77. SPD Residential Design Guide recommends maximum 3m deep two storey rear projection near neighbouring boundary. The proposed rear projection at first floor would be less than 3m deep and would be sited 2.4m away from the two storey flank wall of neighbouring dwelling at no.77 and because of the limited rear projection, separation gap and orientation to the north, it is not considered to have significant overshadowing or overbearing impact for no.77.

The proposed single storey rear element of the proposal would project only 1m beyond the rear wall of no.77 and 3.8m from the existing rear wall of the subject property on site. SPD Residential Design Guide recommends maximum 4m deep single storey rear projection for detached dwelling. The single-story element would feature a mono pitched roof with 2.9m height to the eaves and 3.6m maximum height. It is not considered that this element of the proposal would cause any significant overshadowing or overbearing impact for no. 77 because of acceptable height and depth of the rear projection.

The proposed two storey rear wall of the proposal would project only 2.2m from the two storey rear of no.81. Chandos Avenue, and would be sited to the south west. It would be sited 2m away from the two storey flank wall of no.81. The proposal would cast shadow in the direction of no.81 in the late afternoon. However, because of the limited rear projection of the two storey rear element and separation gap, the proposal is not considered to have

any significant overshadowing or overbearing impact for no.81, which would warrant a refusal.

The single storey rear element of the proposal would project 4m from the rear wall of neighbouring no.81 and would have similar depth as the existing single storey rear wall of the subject property on site. SPD Residential Design Guide recommends maximum 4m deep single storey rear projection for detached dwelling. This element would feature a mono pitched roof with 2.9m height to the eaves and 3.8m maximum height. It is not considered that this element of the proposal would cause any significant overshadowing or overbearing impact for no. 77 because of acceptable height and depth of the rear projection.

There are no flank wall windows proposed overlooking the rear gardens of no.77 and 81. It is noted that windows are proposed to serve bathrooms at first floor level facing no.77 and 81. Conditions would be attached requiring them to be obscured glazed with only a top openable panel to preserve the privacy of the neighbours. The proposal is not considered to have any overlooking or privacy impact for neighbouring occupiers.

The proposal would not have any detrimental impact on the properties at the rear because of separation gap provided by the rear gardens.

The proposed outbuilding is not considered to have any detrimental impact on the neighbouring amenity because of siting at the rear of rear garden.

Provision of suitable accommodation for future occupiers

In terms of amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The proposal would provide 4-bedroom 8-person family dwelling which would have Gross Internal Floor Area (GIA) of 468.3 sqm. The proposed Gross Internal Floor Area would meet the minimum space standards for new dwellings as required by the London Plan and Barnet policy DM02. The double bedrooms would be more than required 11.5 sqm and would meet the minimum standard. The proposed storage space would also meet the minimum requirement.

The new dwelling would benefit from good outlook and receive adequate daylight and sunlight.

The national space standard sets a minimum ceiling height of 2.3 meters for at least 75% of the gross internal area of a dwelling. To address the unique heat island effect of London and the distinct density and flatted nature of most of its residential development, a minimum ceiling height of 2.5m for at least 75% of the gross internal area is strongly encouraged so that new housing is of adequate quality, especially in terms of light, ventilation and sense of space. The proposal would provide 2.7m to 2.6 m ceiling height and would meet the minimum standard.

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. The Sustainable Design and Construction SPD advises that for a dwelling with up to seven or more habitable rooms needs to provide 85 sqm of outdoor amenity space. The rear gardens would measure around 412 sqm and therefore would meet the SPD requirements.

-Waste Recycling and Cycle Parking

Paragraph 11.10 of the Residential Design Guidance SPD 2016, states that, "Waste and recycling storage can cause a nuisance to neighbours and future occupiers, by reason of odour and noise, and can be visually intrusive in the streetscene. Waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding garden areas in front of dwellings."

Paragraph 11.5 of the Residential Design Guidance SPD 2016, states that, "The design and layout of new residential development should take account of the needs of cyclists through the provision of safe, accessible and secure cycle parking. In accordance with the cycle parking requirements set out in the London Plan.

No detail has been provided regarding refuse storage. Conditions are attached requiring details of screened refuse storage to address this issue.

The submitted plans do not show any provision of cycle parking. A condition is attached requiring the development to provide adequate cycle parking according to London Plan.

A condition is attached to ensure sufficient landscaping is in place.

{\ul Accessibility and Sustainability}

The application 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). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve CO2 reduction over Part L of the 2013 building regulations 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 the dwellinghouse 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).

{\ul Highways and Parking}

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.

London plan table 6.2 and Policy DM17 sets out parking standards as follows for residential developments:

For 4 bedroom or more 2 spaces per unit

The site plan does not show any parking. However, the design and Access Statement mentioned 3 parking would be provided in the forecourt which is in excess of the standard. A condition is attached for revised site plan showing 2 parking spaces for the proposal.

{\ul Impact on TPO trees}

Policy DM01 of the Adopted Barnet Development Management Policies advises that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of trees where appropriate. High quality landscape design can help to create spaces that provide attractive settings for both new and existing buildings, contributing to the integration of a development into the established character of an area. The council will seek to retain existing wildlife habitats such as trees, shrubs, ponds and hedges wherever possible. Where trees are located on or adjacent to a site the council will require the submission of a tree survey with planning applications indicating the location, species, size and condition of trees. Trees should be retained wherever possible and any removal will need to be justified in the survey. Where removal of trees and other habitat can be justified appropriate replacement should consider both habitat creation and amenity value.

National Planning Policy Framework revised 2018 also emphasises on protecting and enhancing valued landscapes, sites of biodiversity or geological value and soils.

Councils Arboriculturist was consulted on the previous application on this site. The officer informed that the existing trees on site are not protected. It is mentioned in submitted Arboriculturist report that the demolition and construction work will not damage any trees on site. The report further mentions that in the event replacement trees would be provided to mitigate loss of some existing trees.

{\ul Impact on Ecology}

Council's Ecologist was consulted on the previous application on this site. The Ecologist informed that the site is not located adjacent to Site of Importance of Natura Conservation (SINC). The submitted Preliminary Roost Assessment which shows low roost potential. The Ecologist informed that the submitted ecological report addressed all other matters.

{\b 5.4 Response to Public Consultation}

Addressed in the report.

