

MEETING

PLANNING COMMITTEE C

DATE AND TIME

THURSDAY 2ND SEPTEMBER, 2021

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE C (Quorum 3)

Chairman: Councillor Stephen Sowerby MA
Vice Chairman: Councillor John Marshall MA (Hons)

Claire Farrier
Nizza Fluss

Linda Freedman
Nagus Narenthira

Laurie Williams

Substitute Members

Geof Cooke
Nick Mearing-Smith
Julian Teare

Eva Greenspan
Alison Moore

Jennifer Grocock
Barry Rawlings

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

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: Gareth Greene 020 8359 7039

ASSURANCE GROUP

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.	High Road Through Oakleigh London N20 9BH (Oakleigh)	11 - 20
7.	Land Adjacent To 1 And 1A Booth Road London NW9 5JS (Colindale)	21 - 34
8.	Capstone 9 Willenhall Avenue Barnet EN5 1JN (Oakleigh)	35 - 52
9.	7 Netherlands Road Barnet EN5 1BN (Oakleigh)	53 - 72
10.	Exegen House 1 New Brent Street London NW4 2DF (Hendon)	73 - 82
11.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee C

8 July 2021

Members Present:-

AGENDA ITEM 1

Councillor Stephen Sowerby (Chairman)
Councillor John Marshall (Vice-Chairman)

Councillor Claire Farrier
Councillor Nizza Fluss
Councillor Linda Freedman

Councillor Nagus Narenthira
Councillor Laurie Williams

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 27 May 2021 be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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

Councillor Sowerby notified the committee that he had met with the applicant for item 8 Meadow Works, over a year ago and had been shown the site, but he had made no comments to anyone and there was no pre-determination on the application

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum would be dealt with under individual agenda items.

6. 21/1211/FUL - TELECOMMUNICATIONS MAST GLN7363 TOTTERIDGE VILLAGE LONDON (TOTTERIDGE)

Councillor Narenthira was unable to vote or partake in this item, due to not being present at the beginning.

The Committee received the report.

Representations were heard from Andrea Horsfield in objection to the application.

Following discussion on the item, the Chairman asked that a condition be added, to request that the colour be changed to one that was more suitable to the conservation area e.g., a dark green colour.

The Committee voted on the recommendation to approve the application as per the officer's recommendation, including the condition, that prior to its installation, details of

the materials and paint colour of the lattice tower and all ground-based cabinet/equipment shall be submitted to and approved in writing by the Local Planning Authority. The reason for this being to safeguard the visual amenity of the surrounding Green Belt.

Votes were recorded as follows:

For	6
Against	0
Abstained	0
Unable to vote	1

RESOLVED that the application be APPROVED subject to conditions in the report, including the additional condition that prior to its installation, details of the materials and paint colour of the lattice tower and all ground-based cabinet/equipment shall be submitted to and approved in writing by the Local Planning Authority 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. 21/0730/FUL - THATCHAM COURT HIGH ROAD LONDON N20 9QU (OAKLEIGH)

The Committee received the report.

Representations were heard from Simon Fraser and John Meehan in objection to the application.

Representations were heard from the applicant.

The Committee voted on the recommendation to approve the application, as per the officer's report:

For	3
Against	4
Abstained	0

The application was therefore NOT approved.

The Chairman, seconded by Councillor Freedman, moved the motion to refuse the application for the following reasons:

1. The proposed development would fail to provide an appropriate mix of units, which would fail to contribute towards the identified shortfall of family units within the Borough or create inclusive and sustainable communities contrary to policy CS10 of Barnet Council's Core Strategy (adopted) 2012; policy DM08 of Barnet Council's Development Management Policies (adopted) 2012; and policy H.10 of the London Plan (2021).

2. The proposed development by reason of its height, bulk and scale would have a discordant appearance and would not relate sympathetically to the host building and would detrimentally harm the character and appearance of the site, the street scene and the wider surrounding area. As such the proposal is contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) and policy DM01 of the Local Plan Development Management Policies DPD (2012).

Votes on the motion to refuse the application, for the reasons outlined above were recorded as follows:

For	4
Against	2
Abstained	1

RESOLVED that the application be REFUSED for the reasons outlined and voted on above.

8. 20/5818/FUL - MEADOW WORKS GREAT NORTH ROAD BARNET EN5 1AU (OAKLEIGH)

The Committee received the report.

Representations were heard from Councillor Rajput in support of the application.
Representations were heard from the applicant.

The Committee voted on the recommendation to approve the application as per the officer's report:

For	7
Against	0
Abstained	0

RESOLVED that the application be APPROVED subject to the planning obligations specified in the report being secured by a s106 agreement and the conditions in 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. 21/1112/HSE - 21 HASLEMERE AVENUE LONDON NW4 2PU (WEST HENDON)

The Committee received the report.

Representations were heard from the applicant.

The Committee voted on the recommendation to refuse the application, as per the officer's report:

For	1
Against	6
Abstained	0

The application was therefore NOT refused.

The Chairman, seconded by Councillor Fluss, moved a motion to approve the application for the reason that the surrounding properties have similar extensions, so the application is in-keeping with the character of the area.

Votes on the motion to approve the application, for the reasons outlined above were recorded subject to the following conditions:

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
Drg No GA 01 02-Rev A - Block Plan
Drg No GA 01 01-Rev A - Site Location Plan
Drg No GA 03 100-Rev B - Existing Ground Floor Plan
Drg No GA 03 101-Rev B - Existing First Floor Plan
Drg No GA 03 102-Rev B - Existing Roof Plan
Drg No GA 05 01-Rev A - Existing North Elevation
Drg No GA 05 02-Rev A - Existing South Elevation
Drg No GA 05 03-Rev A - Existing West Elevation
Drg No GA 05 04-Rev A - Existing East Elevation
Drg No GA 03 100-Rev A - Proposed Ground Floor Plan
Drg No GA 03 101-Rev A - Proposed First Floor Plan
Drg No GA 03 102-Rev A - Proposed Roof Plan
Drg No GA 05 05-Rev A - Proposed North Elevation
Drg No GA 05 06-Rev A - Proposed South Elevation
Drg No GA 05 07-Rev A - Proposed West Elevation
Drg No GA 05 08-Rev A - Proposed East Elevation
Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).
2. This development must be begin 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).

For	6
Against	1
Abstained	0

RESOLVED that the application be APPROVED, subject to the conditions voted on above.

10. 21/0671/ADV - BURROUGHS INTO CHURCH ROAD AND ALONG BRENT STREET LONDON NW4 4BQ (HENDON)

The Committee received the report.

The Governance officer read out a statement on behalf of the applicant, who was unable to attend due to coronavirus related reasons.

The Committee voted on the recommendation to approve the application, as per the officer's report:

For	1
Against	6
Abstained	0

Therefore, the application was NOT approved.

Councillor Fluss, seconded by Councillor Farrier moved the motion to refuse the application for the following reasons:

The proposed advertisement banners, by reason of their excessive number, positions, size, siting, design and appearance would result in a proliferation and clutter of signs that would have an adverse impact on the street scene and the visual amenity of the immediate surrounding area contrary to paragraph 132 of the NPPF, Policy DM01 of the Barnet Development Management Policies DPD 2012, Policy CS5 of Barnet's Core Strategy (2012), and Barnet Design Guidance Note 1: Advertising and Signs.

Votes on the motion to refuse the application, for the reasons outlined above were recorded as follows:

For	6
Against	1
Abstained	0

RESOLVED that the application be REFUSED, as the proposed advertisement banners by reason of their excessive number, position, size, sighting, design and appearance would result in a proliferation and clutter of signs that would have an adverse impact on the street scene and the visual amenity of immediate surrounding area, contrary to policy.

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

None.

The meeting finished at 8.37pm.

Location **High Road Through Oakleigh London N20 9BH**

Reference: **21/0668/ADV** Received: 8th February 2021
Accepted: 2nd March 2021

Ward: Oakleigh Expiry 27th April 2021

Case Officer: **Mansoor Cohen**

Applicant: Miss Lizzie Miller

Proposal: Installation of up to 20no PVC lamppost banners

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:

Site information, by BayMedia, received on 15 June 2021

Location Plan Supplied by Stanfords: Order Ref OI1444874, received on 15 June 2021

Banner Size/Lower Banner Arm, received on 02 March 2021

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 The period of consent shall be a period of five years commencing with the date of this decision.

Reason: To comply with Regulation 14(7) of Part 3 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 3 Any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 4 Where an advertisement is required under the Town and Country Planning (Control of Advertisements) (England) Regulations 2007 to be removed, the site shall be left in a condition that does not endanger the public or impair visual amenity and shall be carried out to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 5 No advertisement shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 6 No advertisement is to be displayed without the permission of the owner of the site or any other person with an interest in the site entitled to grant permission.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

- 7 Any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

Reason: To comply with Schedule 2 of the Town and Country Planning (Control of Advertisements) (England) Regulations 2007.

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site relates to several lampposts which run along the High Road within the Totteridge and Oakleigh wards passing through the Whetstone Town Centre and beyond.

The lamp post sites do not reside within a designated Conservation Area, however, there are a number of statutory listed buildings as well as locally listed buildings dispersed along the subject section of the High Road. The character of the area is typical of a town centre with a variety of mix use developments.

2. Relevant Planning History

N/a

3. Proposal

The applicant - in conjunction with the Council - has submitted for advertisement consent to attach up to 20 banners to lampposts along The High Road, primarily within the Whetstone Town Centre.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m.

Amendments were sought during the application process, requesting the number of banners to be reduced from 41 to 20, in order to ensure that they were sited within the Whetstone Town Centre, to maintain a sufficient distance from listed buildings and would not adversely impact neighbouring amenities.

4. Consultation

It must be noted that there is no statutory requirement to consult on advertisement applications. Therefore, no public consultation has been undertaken on this application. Notwithstanding this, 111 representations were received at the time of writing this report which consisted of 2 letters of support and 109 letters of objections including an objection from MP Theresa Villiers. The representations can be summarised as follows:

In support:

-It's a great initiative for clients and local businesses to advertise their services. I have seen this scheme in many areas in the UK and adds to a city.

