

**MEETING**

**PLANNING COMMITTEE B**

**DATE AND TIME**

**WEDNESDAY 14TH SEPTEMBER, 2022**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF PLANNING COMMITTEE B (Quorum 3)**

Chairman: Councillor Claire Farrier  
Vice Chairman: Councillor Arjun Mittra

Melvin Cohen Gill Sargeant  
Nick Mearing-Smith Tony Vourou

**Substitute Members**

Richard Barnes Joshua Conway Michael Mire  
Nagus Narenthira Danny Rich Tim Roberts

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is 9 September 2022 at 10AM. Requests must be submitted to [planning.committees@barnet.gov.uk](mailto:planning.committees@barnet.gov.uk).

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](mailto:planning.committees@barnet.gov.uk)

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**ASSURANCE GROUP**

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## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 12
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.	Woodland to the rear of Burton Bank, Wills Grove - 22/TPO/003 - Mill Hill	13 - 20
7.	30 Clifton Avenue London N3 1BN - 22/1884/HSE - Finchley Church End	21 - 30
8.	792 Finchley Road London NW11 7TJ - 21/1623/FUL - Golders Green	31 - 44
9.	792 Finchley Road London NW11 7TJ - 21/1624/LBC - Golders Green	45 - 58
10.	Sunnyside House Sunnyside London NW2 2QL - 22/2242/FUL - Childs Hill	59 - 80
11.	46 West Hill Way London N20 8QS - 22/2161/HSE - Totteridge & Woodside	81 - 94
12.	26 Derwent Avenue, EN4 8LX - 22/1281/RCU - Brunswick Park	95 - 102
13.	Any item(s) that the Chair decides are urgent	

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## Decisions of the Planning Committee B

20 July 2022

AGENDA ITEM 1

Members Present:-

Councillor Claire Farrier (Chair)  
Councillor Nagus Narenthira (Substitute Vice Chair)

Councillors:

Councillor Nick Mearing-Smith  
Councillor Gill Sargeant  
Councillor Tony Vourou  
Councillor Joshua Conway

Apologies for Absence

Councillor Arjun Mittra

Councillor Melvin Cohen

### 1. MINUTES OF THE LAST MEETING

**RESOLVED** that the minutes of the meeting held on 22 June 2022 be agreed as a correct record.

### 2. ABSENCE OF MEMBERS

Apologies were received from Councillor Arjun Mittra who was substituted by Councillor Nagus Narenthira.

Apologies were received from Councillor Melvin Cohen who was substituted by Councillor Joshua Conway.

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

None.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

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

The Chair noted and honoured the request for Item 13 to be brought forward at the beginning of the agenda.

**6. 27 ASHLEY WALK, LONDON, NW7 1DU- 22/0671/FUL- MILL HILL**

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

The Committee received verbal representation from Erica Mason who spoke in objection to the application.

The Committee received verbal representations from the Agent, Huseyin Cicek on behalf of the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to refuse the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Refusal): 6

Against (Refusal): 0

Abstention: 0

Not present: 0

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

**7. 1 RIDGE ROAD LONDON NW2 2QT- 18/2270/FUL- CHILDS HILL**

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

The Committee received verbal representations from the Agent, Bryan Staff for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, Councillor Sargeant moved a motion which was seconded by the Committee to include the following informative to the application 'The applicant is advised that any applications for further extensions at roof level are unlikely to receive favourable consideration by the committee'.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to s106 and conditions as set out in the addendum, report and informative.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

Not present: 0

**RESOLVED** that the application was **APPROVED** subject to conditions and s106 **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**8. 18 & 20 RUSSELL GARDENS LONDON NW11 9NL- 21/6566/FUL- GOLDERS GREEN**

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

The Committee received verbal representations from the Applicant, Naomi Lerer and Councillor Mark Shooter who spoke in support of the application.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to S106 as set out in the report and the addendum with an informative.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

Not present: 0

Therefore, the application was **APPROVED**.

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

**9. 10 GARRICK ROAD LONDON NW9 6AP- 20/2437/FUL- WEST HENDON**

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

The Committee received a verbal representation from the Agent, Pol Gallagher for the Applicant.

The Committee had the opportunity to ask questions of the speakers and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to S106 as set out in the report and the addendum with an informative.

Votes were recorded as follows:

For (Approval): 5

Against (Approval): 0

Abstention: 1

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED that the application was APPROVED subject to s106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)**

**10. HENDON CEMETERY AND CREMATORIUM HOLDERS HILL ROAD LONDON NW7  
1NB- 22/1267/FUL- MILL HILL**

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

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the report.

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED that the application was APPROVED 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)**

**11. YAMOR HOUSE 285 GOLDERS GREEN ROAD LONDON NW11 9JE- 21/4742/FUL- GOLDERS GREEN**

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

The Committee received a verbal representation from the Agent, Joe Henry for the Applicant.

The Committee had the opportunity to ask questions of the speaker and officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application subject to conditions as set out in the addendum and report.

Votes were recorded as follows:

For (Approval): 5

Against (Approval): 1

Abstention: 0

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED that the application was APPROVED subject to s106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)**

**12. 26 OAKLANDS ROAD LONDON N20 8AX- 22/0453/FUL- TOTTERIDGE & WOODSIDE**

The report was introduced, and slides presented by the Planning Officer.

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to approve the application as set out in the report

Votes were recorded as follows:

For (Approval): 6

Against (Approval): 0

Abstention: 0

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED** that the application was **APPROVED** 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

The Chair agreed to a comfort break at 8.59pm. The meeting reconvened at 9.02pm.

### **13. MORRIS HOUSE 2B ELM WALK LONDON NW3 7UP- 22/0433/HSE- CHILDS HILL**

The report was introduced, and slides presented by the Planning Officer.

The Committee received verbal representations from Hannah David, Mr Aaronson & Councillor Matthew Perlberg who spoke in objection to the application.

The Committee received verbal representations from Dipesh Shah, the Agent for the Applicant.

Following discussions, the Committee voted on the Officer recommendation to **APPROVE** the application as set out in the report

Votes were recorded as follows:

For (Approval): 3

Against (Approval): 2

Abstention: 1

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED** that the application was **APPROVED** 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 as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

### **14. 686-688 FINCHLEY ROAD, LONDON, NW11 7NN- 21/6737/FUL- GARDEN SUBURB**

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

The Committee had the opportunity to ask questions of the officers.

Following discussions, the Committee voted on the Officer recommendation to **APPROVE** the application as set out in the report and addendum.

Votes were recorded as follows:

For (Approval): 5

Against (Approval): 1

Abstention: 0

Not present: 0

Therefore, the application was **APPROVED**.

**RESOLVED** that the application was **APPROVED** subject to s106 AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations as set out in this report and addendum provided this authority shall be exercised after consultation with the Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee).

**15. ANY ITEM(S) THAT THE CHAIR DECIDES ARE URGENT**

None.