{\b 6. Equality and Diversity Issues}

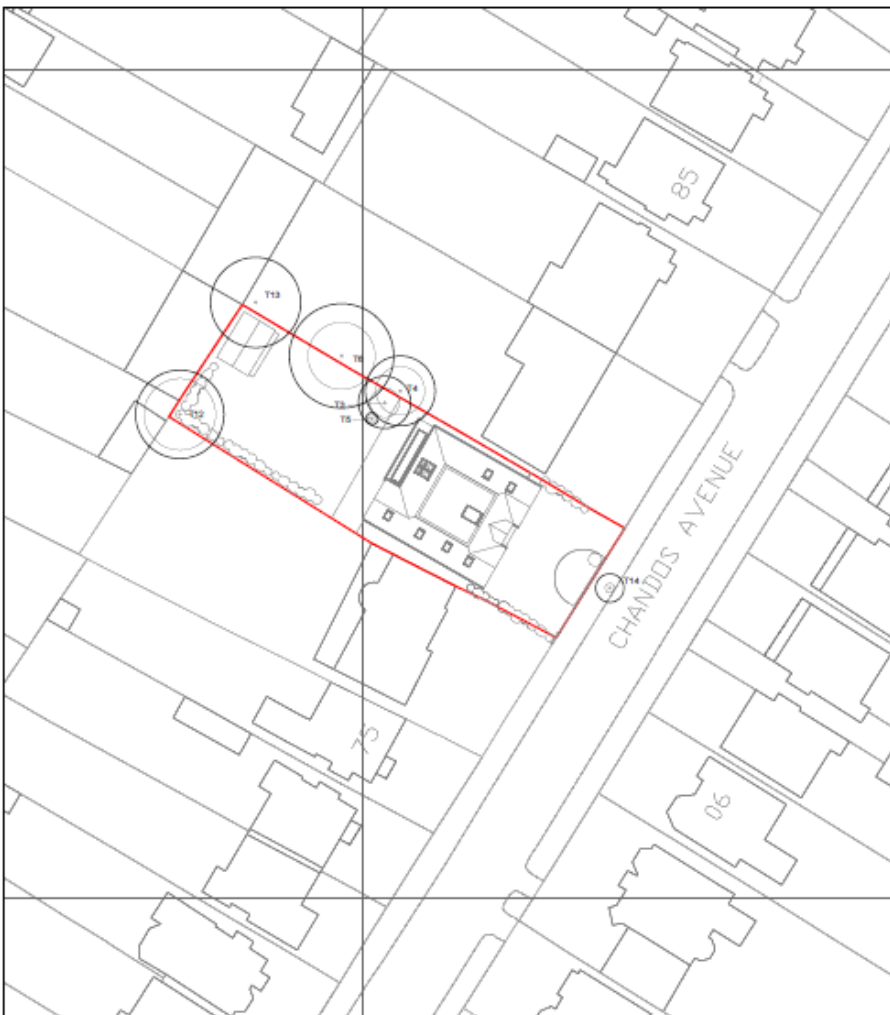
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

{\b 7. Conclusion}

The current proposal addressed the previous reason for refusal.

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene

and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring or future occupiers. This application is therefore recommended for approval.



Location 7 - 18 Temple Close London N3 3SB

Reference: 20/5207/FUL

Received: 2nd November 2020

Accepted: 26th November 2020

AGENDA ITEM 7

Ward: Finchley Church End

Expiry 21st January 2021

Case Officer: Sinead Normoyle

Applicant: Temple Close Freehold Ltd

Proposal:

Construction of an additional (second) floor to nos. 7 to 14 plus rooms in roofspace to provide habitable rooms at loft level with dormer windows and rooflights. Two storey extension to nos. 15 to 18 with associated extension and alterations to roof with habitable rooms at roof level with dormer windows and rooflights. To provide an additional 9no. self-contained flats with car and cycle parking and refuse /recycling storage

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. Contribution of £2,072.55 is required towards the amendment of the Traffic Management Order.
Monitoring contribution of 5% of total financial contributions, which is £103.63

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:

18703.P.01 Revision uploaded 15.02.2021

18703.P.02,

18703.P.03,

18703.P.04,

18703.P.05,

18703.P.06,

18703.P.07A ,

18703.P.08,

18703.P.09,

18703.EX.01,

18703.EX.02,

18703.EX.03,

18703.EX.04,

18703.EX.05,

18703.EX.06,

Planning Statement October 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 Details of cycle parking including the type of stands, gaps between stands, location

of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, a minimum of 18 long stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 Before the permitted development is occupied, a servicing management plan including refuse storage and collection arrangements and swept paths of service vehicles entering and existing the site in forward gear shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall only be operated in accordance with the approved servicing management plan.

Reason: In the interest of highway safety 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 Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a revised parking layout plan showing 3 spaces, telescopic bollards and the exact dimensions and location of the proposed crossover shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 3 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant will be required to enter into a s184/278 agreement for any off-site highway works to be undertaken in connection with this 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.

- 7 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).

- 8 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.

Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

The developer shall keep an up to date list of all NRMM used during the demolition, site preparation and construction phases of the development on the online register at <https://nrmm.london/>

Reasons: In the interest of good air quality in accordance with London Plan policies 5.3 and 7.14.

- 9 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).

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 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 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 10% 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 13 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) shown as flats 20 and 21 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.

- 14 Before the building hereby permitted is first occupied the proposed window(s) on the first and second floor of unit 21 on the south elevation as illustrated on drawing number (18703.P.03 and 18703.P.04) shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

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

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 25/06/2021, unless otherwise agreed in writing, the Service Director - Planning and Building Control or Head of Strategic Planning REFUSE the application under delegated powers for the following reason(s):

1. The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

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

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

- 3 If a concrete pump lorry is to be operated from the public highway, the 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.

- 4 Prior to the occupation of the development a Waiver of liability and indemnity agreement must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012

- 5 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 6 A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 7 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

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

Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

- 8 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 9 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises of a group of four purpose-built residential blocks (nos. 1 to 18 Temple Close). Nos. 1 to 6 Temple Close is three-storeys in scale and fronts onto Cyprus Road, while nos. 7 to 18 have a two-storey scale and front onto Temple Close, a

cul-de-sac accessed from Cyprus Road. Each of the four blocks have a functional brick and render façade, and a shallow dual pitched roof form. The four blocks are surrounded by grassed areas and some trees along the site boundary, although the majority of trees surrounding the site are located within the boundary of adjacent properties. To the north-east of the four blocks is an area containing single-storey garages. There are some on-street parking bays on Temple Close for resident parking.

The area immediately surrounding the application site is characterised by low-density residential dwellings, although there are some limited examples of three-storey residential flatted developments located on Cyprus Close.

This application relates solely to the three blocks numbered nos. 7 to 18.

The site is not located within a conservation area.

2. Site History

N/A

3. Proposal

Construction of an additional (second) floor to nos. 7 to 14 plus rooms in roofspace to provide habitable rooms at loft level with dormer windows and rooflights. Two storey extension to nos. 15 to 18 with associated extension and alterations to roof with habitable rooms at roof level with dormer windows and rooflights. To provide an additional 9no. self-contained flats in total with car and cycle parking and refuse/recycling storage.

