

MEETING

PLANNING COMMITTEE A

DATE AND TIME

TUESDAY 14TH SEPTEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

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

Richard Cornelius
Danny Rich

Gill Sargeant
Elliot Simberg

Tim Roberts

Substitute Members

Paul Edwards
Thomas Smith
Eva Greenspan

Kath McGuirk
Reuben Thompstone

Mark Shooter
Zakia Zubairi

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 9 September 2021 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

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	21/0815/HSE - 66 Brackenbury Road London N2 0ST (East Finchley)	11 - 20
7.	19/6452/HSE - 56 Windermere Avenue, N3 3RA (Finchley Church End)	21 - 32
8.	21/1771/FUL - Land West Of 33 Avondale Avenue Barnet EN4 8LT (Brunswick Park)	33 - 48
9.	21/0543/FUL - 41 Woodland Way London NW7 2JP (Mill Hill)	49 - 60
10.	21/2658/HSE - 15 Elmcroft Avenue London NW11 0RS (Childs Hill)	61 - 72
11.	21/TPO/010 - 118 - 140 Kenilworth Road, Edgware HA8 8XF (Edgware)	73 - 80
12.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

21 July 2021

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Helene Richman (Vice-Chairman)

Councillor Richard Cornelius Councillor Tim Roberts
Councillor Danny Rich

Apologies for Absence

Councillor Gill Sargeant Councillor Elliot Simberg

1. **MINUTES OF THE LAST MEETING**

RESOLVED that the minutes of the meeting held on 10 June 2021 were approved as an accurate record.

2. **ABSENCE OF MEMBERS**

Apologies were received from Councillor Gill Sargeant and Councillor Elliot Simberg.

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

The Chairman confirmed that one of the speakers on item 6 and the applicant of Item 8 are fellow Councillors and as such are known to the members of the committee.

4. **REPORT OF THE MONITORING OFFICE (IF ANY)**

None.

5. **ADDENDUM (IF APPLICABLE)**

Items contained within the addendum were dealt with under individual agenda items. The Committee noted the addendum to the Planning Agenda which was published and circulated prior to the meeting.

6. **19/6590/FUL - 128 HOLDEN ROAD, N12 7EA (TOTTERIDGE)**

The report and addendum were introduced and slides presented by the Planning Officer.

Mehdi Khorshidian the agent, addressed the Committee on behalf of the applicant.

Following discussions, Councillor Cornelius moved an additional condition that was seconded by Councillor Danny Rich, should a CPZ area be introduced to the area, the

residents of the building would not be able to apply for a CPZ permit. This was unanimously agreed.

The Chairman then moved to the vote on the officer's recommendation.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED, subject to conditions as detailed in the report, addendum and agreed by the committee.

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)

7. 20/5477/FUL - 79 CHANDOS AVENUE LONDON N20 9EG (OAKLEIGH)

The report and addendum were introduced and slides presented by the Planning Officer.

Maria Jordan addressed the committee in objection to the application.

Councillor Thomas Smith addressed the committee in objection to the application.

Following discussion, the Chairman moved to the vote on the officer's recommendation.

The votes were recorded as follows:

For (approval) – 2
Against (approval) – 2
Abstained – 1

As the vote was tied the Chairman used their casting vote and voted against approving the application.

As such Councillor Richard Cornelius moved a new recommendation, that was seconded by the Chairman, to refuse the application for the following reasons:

1. 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 with Policy D3 of the London Plan (2021), 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).

2. 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)

The Chairman moved to the vote on the new recommendations to refuse the application.

The votes were recorded as follows:

For – 3
Against – 2
Abstained – 0

RESOLVED that the application be REFUSED for the reasons above.

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the 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)

8. 21/0872/FUL - 6A RUSSELL GARDENS LONDON NW11 9NL (GOLDERS GREEN)

The report and addendum were introduced and slides presented by the Planning Officer.

Maurice Shasha addressed the Committee on behalf of the applicant.

The Chairman then moved to the vote on the officer's recommendation.

Following discussion, the Chairman moved to the vote on the officer's recommendation, to REFUSE the application.

The votes were recorded as follows:

For (refusal) – 0
Against (refusal) – 5
Abstained – 0

As such Councillor Helene Richman moved a new recommendation, that was seconded by the Councillor Richard Cornelius to approve the application for the following reasons:

The proposed hip to gable roof extension by reason of its, size, scale, massing and design would appear subordinate, proportionate or sympathetic to the existing dwelling

house and would not unbalance the pair of semi-detached dwellings to the detriment of the character and appearance of the host property including the street scene.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED, subject to the conditions under paragraph 8 on page 60 and 61 of the report.

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).

9. 20/2558/FUL - CROMER ROAD PRIMARY SCHOOL CROMER ROAD BARNET EN5 5HT (HIGH BARNET)

The report and addendum were introduced and slides presented by the Planning Officer.

The Planning Officer also verbally updated the addendum to include the following additional conditions:

1. Hard and Soft Landscaping

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 G6 and G7 of the London Plan 2021.

2.Details of Foundations in respect to Tree Roots

Prior to commencement of works, details of foundations must be submitted and approved to this authority that will minimise the harm to tree roots.

The foundations must take account of trees growing in proximity to the development and place piles through the roots to maintain an intact root system. The beams across any the root protection area must be placed at a level that will not require excavations for their installation

Reason: Prevent harm to trees growing close to the development in accordance local planning policy DM01

3.Details of Times/Sessions of Pool Use

Before the development hereby permitted is first occupied or the use first commences an Activity Management Plan which sets out how the pool is to be used including the proposed hours of use by the school and the proposed hours of use by the community/public, including the number of sessions shall be provided and agreed in writing with the Local Planning Authority.

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).

Jonathan Rolfe the agent, addressed the Committee on behalf of the applicant.

Following discussions, the Chairman moved to the vote on the officer's recommendation.

The votes were recorded as follows:

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

RESOLVED that the application be APPROVED, subject to conditions as detailed at the meeting, in the report and addendum.

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)

10. 20/4847/FUL - 60 STATION ROAD, EN5 1QG (HIGH BARNET)

The report and addendum were introduced and slides presented by the Planning Officer.

Paul Robinson the agent, addressed the Committee on behalf of the applicant.

Following discussions, the Chairman moved to the vote on the officer's recommendation.

The votes were recorded as follows:

For (approval) – 4

Against (approval) – 0

Abstained – 1

RESOLVED that the application be APPROVED, subject to conditions as detailed in the report, addendum and the 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)

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

None.

The meeting finished at 8.30 pm

Location 66 Brackenbury Road London N2 0ST

Reference: 21/0815/HSE Received: 15th February 2021
Accepted: 17th February 2021

Ward: East Finchley Expiry 14th April 2021

Case Officer: Emily Bell

Applicant: Anna Eckert

Proposal: Single storey rear extension. Insertion of 2no rooflights to front
roofslope

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:

- 101-151/001 C
- 101-151/002 H
- 101-151/003 G
- 101-151/004 F
- 101-151/005 A

101-151/006 E

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. 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 referred to committee by Councillor Mitra for the committee to determine the impact on the neighbouring property in terms of loss of light and outlook and overbearing appearance.

1. Site Description

The application site is located at 66 Brackenbury Road, N2 0ST, consisting of a mid-terraced dwellinghouse with rear amenity space. The area surrounding the site is mainly residential consisting of similar terraced properties. The site is located within the East Finchley ward.

The site is not within a conservation area and is not a listed building.

2. Site History

Reference: 21/2364/192

Address: 66 Brackenbury Road, London, N2 0ST

Decision: Lawful

Decision Date: 17 June 2021

Description: Roof extension involving rear dormer window. Removal of existing 1st floor rear window, addition of 1st floor window with obscured glazing to side elevation

3. Proposal

Single storey rear extension. Insertion of 2no rooflights to front roofslope.

4. Public Consultation

Consultation letters were sent to 16 neighbouring occupiers. 1 letter of objection has been received, summarised below:

- Noise and disruption caused by the build
- Request the works do not take place at the weekend and that Monday to Friday are limited to 8:30am-6pm
- Request information on when works will begin
- Request information on whether there would be a window that will overlook neighbouring property
- Ground floor will run right up to boundary wall which will enclose neighbouring garden
- Construction material includes glass and no information on sound insulation
- Privacy issues
- Potential for damage cause to structure of neighbouring property

Further consultation was carried out following the receipt of amended plans. Further correspondence was received stating that the previous objections still stand.

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 20th July 2021. 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.

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 19) 2021

Barnet's Draft Local Plan - 19 - Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

The Council's adopted SPD 'Residential Design Guidance' states that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. This application relates to a single storey rear extension measuring approximately 3.2 metres in depth, 1.6 metres in width with an eaves height of 2.3 metres and maximum height of 3.3 metres. The Residential Design Guidance permits a maximum depth of 3 metres for rear extensions on terraced properties. However, in this case, the extension projects alongside the L-shaped outrigger, which is an original feature of the dwellinghouse. Therefore, this depth is considered to be acceptable as it will not project past the rear wall of the outrigger.