Objections:

- Will ruin the visual amenity of the streets
- No financial benefit to Borough
- Environmentally unsound materials
- Distracting for drivers in a congested area
- Danger to pedestrians and cyclists
- Out of character and unattractive, disrupting the tree-lined high street
- Obstructing visual amenity of first floor residences
- An excessive number for a small area
- Will do nothing to enhance this historic area
- Will increase clutter along the high road
- No control over what advertisements would be placed
- Bombardment of propaganda for commercial interests
- Would impact historic buildings
- Too large scale
- Multiple applications around the borough is not in keeping with the character of the borough
- No maintenance plan
- Conflict of interest as result of advertising revenue over character of the area
- Advertising content could distract from local businesses

4.1 Internal Consultees

The Highways department were consulted during the lifetime of the application and raised no objection to the scheme.

5. Planning Considerations

5.1 Main issues for consideration

National Planning Policy Framework

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 the 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

Barnet's Design Guidance

Design Guidance Note 1 (Advertising and Signs) was approved in 1994 following public consultation. It states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter and not conflict with traffic signs or signals or be likely to cause confusion or danger to road users. In respect to council policy and guidance it is considered that the proposed signage is acceptable.

5.3 Assessment of proposals

The applicant - in conjunction with the Council - have submitted for advertisement consent to attach up to 20 banners to lampposts dispersed along the stretch of the High Road within the Whetstone Town Centre.

The Council has had for many years a number of forms of advertising (particularly in our Town Centres) and these have been in the form of free standing backlit advertising screens and similar screens mounted on, or built into bus shelters. The costs of advertising on these types of displays tends to attract the multi-national companies who have large advertising budgets and this does not give independent local businesses the opportunity to promote/advertise and/or way-find their business as they are too expensive.

By introducing unlit lamp post banners, this introduces an opportunity for local businesses to advertise and promote their business at a much lower - and hence affordable - cost.

It is also recognised that lamp posts provide a good opportunity for the Council to promote important public messaging and this also includes the promotion of local not for profit events. The arrangements put in place will ensure a degree of flexibility to allow a mix of both requirements. A current example is the use of lamp posts to display important COVID messaging. Therefore, the advertisements will vary and it is suggested in support of the application that clients from local businesses will also utilise the banners.

Public Safety

When considering public safety, Local Planning Authorities are expected to have regard to the adverts effect upon the safe use and operation of any form of traffic or transport on land (including the safety of pedestrians), over water, or in the air. Local Planning

Authorities will therefore consider such matters as the likely behaviour of drivers of vehicles who will see the advertisement; possible confusion with any traffic sign or other signal; or possible interference with a navigational light or an aerial beacon. Local Planning Authorities will also bear in mind that some advertisements can positively benefit public safety by directing drivers to their destination. In their assessment of the public safety implications of an advertisement display, Local Planning Authorities will assume that the primary purpose of an advertisement is to attract people's attention and will therefore not automatically presume that an advertisement will distract the attention of passers-by, whether they are drivers, cyclists or pedestrians.

The vital consideration, in assessing an advertisement's impact, is whether the advertisement itself, or the exact location proposed for its display, is likely to be so distracting, or so confusing, that it creates a hazard to, or endangers, people in the vicinity who are taking reasonable care for their own and others' safety. Further advice on assessing the public safety implications of the display of an advertisement is given in the Government's Planning Practice Guidance.

This application seeks consent for the installation of up to 20no. PVC lamppost banners.

Amendments were sought during the application process, reducing the number of banners from 41 to 20; the reduction reflected the need to ensure that these would not have a detrimental impact on heritage buildings and sites and in addition to contain these primarily within the Whetstone Town Centre. Whilst it is noted that the revised proposal would extend beyond the southern end of the Whetstone Town Centre, this is only marginal and given the mix of uses along this stretch, this aspect would be considered acceptable. The highways department have reviewed the submitted scheme and have raised no concern over the proposal in terms of the impact on the highways and public safety.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. They would not be illuminated, nor would they present moving images.

Whilst it is accepted that a majority of the advertisements would be sited in prominent locations within the Town Centre, it is considered that given the static nature and siting above ground level, the proposal would not distract passing drivers or impede on pedestrian safety to an extent that would warrant a refusal.

Several conditions are to be attached to the permission to ensure public safety, ensuring that any structure or hoarding erected or used principally for the purpose of displaying advertisements shall be maintained in a condition that does not endanger the public. In addition, a condition requiring that no advertisements shall be sited or displayed so as to endanger persons using the highway, obscure or hinder the ready interpretation of any road traffic sign, or obscure or hinder the operation of any device used for the purpose of security or surveillance, is to be attached to the permission.

The proposal is therefore acceptable in this respect, subject to conditions.

Visual Amenity

When assessing an advertisement's impact on amenity, Local Planning Authorities should have regard to its effect on the appearance of the building and on the visual amenity of the immediate neighbourhood. The relevant considerations for this purpose are the local characteristics of the neighbourhood, including scenic, historic, architectural or cultural features, which contribute to the distinctive character of the locality.

Design Guidance Note 1 (Advertising and Signs) states that advertisements should relate to their surrounding in terms of size, scale and siting. In addition, they should be located to avoid visual clutter.

Following a detailed review of each of the site locations, it was considered that the proposed banners would not obstruct neighbouring outlook or fenestration. Amendments were sought during the application process which sought to remove banners which were considered to be too close to first floor habitable rooms.

The advertisements do not reside within a designated conservation area, however, there are a number of listed buildings within the vicinity. The proposal has been amended during the course of the application to remove banners which would be considered to adversely impact heritage buildings. The revised proposal would ensure that an amicable distance of any banners would be maintained to any buildings of historic/architectural merit.

The PVC banners would be sited 2.8m above ground level, with a width of 0.8m and height of 2.2m. The advertisements would be located above head height and given their scale, are not considered to adversely impact on the visual amenity of local residents.

Given the nature of the Town Centre, the proposed advertisements would not appear alien in their setting, with examples of advertisements on a number of bus stop shelters, telephone booths and information points along the High Road.

Given the scale of the proposed banners and the reduced number, it is not found that the proposal would result in an unacceptable level of harm to the visual and residential amenity of the area.

As noted, introducing unlit lamp post banners, provides an opportunity for local businesses to advertise and promote their business at a much lower - and hence affordable - cost. It is not considered that the proposed advertisement would generate any additional harm to the visual amenity of the local area, above and beyond the existing. The proposal is thus acceptable in this regard.

6. Response to public comments

Mainly addressed in the report.

- Harmful to visual amenity

Covered in the main body of the report. Given the scale and siting of the proposed banners it is not considered that the proposal would be harmful in terms of visual amenity. Amendments were sought during the application process which requested the number of banners proposed to be reduced from 41 to 20, containing them primarily within the Whetstone Town Centre.

- Environmentally unsound materials

This is not a material planning consideration in determining this application.

- Out of character

Whilst there does not appear to be any similar lamp post advertisements, there is however a variety of adverts on shops and bus stops which are noted and therefore in this setting the proposal is not considered to appear alien.

- Harmful to amenity of neighbouring occupiers

Following a detailed review of the lamp posts, it was considered that the proposed banners would not obstruct neighbouring outlook or fenestration. Amendments were sought during the application process which sought to remove banners which were considered to be too close to first floor habitable rooms.

- Too many

Amendments were sought during the application process which requested the number of banners proposed to be reduced from 41 to 20, containing them primarily within the Whetstone Town Centre. Whilst it is accepted that the proposal would increase the number of lamp post advertisements in this location, given the scale and design of the proposals it is not considered that the scheme would result in street clutter. Further, it should be noted that introducing unlit lamp post banners, provides an opportunity for local businesses to advertise and promote their business at a much lower - and hence affordable - cost.

It is also recognised that lamp posts provide a good opportunity for the Council to promote important public messaging and this also includes the promotion of local not for profit events. The arrangements put in place will ensure a degree of flexibility to allow a mix of both requirements.

- No maintenance plan

A maintenance plan is not a material planning consideration. A condition is to be applied to ensure that any advertisement displayed, and any site used for the display of advertisements, shall be maintained in a condition that does not impair the visual amenity of the site, to the reasonable satisfaction of the Local Planning Authority.

- Distracting for drivers

As noted in the main body of the report the Highways department have raised no objection to the scheme. In addition, several conditions are to be added to the permission in respect of highway safety.

- Historic building impact

Amendments were sought during the application process which requested banners near to listed buildings to be removed from the proposal.

- Advertising content control and financial benefits

These are not material planning considerations.

- Advertising content could distract from local businesses

The scheme aims to facilitate local businesses to advertise themselves at an affordable cost.

7. Equalities and Diversity Issues

The proposals do 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.

8. Conclusion

The proposal is not considered to adversely affect the amenity or public safety of the surrounding area and is therefore considered to accord with the NPPF and the

Development Plan. The application is therefore recommended for approval.

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Location Land Adjacent To 1 And 1A Booth Road London NW9 5JS

Reference: 20/4583/FUL Received: 29th September 2020
Accepted: 20th October 2020

Ward: Colindale Expiry: 15th December 2020

Case Officer: Jack Wride

Applicant: Mr D Cullinan

Proposal: Demolition of existing garage and erection of a two storey dwelling with associated cycle parking and refuse storage

AGENDA ITEM 7

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 dwelling, by reason of its scale, massing, design and siting, with sunken ground floor and front courtyard area, limited curtilage, narrow width and inharmonious palisade fencing, would represent a cramped and incongruous form of development on a restricted site, amounting to overdevelopment which would appear as a discordant and unsympathetic feature in this location and fail to relate to the context of the site and the pattern of development in the immediate surrounding area, to the detriment of the character and appearance of the street scene and the locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the Residential Design Guidance SPD (2016)
- 2 The proposed development, by virtue of the restricted outlook and limited daylight/sunlight afforded to the sunken ground floor habitable room, would result in a sub-standard level of accommodation, detrimental to the residential amenities of future occupiers and contrary to Policies D3 and D6 of the London Plan (2021), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016)

- 3 The proposed development, by virtue of the siting of the unit and associated amenity space, the sunken nature of the ground and first floor and associated glazing and palisade front boundary treatment, would fail to provide adequate levels of privacy, to the detriment of the residential amenities of future occupiers and contrary to Policy D3 of the London Plan (2021), Policies DM01 and DM02 of the LB Barnet: Development Management Policies DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016).
- 4 The development, by virtue of the siting, level and associated boundary treatment, would provide inadequate and insufficiently private outdoor amenity space in terms of both the quantity and quality of the sunken yard to the front of the proposed unit and therefore contribute to a sub-standard quality of accommodation to the detriment of the residential amenities of future occupiers, contrary to Policy D6 of the London Plan (2021), Policy DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Sustainable Design and Construction SPD (2016) and the Residential Design Guidance SPD (2016)
- 5 The proposed development would fail to provide off-street car parking to serve the new dwelling and insufficient information has been provided with regard to a satisfactory technical justification to demonstrate that there is sufficient on-street availability to accommodate any overspill parking. In the absence of a legal agreement to restrict permit access, it is therefore considered that the highway and car parking impacts of the proposed development would have a detrimental impact on the free flow of traffic and parking provision, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the LB Barnet: Local Plan (Core Strategy) DPD (2012) and Policy DM17 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)

Informative(s):

- 1 The plans accompanying this application are:
 - 595 0050 - Site Plan Existing (received 29.09.20)
 - 595 1100 - Ground Floor Plan Existing (received 29.09.20)
 - 595 1200 - Front and Side Elevation Existing (received 29.09.20)
 - 595 0010 - Location Plan (Ordnance Survey)
 - 595 0100 Rev C - Ground Floor Plan Proposed
 - 595 0101 Rev C - First Floor Plan Proposed
 - 595 0102 Rev C - Roof Plan Proposed
 - 595 0201 Rev C - Side and Back Elevations Proposed
 - 595 0210 Rev C - Front Elevation
 - 595 0193 - Sunlight Study

- 2 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority 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 sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

Please visit

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

OFFICER'S ASSESSMENT

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

As you are aware I have an interest in this project as I believe this site offers the opportunity for an infill dwelling. I understand the applicants have reduced the scale of the building following Pre-application advice and that the house now accords with your requirements for a single storey building.