The meeting finished at 9.20 pm

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**COMMITTEE REPORT**

- LOCATION:** Woodland to the rear of Burton Bank, Wills Grove Mill Hill
- REFERENCE:** 22/TPO/003
- WARD:** Mill Hill
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order with modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 118 - 140 Kenilworth Road (land adjacent), Edgware, HA8 8XF Tree Preservation Order 2021 with modification.
  2. That the person(s) making representations be advised of the reasons.

**1. MATERIAL CONSIDERATIONS**

Relevant Planning Policies and Guidance Adopted

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

Relevant Planning History

- Report of Service Director – Planning and Building Control dated 25<sup>th</sup> April 2022  
TCP/0154/22- Section 211 notice of intent for the following works:-

Undertake woodland management operations within sub compartments W200 and W213 as shown on the tree location plan:

- 1) Remove under story trees and shrubs with a stem diameter less than 7.5cm at BH (1.3m) and grind out stumps (exempt works)
- 2) Undertake selective thinning areas mature trees by 20% within woodland.
- 3) Fell any Holly and sycamore with a stem diameter no greater than 15cm at BH (1.3m) and grind out stumps
- 4) Remove ivy from trees (exempt works)
- 5) Allow for all chippings and logs to create wildlife environment.

Reason:- This would allow for greater inspection of the trees to maintain full health, allow for the existing trees to flourish, allow for greater access for any future works, create more light in for neighbours that complain, allow for a healthy woodland area. clear any storm damage

### Background Information/Officers Comments

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

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

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

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

National Planning Practice Guidance clarifies that:

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

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

groups of trees or of woodlands by reference to its or their characteristics including:

- size and form;
- future potential as an amenity;
- rarity, cultural or historic value;
- contribution to, and relationship with, the landscape; and
- contribution to the character or appearance of a conservation area.

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

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

A Tree Preservation Order was made on the 29<sup>th</sup> April 2022 in the interest of public amenity in the light of a section 211 notice of intent to undertake extensive tree works within the woodland to the rear of Burton Bank, Wills Grove Mill Hill.

Following a site visit with the applicant to review the works within the woodland it was verbally agreed lesser works would be more appropriate. However, the applicant failed to withdraw the 6 week notice of intended works. The proposed works would have had a significant and detrimental impact on the visual tree amenity of the area and the Mill Hill Conservation Area. This part of the conservation area is a mosaic of woodlands that are interlinked providing a large area of almost continuous tree cover.

The proposed works “ 1) Remove under story trees and shrubs with a stem diameter less than 7.5cm at BH (1.3m) and grind out stumps (exempt works)

2) Undertake selective thinning areas mature trees by 20% within woodland.

3) Fell any Holly and sycamore with a stem diameter no greater than 15cm at BH (1.3m) and grind out stumps”

For the complete removal of the understory shrub layer is not considered sound woodland management practice. As it would remove low level shelter and food sources for wildlife and impact significantly on the visual appearance of the woodland.

Removing 20% of the upper canopy (mature trees) would result in a significant reduction in tree cover leading to excessive under story growth, that treatment 1 was trying to address. The woodland has a normal stocking level and a reduction would

leave the woodland understocked and at a greater risk of storm damage which would harm the character and appearance of the conservation area.

Treatment 3 removal of holly and sycamore with stem diameter of less than 15cm, the need for this work was unclear. The removal of these establishing sycamore trees is imprudent as with ash die back disease coming to the borough. Sycamore would take the place to any ash trees that are infected, which would maintain the amenity within the woodland.

The Council as Local Planning Authority has power to make a Tree Preservation Order in the interests of amenity to provide for the preservation of trees or woodlands in their area (either initiating this process themselves or in response to a request made by any other party) and a statutory duty to make such Orders as appear necessary in connection with the 6 weeks sec 211 notice of intent for woodland works to ensure that adequate provision is made, by the imposition of conditions, for the preservation or planting of trees.

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

It is believed that the public amenity value of the woodland is considerable – as outlined above – and removal or reduction would have a significant negative impact on the local environment and its enjoyment by the public. The trees have been assessed as being clearly visible from public places; contributing significantly to the character and appearance of the estate, and having ecological value for nature conservation. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over any future treatments of the woodland.

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

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations. Representations were received from the landowner Mill Hill Education Trust..

The Tree Preservation Order (TPO) secures the protection of the trees on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take



into account all duly made objections and representations before deciding whether to confirm the TPO.

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

*“While there are a number of reasons to object to the confirmation of TPO 22/TPO/003, the overriding reason is that the TPO is unnecessary because the trees are already protected by virtue of being within the Mill Hill Conservation Area and are under good management.*

*The present level of protection has been effective in preserving the trees to date and can be relied upon to provide protection in the future.*

*In addition, the form of the TPO is not appropriate to the situation and, in particular, the woodland designation is not appropriate in areas where the land is managed as mown grass and includes an area covered by a tarmac tennis court”*

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

- (i) As described above the proposed works would have a detrimental effect on the structure and integrity of the woodland. In addition to this it is usual for woodland works to be undertaken in accordance with a long-term plan (25 years). These plans include clear objectives and set out how they could be achieved. No woodland management plan was submitted with the sec 211 notice or discussed during the site visit. Therefore officers concluded that the works were not part of a long-term strategy, which would be considered ‘good practice’ by industry professionals.
- (ii) The TPO was made as it was expedient to prevent excessive and harmful works from taking place within a woodland that is an essential component of the conservation area’s character.
- (iii) The woodland TPO does include a tennis court and grass areas used for sporting and other school activities. Because of the nature of woodland TPO designation, any tree growing in these areas would be protected by the order. Officers accept that it would not be appropriate for the school to allow trees to grow in these locations. Therefore, the tennis courts and sports areas will be excluded from the order.
- (iv) Inclusion of the trees in an Order accords with the Local Planning Authority’s statutory duty to ensure that adequate provision is made for the preservation of trees and provides enforceability in relation to any tree-related conditions deemed appropriate when determining the development application; as well as allowing some measure of control over treatment considered excessive.
- (v) The inclusion of this woodland in an Order does not prevent treeworks being undertaken, but means that application(s) for consent for

treatment of the designated trees/woodland need to be submitted in accordance with planning legislation. Each application would be considered on its merits on the basis of the information submitted at the time and there is no reason to believe that consent would be refused for treatment in accordance with good arboricultural practice.

- (vi) The inclusion of trees in an Order does allow the Local Planning Authority (LPA) some measure of control over treatment – in that it can refuse pruning or felling which it considers inappropriate / excessive - but there is an appeal procedure if an applicant is aggrieved by the decision, as well as exemption provisions for e.g. removal of deadwood.
- (vii) However, these powers are reactive rather than pro-active – so whilst the LPA can now approve / refuse application(s) and has powers of enforcement relating to contravention of the legislation; it cannot require that somebody submits a specific application, nor that any consented treework is implemented – i.e. the making / confirmation of the Tree Preservation Order does not provide the LPA with the right (power or duty) to insist that treework is carried out.
- (viii) The owners, Mill Hill Education Trust manages many trees other trees protected by tree preservation orders and is very familiar with the process. Undertaking woodland management works would be similar to the other applications. It may also encourage the development a long term management plan.