4. Public Consultation

Consultation letters were sent to 152 neighbouring properties.

In total, 30 responses have been received, comprising 30 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- o Character and appearance,
- o Amenity,
- o Scale,
- o Excessive height,
- o Bulk and mass,
- o Overlooking,
- o Overbearing,
- o Outlook,
- o Loss of light,
- o Pollution,
- o Impact the enjoyment of the existing residents gardens,
- o Overlook of gardens,
- o Privacy concern,
- o Car parking concern,
- o Outdoor amenity,
- o Traffic congestion,
- o Additional noise,
- o Building works would have an impact on the residents health,

- o Disturb the quite nature of the area,
- o Disturbance due to construction,
- o Overdevelopment,
- o Energy efficiency,
- o No solar panels,
- o To many people for the infrastructure,
- o Not 10 metre from the boundary,
- o Loss of rent due to disruption,
- o Light pollution'
- o The bins will require the removal of trees,
- o The tree removal will impact the wildlife and the green nature of the close,
- o Fails to meet the Councils Policies,
- o Damaging to mental health.

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 new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous Plan.

Relevant policies:

D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

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,

Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM09, DM17.

Barnet's Local Plan (Reg 18) 2020

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

Supplementary Planning Documents

Residential Design Guidance SPD (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, semidetached 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:

- Principle of development;
- 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

- Whether a satisfactory standard of accommodation is proposed for future residents.

5.3 Assessment of proposals

in-principle of development

The site is previously developed land and officers would have no in-principle objection to the creation of additional flat development on-site subject to design, amenity and highways considerations.

Impact on Character of the Area

The NPPF attaches great importance to the design of the built environment, stating 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" (para.124).

Policy DM01 states, 'development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The surrounding area is a mix of styles and heights. Nos 1 to 6 Temple Close are three-storeys high brick and render build, with shallow dual pitched gable ended roofs. Nos 7 to 18 Temple Close comprise of two storey brick and render build, with shallow dual pitched gable ended roofs.

The subject application proposes to extend the existing residential blocks nos. 7-18 Temple Close. It is proposed to construct an additional second floor with habitable rooms within the roof space to Numbers 7 to 14. Numbers 15 to 18 Temple Close would see a two-storey extension with associated extension and alterations to the roof with habitable rooms in the roof space featuring dormer windows and rooflights proposed.

The proposal at nos. 7-18 Temple Close will mirror the existing style and proportions including pitched roof, brickwork, rendered panels and roof tiles which are all architectural characteristics of the existing building. The proposed windows, panelling and brick banding measure the same on each level. There is no objection to the proposed elevational design or to the height difference between blocks. The height difference replicates the current difference across the wider site. The proposals will feature rooflights on the rear elevations with dormers to the front, inward facing elevations. The dormer size and placement are consistent across the roof slope. There is no objection to the design/size of the dormer windows as proposed.

Numbers 15 to 18 Temple Close will feature a two-storey extension and alterations to the roof with habitable rooms in the roof space featuring dormer windows and rooflights. The building line of the extension follows the front elevation and first floor building lines. The rear ground floor projects rearward of the existing rear building line. This reflects the boundary alignment. The height of the existing development is proposed to be increased to utilise the existing useable space within the roofscape.

The existing roof pitch is maintained to ensure visual alignment across all four blocks and includes only rooflights in the roof slopes facing Cyprus Road and The Terrace.

It is not considered that the proposal would have a harmful impact on the character and appearance of the street scene and wider locality.

Impact on Amenity of Neighbouring Occupiers

Barnet policy DM01 requires new development to have due regard to the amenity of existing occupiers in neighbouring buildings.

The only neighbouring property which would be impacted with regards to the development at nos. 7-10 Temple Close would be no. 11 Cyprus Road. The rear elevation of the proposal faces onto the side elevation of no. 11 Cyprus Road. The first-floor window of no.11 Cyprus Road is obscure glazed. The boundary with no. 11 Cyprus Road has existing vegetation located on the host site and is to be retained and additional vegetation is proposed to be planted where the timber boarded fencing is exposed, it is considered the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of overlooking.

There is a separation distance of 10.64m from new flats (25,26,27) to the boundary with no. 11 and separation distance of 6.88m to the boundary from new flats (22,23,24).

Taking into consideration the flank wall of no. 11 Cyprus Road facing onto the application site are obscured glazed and the vegetation is to be retained and additional vegetation proposed, officers are broadly satisfied the increased scale would have an acceptable impact on the residential amenity of neighbouring occupiers.

The proposed side extension to no. 15-18 Temple Close would have an acceptable impact on the residential amenity of neighbouring occupiers subject to the provision of suitable boundary treatments along the southern and western site boundaries. New flats (20,21) have a distance of 10.50m minimum at upper levels to the boundary with properties in The Terrace.

As such, on balance, the proposal is not considered to have a harmful impact on the neighbouring visual and residential amenities.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority expects a high standard of internal design and layout in new residential development to provide an adequate standard of accommodation. The London Plan and Barnet's Sustainable Design and Construction SPD sets out the minimum space requirements for residential units. The proposed units are as follows:

Block 7-10

Second Floor

Flat 25 (2 Bedroom, 3 Person) measures 70.5m²

Flat 26 (2 Bedroom, 3 Person) measures 70.5m²

Third Floor

Flat 27 (2 Bedroom, 3 Person) measures 92m²

Block 11-14

Second Floor

Flat 22 (2 Bedroom, 3 Person) measures 71m²

Flat 23 (2 Bedroom, 3 Person) measures 71m²

Third Floor

Flat 24 (3 Bedroom, 5 Person) measures 92m²

Block 15-18

Second Floor

Flat 19 (3 Bedroom, 5 Person) measures 90m²

Block 20-21 (new side extension to block 15-18)

Ground Floor

Flat 20 (3 Bedroom, 6 Person) measures 91m²

First Floor

Flat 21 (4 Bedroom, 7 Person) measures 119m².

The proposal meets the recommended minimum space requirements as set out by The London Plan and Barnet's Sustainable Design.

The outlook from the units is considered acceptable and all units will be dual aspect.

The stacking agreement is also considered acceptable. The layouts stack with the existing footprint below.

Provision of adequate outdoor amenity space for future occupiers

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For flats 5m² of space per habitable room.

At present the existing communal garden measures 1,111m² to serve the existing units. The existing units require 175m² of amenity space as per our regulations.

The proposed units would require 165m² of green space.