1. Site Description

The application relates to land adjacent to 1 Booth Road, currently occupied by a single storey brick and metal garage.

The application site is a relatively small, restricted rectangular shaped pocket of land fronting Booth Road. The flank elevation of No 1 Booth Road sits to the northern side; the rear gardens of homes on Colindale Avenue on its southern side and a shed and an area of private garden associated with 1 Booth Rd - not part the application site - is situated to the rear.

Booth Road and the wider area are mostly residential in nature, a mix of smaller residential terrace groups, with some semi-detached and blocks of purpose built flats further to the north. A mix of brick and render finishes are present on the street. The area of Colindale Avenue to the south has a more mixed residential / commercial feel around the junction with Booth Road and west around the Underground Station and also forms the boundary with the Colindale Gardens regeneration area.

The application site does not comprise a statutory listed or locally listed building and it is not within a Conservation Area. The site does fall within an Area of Opportunity - part of the Colindale Area Action Plan (2010) - and within a Controlled Parking Zone (CPZ). It benefits from a PTAL rating of 4 (good) and is proximate to Colindale Underground Station (Northern Line).

2. Site History

19/3584/FUL - A refusal on 27.08.2019 relating to a similar scheme to demolish of existing garage and erect a three storey dwelling. Refusal reasons were as follows:

a) The proposed dwelling by reason of its size, height, design and siting would be a cramped and incongruous form of development on a restricted site, amounting to overdevelopment which would fail to relate to the context of the site and the pattern of development in the immediate surrounding area, to the detriment of the character and appearance of the street scene and the locality.

b) The proposed dwelling would by reason of its size, height, design and siting, be overbearing and visually obtrusive, resulting in an unacceptable sense of enclosure, to the detriment of the residential and visual amenities of the neighbouring occupiers at 1 Booth Road, 183 Colindale Avenue and 185 Colindale Avenue.

c) The proposed development would provide an insufficient and poor quality outdoor amenity space. The proposal would therefore provide a poor quality of accommodation for future residents

19/00287/AREF (LB Barnet reference) & APP/N5090/W/19/3237013 (Planning Inspectorate reference)- This appeal relating to the above scheme, was dismissed on 07.01.20 for the following reasons:

a) Amenity Space

"Future occupants would rely on the balconies to provide a source of outdoor space which is limited. Although they could not be considered as providing a reasonable level of privacy from public view due to their positioning, and direct sun light would be limited as they are both north east facing.

I am mindful that this proposal is not a family dwelling, and the local area offers access to open space; albeit precise locations have not been provided. The SDC SPD advises amenity space for houses should be provided in the form of rear gardens, but I am also aware that the Council agrees to the use of balconies in appropriate circumstances; that planning obligations could be used to secure external space; and 40m² of external space is required for up to four habitable rooms. The London Housing Supplementary Planning Guidance and Standards 26 and 27 in respect of private open space standards are also relevant, seeking similar provision.

I therefore find that the outdoor amenity space would be inadequate to provide an acceptable standard for occupiers, and the proposal would therefore be contrary to DMLP Policy DM02, and both the RDG and SDC SPD's. "

b) Impact on character and appearance

"its scale, massing and height and contemporary design with atypical balcony detail, and narrow width, would appear as a discordant and incongruous feature in this location. It would not therefore respect the context and character of the adjacent houses to which it is most closely related, or to the overall street scene."

3. Proposal

Demolition of existing garage and erection of a two storey dwelling with associated cycle parking and refuse storage

The proposed dwelling's windows are restricted to the front elevation, alongside an obscure glazed rooflight serving the upper floor horizontal rooflight principally to the shower room at ground floor level to the rear. Materials are slate roof, with brick and render separated by a string course taking its cue from the adjoining terrace. There is proposed integral cycle, waste and recycling storage within the fabric of the building and a sunken court yard area to the front.

The building is proposed to be sunken relative to the road in order to afford two storeys internally whilst remaining below the eaves height of the neighbouring terrace.

No designated parking spaces form part of the scheme and there is no rear garden area due to plot restraints. The proposed entrance is via front of the property onto Booth Rd.

Internal Dwelling Details (as measured from plans)

Gross Internal Area - 36.9sqm - 20.7sqm (Ground Floor) / 16.2sqm (First Floor)

Total Number of Habitable Rooms: 2no

Amenity Space - 9.21sqm

4. Public Consultation

Neighbour consultation letters were sent to 70 neighbouring properties and a general site notice posted. Two responses were received: one representation and one objection - which is summarised below:

- o Loss of light to No 1 Booth Road,
- o Window at No 1 referred to as a hallway is in fact bedroom
- o Planning Statement cites examples with incomparable impact on neighbouring properties
- o New building fails to retain 2m separation between flank elevations

These issues are covered in the main assessment section of this report.

5 Internal Consultation

Local Highway Authority:

The site is in a PTAL score of 4 which means that there is good public transport accessibility to and from the site. Bus routes (125, 204, 303, 632, 642 and N5) can be accessed within 1 minute walking distance of the site and the nearest tube station is Colindale Tube station which is 2 minutes walking distance from the site. There is a Controlled Car Parking in operation on streets surrounding the site.

The proposal will attract a parking provision of 1 space, however since there is good public transport accessibility, the proposal is acceptable. Due to the heavy parking in the road, S106 permit restriction will need to be applied. Additionally, the existing crossover will need to be re-instated.

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For this proposal the required cycle parking provision is 1 cycle parking space. Cycle parking should be provided in a secure, covered, lockable and enclosed environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked. Cycle parking condition recommended. Please note it is not recommended for the cycle store to be located next to the bin store.

The refuse store requires to be lockable, secure and enclosed. Refuse collection points should be located within 10 metres of the Public Highway. Refuse/recycling condition recommended.

6. Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published in 2019. This is a key part

of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life. The new London Plan which sets out the Mayor's overarching strategic planning framework 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, CS2, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17

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

Barnet's Draft Local Plan -Reg 19 (2021)

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 (2016)
Sustainable Design and Construction SPD (2016)
Colindale Area Action Plan (2010)
Planning Obligations (2013)

7. Main issues for consideration

The main issues for consideration in this case are:

- i. The Impact on the appearance and character of the area
- ii. The impact on the amenities of neighbouring occupiers
- iii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iv. Parking and Cycle Storage
- v. Refuse and Recycling Storage

8. Assessment

8.1 The impact on the appearance and character of the area

Development proposals must respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies DM01 and CS05 of the LB Barnet Local Plan, and D3 of the London Plan.

Policy DM01 states that all proposals should be based on an understanding of local characteristics preserve and enhance the local character of the area. They should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The immediate area where the proposed new dwelling would be sited is characterised by terraced groupings, typically incorporating front gables and being of relatively consistent proportions and plot sizes, despite a marked variation in architectural detailing.

The proposed dwelling would be two storeys in height, but with the ground floor sunken below the level of the road. It would be narrow in its form and built within a small plot with little area beyond the footprint of the building apart from the front yard area and side passage.

It is acknowledged that the design has been revisited since the previously refused scheme and the proposal is more modest in height - though in part achieved by excavating a lower ground level - and seeks to take cues in respect of materiality and roof pitch from the adjoining terrace.

This design, whilst now reflecting the eaves heights and other characteristics of the adjacent properties to a greater extent than the previous application, is still problematic due to its incongruity within the constricted plot size. When viewed within the wider streetscape, it is considered to result in an atypical and cramped appearance and would appear uncharacteristically narrow in its plot in relation to its height. Indeed, in determining the previous appeal (albeit for a building of a different design) the Inspector noted that the *"narrow width, would appear as a discordant and incongruous feature in this location."*

The proposed dwelling would be set 1 metre away from the side elevation of 1 Booth Road.

Whilst it is acknowledged that there are other properties in the street have similar separation distances, or are terraced, this gap here would not help mitigate against the otherwise cramped form of development highlighted above.

It is also considered that the proposed palisade fencing to the front would appear incongruous and unsympathetic. Notwithstanding the presence of the taller boundary treatment which encloses the rear garden of the adjoining property fronting Colindale Avenue, the frontages of Booth Road are characterised by low boundary walls and supplementary planting. The proposed fence would be markedly atypical of this open approach and inconsistent even with the closed board finish of the neighbouring site.

Given its location, the proposed dwelling would be a prominent addition to the local streetscape, which would exacerbate the effects of its awkward relationship with 1 Booth Rd and the overdevelopment of its plot.

As such, the proposed development is considered to remain at odds with the established pattern of development to the detriment of the character and appearance of Booth Rd and the wider locality.

8.2 The impact on the amenities of neighbouring occupiers

It will be important that any scheme addresses the relevant development plan policies (for example Policy DM01 of the Barnet Local Plan and Policies D3 and D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers.

Notwithstanding the objection received in respect of the impact upon No 1 Booth Road, in determining the previous appeal, the Inspector noted the following:

"A pedestrian pathway separates the side wall of the appeal site with the side wall of 1 and 1A Booth Road which includes habitable room windows. The ground floor windows presently overlook the garage and therefore there is currently a restricted outlook. The portion of the proposed dwelling that would eclipse this window would not be significantly different to the relationship that already exists. The second floor windows would not directly overlook the proposed dwelling and the outlook from these windows would be otherwise unrestricted with no significant loss of day light and sunlight likely to arise."