Following a review of aerial photography, it was noted that a large number of properties along Brackenburg Road have extended to the rear at ground level. Along this stretch of Brackenburg Road, of the houses which benefit from two storey rear outriggers, there are many examples of infill extensions to the side at ground level such as that proposed and therefore the principle of the extension is considered acceptable. The proposed extension is considered to be a proportionate addition and as the proposed extension will be contained within the L-shaped footprint of the property to the rear, it will not be visible from the streetscene. Therefore, the proposal is considered to have an acceptable impact on the appearance of the surrounding area.

2no front facing rooflights:

Following a review of aerial photography it was noted that a number of properties on Brackenburg Road benefit from rooflights to the front roof slope and are a common characteristic of the street scene. Further, the number of rooflights proposed is not thought to dominate the roof and therefore the rooflights are considered to be an acceptable part of the proposal.

Throughout the lifetime of the application, a roof extension involving rear dormer window over the main roof and outrigger roof was removed from the application as this did not

comply with the Residential Design Guidance. This was subsequently applied for via permitted development (ref. 21/2364/192) and found lawful.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D6 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.

Due to the siting of the proposed extension behind the existing two storey rear outrigger along the boundary with no. 68 Brackenbury Road, there is considered to be no impact on these neighbouring occupiers with regards to loss of light and outlook.

It is noted that the neighbouring property at no. 64 Brackenbury Road benefits from a rear extension set away from the common boundary and as a result is partially enclosed by its own extension. The proposed extension, as originally submitted, at the host property could create a tunnelling effect on the recessed neighbouring window. Adjacent to the boundary with the host site, this neighbouring property does not benefit from an extension to the rear. As such, the proposed extension would project to a depth of 3.2 metres past this adjoining property. Throughout the lifetime of the application, the scheme was amended to include a reduction in height along the boundary. The amended scheme includes a pitched roof with eaves height of 2.3 metres. Due to differing levels on site between the host property and neighbouring property, no. 64 is set at a slightly higher level. As such, the proposed extension would measure 2 metres in height along the boundary from the ground level of no. 64 Brackenbury Road. This is the height at which a fence could be erected under permitted development. In addition, the pitching away of the extension will create a subordinate feature which is not considered to be visually intrusive and will not result in loss of outlook, to the adjoining occupiers.

A similar development could be constructed through permitted development which allows for a rear extension of depth 3 metres and eaves height of 3 metres and up to a maximum height of 4 metres for terraced properties. It is considered that the amended proposed extension would result in a more subordinate feature when viewed from the neighbouring property.

No windows are proposed in the flank elevation facing no.64 and 3no rooflights are proposed to the pitched roof of the side infill extension. This will not be detrimental to the neighbouring property, with this design choice making efficient use of natural light. The proposed doors would be positioned to the rear elevation and therefore would not impact on the privacy of the neighbours.

5.4 Response to Public Consultation

- Noise and disruption caused by the build - the impact of construction works is not a planning consideration

- Request the works do not take place at the weekend and that Monday to Friday are limited to 8:30am-6pm - the impact of construction works is not a planning consideration
- Request information on when works will begin - a condition stating the works must be begun within 3 years of the permission will be attached.
- Construction material includes glass and no information on sound insulation - the application form confirms the materials to be used will be render as existing on the property. The glass rooflights are not considered to greatly impact on the amount of noise. The property will still be in use as a single family dwelling and it is not thought any further noise will result.

The remaining issues have been discussed in the main body of the report.

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and 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.



Site Location Plan
1:500



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Location 56 Windermere Avenue London N3 3RA

Reference: 19/6452/HSE

Received: 4th December 2019

Accepted: 6th December 2019

Ward: Finchley Church End

Expiry 31st January 2020

AGENDA ITEM 7

Case Officer: Syndsey Ballet

Applicant: Mr Richard Robins

Proposal:

Part single, part two storey side and rear extension including conversion of the existing garage into habitable room, insertion of window to replace the existing garage door. Roof extension and enlargement including front, side and rear dormer windows

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: Site location plan, 01, 02, 03, 04a, 05a, 06a.

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

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

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed windows in the flank elevations, including the dormer windows, facing nos 54 and 58 shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 6 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(s), of the extension(s) hereby approved, facing nos 54 and 58 Windermere Avenue.

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

- 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 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).

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

The application was originally called to committee by Councillor Greenspan so that

Members can visit the site and look at the impact on neighbouring properties. Subsequent to this request, more than 5 objections were received.

1. Site Description

The site consists of a two-storey detached dwellinghouse on the east side of Windermere Avenue within the electoral ward of Finchley Church End. The property is not in a conservation area and is not a listed building.

2. Site History

Reference: 19/6488/HSE

Address: 56 Windermere Avenue, London, N3 3RA

Decision: Approved subject to conditions

Decision Date: 28 February 2020

Description: Single storey side and rear extension including conversion of the existing garage into habitable room, insertion window to replace the existing garage door

Reference: C08862

Address: 56 Windermere Avenue, London, N3 3RA

Decision: Approved

Decision Date: 30.10.85

Description: Two storey side extension

3. Proposal

NB: The officer notes that works at ground level as described above were previously approved under ref 19/6488/HSE on the 28th February 2020. This proposal incorporates approved works and involves the addition of a first-floor side to rear element and roof extensions as described below:

"Part single, part two storey side and rear extension including conversion of the existing garage into habitable room, insertion of window to replace the existing garage door. Roof extension and enlargement including front, side and rear dormer windows"

Following the conversion of the existing garage into habitable room, insertion of window to replace the existing garage door, the single storey side to rear extension would extend approx 7 metres in depth from the existing garage, which would result in a projection of approx 2.80 metres (onto the rear patio area) from the recessed southmost rear corner of the property and extend a width of approx. 9.50 metres along the rear elevation to match the (existing) projecting rear building line and feature a flat roof form approx 3.50 metres finished height. A gated side passage width of 1.0 metre from the common boundary with no 58 would be retained.

On the side adjoining no. 54 Windermere Avenue, the proposed side extension will project forward approx 1.90 metres depth to align with the projecting front wall (which currently serves a study), approx. 1.3 metres in width to the side boundary and feature a flat roof form approx 3.90 metres finished height.

A first-floor side infill extension of the side elevation nearest no. 58 would project approx 4.0 metres in depth from the existing dressing room/ ensuite and extend a width of 3.50 metres to match the (existing) recessed rear elevation. The ridge height would be raised to create one ridge line. Nearest no. 54, the (existing) projecting rear bedroom wall would

be set back approx 0.80 metres in alignment with the recessed rear elevation and a first-floor side infill extension of the side elevation nearest no. 54 would maintain a set in of 1.30 metres from the side boundary in alignment with the recessed rear elevation. The eaves and ridge height nearest no. 54 would be increased in height to provide a single ridge line.

A centrally located first floor rear extension would project approx 2.80 metres depth x 8.15 metres width, be set in approx 5.20 metres from no 54 and approx 4.50 metres from no 58. It would feature a hipped roof form with crown set down below the main ridge level.

1x front dormer (replacement) 1.80 metres width x 1.60 metres height x 1.80 metres depth
1x side dormer (on respective flank roofslopes) 1.80 width x 1.90 metres height x 1.90 metres depth

2 rear dormers 1.80 metres width x 1.60 metres height x 1.70 metres depth

4. Public Consultation

Consultation letters were sent to 8 neighbouring properties. Residents were reconsulted after receipt of amended plans. A total of 12 objections have been received from and on behalf of residents and are summarised below:

- Loss of light, outlook and privacy to habitable windows
- Loss of light to side windows and patio
- Increased sense of enclosure
- Greater proximity of the existing air conditioner unit
- Subsequent loss of trees in the rear garden of the property, which currently provided screening between properties
- Side window directly on boundary - unusual and undesirable
- Reduction in width of passage between properties
- Previous extensions in 1985 was limited in size adjacent to no. 56
- Loss of vegetation
- Procedural errors in determination of application 19/6488/HSE
- Barnet design guidelines have always required side extensions to be 1m from a boundary at ground floor and 2m at upper floors
- Noise and increased traffic

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 20th July 2021. 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 Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

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.

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 the 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.
- Other Matters

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;

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D1, D3 and D6 (of the London Plan).

Single storey side and rear extension:

The proposed side extension on the side adjoining no. 58 Windermere Avenue will extend approximately 7 metres in depth from the existing garage, measuring 3.6 metres in width to match the building line of the existing garage. On the side adjoining no. 54 Windermere Avenue, the proposed side extension will project forward approx 1.90 metres depth to align with the projecting front wall and approx. 1.3 metres in width to the side boundary. The residential design guidance states that side extensions should not be more than half the width of the original house which the proposal complies with. Although the side extensions will not be set back from the front building line of the property, on the other side neighbouring no. 54 the side extension front building line will match that of the existing study, however, as it has a small width of 1.3 metres is therefore deemed acceptable.

The Residential Design Guidance SPD stipulates that a depth of 4 metres is considered acceptable for a single storey rear extension on a detached house. The proposed single storey rear extension will measure approximately 2.18 metres in depth past the established rear building line of the property, therefore compliant with the council's guidance.