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

## **2. EQUALITIES AND DIVERSITY ISSUES**

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

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

### 3. CONCLUSION

The confirmation of the Tree Preservation Order as modified below is considered appropriate in the interests of public amenity. As set out above, it is considered the woodland designated as woodland W1 of the Order contribute significantly to public amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. Inclusion of the trees in an Order would give the Council as Local Planning Authority some measure of control over treatment considered excessive; as well as allowing imposition of planning condition(s) if deemed appropriate when determining the development application.



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**Location** 30 Clifton Avenue London N3 1BN

**Reference:** 22/1884/HSE

Received: 8th April 2022

AGENDA ITEM 7

Accepted: 8th April 2022

**Ward:** Finchley Church End

Expiry 3rd June 2022

**Case Officer:** Zakera Matin

**Applicant:** Mrs A Starr

**Proposal:** Roof extension involving rear dormer window and front and side facing rooflights

### **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 Chair (or in their absence the Vice-Chair) 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:

220162/01 Rev B  
220162/02 Rev D

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

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

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

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

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

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The subject property is a detached dwellinghouse sited on the south east side of Clifton Avenue.

The existing dwelling features a two gable fronted roof. The ridge height is lower than the neighbouring properties.

Neighbouring No.32 is a semi-detached dwelling sited to the north east of the subject dwelling. It features a pitched roof with end gable. There is a two storey front bay window

with gable roof.

Neighbouring No.28 is a semi-detached dwelling sited to the south west of the subject dwelling. It features a pitched roof, with side dormer. There is a two storey front bay window with gable roof.

The site does not fall within conservation area and building is not listed.

## 2. Site History

Site Address: Land between 28 and 32 Clifton Avenue N3  
Application Number: C00928  
Application Type: Full Application  
Decision: Refuse  
Decision Date: 13/06/1966  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Erection of two-storey detached house and garage.

Site Address: Land between 28 and 32 Clifton Avenue N3  
Application Number: C00928A  
Application Type: Full Application  
Decision: Refuse  
Decision Date: 13/06/1966  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Erection of two self-contained flats.

Site Address: Land between 28 and 32 Clifton Avenue London N3  
Application Number: C00928B  
Application Type: Full Application  
Decision: Refuse  
Decision Date: 26/09/1966  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Erection of two self-contained flats and three garages.

Site Address: Between 28 and 32 Clifton Avenue N3  
Application Number: C00928C  
Application Type: Outline Application  
Decision: Approve with conditions  
Decision Date: 03/01/1967  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Erection of a detached dwelling and two garages

Site Address: 28 Clifton Avenue N3  
Application Number: C00928D  
Application Type: Outline Application  
Decision: Approve with conditions  
Decision Date: 25/06/1986  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists

Proposal: Erection of a two storey dwelling house and two garages  
Case Officer:

Site Address: LAND ADJ 28 Clifton Avenue LONDON N3  
Application Number: C00928E  
Application Type: Full Application  
Decision: Approve with conditions  
Decision Date: 26/11/1986  
Appeal Decision: No Appeal Decision Applies  
Appeal Decision Date: No Appeal Decision Date exists  
Proposal: Erection of two storey dwelling house with integral garage  
Case Officer:

Reference: F/03966/12  
Proposal: Single storey rear extension with 1no rooflight.  
Decision: Approved subject to conditions  
Date: 18.12.2012

### **3. Proposal**

The proposal is for roof extension involving rear dormer window and front and side facing rooflights.

The ridge would be increased in height from 8.2m to 9.6m similar to neighbouring property no.28.

The increase in ridge would be 1.4m. Same pitch would be retained on sides.

The existing two front gables would be replaced by hipped roof with one front gable feature similar to neighbouring front gable feature of no.32 and 28.

There would be front and side rooflights and one rear dormer.

The dormer would measure 1.4m in height, 2.1m wide and 1.7m deep with flat roof.

The loft would accommodate 2 bedrooms, a staircase and a bathroom.

### **4. Public Consultation**

Consultation letters were sent to 9 neighbouring properties.

Objections have been received from 3 neighbouring residents.

The comments received can be summarised as follows:

- Probable overlooking for no.28
- Probable loss of light, overshadowing and overlooking for no.32
- Incongruous with neighbouring properties
- increased height would emphasise differences to neighbouring properties
- previous permissions have been refused

The application has been amended since the original submission and neighbours were re-consulted. Further objections were received.

1 letter of support has been received, with the following comments:

- will improve the appearance of the neighbourhood
- fits better with design of existing houses
- the 2 adjacent properties also have loft conversions

The application was referred to committee by Councillor Greenspan for the following



reason: "Impact on neighbouring properties and out of character ".

## **5. Planning Considerations**

The proposal has been amended to make it acceptable.

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The revised National Planning Policy Framework (NPPF) was published on was published in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 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. The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant policy: D1, D4, D6.

#### Barnet's Local Plan (2012)

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### **Impact on the character and appearance of the property and general locality**

Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, Core Policy CS05 and London Plan 2021.

Policy DM01 states that all proposals should preserve and enhance the local character of the area.

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

Paragraph 14.2 of the SPD Residential Design Guide states that, extensions to houses both individually and cumulatively can have a profound effect on the appearance of an area. It further mentions that, the cumulative effect of extensions and their impact on the appearance of an area should also be taken into account.

Paragraph 14.8 and 14.9 of the SPD Residential Design Guide emphasises on maintaining harmony and consistency with the form, scale and architectural style of the original building. It further states that, this can be achieved through; respecting the proportion of the original house, using appropriate roof form, matching the material and details and reflecting the character of the original house.

Paragraph 14.13 of the SPD Residential Design Guide provides guidance on fitting in to the street and states that, if there is a consistent and coherent architectural character, the extension should not detract from it.

It is noted that with two gable fronted roof, the existing dwelling is an anomaly in the street scene, where neighbouring properties feature pitched roof with projecting two storey bay with gable roof.

The proposal would replace the front two gables with a hipped roof with similar pitch as existing. There would be one front gable feature similar to neighbouring gable roof of the projecting bays. The ridge height would be increased 1.4m from the existing ridge and the proposed height would be same as neighbouring property no.28.

This would make the proposal harmonious in the street scene. The proposed roof would be sympathetic to architectural style of the neighbouring properties and would be consistent and coherent with the character of the neighbouring properties and would not appear incongruous.

SPD Residential Design Guide (2016) states that dormer windows should be subordinate feature on the roof and should not occupy more than half the width and depth of the rear roofslope.

The proposed rear dormer would measure 1.4m in height, 2.1m wide and 1.7m deep with flat roof. It would be visually contained in the rear roofslope. It is considered to be a proportionate addition and would respect the character of the dwelling and the area.