With regard to the rear elevation and gardens of properties facing onto Colindale Avenue, the Inspector previously determined:

"Rear windows at No.'s 183 and 185 look onto the existing boundary fence. I do not consider the additional portion of development that would be visible above the boundary fence to unacceptably harm the outlook from these windows or reduce light levels. Overall, taking account of the location of windows, separation distances, and orientation to the appeal site, I do not consider the living conditions of the occupiers of both dwellings would be harmed by an overbearing or visually intrusive form of development, or result in a sense of enclosure."

The footprint of the building has not changed since the previous proposal and the overall height and massing above the level of the fence has been reduced.

A new rooflight is proposed to the elevation facing the rear of properties on Colindale Avenue

however, this would be obscure glazed and fixed shut. This arrangement could be conditioned if subject to an approval.

On that basis and within the context of the previous appeal decision, the amended proposal is not considered to give rise to any new unacceptable impact on the amenity of neighbouring occupiers.

8.3 Whether the proposal provides satisfactory living accommodation for future occupiers

The proposed dwelling has 37sqm of Gross Internal Area, which is equivalent to the threshold for 1-bed, 1-person dwellings as laid out Table 3.1 pursuant to Policy D6 of the London Plan (2021).

However, whilst the rooms in the newly created dwelling would have access to windows and roof lights providing some natural light, as a result of the sunken nature of the building and the north-easterly orientation of the principal windows, the amount of daylight/sunlight afforded to the kitchen/dining room at ground floor level is considered likely to be limited.

This situation is exacerbated by the sunken level and proposed palisade fence, which are considered both to limit outlook from the ground floor and give rise to overlooking from the street.

The LB Barnet: Sustainable Design and Construction SPD notes that dwellings should provide outdoor amenity space (see Section 2.3 Outdoor Amenity Space, pages 10-11) at 40m² for a new houses with 4 or less habitable rooms. As per the glossary entry in the same document (Page 51) kitchens greater than 13sqm will be counted as habitable rooms.

In addition, the LB Barnet: Residential Design Guidance SPD states that all dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides a reasonable level of privacy and provides a reasonable acoustic environment. The size, shape and slope gradient of amenity space is key to its usability. Front gardens do not normally offer quality private amenity space.

As a new building requires 40sqm of space (dwellings up to four habitable rooms) and provides just under 10sqm, it is significantly deficient - though it is noted that such provision is otherwise consistent with the expectation for flats comprising 2no habitable rooms. It is acknowledged that the proposal is for a single person dwelling and that there are public open spaces within 400m of the site - in the form of Colindale Park and Montrose Playing Fields. However, as the site is not within a designated Town Centre or part of a high-density development and in light of the considerable shortfall in area, it is not considered to trigger the financial contributions provided for in the SPD.

The designated outdoor private amenity space for the development within the proposals is also the front yard. As a result of its siting, it is considered to be of limited amenity and not to meet the required standards - given its restricted size, nature (steps and pathways are specifically excluded), proximity to the public highway - resulting in noise impacts and general privacy issues not overcome by the palisade fencing.

With regard to the above appraisal therefore, it is considered that the reduced levels of daylight/sunlight, limited outlook, overlooking at insufficient private amenity space would result in a sub-standard level of accommodation, to the detriment of the residential amenities

of future occupiers.

8.4 Parking and Cycle Storage

Policy DM17 states that 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 2 to 1.5 spaces per unit for detached and semi-detached houses.

The PTAL score for the site four (good), which attracts a parking requirement of 1.5 spaces. No off-street parking is proposed and there is the loss of the space associated with the existing garage.

As a single, one-bedroom dwelling in an accessible location with good access to local transport links the potential parking overspill is limited. The Local Highway Authority have identified a likely demand of 1no space and note that the proposal would therefore be acceptable as car free subject were a legal agreement to restrict permit access for future occupiers to be in place.

Covered, secure and accessible cycle storage has been included within the scheme and is considered to be satisfactory.

8.5 Refuse and Recycling Storage

Integral refuse and recycling storage is provided on the plans for 2no 240L bins (1no refuse and 1no recycling). This is consistent with the current expectations as set out in Information for developers and architects: Provision of Household Recycling and Waste Service (2020) and within 10m of the highway. No objection has been raised by the Local Highway Authority.

9. 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.

10. Recommendation

Having taken all material considerations into account, it is considered that, whilst the use for an additional residential dwelling is acceptable in principle, the proposed development would amount to an overdevelopment which would appear as a discordant and unsympathetic feature in this location and fail to relate to the context of the site and the pattern of development in the immediate surrounding area. The development is also not considered to provide an appropriate standard of accommodation, to the detriment of the amenities of future occupiers.

The development is not considered to accord with the requirements of the Development Plan and the weight of other material considerations does not indicate that the proposal should be determined otherwise than in accordance with Section 38(6) of the Planning and

Compulsory Purchase Act (2004). The application is therefore recommended for **REFUSAL**



Location	Capstone 9 Willenhall Avenue Barnet EN5 1JN	
Reference:	20/5930/FUL	Received: 8th December 2020
		Accepted: 10th December 2020
Ward:	Oakleigh	Expiry 4th February 2021
Case Officer:	Wilf Foster	
Applicant:	Mr R Audley	
Proposal:	Demolition of the existing dwelling and erection of 3no two storey detached houses with basement level. Associated landscaping, parking, bike store and refuse and recycling	

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:

Drawing nos: P216-002; P216-003; P216-005; P216-010 revA; P216-011; P216-012; P216-013; P216-014 revA; P216-015; P216-016; P216-017; P216-018 revA; P216-019; P216-020; P216-021; P216-023; P216-024.

Frontage Planting and Street Elevation (ZG 878-02 revB).

Landscape Masterplan (ZG 878-02 revB).

Bat Emergence and Re-entry Survey, Arbtech Consulting, May 2021.

Bat Mitigation and Enhancement Strategy, Arbtech Consulting, November 2020.

Preliminary Ecological Appraisal and Preliminary Roost Assessment Survey, Arbtech Consulting, November 2020.

Phase II Arboricultural Impact Assessment (AIA) (ref 101 551), Arbol EuroConsulting, November 2020.

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

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

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

- 3 The development shall be implemented in accordance with the details of the materials to be used for the external surfaces of the building(s) as shown on approved drawing no. P216-024.

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

- 4 a) All work comprised in the scheme of hard and soft landscaping shown in approved documents "Frontage Planting and Street Elevation" (ZG 878-02 revB) and "Landscape Masterplan" (ZG 878-02 revB) 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.

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

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

- 5 a) Before first occupation or the use is commenced and retained as such thereafter, the development shall be implemented in accordance with the details of the means of enclosure, including boundary treatments, as shown on approved drawing no. 878-02 rev B.

b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1 no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat.

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).

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

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

- 7 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown in the approved document "ARBORICULTURAL METHOD STATEMENT (AMS) Site: No. 9 Willenhall Avenue Capstone New Barnet EN5 1JN 9 Willenhall Avenue New Barnet EN5 1JN Tree Protection Plan 101 553" has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as hereby approved.

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

- 8 Before the development is first occupied, the recommendations detailed within the approved document "Bat Mitigation and Enhancement Strategy" (Arbtech Consulting, November 2020) shall be implemented in full and retained as such thereafter.

Reason: To ensure the proposed development has an acceptable impact on protected species and makes adequate provision for biodiversity enhancements, in accordance with local planning policy DM01. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy G7 of the London Plan 2021.

- 9 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

Reason: In the interests of promoting cycling as a mode of transport in accordance

with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

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

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

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

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

- 12 The applicant shall carry out a "before" and "after" condition survey of the agreed route to be utilised by all construction traffic. The "before" survey shall be submitted to and approved in writing by Local Planning Authority prior to the commencement of the development. The "after" survey shall be completed three months before the completion of the development and thereafter submitted to and approved in writing by the Local Planning Authority. Any recommended works necessary to reinstate the condition of the agreed route to that identified within the "before" survey shall be implemented as approved following completion of the development.

Reason: To ensure that the road is maintained in a suitable condition in order to minimise danger, obstruction and inconvenience to users of the highway.

- 13 Before the building hereby permitted is first occupied the proposed first-floor windows in the side elevations of the proposed buildings facing Nos. 7 and 11 Willenhall Avenue (with the exception of windows serving bedrooms as shown on the approved floor plans) 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 April 2013).

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

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

- 16 The premises shall be used for dwellinghouses (Use Class C3) and for no other purpose (including any other purpose in Class C of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of

use within the category in order to safeguard the amenities of the area.

- 17 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the relevant accessibility requirements for new dwellings.

- 18 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).

- 19 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012).

- 20 a) Before the development hereby permitted is first occupied, details of skylights to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The skylights shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable

Informative(s):

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

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to

CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

Please visit

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

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

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

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

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

- 4 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. Should you require further information please contact Thames Water. Email: developer.services@thameswater.co.uk Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB.

- 5 Tree and shrub species selected for landscaping/replacement planting provide long term resilience to pest, diseases and climate change. The diverse range of species and variety will help prevent rapid spread of any disease. In addition to this, all trees, shrubs and herbaceous plants must adhere to basic bio-security measures to prevent accidental release of pest and diseases and must follow the guidelines below.

"An overarching recommendation is to follow BS 8545: Trees: From Nursery to independence in the Landscape. Recommendations and that in the interest of Bio-security, trees should not be imported directly from European suppliers and planted straight into the field, but spend a full growing season in a British nursery to ensure plant health and non-infection by foreign pests or disease. This is the appropriate measure to address the introduction of diseases such as Oak Processionary Moth and Chalara of Ash. All trees to be planted must have been held in quarantine."

- 6 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

For any proposal new crossovers or modification to existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2

metres, when only 1 access is being proposed. Information on application for a crossover could be obtained from London Borough of Barnet, Crossovers Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Any gates must open inwards and not out onto the public highway for health and safety reasons.

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

OFFICER'S ASSESSMENT

This application has been "called in" by Councillor Sowerby who wishes the matter to be considered by Planning Committee for the following reasons:

"I would like to call in to the relevant Planning Committee the above application as I am concerned that the design and materials are out of keeping with the current street scene."