Two storey side and rear extension:

A first-floor side infill extension of the south western flank elevation would project approx 4.0 metres in depth from the existing dressing room/ ensuite and extend a width of 3.50 metres to match the (existing) recessed rear elevation. The (existing) projecting rear bedroom wall would be set back approx 0.80 metres in alignment with the recessed rear elevation and a first-floor side infill extension of the north east flank elevation would maintain a set in of 1.30 metres from the side boundary with no 54 in alignment with the recessed rear elevation.

Design guidance states that for 2 storey side extensions, a distance of 1m to the boundary and 2m between properties should be maintained. This is to avoid a terracing effect and maintain the character of a street and reduce the visual impact of an extension. In this case, both the first floor side extensions would be rearwards of existing first floor elements and therefore there would be no reduction in the gap between properties.

A centrally located first floor rear extension would project approx 2.80 metres in depth, extend approx 8.15 metres in width along the rear elevation and be set in approx 5.20 metres from no 54 and approx 4.50 metres from no 58. It would feature a hipped roof form with crown set down below the main ridge level. The proposal would result in the removal of existing staggered elevations/building lines and varied roof profiles and introduce a more regular form of development with a subordinate hipped roof with crown, limited to the existing apex.

The Residential Design Guidance SPD stipulates that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours. The proposed two storey rear extension is compliant with the council's guidance.

There are a number of examples of rear extensions along Windermere Avenue and further, surrounding the property there are a number of large detached dwellinghouses similar to the host property which have extended to the side and rear. The property benefits from a large rear garden and the addition of a rear extension would not result in a significant loss of garden.

Roof extension and dormers:

The proposed dormers would replace comparably larger roof additions within the front and rear roof slopes and introduce modestly sized roof additions to the flank roof slopes ensuring visual containment and subordination at roof level. The provision of a single raised ridge is evident on other properties in the street eg at no. 54 and would not be out of keeping within the street.

Overall, the proposal is not thought to negatively impact the established character and appearance of the existing dwelling and general locality and street scene.

Conversion of garage into habitable room:

It is considered that the garage conversion would not result in detrimental harm to the character of the existing property, the street scene or wider locality as the conversion does not include any increase in footprint and therefore does not constitute overdevelopment of the site.

There are no concerns in regard to loss of the use as a garage as there is sufficient off-

street parking within the front forecourt area to compensate for the loss of parking in the garage.

The application proposes the removal of the garage door and replacing it with windows to match the style of the existing front elevation windows, as confirmed in the application form.

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

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

On the side adjoining no. 58 Windermere Avenue, the proposed single storey side to rear infill extension will extend behind the existing garage, extending past the rear building line of the neighbouring property by 3.5 metres and set away from the flank wall of no. 58 by approximately 1.8 metres. As this is compliant with the residential design guidance, it is considered that there would be an acceptable impact on the neighbouring property in terms of the proposed depth. The neighbour is concerned about loss of light to a stairway and hall, however given the height of the side window, light would not be completely restricted to the hallway, which would not be considered a habitable room.

The single storey side infill extension on the adjoining boundary with 54 Windermere Avenue would maintain the shared front building line with this neighbouring property. No material harm upon access to light or outlook is likely in this regard.

The first-floor side infill extension to the north east flank elevation would be set off the common boundary with no 54 by approx 1.30 metres, project less than 1.0 metres further forward of no 54. The infill would face onto the south west flank elevation of no 54 onto which there no single aspect habitable openings. No material harm upon access to light or outlook is likely in this regard.

The first-floor side infill extension to the south west flank elevation would be set off the common boundary with no 58 by approx 1.0 metre and project less than 1.0 metres further rearward of no 58. This is not thought to negatively impact the neighbouring property in regard to loss of light or sense of enclosure.

The proposed centrally located, first floor rear extension would project approx 2.50 metres further rear of no 54 and approx 3.50 metre further rear of no 58. Given the limited rear depth of projection of 2.80 metres and separation distances involved to the common boundaries with nos 54 and 58, no undue loss of light or outlook to habitable window openings and rear patio areas is likely.

The roof extension and dormer windows would not would have an unacceptable impact on neighbouring residents. The side dormer windows serve an en-suite bathroom and a secondary window to a bedroom. To safeguard the privacy of neighbours, a condition has been attached to ensure that flank openings including the side dormers are obscurely glazed and non-opening.

Other Matters

The holly tree at the rear of the property does not have any public amenity benefit and therefore does not qualify for special protection by means of a Tree Preservation Order.

As such, the applicant is within his/her rights to remove the tree without prior notification to the LPA. Nonetheless, the tree is important in providing some screening between properties. Therefore, to address the inevitable loss of vegetation on the boundary, the application will be subject to a hard and soft landscaping scheme condition to secure replacement planting.

5.4 Response to Public Consultation

The material planning considerations relating to the relevant planning policies and guidance, impact on the appearance and character of the property and wider area and impacts on neighbouring amenity have been addressed in the main body of the report.

- Greater proximity of the existing air conditioner unit
Plans do not show an external air conditioning unit

- Procedural errors in determination of application 19/6488/HSE
This is not relevant to the determination of the current application

- Noise and disturbance
The property is to remain as a single family house. It is considered that there would not be an unacceptable increase in noise and disturbance from the development. Noise and disturbance during construction are not planning considerations, however a condition is imposed to restrict working hours

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 **Land West Of 33 Avondale Avenue Barnet EN4 8LT**

Reference: **21/1771/FUL** Received: 30th March 2021
Accepted: 30th March 2021

Ward: Brunswick Park Expiry 25th May 2021

Case Officer: **Jonathan Martin**

Applicant: Mr Alexander Findley

Proposal: Erection of a two storey dwelling. Associated refuse/recycling store and provision of off street parking

AGENDA ITEM 8

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:
 - Site Location Plan 007
 - Location Plan 008
 - Existing Block Plan 091
 - Existing Ground Floor Plan 191 A
 - Existing First Floor Plan 192
 - Existing Second Floor Plan 193
 - Existing Street Elevation 290
 - Existing Street Elevation 291
 - Existing Side Elevation 293
 - Proposed Ground Floor Plan 101 B
 - Proposed First Floor 102A
 - Proposed Second Floor 103

- Proposed Street Elevations 200 A
- Proposed Street Elevation 201
- Proposed Street Elevations 202 A
- Proposed Side Elevation 203 B

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

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

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

- 3 Notwithstanding the parking layout submitted with the planning application, prior to construction of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and 1 proposed off-street parking space shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, the off-street parking space 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.

- 4 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, 2 (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 bicycles 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.

- 5 a) Notwithstanding the plans hereby approved, 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 Prior to the first occupation of the new dwelling, 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).

- 7 a) Before the development hereby permitted is first occupied, the subdivision of the rear amenity areas shall be carried out in accordance with approved plan 101 B and retained as such thereafter.

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

- 8 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).

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved it shall 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

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 11 Before the building hereby permitted is first occupied the proposed window(s) as stated on drawings 101 B, 102A, 200A, 202A, 203B 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).

- 12 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 Class of Part 1 of Schedule 2 of that Order shall be carried out within the area of the proposed dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the visual integrity of the design and appearance of proposed dwellings, the general locality and to ensure the continued provision of suitable outdoor amenity space in accordance with Policy DM01 and DM02 of the Development Management Policies DPD (adopted September 2012).

- 13 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)

14 a) The site shall not be brought into use or first occupied until details of the new double access gates 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, DM16, 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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

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

- 5 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.

- 6 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 highways.

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

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

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a two-storey end terraced dwellinghouse (comprising of 4x terrace dwellings) located along Avondale Avenue, on a corner plot at the junction with Chetwynd Avenue, with significant level differences with the levels rising towards the rear. The subject site comprises of a larger plot in comparison with other dwellings in the area as well as a large forecourt area which is used as off-street parking. The property benefits from part single and part two storey rear extension. The site also comprises of two existing outbuildings used as a garage and additional storage.

The subject site is located directly opposite Oak Hill Park. The site is not within a Conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction.

The property is not subject to a listed building and there are no other planning restrictions associated with the site.

2. Site History

Reference: N02774B/01

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Decision: Approved subject to conditions

Decision Date: 11 June 2001

Description: Single storey side extension.

Reference: 19/6440/192

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Decision: Lawful

Decision Date: 2 January 2020

Description: Roof extension, including, hip to gable, rear dormer window and 2no. rooflights to front roofslope

Reference: 19/6474/FUL

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Decision: Withdrawn

Decision Date: 20 January 2020

Description: Erection of two storey dwellinghouse, including, off street parking space. Incorporating of a roof extension to No. 33. Avondale Avenue, including hip to gable

Reference: 20/1292/192

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Decision: Withdrawn

Decision Date: 9 April 2020

Description: First floor rear extension. Roof extension, including, hip to gable, rear dormer window and 2no. rooflights to front roofslope

Reference: 20/3347/HSE

Address: 33 Avondale Avenue, Barnet, EN4 8LT

Decision: Approved subject to conditions

Decision Date: 17 March 2021

Description: Part single, part two storey side and rear extension.