The proposed rooflights in the front and side roof slopes would be modest in size and would respect the character of the dwelling and the area.

### **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 the London Plan 2021) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

It is noted that the proposed rooflights would be sited on the hipped roof slope at higher level on two sides which angle away from the neighbouring properties no.28 and 32 and would be sited 3m away from the side dormer of no.28 and end gable window of no.32. The proposed rooflights would provide a view at an oblique angle and would not directly overlook the neighbouring properties and are considered not to have any detrimental impact on the amenities of those neighbouring properties in terms of overlooking impact.

It is noted that existing rear elevation features 2 windows at first floor. The proposed rear dormer would be similar in size as these existing first floor windows and the relationship with the neighbouring properties no.32 and 28 would be similar as existing.

The proposed rear dormer is not considered to have any detrimental impact on the amenities of neighbouring properties because of its siting on rear roof slope and modest scale. It would not appear overbearing when viewed from neighbouring properties and would not cause any additional overlooking for neighbouring properties no.32 and 28.

The proposal would increase the ridge height by 1.4m. However, this increased height would be sloped away from the neighbouring properties no.32 and 28 and would follow the same pitch as the existing roof slope. The proposed ridge would be sited 4.2m away from neighbouring properties no.32 and 28.

The second floor side facing window to no. 32 would appear to be to a staircase (from looking at planning history). No. 28 has a second floor side facing window to a part of the converted loft also served by front and rear facing rooflights. In this context, it is not considered that the increased ridge height would have any significant additional overshadowing for no. 32 which is sited towards the north east of subject property. No. 28 is sited towards the south west in relation to the subject property and the increased ridge height is not considered to result in significant additional overshadowing for no.28. It is considered the additional height of the roof, involving pitched roofs on all elevations would not be so dominant as the adversely affect outlook from existing windows.

Existing lower ground windows to nos. 28 and 32 are already affected by the existing house at 32.

It is considered that the proposal would not have any detrimental impact on the amenities of neighbouring properties because of acceptable design and scale.

## **5.4 Response to Public Consultation**

These have largely been addressed within the report.

Comments have been made about previous refusals on the site for a detached dwelling. These decisions were made in the 1960s. The existing property appears to date from the 1980s. Any proposal for extensions should be considered on the basis of current planning policies and guidelines.

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

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

## 7. Conclusion

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



LOCATION PLAN

(1:1250)



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**Location** 792 Finchley Road London NW11 7TJ

**Reference:** 21/1623/FUL

Received: 24th March 2021

Accepted: 26th March 2021

**Ward:** Golders Green

Expiry 21st May 2021

**Case Officer:** Emily Bell

**Applicant:** N. Mizrachi

**Proposal:** Change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window

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 Chair (or in their absence the Vice-Chair) 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:

2113-NMA-00-ZZ-DR-B-00001 Rev P1: Location Plan

2113-NMA-00-ZZ-DR-B-00005 Rev P1: Block Plan

2113-NMA-00-ZZ-DR-B-00010 Rev P2: Existing Arrangement

2113-NMA-00-ZZ-PH-B-00700 Rev P1: Existing Shopfront

2113-NMA-00-ZZ-DR-A-00010 Rev P5: Proposed Arrangement

2113-NMA-00-ZZ-DR-A-00011 Rev P2: Proposed External Seating Area

Design and Access Statement

Heritage Statement

NWV\_1 GFR: Kitchen Vent Proposal

HA Acoustics: Noise Impact Assessment

EMAQ Odour Assessment

Nationwide Ventilation: INTROzone

Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022

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

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

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

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

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

- 4 a) The development shall be implemented in accordance with the details of extraction and ventilation as submitted and approved in the application.

b) The mitigation measures in respect of noise, vibration and odour shall be fully implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 5 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).

- 6 The outside seating area hereby permitted shall be limited to the area shown on drawing no. 2113-NMA-00-ZZ-DR-A-00011 Rev P2 and shall not be open to members of the public before 9am or after 9pm on any day.



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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 8 The use hereby permitted shall not be open to members of the public before 9am or after 11pm on weekdays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays, no food shall be available for delivery outside of these times.

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

- 9 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9am or after 9p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 10 a) The development shall be implemented in accordance with the measures set out within the Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022 including the installation of the suspended ceiling.

b) The mitigation measures shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

- 11 Before the development commences details of the suspended ceiling and how it will be installed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core

Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.
- 4 The flue must be installed with anti-vibration mounts.

**OFFICER'S ASSESSMENT**

The application was considered by Planning Committee C on 11/10/2021 and was deferred in order to give the applicant an opportunity to assess and mitigate against noise

and disturbance from the future use of the building as a cafe. It was noted that the assessment should include the potential impact on upper floor residential occupiers. The applicant submitted 'Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022'. The council's Environmental Health officers were satisfied with the findings of the report. The majority of the system is internal and therefore vibration/noise transfer is likely to occur through the ceiling of the café. As per the recommendation of the noise assessment, a new suspended ceiling has been indicated on the proposed plans (2113-NMA-00-ZZ-DR-A-00010 Rev P5).

## 1. Site Description

The application site is part of a group of terraced properties known as Arcade House. It comprises of 2 storeys with accommodation within the roof, flanked on either side by three storey front gabled projections. It is located on the north eastern side of Finchley Road within the Garden Suburb and forms part of a Primary Retail Frontage, which provides a range of commercial services and uses including retail and financial services.

Arcade House is a grade II statutory listed building with retail units at ground floor and flatted units above. This application relates to the ground floor commercial unit.

The site is also located within the Hampstead Garden Suburb Conservation Area and is subject to an Article 4 Direction.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the

paved area. There are no street trees until after the junction with Willifield Way, so the general feel on the eastern side of the road is very open, even somewhat bare."

## **2. Site History**

Nil.

## **3. Proposal**

This application seeks consent for the change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window.

Additional odour control and acoustic details were submitted during the course of the application.

The proposed hours of use are;

Monday to Thursday: 9am to 11pm

Friday: 9am to 2pm (Nov - March) and 9am to 4pm (April - October)

Saturday: Closed

Sunday: 9am to 11pm

## **4. Public Consultation**

Site notice: 06/04/2021

Press notice: 08/04/2021

133 consultation letters were sent to neighbouring properties.

13 letters of objection have been received.

The views of objectors can be summarised as follows;

- Noise disturbance
- Fumes and odour from cooking
- Disruption from deliveries
- Out of character with Conservation Area
- Hours of opening
- Enough food establishments on Finchley Road
- Increased fire risk
- Littering
- Loss of privacy
- Construction noise
- Increases in traffic
- Congestion
- Lack of parking
- Increased rubbish
- Potential for rats
- Impact on young children
- Passages blocked for residents at Arcade House
- Moped delivery people hanging about outside
- No marketing information submitted
- Where will pick up orders wait / park
- Noise and odour information submitted insufficient
- Users of garden at Temple Fortune House have suffered since A3 premises opened, how will this be prevented here.