The applicant is proposing the existing and proposed units share the proposed 1,032m² communal green space.

The housing mix

The National Planning Policy Framework sets out that "local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community (such as, but not limited to, families with children, older people, people with disabilities, service families and people wishing to build their own homes)" (NPPF: para 50). The London Plan Policy 3.8: Housing Choice requires that: "new developments offer a range of housing choices, in terms of the mix of housing sizes and types, taking account of the housing requirements of different groups."

As set out in Barnet's Housing Strategy and Core Strategy Policy CS4: Providing Quality Homes and Housing Choice in Barnet, our aim is to maximise housing choice alongside adequate supply.

Policy DM08 of Barnet's Development Management Policies Document DPD (2012) states that development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

It states that for market housing homes with 4 bedrooms are the highest priority, homes with 3 bedrooms are a medium priority.

There is no objection with regards to the housing mix as the provision is for 2, 3 and 4 bed units.

Highways

Council highways team have been consulted and the site fronts onto Temple Close. It lies in an area with a PTAL Score of 2 (low) however, 5 bus routes can be accessed from stops within 3-5 minutes walking distance of the site. The site is in a CPZ that operates Mon-Fri, 2-3pm.

The construction of additional floors and extensions would deliver an additional 9 no. self contained flats (4x2bed, 4x3bed, 1x4bed) which will attract a maximum allowable parking provision of between 9.5 -14 spaces. For a site that lies in an area with a PTAL score of 2, 12 spaces are recommended. A total of 3 additional spaces are proposed for the 9 new units which is not adequate.

While the site is in a CPZ, the restrictions only operate for one hour and so there is scope for parking displacement. The applicant has undertaken a parking survey which suggests that over 38 spaces were available within a 200m distance of the site, hence the potential displacement of up to 14 vehicles can be accommodated on street. However, highways would recommend that CPZ permit restrictions are imposed to encourage sustainable travel.

A new vehicle crossover is proposed at the end of Temple Close to serve 3 new parking spaces. However, the proposed layout of parking bays and position of the crossover is not considered to be ideal. Additional bollards are needed to prevent vehicles from mounting the kerb and parking on the hardstanding area illegally. The minimum width of a crossover is 2.4m and the maximum width of a crossover is 4.2 metres. A revised parking layout with a minimum aisle width of 6m and re-orientated bays are requested by way of a condition.

However, Highways would raise no objection to a car free scheme given the results of the parking survey undertaken by the applicant.

A construction management and logistics plan are requested by way of a planning condition.

Highways would raise no objection to the proposal subject to a s106 CPZ restriction and as well as conditions.

Waste Recycling and Cycle Parking

Policy DM02 states that proposals for residential conversions must include suitably enclosed storage areas at the rear of the property. If it is not practical, storage areas at the front or side of the property should be adequately screened so as not to become a dominant feature, and to avoid loss of amenity.

Highways officers comment that the refuse storage proposals are acceptable but elevations and distance between each the refuse store to the collection point on road are requested. Where the bin drag distance is more than 10m then the bins must be moved to a holding area near the road for collection. Refuse storage arrangements are acceptable but elevations are requested. Details of refuse storage are therefore requested by way of a condition.

Based on London Plan standards, a minimum of 18 cycle parking spaces are required for the 9 units proposed. A total of 42 spaces long and 2 short stay cycle parking spaces are proposed which is acceptable. However, the dimensions of the cycle store, gaps between stands and aisle widths are requested. Long stay cycle parking should be provided in a secure, covered, lockable AND enclosed compound. Hence, details of cycle parking are requested by way of a planning condition.

5.4 Response to Public Consultation

The public consultation responses have been addressed within the report and through conditions of consent.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 1A Helenslea Avenue London NW11 8NE

Reference: 20/6048/FUL

Received: 15th December 2020

Accepted: 15th December 2020

Ward: Childs Hill

Expiry 9th February 2021

AGENDA ITEM 8

Case Officer: Wilf Foster

Applicant: Mr Krauss

Proposal: Demolition of existing building and construction of new Sassov Synagogue comprising of basement, part-one storey and part-two storey building. Demolition of Mikve (religious bath) and storage buildings. Provision of disabled parking spaces and cycle parking. New soft and hard landscape and associated site works

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. RECOMMENDATION I:

The applicant and any other person having a requisite interest in the site are invited to enter into a section 106 Agreement to secure the following:

1. Implement the Faith Travel Plan as submitted.
2. Implement the Activities Management Plan as submitted.
3. A total contribution of £6500 towards the Council's costs of monitoring the planning obligations.

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:

Drawings: SS-PP2-05 (Proposed First Floor and Roof Plan); SS-PP2-06 (Proposed Elevations); SS-PP2-04 revA (Proposed Basement and Ground Floor Plan); Transport Technical Note (ref P1989 TN/PC), Crosby Transport Planning, January 2020;
Event/Activity Management Plan (ref P1989 TN2 revA/PC), Crosby Transport Planning, January 2020;
Faith Travel Plan (ref PC/P1989 TP), Crosby Transport Planning, January 2020;
Delivery and Servicing Plan, 27th February 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) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development other than demolition works shall take place until details of the ornamental brickwork at scale 1:20 or similar have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the ornamental brickwork 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.

- 5 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;
 - xi. Provision of a competent banksman.
- b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: To ensure that the proposed development does not prejudice the

amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 6
- a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
 - b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
 - c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 7
- a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 8 Details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 1 long stay and 7 short stay cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 Before the building hereby permitted is first occupied the proposed window(s) in the east side elevation facing 845 Finchley Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 10 The use hereby permitted shall not be open to members of the public before 06.30 or after 21.00 on weekdays, before 08.00 or after 21.00 on Saturdays or before 06.30 or after 21.00 on Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties.

- 11 Notwithstanding the parking site layout plan submitted with the planning application, prior to commencement of the development; a revised parking layout plan showing 2 disabled parking spaces, including exact dimensions of the existing/proposed access shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, 2 off-street parking spaces including shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development. The applicant will be required to enter into a s184/278 agreement for any off-site highway works to be undertaken in connection with this 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.

- 12 The development shall be maintained in accordance with the details of the hereby approved Delivery and Servicing Plan (dated 27th February 2020) and maintained as such in perpetuity thereafter.

Reason: In the interest of highway safety 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.

- 13 No more than a maximum of 300 persons shall be present on site in connection with the Synagogue use at any one time.

Reason: To safeguard the amenities of occupiers of adjoining residential properties and 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 and DM04 of the Local Plan Development Management Policies DPD (adopted September 2012)

- 14 Prior to the first occupation of the relevant part of the development, certification demonstrating compliance with Secured by Design standards (or any superseding accreditation) shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interest of community safety in accordance with London Plan Policy 7.3, London Borough of Barnet's Local Plan Policy CS12 of Core Strategy (September 2012) and Policy DM02 Development Management Policies (September 2012).