3. Proposal

Planning permission is sought for the 'Erection of a two storey dwelling. Associated refuse/recycling store and provision of off street parking.

The proposal will provide a 1b2p dwelling measuring 59sqm. 182sqm of private amenity space will be provided for the new dwelling with 130sqm being retained for the existing dwelling.

1 car parking space will be provided along with 2 cycle parking spaces. 2 off road parking spaces will still be provided for the existing dwelling at 33 Avondale Avenue.

Bin storage will be provided within the side/rear garden area. The proposal will erect a 2m high boundary fence along the property boundary with Chetwynd Avenue, the rear boundary and along the shared boundary with 33 Avondale Avenue.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties. 21 letters of objection have been received along with 9 letters of supports. These comments can be summarised as follows:

Objection:

- Spoiling of the area
- Out of character with the houses in the area
- Diminish the street
- Devalue neighbouring properties
- Impact on highway safety

Support

- Offers a choice in housing
- Design responds well to the large extension opposite the site
- Improves the local street scene
- Fits in well with surrounding area

Internal consultees

Highways - no objection to the proposal. Recommended conditions and informatives.

Amendments

Amendments have been made to the scheme as follows:

- Introduction of new window on side elevation to provide extra light to dining area.

5. Planning Considerations

5.1 Policy Context

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 19 February 2019.

This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Plan 2021 was adopted on 02 March 2021 and is the Spatial Development Strategy for Greater London. It sets out a framework for how London will develop over the next 20-25 years and the Mayor's vision for Good Growth.

The Plan is part of the statutory development plan for London, meaning that the policies in the Plan should inform decisions on planning applications across the capital. Borough's Local Plans must be in 'general conformity' with the London Plan, ensuring that the planning system for London operates in a joined-up way and reflects the overall strategy for how London can develop sustainably, which the London Plan sets out.

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.

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, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

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 application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage
- Sustainability

5.3 Assessment of proposals

Principle of development

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'. Policy DM01 goes on to states that all development should represent high quality design.

Policy DM08 states that development should provide a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough.

Policy CS4 of the Core Strategy states that successful communities will be created in Barnet by ensuring there is a mix of housing products in the affordable and market sectors to provide choice for all households and enable Barnet residents to progress on a housing journey that can meet the aspirations of home ownership.

The character of the area is residential with a mixture of terrace properties between 3 and four houses and semi-detached properties, two storeys in height with pitched roofs. The application site is part of a terrace block of 4 houses. The neighbouring dwellings form a strong building line with generous sized gardens found to the rear.

The area is characterised by family dwellings along Avondale Avenue which provide 3 or 4 bedrooms. The proposal creates a new 1 bedroom dwelling. Although the new unit will not provide a family dwelling, the creation of a new residential dwelling in a residential area is welcomed by the council and will contribute to the target of 28,000 homes to be provided by 2025/26 in accordance with Policy CS3 of the Local Plan.

It is considered that given the mix of residential styles in the area, the introduction of an additional residential unit to the area would not be out of character.

The addition of one residential unit in this location is acceptable in principle subject to other material planning considerations which are discussed below.

Character and appearance

All new development is expected to preserve and respect the established character and appearance of the surrounding area. Policy DM01 states that:

b. 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 extensions to create the new dwelling at 33a Avondale have been approved under permission 20/3347/HSE in March 2021. Therefore, the character and design of the extensions have already been approved by the Council. The proposed dwelling will have the same footprint as the extensions approved under permission 20/3347/HSE.

The new dwelling would have a roof that is set lower than the dwelling at 33 Avondale. The new dwelling will be setback approximately 3.2m at the ground floor and 4.2m at the first floor from the Chetwynd Avenue property boundary and therefore it is not considered to be cramped development or result in an overdevelopment of the plot.

The new dwelling will match the building line of the existing terraces along Avondale Avenue and is considered to be consistent with the rhythm and pattern of development

along Avondale Avenue.

A new 2m high fence will be erected along the front, side along Chetwynd Avenue and the rear of the property boundary.

When viewed from the street scene, the new dwelling will appear as an extension to 33 Avondale Avenue as the new entrance door will be located on the side elevation, behind the 2m fence. At the rear of the plot, a new double gate will be erected to provide secure off-street parking for 1 car.

The materials of the new dwelling will be in keeping with the property at 33 Avondale and the other properties in this block of houses. As such, the proposal seeks to blend the design of neighbouring buildings and therefore respects the established character and appearance of the surrounding area.

The proposed dwelling will have a large garden of 182m² which is considered sufficient to retain the suburban character of the application site stated as a priority in paragraph 2.9.1 of Policy DM01.

Based on the above, it is considered that the design, scale and siting of the proposed dwelling would have an acceptable impact on the established pattern of development and character and appearance of Avondale Avenue and Chetwynd Avenue, and given the distances afforded from adjacent dwellings, would not result in a cramped form of development. Moreover, it is not considered that its development would set an undesirable design precedent which if replicated would be detrimental to the visual appearance of the wider streetscene. Consequently, it is considered that the proposed development is in compliance with Policy DM01 and is therefore recommended for approval on character and appearance grounds.

Neighbouring Amenity

Paragraph 2.7.1 of Policy DM01 states that:

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. 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.

As mentioned in the section above, the proposal does not seek to increase the footprint of the extensions approved under permission 20/3347/HSE. The new dwelling would have an acceptable impact on the residential amenity of neighbouring occupiers by way of daylight / sunlight or overshadowing.

At ground floor level, there is one side facing window. This window will not lead to a loss of privacy or overlooking to the occupants of 35 Avondale given it will be screened by the 2m high boundary fence. At first floor level, there are no side facing windows that would impact neighbouring amenity. The position of the front and rear windows has been considered to be acceptable under permission 20/3347/HSE. 1 Chetwynd Avenue has no side facing windows and therefore the proposal will not lead to overlooking to neighbouring occupants.

The proposed new dwelling is located in a residential area and therefore the proposal would not introduce a new use resulting in noise pollution for neighbouring residents that

would be unexpected in Avondale Avenue.

A 2m high fence is provided between the existing house and the new house. The fence will prevent overlooking into gardens on the ground floor.

Based on the above, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight, privacy and enclosure, and is consequently recommended for approval on amenity grounds.

Living standards for future occupiers

Floor Area:

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room. The proposed dwelling complies with these standards as evidenced below:

- 1-bed, 2-person, 2-storeys: 58m² required / 59m² provided.

Table 2.2 contained within the Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

The proposed double bedroom meets the above standards.

Floor to ceiling height:

London Plan 2021 states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwelling meets the above standard.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and that bedrooms and living rooms /kitchens should have a reasonable outlook with clear glazed windows.

It is considered that the proposed dwelling would benefit from dual aspect outlook and an acceptable level of daylight / sunlight provision to all habitable rooms.

Amenity Space:

Section 2.3 of the Sustainable Design & Construction sets out the external amenity space requirements for houses. Both the proposed and existing dwellings would meet the external amenity space requirements as demonstrated below:

The new dwelling would have 182sqm of outdoor private amenity space. The dwelling at

33 Avondale Avenue would have 130sqm of amenity space.

The proposed development would provide sufficient and good quality outdoor amenity space resulting in good quality of accommodation for future residents which would be compliant with policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012), the Adopted Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

Highways

Avondale Avenue is a local residential road, it is not in a CPZ and lies within a PTAL zone of 1b (low). This indicates that the area has poor accessibility to public transport. However, two bus routes (184,382) can be accessed from stops on Church Hill Road within 4-5 minutes walking distance of the site.

The erection of a new two storey dwellinghouse (1 x2bed) will attract a parking provision of 0-1spaces in accordance with Policy DM17. One parking space is proposed for the new dwelling house which is acceptable and there appears to be ample on street parking spaces in the vicinity for the existing house which require 1-1.5 spaces. 2 off road parking spaces are provided for the existing house.

Based on London Plan standards, a minimum of 1.5 cycle parking spaces are required. Storage for 2 bicycles is shown on the proposed ground floor plan. A cycle parking condition is therefore requested by way of a condition. The type of stands used must allow both wheels and the frame of the bicycle to be locked and cycle storage should be provided in a secure, covered, lockable and enclosed compound.

Servicing will continue on-street as existing and is not considered to be an issue. Due to the small scale of development proposed, trip generation is likely to be low.

The Council's highway engineer has reviewed the proposal and has considered the proposed parking arrangement to be acceptable.

Based on the above, this application is considered acceptable on highways grounds and is consequently recommended for approval.

Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2021). As shown on the ground floor plan, bin storage will be provided in the side garden, behind the 2m boundary fence. A suitably worded condition will be attached to ensure compliance.

Sustainability

The application scheme is required by Policies D6 of the London Plan 2021 to meet Building Regulation requirement M4(2). A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the will need to achieve a 19.8% CO2 reduction over Part L of the 2013 building regulations as per the requirements of Policy S12 of the London Plan 2021. A condition will be attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan 2021.

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan 2021.