Other / internal consultations:

Highways: No objection subject to suggested informative. The outdoor seating is on the private property frontage.

Environmental Health: No objection subject to suggested conditions and informatives, following additional acceptable information on odour control measures

The Hampstead Garden Suburb Trust have granted Provisional Consent for the proposals.

## **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 updated in 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

#### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is

in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM11.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance (2010)

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the change of use
- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the individual Listed building, street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

### **5.3 Assessment of Proposals**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the

architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Chapter 16 of the National Planning Policy Framework sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset. In this instance, it is considered that there is no harm associated with the proposal to the heritage asset and is therefore acceptable having regard to the provisions of Policy DM06 of the Development Management Policies and Section 16, 72 of the Planning (Listed Building and Conservation Areas) Act 1990. Accordingly, it is recommended that planning permission should be granted.

This application seeks consent for the change of use to cafe and minor alterations (including signage and external seating) to the existing retail unit within the host Grade II listed building.

#### Principle of the change of use

The unit is currently a Retail Shop, that used to formerly sell clothing and is currently vacant.

Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class E.

The Use Classes Order specifies classes for the purposes of section 55(2)(f) of the Town and Country Planning Act 1990, which provides that a change of use of a building or other

land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. It is noted that both the existing use A1 and proposed use A3 would fall under the new governing use class E. Under the new use class order the proposal would not constitute development and therefore such a change would not require the express approval of the LPA.

Taking into consideration all of the above, it is considered that the proposed change of use from former A1 to A3 would not have any detrimental impact to the viability and vibrancy of Temple Fortune shopping parade and is of a typical and appropriate use found within a shopping parade. Furthermore, such a change would be supported by recent changes to the Use Class Order.

### Impact on the character of the Listed Building and wider Conservation Area

#### External works

The external works proposed include the removal of the previous tenants lighting and awning from the front of the site; the existing shopfront will be repaired & redecorated.

New signage is proposed to the recessed area above the front door. A separate advert application for this element of the proposals will be required.

Vinyl window advertisements will be applied internally to both sides of the front windows advertising the premises, as this is not on the outside of the building and can be easily removed it does not require formal advertisement consent.

A row of external seating for 10 customers is proposed to the front of the unit, positioned 1.8m away from the existing shopfront and lining up with the existing front projection of Arcade House. Adjacent to the external pillars on the front of the site containers for refuse and recycling will be kept during business hours. All equipment will be monitored and maintained during opening hours and taken in at the end of each day.

At the rear of the site, it is proposed to install a new vent through the existing sash window. The vent will serve the internal extraction and ventilation system, which has been reviewed and assessed by the Council's Environmental Health department, who raised no objection to the details.

The external proposals to the listed building are minor in their nature, and not considered to be harmful to either the character and appearance of the host listed building, nor detrimental to the special of the Hampstead Garden Suburb Conservation Area in this town centre location.

#### Internal works

Internally the main area to remain as existing; the unit will be redecorated, and redundant services removed.

A new accessible WC & baby change unit will be provided with drainage connected to existing drainage in basement and non-slip vinyl flooring laid over the existing floor covering and coved skirtings. This is considered to be acceptable and could be removed for future occupiers.

At the rear of the unit within the preparation area, an extract system is proposed to be



installed to a specialist supplier's design. The details of the noise and odour mitigation have been assessed by the Council's Environmental Health department who, subject to the additional information provided, are satisfied that the measures to reduce noise and odours.

All the back of house prep / storage / wc areas to be re-finished to Food Standards Agency & Council requirements.

The internal proposals are not considered to harm the character and appearance of the host Grade II Statutory listed building. Details of the suspended ceiling and how it will be installed are to be conditioned to ensure no harm to the historic fabric of the building.

#### Impact on the amenity of neighbouring occupiers

The modest external and internal alterations to the listed building are not considered to be give rise to any loss of amenity to neighbouring occupiers.

In terms of the impact on neighbours from noise from the proposed ventilation and odour system, as detailed above, the Council's Environmental Health department has both assessed the initially submitted noise details and the subsequent odour details and raises no objection to the development on these grounds. Following the consideration by Planning Committee C, further noise assessment was carried out. A new suspended ceiling is proposed to minimise internal noise transfer.

The proposed hours of use reflect religious observance of the Jewish faith and therefore close early on Fridays and do not open at all on Saturday's. This is similar to other premises along the High Street. Other uses such as convenience shops or restaurants could be open with similar hours so this element of the proposals is not considered to give rise to any greater impact on the amenity of neighbouring occupiers in terms of noise and disturbance compared to other uses. Given the presence of flats above the shops, it is considered appropriate to limit the use of the outside seating area to no later than 9pm.

#### Impact on trees

The proposals which are to a commercial unit on the High Street and away from any vegetation will not have a detrimental impact on the health of trees.

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

The concerns raised by objectors are noted.

Any potential noise disturbance and fumes or odour from cooking are mitigated through the introduction of the internal extract and ventilation system which has been reviewed by the Council's Environmental Health department, who raise no objection to the proposals on these grounds.

It is expected that there will be some noise from deliveries, but this would be the same for any business operating on site and not specific to the proposed use.

It is not considered that the proposals are out of character with the Conservation Area; this part of the CA is part of the High Street where commercial and business premises are expected.

The proposed hours of opening are similar to other food premises along Finchley Road and could be opened for similar times if were another use within Class E.

The point raised that there are enough food establishments on Finchley Road is noted but for the reasons given above the application is considered acceptable within the current Use Class Order and the development will not harm the vitality of this part of Finchley Road.

It is not considered that the proposals give rise to any increased fire risk.

The proposals are not considered to give rise to a loss of privacy to the occupiers of the residential units on the upper floors of the building. Access into the unit is kept to the front of the site which is part of the town centre, it is not expected that customers will be accessing the residential parts of the building.

Noise from construction is expected when a premises is taken over by new occupiers. A condition specifying the hours of construction is applied to this permission.

The proposed development has been reviewed by the Council's Highways department who raise no objection to the proposals; it is not expected that the proposed development would result in significant increases to traffic or congestion in the locality. Whilst the immediate roads are subject to a CPZ, there are roads without a CPZ within walking distance and therefore it is not considered that there is a lack of parking in the surrounding area.

Concerns related to increased rubbish and the potential for rats are noted. The new premises will have bins monitored and maintained for the external seating which will be put away at the end of the day. Two bin store areas are provided within the private service road to the rear of the unit. Waste & recycling bins will be located in those areas until removed by a private waste contractor.

The proposed development is not considered to have a detrimental impact on young children.

The existing passages should not be blocked for residents at Arcade House as a result of the development.

It is now more common to see moped delivery people hanging about outside various premises which offer some sort of delivery feature. However, the presence of delivery drivers is not a material planning consideration in this case. Use of the premises as a takeaway facility would normally require planning permission.

In this instance no marketing information was required to be submitted with this application due to the change to the use Class Order in 2020 which allowed for the proposed change of use as proposed.