- 15 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 16 The premises shall be used for a synagogue and its ancillary activities and for no other purpose (including any other purpose in Class D1) 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.

- 17 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 2013 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 (2015) and the 2016 Mayors Housing SPG.

- 18 a) Notwithstanding the details shown on the plans submitted and otherwise hereby approved, the development hereby approved shall not be first occupied or brought into use until details of all acoustic walls, fencing and other acoustic barriers to be erected on the site have been submitted to the Local Planning Authority and approved in writing.

b) The details approved by this condition shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 20 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of 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 the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

- b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2016.

- 22 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).

- 23 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development.

The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to

minimise danger, obstruction and inconvenience to users of the highway.

RECOMMENDATION III:

- 1 That if an agreement has not been completed by 24/09/2021 unless otherwise agreed in writing, the Director of Development Management and Building Control should REFUSE the application 20/6048/FUL under delegated powers for the following reasons:

The application does not include a formal undertaking to secure an adequate contribution to cover the cost of monitoring the Faith Travel Plan and Activities Management Plan. The application is therefore unacceptable and contrary to Policies 6.1 of the London Plan (2016), Policies CS NPPF, CS5, CS9, CS15 of the Barnet Local Plan Core Strategy, Policies DM01 and DM17 of the Development Management Policies Document (both adopted September 2012), and the Barnet Planning Obligations (adopted April 2013) Supplementary Planning Document.

Informative(s):

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

If a concrete pump lorry is to be operated from the public highway, the 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.

- 2 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, 2 Bristol Avenue, Colindale NW9 4EW, 4-6 weeks before the start of any works on the public highway.

OFFICER'S ASSESSMENT

1. Site Description

The site is located on the southern side of Helenslea Avenue, consisting of a single storey detached unit currently in use as a Synagogue. The surrounding area is primarily residential, consisting primarily of residential dwellings in the form of semi-detached properties and flats. The site is located 0.1 miles from Golders Green Town Centre with a 5 minute walk to the Golders Green Tube Station and has a PTAL rating of 6a (very good).

The site is located within the Childs Hill ward. The site is not within a conservation area, nor is it a listed building.

2. Site and other Relevant History

Reference C02214

Address: 843-845 Finchley Road NW11

Decision: Approved Subject to Conditions

Decision Date: 21.03.1969

Description: Erection of single storey synagogue at rear.

Reference C02214A

Address: 843/845 Finchley Road London NW11

Decision: Approved Subject to Conditions

Decision Date: 18.02.1970

Description: The erection of a single storey synagogue

Reference C02214B

Address: 843/845 Finchley Road London NW11

Decision: Approved

Decision Date: 01.09.1971

Description: Erection of single-storey synagogue

Reference C02214C

Address: 843-845 Finchley Road NW11

Decision: Approved Subject to Conditions

Decision Date: 16.02.1972

Description: Erection of a single-storey synagogue

Reference C02214G
Address: 843-845 Finchley Road NW11
Decision: Approved Subject to Conditions
Decision Date: 19.01.1977
Description: Single storey extension to synagogue.

Reference C02214H
Address: Rear Of 843/845 Finchley Road NW11
Decision: Approved Subject to Conditions
Decision Date: 17.08.1977
Description: Alteration and extension to existing building

Reference C02214J
Address: 843/845 Finchley Road NW11
Decision: Approved Subject to Conditions
Decision Date: 28.09.1977
Description: Garage/playroom.

Reference C02214S
Address: 845 Finchley Road London NW11
Decision: Approved
Decision Date: 02.12.1994
Description: Retention of hardstanding to front of building and vehicular access.

Reference 19/5678/FUL
Address: 1A Helenslea Avenue London NW11 8NE
Decision: Approved following legal agreement
Decision Date: 27 August 2020
Description: Demolition of existing synagogue, mikvah and shed. Construction of new two storey synagogue, conversion of existing shed into mikvah. Associated hard and soft landscaping, refuse storage and provision of 1no. disabled parking space

Other relevant applications:

Reference: F/04707/12
Address: 847-851 Finchley Road, London, NW11 8LX
Decision: Approved following legal agreement
Decision Date: 30.04.2013
Description: Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue.

Reference: F/04552/13
Address: 847-851 Finchley Road, London, NW11 8LX
Decision: Approved following legal agreement
Decision Date: 07.01.2014
Description: Variation to condition 1 (Plans) pursuant to planning permission F/04707/12 dated 03/09/13 for 'Erection of a part 3, part 4 storey building comprising 25No. self contained flats, following demolition of existing temple, ancillary buildings and 2No residential dwelling houses. Formation of basement parking for 25 cars and cycle storage. Associated landscaping and vehicular access from Helenslea Avenue'. Variations include:
1. Ground floor unit to Helenslea Road block redesigned

2. Front door to Helenslea Avenue block relocated
3. Access path leading from Helenslea Avenue between two blocks to the rear garden omitted and replaced with extended terrace to ground floor unit.
4. Proportions of openings to rear façade of Helenslea Avenue block amended.
5. Balconies to first floor flats omitted and added to the area of the flat.
6. Plant rooms at third floor omitted.

3. Proposal

The application seeks approval for "Demolition of existing building and construction of new Sassov Synagogue comprising of basement, part-one storey and part-two storey building. Demolition of Mikve (religious bath) and storage buildings. Provision of disabled parking spaces and cycle parking. New soft and hard landscape and associated site works".

The proposed synagogue will have a maximum depth of 20.1 metres and a width of 16.3 metres. The building will have a height of up to 6.7 metres, as measured at its highest point on the front elevation. The proposed building includes an additional basement level, which is largely contained within the footprint of the building.

The associated works would include the demolition of the existing Mikveh and storage buildings, changes to the parking layout to include 2no disabled parking bays, new cycle storage, and associated landscaping works.

4. Public Consultation

Consultation letters were sent to 73 neighbouring properties.

A total of 53 responses have been received, comprising 19 letters of objection and 34 letters of support.

The contents of the letters in objection can be summarised as follows:

- The scale and design of the proposed building is out of keeping with the local area.
- The proposed development will result in increased traffic and parking congestion in the surrounding roads.
- Concern regarding the accuracy of the submitted parking surveys.
- Concern regarding increased noise and disturbance as a result of the development.
- Concern regarding disruption during the construction of the proposed development.
- Concern regarding illegal parking associated with the use.
- Concern regarding littering associated with the use.
- Concern regarding adherence to public health regulations associated with the use.