This application has been "called in" by Councillor Rajput who wishes the matter to be considered by Planning Committee for the following reasons:

"This development is not in keeping with the location and I am not in favour of the same predominately due to size and bulk at the given site."

1. Site Description

The site comprises a large detached house of a chalet bungalow style set within a large well landscaped plot, located on the northern side of Willenhall Avenue. The surrounding area is residential in character and comprises a mix of two-storey and chalet bungalow style detached dwellings with front and back gardens. Several mature trees are found within the site and the hedging and trees found along the frontage largely screens the site from the road.

The site does not fall within a conservation area, nor does it contain any listed buildings.

2. Site and other Relevant History

Reference: N01855B

Address: Capstone 9 Willenhall Avenue New Barnet Herts

Decision: Approve subject to conditions

Decision Date: 01/07/1986

Description: Single storey side extension incorporating garage.

Reference: N01855C
Address: Capstone 9 Willenhall Avenue New Barnet Herts
Decision: Approve
Decision Date: 17/08/1994
Description: Retention of sliding gate to frontage.

Reference: 18/4403/192
Address: Capstone 9 Willenhall Avenue New Barnet Herts
Decision: Lawful
Decision Date: 01/07/1986
Description: Erection of single storey outbuilding in garden

3. Proposal

The application seeks approval for "Demolition of the existing dwelling and erection of 3no two storey detached houses with basement level. Associated landscaping, parking, bike store and refuse and recycling".

The proposed dwellings each measure 12.2 metres in width and 14.1 metres in depth. The westernmost dwelling also benefits from a single storey attached side garage, measuring an additional 3.5 metres in width. The proposed development comprises a mix of flat and pitched roof forms, with Plot 2 having an entirely flat roof, and Plots 1 and 3 featuring part pitched roofs to the outer flanks. The proposed materials include a mixture of brick and render for the external walls and aluminium pitched roofs.

The proposed dwellings would have a GIA of 148.3 sqm (excluding basement levels). The internal layouts are similar for all dwellings, with the layout for Plot 2 being an inverse of the other two. The proposals provide private rear amenity space for each dwelling, varying between approx. 180 sqm for Plot 1 to approx. 310 sqm for Plot 3.

The proposals provide 2no off-street car parking spaces for each dwelling, totalling 6no spaces for the development. Cycle stores and refuse/recycling stores are provided for each dwelling to the front of the site. A scheme of hard and soft landscaping is provided as part of the submission.

4. Public Consultation

Consultation letters were sent to 24 neighbouring properties. A total of 15 responses have been received, comprising 13 letters of objection and 2 representations in support.

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

- The proposed development is out of keeping with the local character;
- The proposed houses are excessive in height;
- The proposals are an overdevelopment of the site;
- The proposals would set a harmful precedent in the local area;
- Concern regarding parking displacement as a result of the proposed development;
- Concern regarding subsidence and impact on the water table from the proposed basements;
- The proposed dwellings would result in overlooking of neighbouring occupiers;
- Concern regarding overbearing impact on neighbouring occupiers;
- Concern regarding loss of trees as a result of the proposed development;
- Concern regarding the impact of the proposed development on property prices in the local area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The 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.

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

Barnet's Local Plan (Reg 18) 2020

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

5.3 Assessment of proposals

Principle of development

The existing building has no designation and is not within a conservation area. The proposal to demolish it is considered to be acceptable, subject to the re-provision of residential accommodation and a high-quality replacement building. The proposed 3no replacement detached dwellings are considered to be an acceptable form of development in principle, in keeping with the established pattern of development and typology on Willenhall Avenue.

Overall, officers consider the proposals to be an appropriate form of development in principle, subject to the considerations below.

Impact on the character of the area

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

The northern side of Willenhall Avenue comprises predominantly single-storey chalet style bungalows. The exceptions to this are the two properties to the west of the host property, at Nos. 5 and 7, which are larger one-and-a-half to two-storey properties. It is noted that these are both much further set back from Willenhall Avenue than the single-storey dwellings. The southern side of the road is characterised by two-storey detached houses of varying design, with a uniform front building line.

The proposals are for two-storey dwellings to replace the existing single-storey property. Given the relatively low height of the proposed buildings and their roof forms, in addition to some lowering of the ground levels within the site, the proposed buildings would not exceed the ridge height of the existing building and would have comparable eaves heights. Additionally, the ridge heights between Plots 1 and 3 decrease gradually, to reflect the change in ground levels across Willenhall Avenue and to provide an appropriate transition between the two-storey neighbouring property at No. 7 and the single-storey dwelling at No. 11. Taking this into consideration, officers are satisfied that the proposed buildings would not appear overly bulky or prominent or detract from the streetscene on Willenhall Avenue.

Additionally, it is noted that the existing building is well-screened by vegetation to the front of the site. This is retained in the proposed development, with the submitted landscaping

plan showing several trees and shrubs along the front boundary. This would retain the existing character and provide some visual screening to the proposed building, mitigating their prominence from public views. Although it is noted that the requirement for additional crossovers from Willenhall Avenue would allow some views through the site, it is not considered that this would be unduly harmful, subject to compliance with the attached landscaping conditions.

The proposed basement levels would have relatively minimal external visual manifestation, being largely contained within the footprint of the dwelling. The principal external manifestation would be through the skylights located to the front. Subject to the provision of precise materials details, the proposed glazed skylights are considered to have an acceptable appearance.

The proposed site layout provides a gap of minimum 2.1 metres between dwellings and in excess of 3 metres to the side boundaries with neighbouring properties. Additionally, the proposed dwellings are well-set back from Willenhall Avenue, in keeping with the front building line of No. 11, and benefit from generous gardens in excess of minimum outdoor amenity space standards. Thus, while it is noted that there is an increase in site coverage compared with the existing single dwelling, it is considered that the proposals retain a sense of openness and spaciousness that is characteristic of Willenhall Avenue. Given the unusually large plot width, it is considered that this increase in built form can be comfortably accommodated, without detracting from the streetscene or local character.

The proposed buildings have a relatively contemporary design approach. Elements of both flat and pitched roof are incorporated into the scheme. The inclusion of pitched roofs to the outside flanks of Plots 1 and 3 is considered to relate to the character of the surrounding area, where pitched roofs are the predominant form. It is noted that there is a significant variety in scale and architectural style on Willenhall Avenue. As such, it is not considered that the proposed design, in this instance, would be incongruous or out of keeping with any established pattern of development. Indeed, officers consider that the proposals represent a high-quality design that relates sympathetically to the streetscene and would provide a positive contribution to the local character.

The proposed materiality includes elements of facing brick, in addition to grey and white render. The proposed aluminium pitched roofs are considered to be in keeping with this. Overall, it is considered that the proposed materials are appropriate for the contemporary design of the scheme and would be sympathetic to the established character of Willenhall Avenue.

Taking into account the above, officers consider that the proposed development is a high-quality scheme that would have an acceptable impact on the character of the area and the streetscene, in accordance with planning policy including Policy DM01.

Impact on the amenities of neighbouring occupiers

It will be 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.

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

The neighbouring property to the west, No. 7 Willenhall Avenue, is of a chalet bungalow design. It benefits from a single storey side garage which projects forward of the main dwellinghouse along the shared boundary with the applicant site. The proposed building at Plot 1 has a staggered depth, with the side garage projecting approx. 7 metres beyond the neighbouring garage and the main dwelling projecting slightly further in front. There is a gap of approx. 3.1 metres between the flank wall of the proposed building at ground floor to the neighbouring property, and in excess of 10 metres at first floor. Weight is given to the fact that the proposed building is further set-back than the existing property, which protrudes significantly further and abuts the shared boundary. Given the increased set-back and set-away from the side boundary, and the comparable height of the proposed building compared with the existing property, it is not considered that there would be any harmful overbearing impact of loss of light or outlook to the neighbouring occupiers at No. 7 as a result of the proposed development.

The neighbouring property at No. 11 Willenhall Avenue comprises a modest bungalow with a small single storey rear extension. The rear wall of the proposed building at Plot 3 would protrude approximately 2.8 metres beyond the rear of the neighbouring extension, which is sited adjacent to the shared boundary. Given the good separation between the dwellings, which is almost 5 metres, it is not considered that this would result in unacceptable harm to the amenities of the neighbouring occupier at No. 11.

There is sufficient distance to the rear of the proposed buildings that officers are satisfied they would not result in material harm to the residential amenities of the neighbouring occupiers on The Drive.

There are no habitable windows at first floor that would result in harmful overlooking of the neighbouring occupiers at No. 7 or No. 11, nor would there be any harmful overlooking from the rear-facing windows of the proposed building. A condition is attached to ensure that any first floor windows on the flank elevations of the development are retained as obscure glazed.

Overall, it is considered that the proposed development would have an acceptable impact on the residential amenities of all neighbouring occupiers, in accordance with Policy DM01.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 3no detached dwellings. The proposed dwellings would all have a GIA of 148.3 sqm (excluding basement levels). This exceeds the minimum internal space standard for the relevant dwelling size, as per the Sustainable Design and Construction SPD.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design 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 bedroom: minimum area should be 11.5 m² and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. It is considered that the proposed dwellings would benefit from adequate internal ceiling height.

Light/Outlook

Barnet's Sustainable Design 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. All proposed dwellings are dual-aspect and benefit from adequate levels of light and outlook.

Amenity

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for houses with seven or more habitable rooms, there should be a minimum provision of 85 sqm of outdoor amenity space. The proposals provide private rear amenity space for each dwelling, varying between approx. 180 sqm for Plot 1 to approx. 310 sqm for Plot 3. This significantly exceeds minimum standards and is considered to be acceptable.

Privacy

Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The proposed subdivision and means of enclosure would protect the privacy of future occupiers of the development and are considered to be acceptable.

Highways

The site has a PTAL of 2, indicating a relatively poor level of accessibility by public transport. The proposal is for the demolition of the existing 1no 4+bed single family dwelling with the provision of 4x off-street car parking spaces and the construction of 3no 4+bed single family dwelling its place with the cumulative provision of 6no off-street car parking spaces (2 per dwelling) and 12 cycle parking spaces. The proposed provision of 2 off-street car parking spaces per dwelling is in line with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

The proposals would retain 1 vehicular access for use by one of the dwellings and construct 2 new vehicular accesses. It is noted that this is subject to separate consent for the additional crossovers from the highways authority.

The proposals should provide a minimum of 6no cycle parking spaces to serve the proposed dwellings, in accordance with London Plan standards. The proposals include cycle stores for each dwelling, located at the front of the site. It is considered that the required level of provision can be accommodated on site. A condition is attached to ensure this is provided.