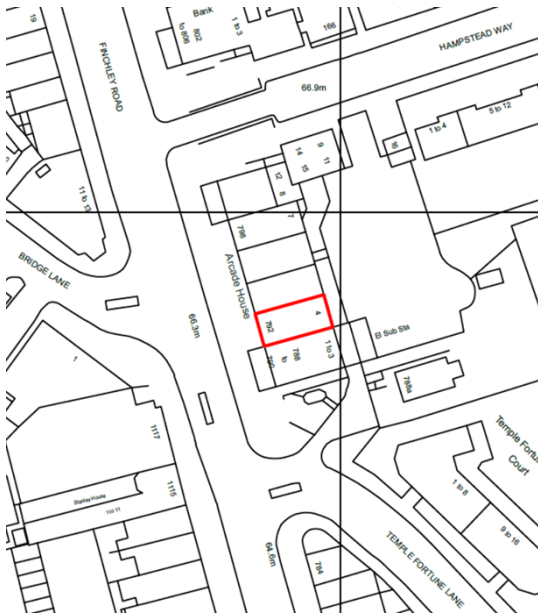
The comments made that the noise and odour information submitted is insufficient is noted. Additional information to address odour was submitted during the course of the application and the Council's Environmental Health department consider the development will not impact the neighbours in terms of odour.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, the proposed alterations would not detrimentally impact on the qualities of statutory listed application property, or group of which it forms part, as well as protecting the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.



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**Location** 792 Finchley Road London NW11 7TJ

**Reference:** 21/1624/LBC

Received: 24th March 2021

Accepted: 26th March 2021

**Ward:** Golders Green

Expiry 21st May 2021

AGENDA ITEM 9

**Case Officer:** Emily Bell

**Applicant:** N. Mizrachi

**Proposal:** External alterations including new signage, external seating and new extraction system with ventilation grille to rear window

### **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 Chair (or in their absence the Vice-Chair) 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:

2113-NMA-00-ZZ-DR-B-00001 Rev P1: Location Plan

2113-NMA-00-ZZ-DR-B-00005 Rev P1: Block Plan

2113-NMA-00-ZZ-DR-B-00010 Rev P2: Existing Arrangement

2113-NMA-00-ZZ-PH-B-00700 Rev P1: Existing Shopfront

2113-NMA-00-ZZ-DR-A-00010 Rev P5: Proposed Arrangement

2113-NMA-00-ZZ-DR-A-00011 Rev P2: Proposed External Seating Area

Design and Access Statement

Heritage Statement

NWV\_1 GFR: Kitchen Vent Proposal

HA Acoustics: Noise Impact Assessment

EMAQ Odour Assessment

Nationwide Ventilation: INTROzone

Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022

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 work must be begun not later than three years from the date of this consent.

Reason: To comply with Section 18 of the Planning (Listed Buildings and Conservation Areas) Act 1990 (as amended).

- 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 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).

- 5 The outside seating area hereby permitted shall be limited to the area shown on drawing no. 2113-NMA-00-ZZ-DR-A-00011 Rev P2 and shall not be open to members of the public before 9am or after 9pm on any day.

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

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04

of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

- 7 The use hereby permitted shall not be open to members of the public before 9am or after 11pm on weekdays and Saturdays or before 9am or after 11pm on Sundays and Bank and Public Holidays, no food shall be available for delivery outside of these times.

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

- 8 No deliveries shall be taken at or dispatched from the site on any Sunday, Bank or Public Holiday or before 9am or after 9p.m. on any other day.

Reason: To prevent the use causing an undue disturbance to occupiers of adjoining residential properties at unsocial hours of the day.

- 9 All new external and internal works and finishes and works of making good to the retained fabric, shall match the existing adjacent work with regard to the methods used and to material, colour, texture and profile, unless shown otherwise on the drawings or other documentation hereby approved or required by any condition(s) attached to this consent.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core Strategy (adopted September 2012).

- 10 a) The development shall be implemented in accordance with the measures set out within the Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022 including the installation of the suspended ceiling.

b) The mitigation measures shall be implemented in their entirety prior to the commencement of the use or first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies D13 and D14 of the London Plan 2021.

- 11 Before the development commences details of the suspended ceiling and how it will be installed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to safeguard the special architectural or historic interest of the Listed Building in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012) and CS NPPF of the Local Plan Core

Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 permission of the New Hampstead Garden Suburb Trust Ltd may also be necessary and this can be obtained from: The Trust Manager, The New Hampstead Garden Trust Ltd, 862 Finchley Road, London NW11 6AB (Telephone 020 8455 1066). See <http://www.hgstrust.org/> for more information.
- 3 The developer is required apply to the Highway Authority for a Projection Licence under Highways Act 1980 for any overhanging over the public highway. The overhang must be a minimum height of 2.7 metres above the footway and 4.1 metres above the carriageway.
- 4 The flue must be installed with anti-vibration mounts.

**OFFICER'S ASSESSMENT**

The application was considered by Planning Committee C on 11/10/2021 and was deferred in order to give the applicant an opportunity to assess and mitigate against noise and disturbance from the future use of the building as a cafe. It was noted that the assessment should include the potential impact on upper floor residential occupiers. The



applicant submitted 'Sound Insulation Test and Noise Impact Assessment REF HA/AD195-2/V1.2 April 2022'. The council's Environmental Health officers were satisfied with the findings of the report. The majority of the system is internal and therefore vibration/noise transfer is likely to occur through the ceiling of the café. As per the recommendation of the noise assessment, a new suspended ceiling has been indicated on the proposed plans (2113-NMA-00-ZZ-DR-A-00010 Rev P5).

## 1. Site Description

The application site is part of a group of terraced properties known as (Arcade House). It comprises of 2 stories with accommodation within the roof, flanked on either side by three storey front gabled projections. 1.2 It is located on the north eastern side of Finchley Road within the Garden Suburb and forms part of a Primary Retail Frontage, which provides a range of commercial services and uses including retail and financial services.

Arcade House is a grade II statutory listed building with retail units at ground floor and flatted units above. This application relates to the ground floor commercial unit.

The site is also located within the Hampstead Garden Suburb Conservation Area and is subject to an Article 4 Direction.

The adopted Conservation Area Character Appraisal notes;

"The oldest part of Hampstead Garden Suburb embodies the social and aesthetic visions of its progenitors. It has a wide variety of housing, maisonettes, small and large cottages, and social housing. There are public buildings and recreational facilities serving the Suburb as a whole. Aesthetically, it is an early expression of Unwin's planning ideas and his belief that excellence in architectural design could be applied to cottages and major buildings alike.

The road layout exploits the gently undulating land; there are curved roads, views from the rise of the low slopes, intimate closes linked by twittens and careful treatments of corners so that vistas are closed with attractive focal buildings. The ambiance is village-like, with small greens, allotments and tennis courts provided for relaxation. The retention of boundary oak trees from the pre-existing field boundaries, together with the street trees, hedges and the generous gardens, make a lush green setting for the houses. Where roads are too narrow for street trees, trees in front garden take on an increased importance.