5.4 Response to Public Consultation

Public comments have been received and addressed where relevant in the report above. For clarity please see below:

- Spoiling of the area : the new dwelling is set in a residential area and will not result in noise pollution that would be out of character. The dwelling is created by the extensions previously approved under permission 20/3347/HSE.
- Out of character with the houses in the area : the new dwelling is set in a residential area and will not result in noise pollution that would be out of character. The dwelling is created by the extensions previously approved under permission 20/3347/HSE
- Diminish the street :
- Devalue neighbouring properties : not a material planning consideration.
- Impact on highway safety : the Highways officer has reviewed the proposal and has no objections.

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 proposed development is considered to have an acceptable impact on the character and appearance of the application site and the wider streetscene of Avondale Avenue. Furthermore, it is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers and would provide sufficient amenity for future occupiers by way of internal and external space compliance and good levels of outlook and daylight /sunlight. The proposed development is also considered acceptable on highways grounds. Consequently, this application is recommended for approval.



Location 41 Woodland Way London NW7 2JP

Reference: 21/0543/FUL

Received: 2nd February 2021

Accepted: 3rd February 2021

Ward: Mill Hill

Expiry 31st March 2021

AGENDA ITEM 9

Case Officer: Syndsey Ballet

Applicant: Mr Joe Henry

Proposal: Conversion of single dwelling house into a six-person Class C4 HMO (House in Multiple Occupation)

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:

1710-SV-2

1710-SV-3

1710-SV-4

A0.1

A0.2

A0.3

A0.4

A0.5

Letter from Robert Stein of Cosway Estates dated 21.05.2020

Planning Statement by Hentry Planning

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

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

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

- 3 a) Before 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).

- 4 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.

- 5 The House of Multiple Occupation hereby approved must be occupied by no more than 6 persons at any time.

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).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The 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.

- 3 The applicant is advised of the need for an HMO license.

OFFICER'S ASSESSMENT

1. Site Description

The application site is a two-storey mid terrace single family dwelling, sited on the south west side of Woodland Way within the ward of Mill Hill. The surrounding area has an established character of single-family dwelling houses although there are a number of properties that have been converted into flats.

The property has been previously extended by way of a single storey rear extension (Ref: H/04917/14). Permission was also granted for conversion into 2 flats (Ref: 18/0247/FUL). As stated from the planning statement, the property is currently converted into 5no. self-contained units without planning consent with enforcement notice issued (ENF/0305/20).

The application site is not a locally/statutorily listed building nor is it located within a conservation area.

2. Site History

Reference: H/04917/14

Address: 41 Woodland Way London NW7 2JP

Decision: Lawful

Decision Date: 06.10.2014

Description: Single storey rear extension including 2no. rooflights. Extension to roof including rear dormer to facilitate loft conversion

Reference: 18/0247/FUL

Address: 41 Woodland Way, London, NW7 2JP

Decision: Approved subject to conditions

Decision Date: 20 March 2018

Description: Conversion of existing dwelling into 2no self-contained flats

Reference: 20/1245/FUL

Address: 41 Woodland Way, London, NW7 2JP

Decision: Refused

Decision Date: 30 April 2020

Description: Conversion of single dwelling house into a six-person Class C4 HMO (House in Multiple Occupation).

Refused for the following reasons:

1. The change of use to an HMO would result in the loss of a permanent single family dwellinghouse for which there is a known demand and the applicant has not demonstrated that there is an identified need for this form of accommodation in this particular street, nor submitted adequate and specific information to show an identified need for the proposed development. The development introduces a use that is out of character with the prevailing character of the locality, which comprises houses in single family occupation which would be harmful to the amenity of the area. As a result, the proposal would be contrary to the NPPF and policy CS5 of the Adopted Local Plan Core Strategy 2012, policies DM01 and DM09 of the Adopted Development Management Policies DPD 2012 and Adopted Supplementary Planning Documents on Sustainable Design and Construction and Residential Design Guidance 2016.

2. The development results in an intensification of the use and associated noise generating activities at the site such as residents entering and exiting the site, results in an increase in noise and activities that is out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties. The development is therefore contrary to policies CSNPPF, CS5 of the Adopted Local Plan Core Strategy 2012, Policies DM01, DM04 and DM09 of the Development Management Policies DPD 2012, the Residential Design Guidance SPD 2016 and the Sustainable Design and Construction SPD 2016.

Reference: 21/1393/FUL

Address: 41 Woodland Way, London, NW7 2JP

Decision: Approved subject to conditions

Decision Date: 10 May 2021

Description: Conversion of the existing dwelling into 2no self-contained flats

3. Proposal

Conversion of single dwelling house into a six-person Class C4 HMO (House in Multiple Occupation).

This application proposes a conversion of a single dwelling house into a six person HMO. The ground floor would provide three HMO units, one of which will have an ensuite bathroom, with the other two HMO units sharing a bathroom at ground floor level. The ground floor would also provide a communal kitchen for the ground floor HMO units. The two HMO units at the rear would have access to the rear garden. The first floor would provide two HMO units, each with an ensuite bathroom. The first floor would also provide a communal kitchen for the first floor and roof level HMO units. The roof level will provide one HMO unit with an ensuite bathroom.

In addition, the proposal would provide 2 car parking spaces.

4. Public Consultation

Mill Hill Preservation Society and 55 consultation letters were sent to neighbouring properties.

14 objections letters received. Reasons for refusal:

- Under provision of parking spaces
- Overcrowding
- Increased noise and disturbance as a result of an over-intensified site
- Impact on established character of street and loss of dwellinghouse.
- Anti-social behaviour as a result of visitors
- Reduced property value and quality of life for residents
- Impact on sewage and drains

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 20th July 2021. 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 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, DM04, DM08, DM09, DM17

Barnet's Local Plan (Reg 19) 2020

Barnet's Draft Local Plan -Reg 19- Publication was approved for consultation on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. It is Barnet's draft 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 the policies and site proposals in the draft Local Plan.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Residential Design Guidance SPD (2016) and 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.

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle / the need for an HMO in this location
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme complies with HMO standards
- Highways and parking

5.3 Assessment of proposals

Principle / the need for an HMO in this location

A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. On 29 May 2016 an Article 4 Direction was introduced to remove the permitted development right to convert a dwelling house (Use Class C3) into a small HMO (Use Class C4). Therefore, planning permission is now required for such proposals.

Policy DM01 part i) states that "The loss of houses in roads characterised by houses will not normally be appropriate".

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

Policy H.9-part d) of the Newly adopted London Plan 2021 states that "Boroughs should take account of the role of houses in multiple occupation (HMOs) in meeting local and strategic housing needs. Where they are of a reasonable standard they should generally be protected." Para 4.9.4 continues "Houses in multiple occupation (HMOs) are an important part of London's housing offer, reducing pressure on other elements of the housing stock"

Para.3.4.1 of the Housing Supplementary Guidance SPG 2016 states that "There are 21,000 mandatory licensable HMOs in London and an estimated 195,000 in total. Collectively, they are a strategically important housing resource, providing flexible and relatively affordable accommodation through the private market. Outside London they are sometimes associated with concentrations of particular types of occupier e.g. students, leading to concerns about the social mix of some localities. In London, the occupier profile tends to be more broadly based and HMOs play a particularly important role in supporting labour market flexibility (especially for new entrants), and in reducing pressure on publicly provided affordable housing. However, as elsewhere in the country, their quality can give rise to concern." Para 3.4.2 states the importance of "striking a careful balance between local concerns, such as those to protect large houses for local family occupation, and the contribution they can make to meeting strategic and local needs if converted to HMOs."

It is noted that the property has been granted planning permission for conversion into 2 self-contained units under ref: 18/0247/FUL, which was renewed under ref: 21/1393/FUL. However, it is clear from the Enforcement records that the conversion was actually

undertaken for 5 units. This conversion is unlawful and therefore this report will assess the application in terms of a single-family dwelling for the HMO conversion, although the extant permission is a material consideration.

The surrounding area is predominantly made up of houses in single family occupation, although there is a reasonable number of converted, self-contained units. There is record of 2 HMO's at no 31 (ref 16/0505/192) and 55 (ref 16/0264/192), albeit approved under Lawful Development prior to the Article 4 Direction.

Unlike in the previously refused application, the applicant has provided a supporting letter from the director of an established local estate agent which emphasizes the increased need for affordable, low-cost HMO accommodation and the current under provision in the Mill Hill area. He states that in the 12 months preceding the Covid pandemic, demand was so high that tenancy agreements were typically agreed within 2 weeks of a room being advertised, with 15 to 20 enquiries for each letting.

Moreover, given the extant permission for 2 flats, the loss of a single family dwellinghouse has already been accepted on this site. Given the example of need identified in the area, the fact that the loss of the single family dwelling house has been accepted, the mixed character of the street, an average PTAL score of 3 and close proximity to Mill Hill overground station, bus routes and Mill Hill town centre, it is considered on balance that the use proposed is acceptable.

The Impact on the Appearance and Character of the Area

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area.

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The proposal seeks no extensions to the dwelling house and as such there will be very limited physical impact on the character and appearance of the site, street scene or locality. However, the National Planning Policy Framework indicates that the character of an area is made up of much more than its physical appearance but includes how it functions and contributes to local identity and sense of place.