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

Refuse

The proposals include refuse and recycling enclosure to the front of each dwelling. This is considered to be acceptable.

Accessibility and Sustainability

The application scheme is required to meet Building Regulation requirement M4(2), in accordance with the London Plan. A condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, a condition is attached to ensure an appropriate level of reduction over Part L of the 2013 building regulations is achieved in accordance with the requirements of the London Plan.

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

5.4 Response to Public Consultation

- The proposed development is out of keeping with the local character;
- The proposed houses are excessive in height;
- The proposals are an overdevelopment of the site;

These issues are addressed in the above appraisal of the proposals.

- The proposals would set a harmful precedent in the local area;

It is recognised that each application is assessed on a case-by-case basis and it is not considered that the proposed development would result in a harmful precedent.

- Concern regarding parking displacement as a result of the proposed development;

This is addressed in the above report.

- Concern regarding subsidence and impact on the water table from the proposed basements;

This is not a material planning consideration and would be subject to building regulations.

- The proposed dwellings would result in overlooking of neighbouring occupiers;

- Concern regarding overbearing impact on neighbouring occupiers;

These issues are addressed in the above report.

- Concern regarding loss of trees as a result of the proposed development;

The proposed development is considered to have an acceptable impact on existing trees, subject to the attached conditions regarding tree protection and the provision of new planting within the approved landscaping scheme.

- Concern regarding the impact of the proposed development on property prices in the local area.

This is not a material planning consideration.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 7 Netherlands Road Barnet EN5 1BN

Reference: 21/2424/FUL

Received: 29th April 2021

Accepted: 6th May 2021

Ward: Oakleigh

Expiry 1st July 2021

AGENDA ITEM 9

Case Officer: Jonathan Martin

Applicant: Mr Andre Fagan

Proposal: Vertical subdivision of existing two storey single family dwelling house (Class C3) into 2no two storey single family dwelling houses (Class C3). First floor side extension, alterations to fenestration, formation of new vehicular access to Netherlands Road and provision of two off street car parking spaces and refuse storage area at the front

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 PP001 Rev A
- Existing and Proposed Plans PP002
- Existing and Proposed Plans PP003 Rev B
- Existing and Proposed Elevations PP004
- Existing and Proposed Elevations PP005
- Existing Site Plan PP006 Rev A
- Proposed Site Plan PP007 Rev A
- Transport Statement prepared by Public Highway dated 7th December 2020

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 a) Notwithstanding the plans hereby approved, 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.

- 4 Prior to commencement of any construction or demolition works a detailed application shall be submitted to Highway Authority for approval of the vehicular access from public highway and the access shall be constructed in accordance with the approved plans.

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

- 5 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing No. PP007 Rev A submitted with the planning application and the access to the parking area from public highway shall be provided. The access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 Prior to occupation of the development refuse storage shall be in place in accordance with approved drawing PP005 and PP007 Rev A and shall be retained thereafter.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 8 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI5 of the London Plan 2021

- 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 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).

- 12 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The treatment of boundaries should be permeable to species such as hedgehogs (*Erinaceus europaeus*) and common toad (*Bufo bufo*), with the introduction of a minimum of 1no 13 x 13cm ground level access 'hedgehog hole' between the application site and each neighbouring piece of land to enable connections and prevent the fragmentation of habitat
- c) 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).

- 13 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).

- 14 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

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

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 16 a) Prior to first occupation of the hereby approved development, a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has be submitted to and agreed in writing by the Local Planning Authority.

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.

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.

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

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

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

Relief or Exemption from CIL:

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

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

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

Please visit

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

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

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

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

Further details and the application form can be downloaded from:

<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from

the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Please Note: A maximum width of a crossover allowed from a public highway is 4.2 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 5 Any highway approval as part of the planning process for the reinstatement or alteration to the existing access/crossovers or provision of a new access/crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for access/crossover under Highways Act 1980 and would be carried out at the applicant's expense including any relocation of street furniture, lighting columns or amendments to parking bays affected by the proposed works. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process. An estimate for this work could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway

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

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

- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 8 The applicant is advised that the bin store will need to be located within 10m of public highway with clear access to the bin store on collection days otherwise the dustbins will need to be brought to the edge of public highways. The applicant is advised to contact the Refuse Collection Team for further advice on refuse collection arrangement in the borough.

OFFICER'S ASSESSMENT

1. Site Description

The application site is an existing semi-detached, two storey single family dwellinghouse located on Netherlands Road. There is a significant gradient on the street with no.7 being set at the lower part of the hill. There is an existing front hardstanding and dropped kerb at the property.

The property benefits from various extensions including a single storey side extension, a front porch, and a raised rear terrace.

The surrounding area is residential in character, predominantly consisting of two-storey semi-detached dwellinghouses in varying architectural styles.

The site does not lie within a conservation area nor is it within the curtilage of any listed building.

The site lies within Flood Zone 1, indicating a very low probability of flooding.

2. Site History

Reference: 20/5962/HSE

Address: 7 Netherlands Road, Barnet, EN5 1BN

No decision - subject of current appeal in respect of non-determination

Description - First floor side extension

Reference: 18/3399/FUL

Address: 7 Netherlands Road, Barnet, EN5 1BN

Decision: Refused

Decision Date: 31 July 2018

Description: Conversion of existing dwelling into 4no self-contained flats involving basement extension and single storey rear extension, first floor side extension. Associated parking, cycle parking and amenity space

Refused for the following reasons:-

1) The proposed development by reason of its cumulative size, siting, bulk, height, and design of its proposed and existing extensions and sub-division would be unduly obtrusive, overdeveloped, incongruous and over-intensive use of the application site, failing to justify the loss of a house in an area comprised predominantly of single family dwellings. The development would therefore result in material harm to the character and appearance of the street scene and the visual and residential amenities of the neighbouring occupiers, CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted 2016).

2) The proposed development of 4 self contained units occupying 12 people, together with the quantum of extensions and existing built form would appear overbearing leading to a harmful perception of overlooking and loss of privacy for the neighbouring residential occupiers when viewed from their adjacent neighbouring gardens. The development would therefore result in material harm to the residential amenities of the neighbouring occupiers,

CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Development Management Policies DPD (Adopted September 2012) and the Residential Design Guidance SPD (Adopted 2016).

3) Proposed apartments 1 and 2 by reason of their substandard gross internal floor space and inadequate bedroom sizes would result in an unsatisfactory level of living amenity for the future occupants of this unit, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policies DM01 and DM02 of the Development Management Policies DPD (Adopted September 2012) and the Sustainable Design and Construction SPD (Adopted 2016) and the space standards within the Mayors London Plan (2016) Housing SPG.

4) No parking survey has been provided to justify the shortfall in minimum off-street parking provisions required by Council's adopted parking standards to service. The development is situated in an area of poor Public Transport Accessibility and limited on street parking compounded by the number of existing driveways and associated dropped kerbs, and therefore, in the absence of any technical justification it is considered that the proposals will create unacceptable parking pressure on Netherlands Road to the detriment of highway safety, contrary to policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM17 of the Development Management Policies DPD (Adopted September 2012).

Reference: B/05294/13

Address: 7 Netherlands Road, Barnet, EN5 1BN

Decision: Approved subject to conditions

Decision Date: 16 January 2014

Description: Single storey side extension following demolition of existing garage. New pitched roof to existing front porch. Extension of existing rear raised terrace.

3. Proposal

Planning permission is sought for the 'Vertical subdivision of existing two storey single family dwelling house (Class C3) into 2no two storey single family dwelling houses (Class C3). First floor side extension, alterations to fenestration, formation of new vehicular access to Netherlands Road and provision of two off street car parking spaces and refuse storage area at the front.'

The proposal seeks to convert a single dwelling into 2 dwellings to create 1no. 4 bed, seven person dwelling and 1no. 4 bed six person family dwellings with accommodation across the lower ground, ground, first and roof space. The 7 person dwelling will provide a GIA of 141.5sqm with the 6 person dwelling providing 128.1sqm.

The existing rear garden will be divided in two with 180sqm and 178sqm provided for each dwelling respectively.

1 car parking space will be provided for each dwelling on the existing front forecourt area. A bike store for each dwelling to be located in the rear garden area.

Bin storage will be provided at the front of each property in a dedicated bin store.

4. Public Consultation

Consultation letters were sent to 24 neighbouring properties. 9 letters of objection have been received which can be summarised as follows:

- Reduction in off-street car parking is unacceptable
- The cumulative size, siting, bulk, height, and design of its proposed and existing extensions and sub-division would be unduly obtrusive, overdeveloped, incongruous and over intensive use in an area comprised predominantly of single family dwellings
- Inadequate amenity space and bin storage
- Increased noise pollution for neighbours
- Loss of privacy and overlooking to neighbours properties

Internal Consultees

Highways - Clarification was sought regarding the car parking spaces with an updated site plan being provided. Subsequently Highways have advised that they have no objections to the proposal subject to conditions. Highways comments are detailed in the following "Assessment" section of this report.

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 Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The Mayor's London Plan 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

5.3 Assessment of proposals

Principle of development

Policy GG2 of the London Plan 2021 seeks to ensure that development explores the potential to intensify the use of the land to support additional homes. Policy CS3 of the Core Strategy sets out how the Council will provide 28,000 new homes throughout the lifetime of the Core Strategy 2011-2026.

The proposal seeks the conversion of an existing family dwelling into 2 x 4 bed family dwellings providing accommodation for six and seven persons. Policy 08 makes it clear that for market housing, homes with 4 bedrooms are the highest priority. The conversion will result in the creation of 2 family units which are of the highest priority and therefore the proposal is in accordance with Policy DM08

The principle of the proposed development is considered to be acceptable subject to other material planning considerations as set out 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 Residential Design Guidance SPD states that side extensions to existing buildings can be unacceptably prominent features in the street scene and that side extensions should not be more than half the width of the original house.

The proposal seeks to erect a first-floor side extension. The new side extension will have a width of 3m which is less than half the width of the existing house. The new pitched roof on the extension will be set 500mm below the ridge of the main house in order to appear subservient. The new roof tiles will match the tiles of the existing main roof. The new front external wall will be set back by 1m from the existing front wall of the main house and will be finished in cream render to match the existing with brick coining to match the existing. The proposal does not involve the introduction of any side windows but will introduce a new front door on the side of the property along the southern boundary with 9 Netherlands Road.