To the south, the grade II-listed Arcade House and Temple Fortune House mark the entrance to the Suburb from Finchley Road. The design is heavily influenced by the fortified town of Rothenberg in Bavaria and skilfully brings together shops and flats into buildings that make a dramatic statement about the entry into a designed environment.

Temple Fortune House and Arcade House are important architectural statements contributing to the character of the area. The sense of a planned streetscape does not continue after these buildings. Moving northwards the developments are varied: the Art Deco influenced style of the M&S store; blocks of NeoGeorgian flats; Birnbeck Court; a modern sheltered housing complex, consciously designed to use materials and detailing commonly found in the Suburb; and, more exotically, the green tiled 'Pantiles'. Individually, these are all interesting buildings which address the scale of the street, being of a similar height and mass, but they do not relate to each other to create any particular effect. In this central section the pavements are very wide, even where parking bays encroach onto the paved area. There are no street trees until after the junction with Willifield Way, so the

general feel on the eastern side of the road is very open, even somewhat bare."

## **2. Site History**

Nil.

## **3. Proposal**

This application seeks consent for the change of use from Retail to Cafe, with external seating. New extraction system with ventilation grille to rear window.

Additional odour control and acoustic details were submitted during the course of the application.

The proposed hours of use are;

Monday to Thursday: 9am to 11pm

Friday: 9am to 2pm (Nov - March) and 9am to 4pm (April - October)

Saturday: Closed

Sunday: 9am to 11pm

## **4. Public Consultation**

Site notice: 06/04/2021

Press notice: 08/04/2021

There is no neighbour consultation for a Listed Building application.

One objection was received to the listed building application.

Objections were received in connection with the accompanying planning application, reference: 21/1623/FUL.

The views of objectors can be summarised as follows;

- Noise disturbance
- Fumes and odour from cooking
- Disruption from deliveries
- Out of character with Conservation Area
- Hours of opening
- Enough food establishments on Finchley Road
- Increased fire risk
- Littering
- Loss of privacy
- Construction noise
- Increases in traffic
- Congestion
- Lack of parking
- Increased rubbish
- Potential for rats
- Impact on young children
- Passages blocked for residents at Arcade House
- Moped delivery people hanging about outside
- No marketing information submitted

- Where will pick up orders wait / park
- Noise and odour information submitted insufficient
- Users of garden at Temple Fortune House have suffered since A3 premises opened, how will this be prevented here.

Other / internal consultations:

Highways: No objection subject to suggested informative.

Environmental Health: No objection subject to suggested conditions and informatives, following additional acceptable information on odour control measures

The Hampstead Garden Suburb Trust have granted Provisional Consent for the proposals.

## **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 updated in 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

The new London Plan which sets out the Mayor's overarching strategic planning framework from 2019 up to 2041 was adopted in March 2021, replacing the London Plan 2016.

#### Barnet's Local Plan (2012)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM11.

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (2016)

Hampstead Garden Suburb Conservation Area Character Appraisal and Design Guidance (2010)

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Principle of the change of use
- Whether the alterations would be a visually obtrusive form of development which would detract from the character and appearance of the individual Listed building, street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

### **5.3 Assessment of Proposals**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both

houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

Section 16(2) of the Planning (Listed buildings and Conservation Area) Act 1990 states that 'In considering whether to grant listed building consent for any works the local planning authority or the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses.'

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. The National Planning Policy Framework sets out that the local planning authority should identify and assess the particular significance of any heritage asset...They should take this assessment into account when considering the impact of a proposal on a heritage asset, to avoid or minimise conflict between the heritage asset's conservation and any aspect of the proposal.

It also sets out the framework for decision making in planning applications relating to heritage assets and this application takes account of the relevant considerations in these paragraphs.

Having regard to the above therefore, there is no material harm to the designated heritage asset has been identified and therefore consent should be granted in accordance with Policy DM06 of the Development Management Policies. Due regard has been given to the provisions of Section 16 of the Planning (Listed Building and Conservation Areas) Act 1990.

This application seeks consent for the change of use to cafe and minor alterations (including signage and external seating) to the existing retail unit within the host Grade II listed building.

#### Principle of the change of use

The unit is currently a Retail/Shop, that used to formerly sell clothing and is currently vacant.

Use Class E of the Use Classes Order 1987 (as amended) was introduced on 1st September 2020 and covers the former use classes of A1 (shops), A2 (financial and professional), A3 (restaurants and cafes) as well as parts of D1 (non-residential institutions) and D2 (assembly and leisure) and puts them all into one new use class E.

The Use Classes Order specifies classes for the purposes of section 55(2)(f) of the Town

and Country Planning Act 1990, which provides that a change of use of a building or other land does not involve development for the purposes of the Act if the new use and the former use are both within the same specified class. It is noted that both the existing use A1 and proposed use A3 would fall under the new governing use class E. Under the new use class order the proposal would not constitute development and therefore such a change would not require the express approval of the LPA.

Taking into consideration all of the above, it is considered that the proposed change of use from former A1 to A3 would not have any detrimental impact to the viability and vibrancy of Temple Fortune shopping parade and is of a typical and appropriate use found within a shopping parade. Furthermore, such a change would be supported by recent changes to the Use Class Order.

### Impact on the character of the Listed Building and wider Conservation Area

#### External works

The external works proposed include the removal of the previous tenants lighting and awning from the front of the site; the existing shopfront will be repaired & redecorated.

New signage is proposed to the recessed area above the front door. A separate advert application for this element of the proposals will be required.

Vinyl window advertisements will be applied internally to both sides of the front windows advertising the premises, as this is not on the outside of the building and can be easily removed it does not require formal advertisement consent.

A row of external seating for 10 customers is proposed to the front of the unit, positioned 1.8m away from the existing shopfront and lining up with the existing front projection of Arcade House. Adjacent to the external pillars on the front of the site containers for refuse and recycling will be kept during business hours. All equipment will be monitored and maintained during opening hours and taken in at the end of each day.

At the rear of the site, it is proposed to install a new vent through the existing sash window. The vent will serve the internal extraction and ventilation system, which has been reviewed and assessed by the Council's Environmental Health department, who raised no objection to the details.

The external proposals to the listed building are minor in their nature, and not considered to be harmful to either the character and appearance of the host listed building, nor detrimental to the special of the Hampstead Garden Suburb Conservation Area in this town centre location.

#### Internal works

Internally the main area to remain as existing; the unit will be redecorated, and redundant services removed.

A new accessible WC & baby change unit will be provided with drainage connected to existing drainage in basement and non-slip vinyl flooring laid over the existing floor covering and coved skirtings. This is considered to be acceptable and could be removed for future occupiers.

At the rear of the unit within the preparation area, an extract system is proposed to be installed to a specialist supplier's design. The details of the noise and odour mitigation have been assessed by the Council's Environmental Health department who, subject to the additional information provided, are satisfied that the measures to reduce noise and odours.