21/1393/FUL was approved on 10th May 2021 for the conversion of property into 2 self-contained flats capable of accommodating up to 8 persons. VOA Council Tax show that adjacent nos 39 and adjoining no 43 have both been converted respectively into 2 contained flats, albeit historically, resulting in the influx of different patterns of usage and behaviour as a consequence of varied lifestyles compared to residents living as single households. Subsequently, given the level of converted flats, the formerly established nature of Woodland Way as predominantly single households has been altered. It is understood that the level of refuse and cycle provision may, if not properly addressed, result in the unsightly clutter of the front forecourt and spill out onto the pedestrian footpath thereby impeding safe access and passage. Conditions have been attached to ensure

these requirements are fulfilled in a manner which safeguards the visual amenity of the street.

Contrary to the LPA's previous reason for refusal on impact on character grounds, taking account of such considerations, the development is considered to not compromise the well-established character of the area and the principle of an HMO in this location is considered to be acceptable in principle as per policies DM01 and DM09.

Impact on the amenities of neighbours

Ref 21/1393/FUL was renewed and approved on the 10th May 2021 for the conversion of the property into 2 self-contained flats capable of accommodating 8 persons across the site. This presents an uplift by 2 persons when compared to the current application, albeit provides shared accommodation for 6 unrelated, separate individuals compared to 2 families. Nonetheless the intensification of the property as flats is considered to have a greater potential occupancy.

VOA Council Tax show that adjacent nos 39 and adjoining no 43 have both been converted into 2 contained flats. The previous application was refused on the grounds that the "intensification of the use and associated noise generating activities at the site such as residents entering and exiting the site, results in an increase in noise and activities that is out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties."

Given the mixed character of the street, the fact that both adjoining properties are in use as flats and the extant permission for 2 flats, it is considered that a reason for refusal based on the increase in noise and activities being out of character and harmful to residential amenity, would not be justified.

Taking into account the considerations above, the development is considered to have an acceptable impact on the residential amenities of occupiers of neighbouring residential properties.

Whether the scheme complies with HMO standards

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

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

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

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

all relevant Housing Act and HMO standards and requirements.

The Council has the following minimum room standards for HMO's when the rooms are provided with a separate shared kitchen: Room size must comply with the following minimum standards: 1 person = 8.5sqm 2 person =12.5sqm.

The six proposed rooms comply with the minimum standards. Two parking spaces would be provided. Refuse/recycling storage areas would be situated in the front of the parking area.

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

Highways and parking

The site is located on the western side of Woodland Way, NW7 with the rear garden backing onto M1 that forms part of the Strategic Road Network (SRN). It is occupied by an existing two-storey single family dwelling house consisting of 3 bedrooms. 2 off-street car parking spaces are provided on site. The forecourt area is served by an existing vehicular crossover which is approximately 5.4-metre wide.

Woodland Way, NW7 and the surrounding roads are included in a one-hour Residential Controlled Parking Zone (CPZ - Zone E) in operation from Monday to Friday between 11am and 12pm.

The surrounding area mainly comprises two-storey terraced and semi-detached residential properties that are served by vehicular crossovers. The site lies within walking distance from Mill Hill Town Centre and local amenities.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 3 which is regarded as moderate accessibility. Mill Hill Broadway National Rail station accessed by Thameslink services is located 2 minutes away from the site to the northwest.

The London Plan 2021 requires the minimum of 2no. secure cycle parking spaces per unit for the intended occupancy levels. No cycle parking is demonstrated on plan and therefore subject to a condition in this regard.

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

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

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

In the previous refused application, It was considered that the 2 front parking spaces facilitated by an existing drop kerb is acceptable to serve the development.

5.4 Response to Public Consultation

- Under provision of parking spaces
- Overcrowding
- Increased noise and disturbance as a result of an over-intensified site
- Impact on established character of street and loss of dwellinghouse.

The above concerns raised have been duly addressed within the main body of the report.

- Anti-social behaviour as a result of visitors
- Reduced property value and quality of life for residents
- Impact on sewage and drains

The above concerns raised are not material planning considerations and therefore have not been explored as part of the assessment nor do they determine the decision.

6. Equality and Diversity Issues

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

7. Conclusion

This application is therefore recommended for APPROVAL.



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Location 15 Elmcroft Avenue London NW11 0RS

Reference: 21/2658/HSE

Received: 12th May 2021

Accepted: 12th May 2021

Ward: Childs Hill

Expiry 7th July 2021

AGENDA ITEM 10

Case Officer: Frances Haines

Applicant: Mr Frank

Proposal: Part single, part two storey rear extension. Removal of existing columns to the front and alterations to the fenestration on the front elevation.

OFFICER'S RECOMMENDATION

Refuse

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

- 1 The proposed first floor rear extension would by reason of cumulative size, width, design and siting result in an disproportionate form of development, appearing bulky, prominent and out of scale with the host dwellinghouse, which would be detrimental to the character and appearance of the host property, streetscene and the surrounding area contrary to policy CS5 of the Barnet Local Plan (Core Strategy) DPD adopted 2012, policy DM01 of the Barnet Local Plan Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

15EL-A-01-001
015EL-A-01-002
015EL-A-02-001
015EL-A-02-002
015EL-A-03-001
015EL-A-03-002
015EL-A-03-003
015EL-A-03-004
015EL-A-05-001
015EL-A-05-002
015EL-A-06-001
015EL-A-06-002
015EL-A-06-003
015EL-A-06-004
015EL-A-01-001
015EL-A-01-002 A
015EL-A-02-101 A
015EL-A-02-102 B
015EL-A-03-101 A
015EL-A-03-102 B
015EL-A-03-103 A
015EL-A-03-104 B
015EL-A-05-101 A
015EL-A-05-102
015EL-A-06-101 B
015EL-A-06-102

015EL-A-06-103 A
015EL-A-06-104 A

OFFICER'S ASSESSMENT

The application was called in by Councillor Zinkin for the following reason:

"I think this is a matter of planning judgement and that it would be reasonable to allow the committee to make the judgement so please do call it in. Specifically there is an argument that the application can be considered to be policy compliant and the resident will have the opportunity to make that case."

1. Site Description

The application site is located at 15 Elmcroft Avenue consisting of a two-storey detached dwellinghouse with front and rear amenity space. The area surrounding proposed site is mainly residential consisting of two-storey detached and semi-detached dwellinghouses with varying architectural styles. The site is located within the Childs Hill ward.

The site is not within a conservation area, nor is the property listed.

2. Site History

Reference: 21/0768/HSE

Address: 15 Elmcroft Avenue, London, NW11 0RS

Decision: Approved subject to conditions

Decision Date: 4 May 2021

Description: Part single, part two storey rear extension. Alterations to the existing balcony including increased screening. Removal of existing columns to the front and alterations to the fenestration on the front elevation

Reference: 21/0867/192

Address: 15 Elmcroft Avenue, London, NW11 0RS

Decision: Lawful

Decision Date: 17 March 2021

Description: Conversion of the garage into a habitable room insertion of windows and door to replace garage door

Reference: C04405B

Address: 15 Elmcroft Avenue London NW11

Proposal: Erection of front entrance porch

Decision: Approve subject to conditions

Decision Date: Mon 04 Feb 1974

Reference: C04405A

Address: 15 Elmcroft Avenue NW11

Proposal: Erection of porch and extension to garage at front
Decision: Approve subject to conditions
Decision Date: Wed 23 Jan 1974

Reference: C04405
Address: 15 Elmcroft Avenue NW11
Proposal: Erection of single-storey rear extension and porch
Decision: Approve subject to conditions
Decision date: 16 April 1973

3. Proposal

The application seeks approval for a part single, part two storey rear extension and the removal of existing columns to the front and alterations to the fenestration on the front elevation.

At ground floor level, there will be 2 infill extensions beside the existing 5 metre rear extension. The extension siding no.13 will measure approximately 1.8 metres in depth, 2.7 metres in width and 3.3 metres in height. The extension siding no.17 will measure approximately 2.6 metres in depth, 1.7 metres in width and 3.3 metres in height.

The proposed first floor rear extension will measure approximately 2.5 metres in depth, 7.9 metres in width, with an eaves height of 5.7 metres and a maximum height of 7.7 metres.

Site photos have been provided by the applicant.

4. Public Consultation

Consultation letters were sent to 12 neighbouring properties. 2 responses were received, comprising 2 letters of support.

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 amended on 20 July 2021. 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'. 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.

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 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 19) 2021

Barnet's Draft Local Plan -19 - Publication was approved on 16th June 2021. The Reg 19 document sets out the Council's draft planning policy framework together with draft development proposals for 67 sites. It is Barnet's draft 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 the policies and draft site proposals in the draft Local Plan.

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

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1 and D4 (both of the London Plan).

Ground floor rear extensions

Barnet's Residential Design Guidance SPD (2016) stipulates that a depth of 4 metres is considered acceptable for a single storey rear extension on a detached property.