When viewed from the street scene, the building will still appear as that of a semi-detached house and will be in keeping with the character and appearance of the surrounding area, established street scene and would not cause harm to the character and appearance of Netherlands Road.

The proposal does not increase the overall footprint of the existing building. The side extension will be off set from the neighbouring boundary by 1m and therefore it would maintain a good level of visual separation between the adjacent property and would not result in a visually cramped form of development.

The front forecourt area will consist of a mix of hard and soft landscaping which will be in keeping with the character of the area. A new dropped kerb will be required in order to provide a separate access for off street parking for the additional dwelling.

All materials used on the extension will be in keeping with the existing dwelling. Therefore, the proposed design has replicated the architectural form and the facing materials of the existing dwelling to aid its visual assimilation into the established streetscene. The proposal palette of materials is considered to be acceptable and in keeping with the character of the area.

Based on the above, it is considered that the design, scale and siting of the proposal would have an acceptable impact on the established pattern of development and character and appearance of Netherlands Road.

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.

The first floor side extension is set off the neighbouring boundary with 9 Netherlands Road by 1m and will not project beyond the rear elevation of the existing dwelling. Given the setback from the boundary and that the proposal will not increase the footprint of the existing dwelling, the proposal will not result in overshadowing to habitable rooms on the neighbouring property. 9 Netherlands has a large rear garden and the proposal will not result in a significant loss of light reaching the rear amenity area.

The proposal does not introduce any side facing windows and therefore the privacy of neighbouring residents will be maintained. The new side door at ground floor level will not lead to overlooking given it is at ground floor level.

The proposed 4 bedroom dwellings are 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 along Netherlands Road.

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 dwellings comply with these standards as evidenced below:

Proposed north side dwelling - 4-bed, 7-person, 3-storeys: 121m² required / 141.5m² provided.

Proposed south side dwelling - 4 bed, 6 person, 3 storeys: 112m² required / 128.1m² 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.

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Table 3.1 of Policy D6 of the London Plan 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 dwellings meet 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 dwellings 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:

As shown on the proposed site plan, the proposed north side dwelling would have 180sqm of outdoor amenity space with the south side dwelling providing 178sqm. These figures exclude front gardens and side accesses and are above the 85sqm requirement set out within Table 2.3 of the Sustainable Design and Construction SPD.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers and consequently, this application is recommended for approval on amenity for future occupier grounds.

Highways

Netherlands Road, EN5 in the vicinity of the site and the side roads are not subject to any formal parking controls. However, vehicles' parking and waiting is not allowed at any time at the junction of Netherlands Road, EN5 with Longmore Avenue (B193) by a way of double yellow lines.

The Public Transport Accessibility Level (PTAL) for the site is assessed as 3 which is regarded as moderate accessibility. There are 3 Transport for London (TfL) bus stops (384, 326, 383) running on Longmore Avenue (B193) to the immediate north of the site. It is almost equidistant from New Barnet National Rail Station to the northwest and Oakleigh Park National Rail station to the southeast.

The proposal is for the subdivision of the existing dwelling house into two separate two-storey dwellings (Use Class C3) consisting of 4+ bedrooms each. 1 off-street parking space will be provided per dwelling within the curtilage of the site. The existing vehicular crossover will be retained to serve one of the parking spaces on site and a new one will be created close to the northern boundary of the site to facilitate access to the second off-street parking space.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 3 and 4 parking spaces.

Based on the PTAL rating for the site as 3 (moderate accessibility), approximately 4 off-street parking spaces would be required to meet the parking standards of DM17 policy. However, the proposed development will provide 2 off-street parking spaces resulting in a shortfall of 2 car parking spaces as per the DM17 policy requirements.

The applicant has undertaken a car parking survey in accordance with the Lambeth Methodology standard practice on the site's surrounding roads within 200-metre walking distance. The associated results are included in the Appendix 7 of the submitted Transport Statement supporting this planning application.

The parking surveys were carried out on Tuesday 24th and Wednesday 25th November 2020 at 5am, 8am and 5:45pm as the site lies within an 800-metre walking distance from Oakleigh Park Rail Station to the southeast and 643 metres from New Barnet National Rail Station. According to the outcome of the survey, the resultant parking stresses were 67%,

65% & 55% on Tuesday 24/11/2020 at 5am, 8am and 5:45pm respectively which are well below the thresholds of 85% to 90% which are regarded as indications of parking saturation on the local highway network. Additionally, the results of the survey undertaken on Wednesday 25/11/2020 showed that parking stresses were 63%, 61% and 51% at 5am, 8am and 5:45pm respectively which were lower than the ones of the previous survey day.

Taking the above into consideration, it is expected that additional on-street demand for 2 car parking spaces can be sufficiently accommodated on the site's nearby roads and therefore the proposed car parking provision is acceptable on highway grounds.

The applicant will provide 2 cycle parking spaces for each dwelling to be located in the rear garden for each property. Further details of the cycle parking arrangement will be secured via a suitably worded condition to ensure the cycle parking spaces are in accordance with the 2021 London Plan Cycle Parking standards.

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). Refuse and recycling storage has been located at the front of the property in bin stores. The positioning and design of the bin stores are acceptable and will be secured via a suitably worded condition.

5.4 Response to Public Consultation

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

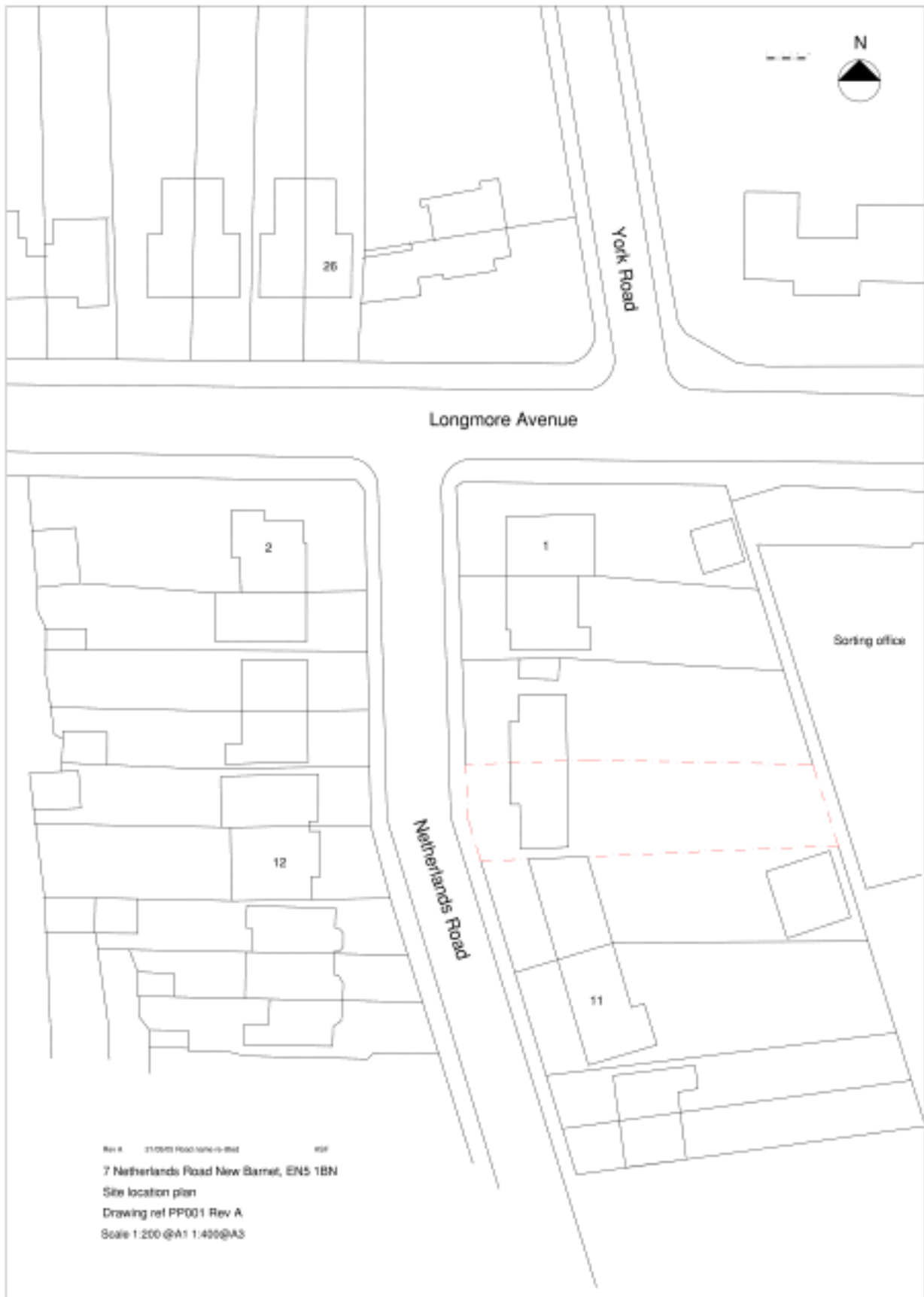
- Reduction in off-street car parking is unacceptable - please refer to the highways section above which discusses the parking layout in detail.
- The cumulative size, siting, bulk, height, and design of its proposed and existing extensions and sub-division would be unduly obtrusive, overdeveloped, incongruous and over intensive use in an area comprised predominantly of single family dwellings - the first floor side extension is set down from the ridge of the main house and is set back from the front elevation by 1m. Therefore it is a subordinate addition that would not have an overbearing impact on the character and appearance of the host dwelling or negatively impact the surrounding street scene.
- Inadequate amenity space and bin storage - please refer to impact on future occupier section above. The rear gardens exceed the guidance for dwellings of this size. Further details on bin storage will be secured via a condition.
- Increased noise pollution for neighbours - the application site is located in a residential area and therefore the proposal will not result in any uncharacterised noise pollution that can be expected in a residential area such as Netherlands Road.
- Loss of privacy and overlooking to neighbours properties - the proposal does not introduce any side facing windows that would result on loss of privacy or overlooking.

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 Netherlands Road. 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.