Highways have also been consulted as part of the application.

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

The 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 London Plan (2021)

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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, CS6, CS8, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM09, DM13, DM17.

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

Barnet's Local Plan (Reg 18) 2020

Barnet's Local Plan -Reg 18 Preferred Approach was approved for consultation on 6th January 2020. The Reg 18 document sets out the Council's preferred policy approach together with draft development proposals for 67 sites. It is Barnet's emerging Local Plan.

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

Supplementary Planning Documents

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;
- Whether harm would be caused to the surrounding highways network.

5.3 Assessment of proposals

It is noted that this application follows a previous planning application, ref 19/5678/FUL, which was granted approval on 27 August 2020 for a similar proposal involving the demolition of the existing synagogue and associated buildings and the construction of a new two-storey synagogue. The principal changes with the current proposals are the addition of a basement level, demolition of the existing storage to the front of the site, increase in parking provision from 1no to 2no disabled bays, and alterations to landscaping.

The submission notes that the expected occupancy of the proposed use will not increase compared with the approved scheme, for which a planning condition was attached to restrict the number of occupants to no more than 300. The additional basement level will therefore provide improved facilities for the proposed use, rather than increasing its overall capacity.

Given the similarities between the current proposals and the consented scheme, it is considered that the principle of development is established by the extant consent. The below assessment therefore relates primarily to the impact of the proposed changes as described above.

Impact on the character of the area

All proposed developments 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 the surrounding buildings, spaces and streets in accordance with DM01 of the Development Management Policies DPD (2012).

The previous officers' report found that the proposed two-storey building would have an acceptable impact on the local character and streetscene. The addition of the proposed basement level is considered to have a limited impact in these respects, given its relatively minimal external visual manifestation. The principal external change is the new stairwell providing access to the basement level and the light wells located on the eastern flank of the building. These would not be especially prominent from public views, given their siting and the proposed treatment to the front of the site.

In other respects, the current proposals result in reduced visual clutter compared with the approved scheme, given the demolition of the existing storage to the front of the site and the incorporation of additional soft landscaping within the site, which will benefit its visual amenities. A condition is recommended to require additional details of the scheme of hard and soft landscaping, to ensure that it has an appropriate appearance.

The proposals include various alterations to fenestration compared with the approved scheme. Officers consider that the appearance of the proposed building is still in keeping with the local character.

As noted above, this application proposed the same level of occupancy for the proposed synagogue as the recent approved application. As such, officers do not anticipate any increased intensity of use or increase in associated impacts including noise and disturbance or refuse and recycling requirements that may be detrimental to the local character. Indeed, a condition is recommended to ensure that the occupancy of the site at any one time does not exceed 300 persons, as per the previous consent.

Officers it is considered that the proposed development would have an acceptable impact on the character of the area and the streetscene, in accordance with planning policy including Policy DM01.

Impact on the amenities of neighbours

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.

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

Any development, particularly in a suburban site, should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Regarding the proposed additional basement level, it is not considered that this would have an adverse impact on the residential amenities of neighbouring occupiers as it is largely contained within the footprint of the building and has a minimal external visual manifestation.

The current proposals include various alterations to fenestration, including the addition of velux rooflights. These are not considered to result in any unacceptable overlooking of neighbouring properties, subject to a condition requiring windows on the east side elevation facing 845 Finchley Road to be obscure-glazed, as per the previous consent.

Given the capacity of the proposed use is the same as in the extant consent, there is not considered to be any additional adverse impact on the residential amenities of neighbouring occupiers. An event management plan has been provided to the LPA and following consultation deemed acceptable. This will be secured by legal agreement with the LPA.

Highways

Helenslea Avenue is a local residential road off Finchley Road (A598). It is in a CPZ that operates Mon-Fri, 11am -Midday. The site has a PTAL score of 6a (excellent). 13 bus roads can be accessed from stops on Finchley Road and Golders Green Road within 5 minutes walking distance of the site. Several buses terminate at the Golders Green tube/bus interchange. Also, Golders Green tube station on the Northern Line is within 5 minutes of the site. The proposed development would result in a loss of the existing car parking spaces and provision of 2no disabled parking bays.

Highways officers have been consulted on the submitted parking stress survey, travel plan, and event activity plan. They have confirmed that the submitted information is sufficient and that the development is considered to be acceptable on highways grounds, subject to a S106 agreement to monitor the faith travel plan and event management plan. It is noted that the provision of 2no disabled bays is an increase compared with the previous consented scheme.

Regarding cycle parking, 8no cycle parking spaces are proposed. This is in accordance with London Plan standards and is considered to be acceptable, subject to a condition requiring details of the proposed storage facilities.

Overall, the proposals are not considered to result in an unacceptable impact on the surrounding highways network, subject to the proposed conditions and legal agreement.

Refuse

The proposal would retain the existing refuse storage on the site. The bin enclosure is set down from the main street level with a substantial distance between their location and the neighbouring offices. Whilst this location seems acceptable, officers request further details of the storage facilities by planning condition.

Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a CO2 reduction over Part L of the 2013 building regulations. A condition is attached in the event planning permission is granted to ensure an appropriate level of reduction is achieved in accordance with the requirements of the London Plan.

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

5.4 Response to Public Consultation

- The scale and design of the proposed building is out of keeping with the local area.
 - The proposed development will result in increased traffic and parking congestion in the surrounding roads.
- These issues are addressed in the above assessment.
- Concern regarding the accuracy of the submitted parking surveys.

Highways officers have reviewed the submitted parking surveys and are satisfied that they are in accordance with standard methodology.

- Concern regarding increased noise and disturbance as a result of the development. This is addressed in the above report.

- Concern regarding disruption during the construction of the proposed development.

- Concern regarding illegal parking associated with the use.

- Concern regarding littering associated with the use.

- Concern regarding adherence to public health regulations associated with the use.