The application site already benefits from a 5 metre ground floor rear extension. This proposal seeks to infill beside the existing 5 metre extension, resulting in a flush rear elevation. Although a 5 metre deep, full width extension would exceed the RDG, a larger rear extension has already been established at this site. Furthermore, the rear extension will remain as a subordinate addition to the rest of the property.

The proposed ground floor rear extension is considered to be acceptable in terms of size and scale and would not be detrimental to the character and appearance of the host site and surrounding area.

First floor rear extension

The proposed first floor rear extension will measure approximately 2.5 metres in depth, 7.9 metres in width, with an eaves height of 5.7 metres and a maximum height of 7.7 metres.

A previous first floor extension was approved at this site on the basis that a subordinate extension was proposed, which was not the full width of the property (ref. 21/0768/HSE).

First floor extensions along this side of Elmcroft Avenue tend to be no more than half the width of the first floor, for example, no.13 Elmcroft Avenue benefits from a first floor extension of a subordinate size which extends half the width of the first floor. It is noted that there is a full width first floor rear extension at no.23 Elmcroft Avenue, however, this was granted permission in 1994, which is prior to the current Development Management Policies (2012) which form a basis of this assessment. Therefore, this one example is not considered to set precedent for this kind of development, nor dictate the established character of the area.

Paragraph 6.6 of Barnet's Residential Design Guidance states that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when making an assessment. In addition, Barnet's Residential Design Guidance (2016) states that two-storey rear extensions should ensure they do not harm the character and appearance of the host site and surrounding area.

Due to the first floor rear extension being full width, it is considered that the proposed development would not relate as a subordinate or proportionate addition to the property. It is considered that the size of the extension, and its associated roof form, would not relate as a sympathetic addition and would add significant mass and bulk to the first floor rear. Further, the introduction of a full width rear extension would be at odds with the established rear building line along this side of Elmcroft Avenue.

It is considered that the proposed first floor extension would be a disproportionate addition which would cause harm the character and appearance of the host site and surrounding area. The proposal is at odds with the established pattern of development within the context of the local area and therefore unacceptable on character grounds. Furthermore, the full width extension would detract from the appearance of the pair of houses; as noted no.13 benefits from a first floor rear extension which is limited to half the width.

Alterations to the front elevation

In the front elevation, the 2no front pillars of the porch will be removed. This will not harm the character and appearance of the host site and surroundings and is considered to be an acceptable addition.

The 4no chimneys at the site will also be removed as part of the development. This will not harm the character and appearance of the host site and surrounding area.

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

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.

Ground floor rear extensions

Barnet's Residential Design Guidance outlines that a depth of 4 metres is normally considered acceptable for a single storey rear extension on a semi-detached dwelling to ensure the proposal would not unduly harm the amenity of adjoining properties by way of loss of light, outlook or increased sense of enclosure.

The proposed ground floor rear extension will protrude 1.8 metres past the rear wall of no.13 Elmhurst Gardens. The extension will protrude 1.8 metres past the rear wall of no.17, with a gap of 1.9 metres between the extension and the boundary with no.17. It is not found that the proposal would result in an unacceptable level of harm to the amenity of neighbouring occupiers.

First floor rear extension and balcony

Barnet's RDG states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours.

The proposed 2.5 metre, first floor rear extension will be approximately 5.7 metres from the nearest flank wall at no.13 Elmhurst Gardens. Furthermore, the extension will be approximately 4 metres from the nearest flank wall at no.17. Due to the size of the extension and the distance between the properties, the first floor rear extension will not result in a loss of light or detrimental loss of outlook for neighbouring properties.

Alterations to the front elevation

The alterations to the front elevation will have no impact on the amenities of neighbouring occupiers.

5.4 Response to Public Consultation

- N/A

6. Equality and Diversity Issues

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

7. Conclusion

The proposed development would have a harmful impact on the character and appearance of the host site and surrounding area. Therefore, this application is recommended for REFUSAL.

8. *In the event of an appeal, the following conditions should be added:*

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

15EL-A-01-001
015EL-A-01-002
015EL-A-02-001
015EL-A-02-002
015EL-A-03-001
015EL-A-03-002
015EL-A-03-003
015EL-A-03-004
015EL-A-05-001
015EL-A-05-002
015EL-A-06-001
015EL-A-06-002
015EL-A-06-003
015EL-A-06-004
015EL-A-01-001
015EL-A-01-002 A
015EL-A-02-101 A
015EL-A-02-102 B
015EL-A-03-101 A
015EL-A-03-102 B
015EL-A-03-103 A
015EL-A-03-104 B
015EL-A-05-101 A
015EL-A-05-102
015EL-A-06-101 B
015EL-A-06-102
015EL-A-06-103 A
015EL-A-06-104 A

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

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

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

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

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted

September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the first floor flank elevation(s), of the extension(s) hereby approved, facing 13 or 17 Elmcroft Avenue.

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



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COMMITTEE REPORT

- LOCATION:** 118 - 140 Kenilworth Road, Edgware HA8 8XF
(Broadfields Estate)
- REFERENCE:** 21/TPO/010
- WARD:** Edgware
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 118 - 140 Kenilworth Road (land adjacent), Edgware, HA8 8XF Tree Preservation Order 2021 without modification.
 2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Service Director – Planning and Building Control dated 29th March 2021
- 20/3742/FUL - Full Planning application for Demolition of three existing dwellings and garages and erection of 45 new affordable homes (C3) with associated landscaping, parking and ancillary works
 - Broadfields Estate Bushfield Crescent, Edgware, HA8 8XH
 - Validated 25th August 2020
 - Pending Consideration

Background Information/Officers Comments

The Town and Country Planning Act 1990 (as amended) at section 197 states:

“It shall be the duty of the local planning authority—

- (a) to ensure, whenever it is appropriate, that in granting planning permission for any development adequate provision is made, by the imposition of conditions, for the preservation or planting of trees; and
- (b) to make such orders under section 198 as appear to the authority to be necessary in connection with the grant of such permission, whether for giving effect to such conditions or otherwise.”

Section 198 of the Act empowers a local planning authority to make a Tree Preservation Order if it appears to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”
- The Guidance suggests the following criteria should be taken into account: “*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.

- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

“When granting planning permission authorities have a duty to ensure, whenever appropriate, that planning conditions are used to provide for tree preservation and planting. Orders should be made in respect of trees where it appears necessary in connection with the grant of permission.”

A Tree Preservation Order was made on the 1st April 2021 in the interest of public amenity in the light of a planning application for redevelopment of land at Broadfields Estate Bushfield Crescent, Edgware, HA8 8XH (20/3742/FUL), following a request received from the Greenspaces Trees and Woodlands Manager that two Oak trees in the grounds around 118 – 140 Kenilworth Road be considered for possible inclusion in a Tree Preservation Order, and concerns also raised by Officers dealing with the application about implications for these trees. The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out below, the trees are considered to be of significant public amenity value – visually and environmentally.

The planning application for “Demolition of three existing dwellings and garages and erection of 45 new affordable homes (C3) with associated landscaping, parking and ancillary works” at Broadfields Estate Bushfield Crescent, Edgware, HA8 8XH (20/3742/FUL), was validated on the 25th August 2020 and is still under consideration.

The Council as Local Planning Authority has power to make a Tree Preservation Order in the interests of amenity to provide for the preservation of trees or woodlands in their area (either initiating this process themselves or in response to a request made by any other party) and a statutory duty to make such Orders as appear necessary in connection with the grant of planning permission for any development to ensure that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

It should be borne in mind that the making of the Tree Preservation Order and assessment of planning application for redevelopment are separate procedures. The inclusion of the trees in an Order would render the trees an ongoing material consideration in any planning application - the merit of trees and appropriateness of retention would be taken into account when assessing the planning application(s). The inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as

allowing imposition of planning condition(s) if deemed appropriate when determining the development application.

The development application under consideration (20/3742/FUL) is a Council / Capita scheme for Barnet Homes. It is part of a package of applications which collectively propose the redevelopment of Broadfields Estate to deliver 47 new homes (18 x 1b, 18 x 2b, 6 x 3b and 5x5b) and associated landscaping and car parking across two sites. Many of the application supporting documents relate to both sites. This part of the proposal is for the southern section of 'Application Site B' (Sites B6 and B7 Broadfields Estate Infill) and relates to the communal garden land and garages around the two blocks of flats 118 – 140 Kenilworth Road, on which two new blocks are proposed. This part of the 'Broadfields Estate' stands to the south and east of the two 1960s/70s 3 storey blocks (flats 118 – 128 and 130 – 140), it is a mainly grassed area with garage blocks along the diagonal rear boundary accessed via a service road which also provides parking spaces. To the south of the site is the flank boundary of the two storey semi-detached dwelling of 116 Kenilworth Road, and the rear boundaries of the two storey semi-detached 3 – 8 Morley Crescent; these two storey semi-detached properties are 1930s style houses, some of which have been extended.

An "Arboricultural Report on the impact on trees of proposals for development at Broadfields Estate, Edgware, HA8" dated 30th June 2020, prepared by John Cromar's Arboricultural Company Ltd was provided with the planning application. The Arboricultural Report surveyed 3 individual trees and two groups in the relevant part of the site (the communal garden land and garages around the two blocks of flats 118 – 140 Kenilworth Road).