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Location **Exegen House 1 New Brent Street London NW4 2DF**

Reference: **21/1231/FUL** Received: 5th March 2021
Accepted: 8th March 2021

Ward: Hendon Expiry: 3rd May 2021

Case Officer: **Erica Mason**

Applicant: Sebastiano Scapolan

Proposal: Extension to existing office building, to create additional 1 storey for office use

AGENDA ITEM 10

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 development, by reason of its design, size, height, bulk and siting, would result in a disproportionate and discordant addition, which would fail to respect the prevailing scale, mass, and form and would appear incongruous, to the detriment of the character and appearance of the host property and surrounding area and contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012) and Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)
- 2 The proposed development, by reason of its design, size, height and siting, would be overbearing and visually obtrusive and result in an unacceptable loss of outlook and increased sense of enclosure to adjoining habitable rooms and terrace at first floor level to the rear of No 79 Brent Street, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012) and Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)

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

- 2 The plans / documents accompanying this application are:

A-00001, A-00002, A-04001, A-04002, A-05001 Rev A, A-05002, A-14001, A-15001, A-15002, Design and Access Statement and Sunlight and Daylight Report.

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments. This planning application was assessed as liable for a payment under Mayoral CIL at this time.

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 were set at a rate of £0 per sq m. This planning application was assessed as liable for a payment under Barnet CIL at this time.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

The assumed liable party will be sent a 'Liability Notice' providing full details of the charge and to whom it has been apportioned for payment. If you wish to identify

named parties other than the original applicant for permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice; also available from the Planning Portal website.

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

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of any appeal being allowed, please contact us: cil@barnet.gov.uk.

Relief or Exemption from CIL

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

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

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

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

OFFICER'S ASSESSMENT

The application is reported to the committee at the request of Councillor Shooter for the following reason:

I am in support of this application for the following reasons. The style and size would be fitting for the town centre, and I don't believe that there would be any overlooking or sunlight impact issues on neighboring properties. This development would add high quality additional office space to the area for local business

1. Site Description

The application site is located within Brent Street Town Centre at the eastern junction of New Brent Street and Cowley Place. The property adjoins 79 Brent Street, which incorporates residential accommodation over the upper floors. The site currently contains a two storey building with a flat roof providing use class B1 office accommodation for a jewellery business.

2. Site History

Reference: 16/0357/FUL

Address: Exegen House, 1 New Brent Street, London, NW4 2DF

Decision: Approved Subject to Conditions

Decision Date: 10 May 2016

Description: Extension to existing office building, to create additional 1 storey for office use

Reference: 15/05704/FUL

Address: Exegen House, 1 New Brent Street, London, NW4 2DF

Decision: Refusal

Decision Date: 30 November 2015

Description: Extension to existing office building, to create additional 1 storey for office use

3. Proposal

The current proposal relates to the extension to the existing office building, to create an additional storey for office use.

The extension will feature an assymmetrical contemporary design measuring a height of between approximately 2.4m and 6.1m - allowing for a maximum building height of 12.2m.

4. Public Consultation

Neighbour Consultation

Consultation letters were sent to 140 neighbouring properties.

0 responses have been received.

Internal Consultations

Highways Department:

The proposed additional storey will provide 165 sqm of additional office use and the expected staff numbers are expected to rise from 12(existing) to 18 (proposed).

Regarding car parking, a maximum of up to 1 space per 100sqm of B1 space is required for outer London sites . For the additional 165sqm of office space, 1-2 car spaces are required.

No parking provision is proposed but given that there are short term " pay by phone" spaces available and public car park nearby, Highways are of the view that the potential displacement of up to 1-2 vehicles can be accommodated on-street and unlikely to significantly change local parking conditions.

Based on London Plan standards, a minimum of 1 long stay and 1 short stay cycle parking space would be required. The ground floor plan shows 7 cycle racks and bin store at the rear of the site but this does not quite reflect what is on site at the moment. Hence Highways would request that a cycle parking and refuse storage conditions are imposed. (Further conditions were suggested in case of an approval).

Environmental Health Department:

No objections to the scheme. Constriction Method Statement condition in case of an approval.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published in 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

The 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 (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS5, CS6, CS8, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM11, DM14 and DM17

Supplementary Planning Documents

- Sustainable Design and Construction SPD (adopted October 2016)

This document is a material planning considerations in the determination of this application.

5.2 Main issues for consideration

The main issues in the assessment of this application are considered to be the:

- Principle of providing additional (use class B1) office floorspace at the site.
- Impact of the proposal on the character and appearance of the existing property and wider area.
- Proposals impact on the amenities of neighbouring occupiers.
- Proposals parking facilities and impact on highway and pedestrian safety.

5.3 Assessment

Principle of providing additional (use class B1) office floorspace at the site.

It is noted that the proposal property benefits from planning permission under reference 16/0357/FUL dated 10 May 2016 for an extension to the existing office building, to create an additional storey for office use. However, it should be acknowledged that the height of the approved second floor is only 3.3m and the height of the proposed extension in this case measures between 2.4 and 6.1m.

The principle of additional office space in the town centre is acceptable - as established by the previous approval - and in accordance with the NPPF which confirms the provision of office space as a Town Centre use. Furthermore, Policy DM14(b) of the Development Management Policies DPD (2012) seeks to direct new office space toward Town Centre sites.

In this case, office use already exists; and as in the previous approval, additional office space for the existing business, remains acceptable.

The main body of the report will thus focus on the character, design and appearance of the

extension in relation to the locale and current street scene; and impact on residential amenity which will also be discussed below.

Impact on the character and appearance of the property and wider locality:

Core Strategy Policy CS5: Protecting and Enhancing Barnet's Character to Create High Quality Places highlights that development in Barnet should respect the local context and distinctive local character, creating places and buildings of high quality design.

Therefore, in order to address the requirements of the development plan, a proposal at the site should respect the character and appearance of the existing building and the wider area. It should also relate appropriately to the sites context, including size. The Urban Design Team was consulted on the current application and submitted the following advice:

'The choice of colour and material, particularly when considered against the backdrop of more traditional external surface materials found on the parade and local area, as well as that of the already stark white render with red brick detailing, would sharply conflict in appearance. Its bold colour and unrelatable choice of material combined'

With the overall height and size of development within an already constrained context, would introduce substantial mass and bulk, which would rival no. 79 Brent Street and sit in conflict with any ancillary forms of development found at the rear of the parade. The attention to geometric-clad detailing of the external surface material and salt-box roof-form introduces discordant roof profiles which further removes from a visual relationship with the immediate context.'

Officers concur that the design approach proposed in the scheme would be incongruous and discordant, representing an inappropriate addition to the building which along with the proposed use of materials, would result in harm to the character and appearance of the host property and surrounding area. Therefore, this harm cannot be adequately addressed through the use of conditions.

Whilst the agent commented on the height of the residential block of flats at Upper Fosters set on the opposite side of the road, it should be acknowledged that these flats form part of the distinct Upper and Lower Fosters estate - subject to a recent grant of consent for renewal and a corresponding masterplan defining a separate character.

In comparison, the design of the additional storey on the existing proposal property - including additional proposed height of the saltbox roof form with its' gable element, asymmetrical planes of one long and one short side pitch - would compromise the existing designs of buildings which form its particular context. Furthermore, the full height glazing within the dormer element of the extension, is considered to be out of character and design with other properties in the immediate locale. The extension is not considered to sit proportionately on the existing building or harmonise with the character and design of the neighbouring buildings; and does not comply with Policies CS5 of the Core Strategy SPD (2012) or DM01 of the Development management Policies DPD (2012)

Impact on the amenities of neighbouring occupiers:

The Development Plan requires proposals to represent high quality design and allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users. In

particular, policy DM01 of the Development Management Policies Document states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and user. In particular, paragraph 2.7.1 - Amenity, 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.

Notwithstanding drawing no. A-04003 which includes comparison of the approved and proposed extensions, in terms of visual impacts, the proposed development would result in a higher profile compared to that which was approved. Although it is acknowledged that the roof of the extension pitches away from no. 79 Brent Street, existing and future occupants would clearly see the roof, in close proximity to the rear windows and terrace area and at a height of in excess of 6m above the existing building.

The height being situated directly opposite the existing west facing windows in the first floor rear elevation of 79 Brent Street, set at a distance of approximately 8.3m and covering the full width of the windows, would blight the outlook of the neighbouring occupants. It is considered that the design, size, bulk, mass and siting of the proposed addition to the existing building is such that it would result in a development with a visually obtrusive and overbearing relationship on and cause an unacceptable loss of outlook and sense of enclosure.

It should be noted that the proposal was amended to include the reduced height of 0.4m proposed under drawing no. 1-4003 however, the impact is considered to remain unacceptable.

The application is accompanied by an assessment of the schemes impact on the daylight and sunlight conditions at neighbouring properties. However, the assessment appears to be the historical assessment submitted with the previous application reference 16/0357/FUL which was submitted approximately five years ago and for a materially different scheme. Therefore, it is considered that the justification of the scheme in regard to the document, is out of date. However, based on the findings of the assessment as well as the distance between the proposal property and no. 79 Brent Street, it is considered probable that the scheme would not result in unacceptable impacts on daylight and sunlight at neighbouring properties such that would require refusal of the scheme. The application is therefore found to be acceptable in this regard.

Given the nature of the continued office use, it is considered that any potential concerns regarding overlooking and loss of privacy at neighbouring properties could be adequately addressed through the use of a suitable condition requiring windows to be fixed shut and have obscured glazing (as may be required) and a condition preventing the insertion of new windows without the benefit of express planning permission; also the windows within the dormer element would have to be reduced in size/height (had the application not been found unacceptable in other regards). The increase in occupation is not considered to result in an unacceptable impact with regard to noise and disturbance.

Impact on parking facilities and impact on highway and pedestrian safety:

The Highways Department were consulted on the scheme and it was confirmed that although the site fronts onto New Brent Street, it is not in a CPZ; but there are yellow lines

in the vicinity of the site. It has a PTAL rating of 2 (low). However, 5 bus routes can be accessed from stops within 2-5 minutes walking distance of the site and it falls within the Town Centre. There is short term "pay by phone" parking in the immediate vicinity of the site.

As set out under Section 4 above, the potential displacement of up to 1-2 vehicles can be accommodated on-street and it is considered unlikely to significantly change local parking conditions.

The London Plan advises a minimum of 1 long stay and 1 short stay cycle parking space. The ground floor plan shows 7 cycle racks and bin store at the rear of the site but this does not quite reflect what is on site at the moment. Hence Highways would request that a cycle parking and refuse storage conditions are imposed, if the application was minded to be approved.

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 application is found to be contrary to the expectations of the Development Plan with regard to the preservation or enhancement of local character and respecting the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the proposal would give rise to a detrimental impact to the residential amenities of neighbouring occupiers. As there are no material considerations which outweigh the harm caused by the conflict with the policies of the Development Plan, the application is therefore recommended for REFUSAL.