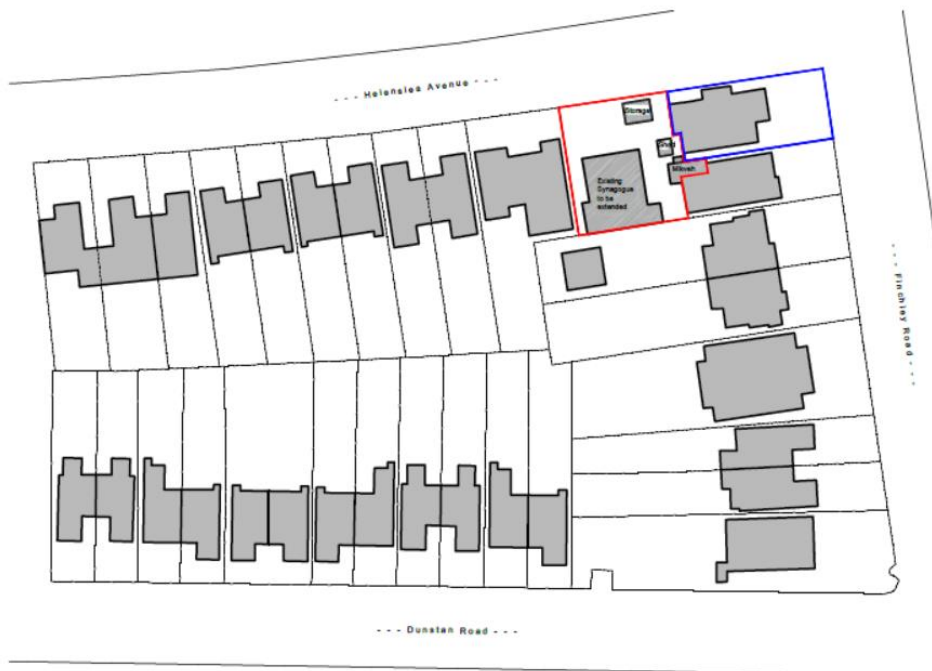
These are not considered to be material planning issues in the consideration of this application.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.



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Location 18 Burnbrae Close London N12 8PH

Reference: 20/6013/FUL

Received: 14th December 2020

Accepted: 22nd December 2020

Ward: West Finchley

Expiry 16th February 2021

AGENDA ITEM 9

Case Officer: Helen McGuinness

Applicant: Mr Ronni&Yonatan Livnat&Raveh

Proposal: Installation of a sliding door following the removal of a window in the external wall located in the rear

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:

Existing and proposed floor plan and elevation

Site plan

Block plan

Site location plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

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

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

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.

OFFICER'S ASSESSMENT

1. Site Description

The application relates to a ground floor flat within a three-storey block of flats, located at Burnbrae Close. The site is located within the West Finchley Ward. There is a large communal amenity space surrounding the flat block.

The property is not listed, it does not lie within a conservation area, and there are no specific restrictions on site.

The surrounding area consists of a mix of residential properties including a large 3-storey block of flats, two storey semi-detached and terraced dwellings.

2. Site History

No relevant history.

3. Proposal

The applicant seeks planning permission for:

Installation of a sliding door following the removal of a window in the external wall located in the rear.

4. Public Consultation

Consultation letters were sent to 17 neighbouring properties.

5 letters of objection have been received. The objections are summarised as follows;

- The work today is highly disruptive as all have young children at home at the moment and most parents are working from home like myself. The noise from the work is currently unbearable. The entire building is shaking from the heavy machinery knocking out the walls.

- Having seen the Barnet planning permission site I can see there is a pending application in place for the rear wall to be smashed out and doors fitted. We strongly object to this as it will not only ruin the look and feel of the entire block but this work will be majorly disruptive.

- The ground floor flat supports the whole building and removal of this would cause the rest of the building to become unstable. it will also alter the look and feel of the block.

- There are currently 3 identical blocks of flats. Changing this one particular flat will significantly change the character of the building.

- It will also mean they will have direct access to the garden space from their flat which other flats don't have this privilege.

- The garden space in front of the proposed direct access also means they will indirectly have their own garden space and no longer classed as communal gardens directly outside their doors.

- The noise pollution is unbearable with the work currently being carried out. We have had to work from a family members house so we can concentrate. My children were also told off by their teacher for having so much background noise. This will only get worse with the proposed works.

- Mess and dust left by current building work this property is carrying out is a total disgrace for all fellow neighbours.

- The large skip and builder vans are occupying the limited parking we have on this block.

- The work is majorly disruptive and has been taking place all through the week and over the weekend. Having checked the council site, I believe construction work is not permitted after 1pm and at any time Sunday. However, they have total disregard for this and have continued to work all weekend with heavy drilling machinery and banging. I live in the next block and this work is vibrating through my entire flat.
- This work will significantly alter the look of these blocks and chance the style and character.
- There is also a risk to building foundation by this work taking place.

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 2021

The new London Plan which sets out the Mayor's overarching strategic planning framework for the next 20 to 25 years was adopted on the 2nd March 2021 and supersedes the previous 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 and alterations 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. 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.

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)

- 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 windows should normally match those on the existing house, in terms of their design, material and proportions. Where necessary, they should also be recessed to match the original windows. If there is a consistent and coherent architectural character, the extension or alterations should not detract from it.

- In respect of amenity, states that extensions and alterations 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

Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality:

Policy DM01 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.

The proposed development consists of the installation of a sliding door following the removal of a window to the external wall located to the rear of the ground floor flat. The building in situ consists of 3 storeys and 4 main blocks housing multiple flats, the host site is centrally located within this block.

Using site images submitted with the application and aerial imagery, it is apparent that there are no examples of similar works in the immediate vicinity of Burnbrae Close. However, on balance it is found that the proposed alterations are acceptable. The potential harm created to the character of the building would not warrant refusal of the development due to the rearward facing aspect of the proposal. Additionally, the proposed works would not be visible from a public street and they are centrally located in the block which would better assimilate within the façade of the building.

Officers note the proposed opening would allow access from the flat into a communal amenity space to the rear of the block, however site images and aerial imagery would also indicate other ground floor flats utilising this space for their own benefit through various landscaping and planting.

Overall, due to the scale, placement and rearward projection of the proposed alterations, it is found that the proposed development would have an acceptable impact on the character and appearance of the street scene, site property and general locality of the area.

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

Development Management Policies (Adopted 2012) in section 2.7.1 states: "It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook."

The proposed works would not compromise neighbouring amenity in regard to limiting sunlight, outlook or loss or privacy.

The amenity space is communal and the provision of doors would not compromise the ability of other residents to use the space.

5.4 Response to Public Consultation

Comments regarding the noise and air pollution from the ongoing construction work;

- This is not a planning related issue and it advised to contact Environmental Health regarding any nuisance from noise and air pollution related to construction.

Comments regarding the stability of the building and the proposed works;

- This is not a planning related issue

Comments regarding traffic and road safety;

This is not a planning related issue in terms of the proposed development

Other objection comments have been addressed in the assessment of the proposal as above.

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 the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene, general locality and neighbouring amenity. This application is therefore recommended for APPROVAL.