As referred to above officers' concerns related particularly to two Oak trees (T3 and T4 of the John Cromar Arboricultural Report) which stand close to the southern boundary of the site, close to the boundaries with 116 Kenilworth Road and 3 Morley Crescent. In the John Cromar report these two trees have been assessed as "category A" (in accordance with the guidance contained in British Standard BS5837:2012 - Trees in relation to design, demolition and construction – Recommendations) with safe useful life expectancies of 40+ years and noted to be "prominent... high environmental value" trees.

The two Oaks are well-formed trees that significantly predate the residential development of the area. The 1878 1:2500 historic Ordnance Survey map indicates that these were field boundary trees which were retained when the agricultural fields were developed for residential dwellings. The two Oaks have been previously lifted but little other previous treatment is apparent; there is some deadwood and dead branches but these are relatively minor and the trees are generally reasonable with no major faults apparent.

There are few other large mature trees in the vicinity (certainly none of such high quality) and this enhances their aesthetic, environmental, ecological value and green infrastructure importance. Their location between the properties and set back into grassland reduces any e.g. shading impact on windows – there are no windows on the rear half of the flank wall of the closest block of flats and rear elevation windows face onto the grass / garages rather than towards these Oaks.

Because of their size and position, these trees are very clearly visible from within the Broadfields Estate, also above and between properties in Kenilworth Road and Morley Crescent, and Luther Close (to the rear); in addition, they form a focal point to the southern access pathway to the flats and it may be noted that they directly align with the bus shelter in Kenilworth Road which is adjacent.

As acknowledged in the tree survey, they are of very high quality. The Greenspaces Trees and Woodlands Manager has assessed the CAVAT value of these two trees to be £107,414 each. These trees are very clearly visible across the site and from surrounding roadways / properties – they contribute significantly to softening the otherwise harsh built form; provide a sense of scale to the large multi-storey blocks set amidst two story housing; provide seasonal interest; and provide wildlife habitat.

It is believed that the public amenity value of the two Oaks is considerable – as outlined above – and removal would have a significant negative impact on the local environment and its enjoyment by the public. The trees have been assessed as being clearly visible from public places; contributing significantly to the character and appearance of the estate, and having ecological value for nature conservation. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the development application.

With appropriate cultural attention, the trees are capable of contributing to public amenity for a considerable period of time. For the above reasons it has been considered appropriate to include the trees in a Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations. Representations were received from the neighbour at 116 Kenilworth Road.

The Tree Preservation Order (TPO) secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The neighbour has objected to the Tree Preservation Order for the following reason:

“I am writing to make a representation under this order under Regulation 6 of the Town NS Country Planning (Tree Preservation) (England) Regulations 2012

I am writing to object to this preservation order. Two of the proposed trees’s branches are encroaching on my house. If the order were to stand then, as I have found as yet , it will be impossible for me to lob the offending branches off.

I also request that you arrange for the branches to be lobbed off the roof and fences of my house at number 116 as you are the owner of the trees.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The representations received by the neighbour do not question the amenity value of the trees or their contribution to the character and appearance of the area.
- (ii) Inclusion of the trees in an Order accords with the Local Planning Authority's statutory duty to ensure that adequate provision is made for the preservation of trees and provides enforceability in relation to any tree-related conditions deemed appropriate when determining the development application; as well as allowing some measure of control over treatment considered excessive.
- (iii) The inclusion of trees in an Order does not prevent treeworks being undertaken, but means that application(s) for consent for treatment of the designated trees need to be submitted in accordance with planning legislation. Each application would be considered on its merits on the basis of the information submitted at the time and there is no reason to believe that consent would be refused for treatment in accordance with good arboricultural practice.
- (iv) It should further be noted that there are no restrictions on who can submit a treeworks application – and we often receive applications from neighbours or their agents. Hence, if the neighbour has concerns about e.g. overhanging branches they, or a tree surgeon acting on their behalf, could submit an application which, as with all applications, would be considered on its own merits taking account of the reason(s) put forward for the proposed treatment and any supporting documentary evidence.
- (v) The inclusion of trees in an Order does allow the Local Planning Authority (LPA) some measure of control over treatment – in that it can refuse pruning or felling which it considers inappropriate / excessive - but there is an appeal procedure if an applicant is aggrieved by the decision, as well as exemption provisions for e.g. removal of deadwood.
- (vi) However, these powers are reactive rather than pro-active – so whilst the LPA can now approve / refuse application(s) and has powers of enforcement relating to contravention of the legislation; it cannot require that somebody submits a specific application, nor that any consented treework is implemented – i.e. the making / confirmation of the Tree Preservation Order does not provide the LPA with the right (power or duty) to insist that treework is carried out.
- (vii) In response to their representations the neighbour has been advised that they (or an agent acting on their behalf) could submit an application to undertake treatment to the tree(s) – and provided with links to the relevant form and guidance notes. At the time of writing this

report the LPA has not received any application for treatment of the subject Oak trees.

- (viii) The neighbour has made requests to the Greenspaces Trees and Woodlands Manager for him/a member of his team to initiate work to the subject trees. As referred to above the LPA has no powers under the tree preservation legislation to require that somebody submits a specific application or that works are undertaken.

It is considered that the making of the Tree Preservation Order fully accords with the duty imposed on the Council as Local Planning Authority as being 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'. The two subject Oak trees have a considerable public amenity value and contribute significantly to the character and appearance of the area and the site on which the trees stand is subject of a current full planning application for proposed development works. It would not be reasonable to refuse to confirm a Tree Preservation Order purely because an objector wanted to undertake treatment to the subject trees – as referred to above anyone wishing to undertake treatment to the trees should submit an application in accordance with the legislation which would then be considered on its own merits and granted/refused as appropriate.

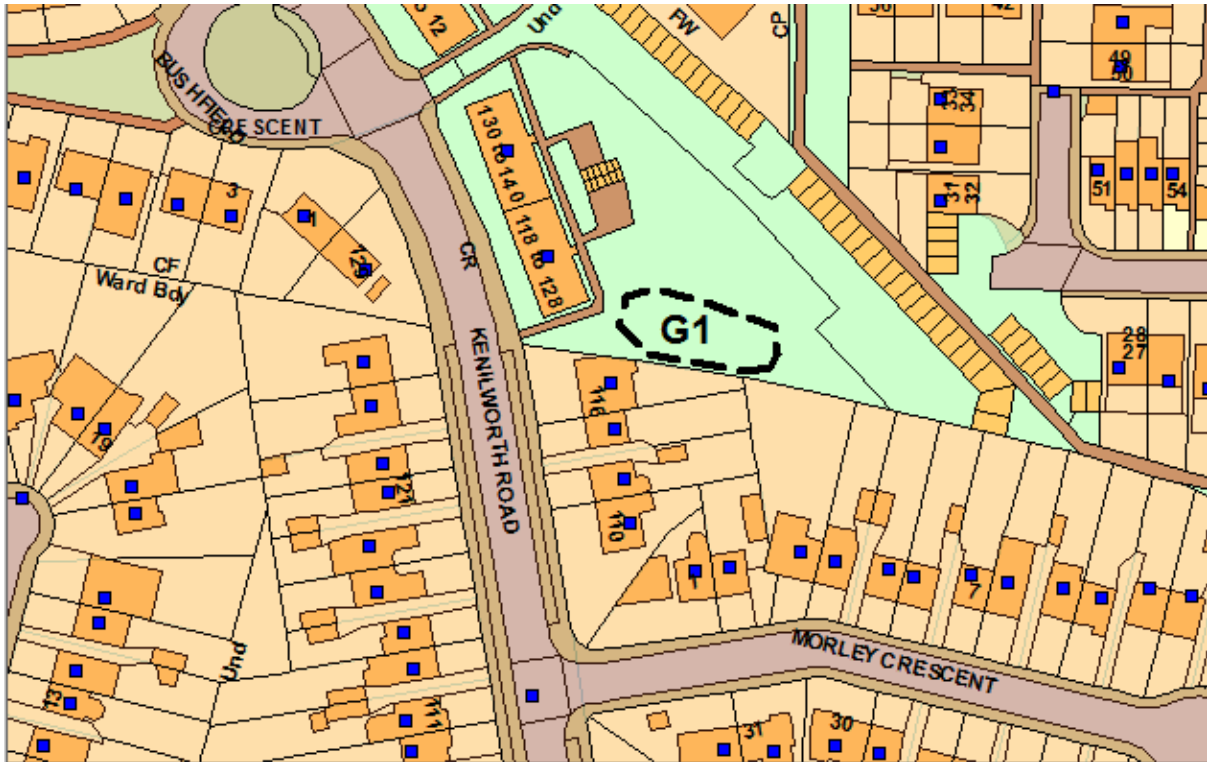
2. EQUALITIES AND DIVERSITY ISSUES

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity. As set out above, it is considered the two Oak trees designated as group G1 of the Order contribute significantly to public amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the development application.



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