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Location 39 Lincoln Road London N2 9DJ

Reference: 21/0111/HSE

Received: 11th January 2021

AGENDA ITEM 10

Accepted: 11th January 2021

Ward: East Finchley

Expiry 8th March 2021

Case Officer: Tania Sa Cordeiro

Applicant: Mr Peter Taylor

Proposal: Single storey rear and side extension

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:

Existing Ground Floor Plan (drg.no.100)
Existing First and Roof Floor Plans (drg.no.101)
Existing Elevations (drg.no.105)
Proposed Elevations (drg.no.125)
Proposed First and Roof Floor Plans (drg.no.121)
Proposed Ground Floor Plan (drg.no.120)
Site Location Plan

The above plans were received on the 11/01/21.

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 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 ___ elevation(s), of the extension(s) hereby approved, facing ___.

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).

- 5 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. 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.

OFFICER'S ASSESSMENT

This application has been "called in" by Councillor Arjun Mitra who wishes the matter to be considered by the Planning Committee for the following reasons:
" due to its impact on the neighbours"

In addition, Councillor Claire Farrier has called the application into committee "due to the overdevelopment of the site and its effect on the neighbouring properties".

1. Site Description

The application site comprises of a two-storey mid terraced dwelling house, located on the southern side of Lincoln Road within the East Finchley Ward.

The property is largely characterised by its traditional architectural appearance. There is a two-storey outrigger to the rear which appears to be an original feature.

The site is not within a conservation area and the building is not listed. However, the building adjacent to the host property (no.86) is a locally listed building. There are no TPO's on site as well.

2. Site History

Reference: 20/6205/192

Address: 39 Lincoln Road, London, N2 9DJ

Decision: Lawful

Decision Date: 20 January 2021

Description: Roof extension involving side/rear dormer windows and 2no front facing rooflights

3. Proposal

The application seeks permission for a single story side and rear extension.

The single storey extension will extend from the recessed wall, full width, infilling the space between the flank wall and the common boundary wall with the adjoining neighbouring property at no.37, with a depth of 9.8m. It will wrap around the two-storey rear projection, full width measuring 4.9m. The rear extension will measure 3m in depth along the boundary wall of no.41.

It will have a combination of a pitched and flat roof. The extension will pitch away from the boundary fence with no.37 to have an eaves of 2m along the boundary fence and a maximum height of 3.38m. The extension along the boundary fence of no.41 will have a flat roof measuring 3.38m.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.

Out of which 8 objections and 2 letters of support were received, which have been summarised below;

Concerns:

- Loss of light & obstructed views
- Will reduce green space considerably
- Garden Building: commenced
- Not notified regarding Loft Conversion: app
- Depth of extension is not in keeping with the context or scale of the area
- Create a sense of enclosure, along with a loss of outlook and daylight from these principle windows
- Home office plus extension will mean a disproportionate percentage of the garden will vanish
- It is not clear the correct notification procedure has been followed. No notices have been affixed to lamp-posts or sent in the post
- Dwellings become over-priced rental accommodation for the poorest and most vulnerable in society
- Set a precedent and change the character of the area

Support:

- Does not affect anyone's light
- contribute towards bringing the old houses in this area up to the standards of the area
- The design is high quality and sympathetic to its surroundings.

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 2021

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 new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 will be adopted in March 2021. When adopted this will replace the London Plan 2016. The Mayor published his Publication London Plan in December 2020, and the Secretary of State has now confirmed that he requires no further revisions to the document before adoption. The Publication London Plan will be adopted in March 2021 and therefore a very high weight should be attached to those policies. Until then the London Plan 2016 remains the statutory Development Plan until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2021 London Plan, whilst noting that considerable account needs to be taken of the soon to be adopted policies.

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

Policy DM01 of the adopted Development Management Policies (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".

The surrounding area consists predominantly of two-storey terraced properties, that benefit from a two storey rear projection which is an original feature of the properties. Some of the properties on this street are locally listed, however the host property is not.

A number of properties have carried out alterations to their properties, differing in scale and design. The proposal will involve a single storey side and rear wrap around extension with associated rooflights.

With regards to the proposal, paragraph 14.15 of the adopted Residential Design Guidance SPD states that side extensions should not be more than half the width of the original house. The proposed side extension will not be more than half the width of the rear wall. In addition, Barnet's Residential Design Guidance states that a depth of up to 3m is acceptable for a terraced property.

The proposal will have a depth of 3m from the original rear wall of the two storey projection along the boundary wall of no.41. Therefore the depth of this element is considered to be policy compliant.

The extension will project for a depth of 9.8m along the boundary wall of no.37, which exceeds the recommended allowance of 3m. However this element will pitch away from the boundary fence for a width of approximately 1.8m. It will have an eaves of 2m along the boundary fence, which is the height of a fence that could be erected under permitted development. In addition the pitching away of the extension will create a subordinate feature which will not be visually intrusive and will not result in loss of outlook, to the adjoining occupiers. Furthermore, the orientation is such that the properties benefit from south facing gardens, therefore the proposal will not create any further loss of light or overshadowing than existing.

It is noted that no. 27 Lincoln Road has constructed a similar side extension (F/01246/12) that pitches away from the boundary fence with an eaves of 2m. In addition, a couple of properties have built extensions that project forwards of the two storey rear projection, eg.no. 15 Lincoln Road under ref. F/03513/12. Whilst there is no known evidence of properties carrying out a wrap around on this street, it not considered that the additional depth involved in a wraparound will have an unacceptable impact on the character or amenities to neighbouring properties to warrant a refusal.

As such the proposed bulk, size, design and siting of the rear extension is considered to be acceptable and not likely to have an impact on the amenities of both adjoining occupiers and the character and appearance of the application site and the immediate vicinity.

5.4 Response to Public Consultation

- Loss of light & obstructed views
- Depth of extension is not in keeping with the context or scale of the area
- Create a sense of enclosure, along with a loss of outlook and daylight from these principle windows
- Set a precedent and change the character of the area

The concerns have been addressed in the body of the report.

- Will reduce green space considerably
- Garden Building: commenced
- Home office plus extension will mean a disproportionate percentage of the garden will vanish

The properties on this street benefit from large gardens and therefore it is not considered that the proposal is large enough to considerably reduce the garden space. In addition, applicants are entitled to build a garden shed/home office to be used ancillary to the main dwelling under permitted development, as long as they adhere to the requirements set out under this legislation.

- Not notified regarding Loft Conversion: app

The loft conversion was undertaken under permitted development. The applicant is allowed to build up to a certain allowance without planning permission, therefore no neighbours were consulted.

- It is not clear the correct notification procedure has been followed. No notices have been affixed to lamp-posts or sent in the post

The application is for minor alterations to their properties and therefore in line with statutory requirements, the neighbours adjoining the boundary of the application site have been consulted.

- Dwellings become over-priced rental accommodation for the poorest and most vulnerable in society

The above is not a material consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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

Location Plan of 39 Lincoln Road London N2 9DJ



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