All the back of house prep / storage / wc areas to be re-finished to Food Standards Agency & Council requirements.

The internal proposals are not considered to harm the character and appearance of the host Grade II Statutory listed building. Details of the suspended ceiling and how it will be installed are to be conditioned to ensure no harm to the historic fabric of the building.

#### Impact on the amenity of neighbouring occupiers

The modest external and internal alterations to the listed building are not considered to be give rise to any loss of amenity to neighbouring occupiers.

In terms of the impact on neighbours from noise from the proposed ventilation and odour, as detailed above, the Council's Environmental Health department has both assessed the initially submitted noise details and the subsequent odour details and raises no objection to the development on these grounds. Following the consideration by Planning Committee C, further noise assessment was carried out. A new suspended ceiling is proposed to minimise internal noise transfer.

The proposed hours of use reflect religious observance of the Jewish faith and therefore close early on Fridays and do not open at all on Saturday's. This similar to other premises along the High Street. Other uses such as convenience shops or restaurants could be open with similar hours so this element of the proposals is not considered to give rise to any greater impact on the amenity of neighbouring occupiers in terms of noise and disturbance compared to other uses. Given the presence of flats above the shops, it is considered appropriate to limit the use of the outside seating area to no later than 9pm.

#### Impact on trees

The proposals which are to a commercial unit on the High Street and away from any vegetation will not have a detrimental impact on the health of trees.

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

The concerns raised by objectors are noted.

Any potential noise disturbance and fumes or odour from cooking are mitigated through the introduction of the internal extract and ventilation system which has been reviewed by the Council's Environmental Health department, who raise no objection to the proposals on these grounds.

It is expected that there will be some noise from deliveries, but this would be the same for any business operating on site and not specific to the proposed use.

It is not considered that the proposals are out of character with Conservation Area; this part of the CA is part of the High Street where commercial and business premises are

expected.

The proposed hours of opening are similar to other food premises along Finchley Road and could be opened for similar times if were another use.

The point raised that there are enough food establishments on Finchley Road is noted but for the reasons given above the application is considered acceptable within the current Use Class Order and the development will not harm the vitality of this part of Finchley Road.

It is not considered that the proposals give rise to any increased fire risk.

The proposals are not considered to give rise to a loss of privacy to the occupiers of the residential units on the upper floors of the building. Access into the unit is kept to the front of the site which is part of the town centre, it is not expected that customers will be accessing the residential parts of the building.

Noise from construction is expected when a premises is taken over by new occupiers. A condition specifying the hours of construction is applied to this permission.

The proposed development has been reviewed by the Council's Highways department who raise no objection to the proposals; it is not expected that the proposed development would result in significant increases to traffic or congestion in the locality. Whilst the immediate roads are subject to a CPZ, there roads without a CPZ within walking distance and therefore it is not considered that there is a lack of parking in the surrounding area. People

Concerns related to littering, increased rubbish and the potential for rats are noted. The new premises will have bins monitored and maintained for the external seating which will be put away at the end of the day. Two bin store areas are provided within the private service road to the rear of the unit. Waste & recycling bins will be located in those areas until removed by a private waste contractor.

The proposed development is not considered to have a detrimental impact on young children.

The existing passages should not be blocked for residents at Arcade House as a result of the development.

It is now more common to see moped delivery people hanging about outside various premises which offer some sort of delivery feature. However, the presence of delivery drivers is not a material planning consideration.

In this instance no marketing information was required to be submitted with this application due to the change to the use Class Order in 2020 which allowed for the proposed change of use as proposed.

The comments made that the noise and odour information submitted insufficient is noted. Additional information to address odour was submitted during the course of the application and the Council's Environmental Health department consider the development will not impact the neighbours in terms of odour.

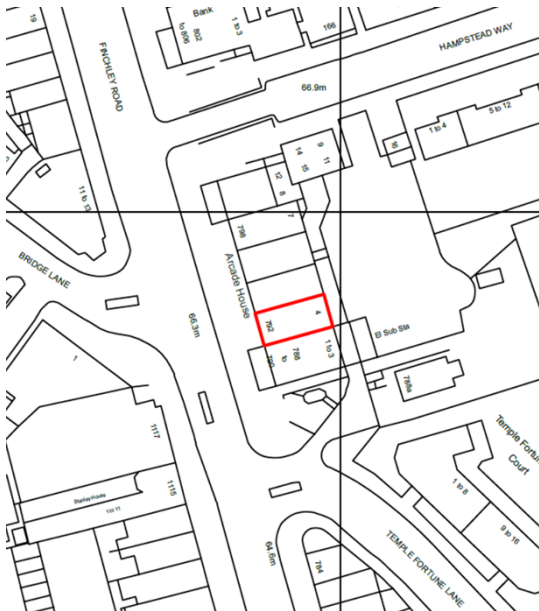


## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, the proposed alterations would not detrimentally impact on the qualities of statutory listed application property, or group of which it forms part, as well as protecting the character of this part of the Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, they preserve the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual site, street scene, conservation area, and area of special character.



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**Location** Sunnyside House Sunnyside London NW2 2QL

**Reference:** **22/2242/FUL** Received: 26th April 2022  
Accepted: 27th April 2022

Ward: Childs Hill Expiry 22nd June 2022

**Case Officer:** **Zakera Matin**

Applicant: City & Country Properties Limited

Proposal: Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space

AGENDA ITEM 10

### **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 Chair (or in their absence the Vice-Chair) 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:

2020\_011\_A100 Rev A  
2020\_011\_A101 Rev A  
2020\_011\_A105 Rev A  
2020\_011\_A110 Rev A  
2020\_011\_A111 Rev A  
2020\_011\_A112 Rev A  
2020\_011\_A113 Rev A  
2020\_011\_A115 Rev A  
2020\_011\_A201 Rev A  
2020\_011\_A205 Rev A  
2020\_011\_A206 Rev A

2020\_011\_A208 Rev A  
2020\_011\_A210 Rev A  
2020\_011\_A211 Rev A  
2020\_011\_A212 Rev A  
2020\_011\_A213 Rev A  
2020\_011\_A215 Rev A  
Desk Study Report  
Parking Survey  
Planning Statement  
Preliminary Roost Assessment  
Design and Access Statement  
Daylight & Sunlight Amenity (Neighbouring) Study  
Drainage Strategy Statement

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy D4 of the London Plan 2021.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation

to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 5 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.
- b) The green roof shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2021.

- 6 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevations of the development hereby approved.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance

with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2021.

- 8
- 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).

- 9
- a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
    - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
    - ii. site preparation and construction stages of the development;
    - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
    - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
    - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
    - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
    - vii. noise mitigation measures for all plant and processors;
    - viii. details of contractors compound and car parking arrangements;
    - ix. details of interim car parking management arrangements for the duration of construction;
    - x. details of a community liaison contact for the duration of all works associated

with the development.

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 1, SI 7, D14 and T7 of the London Plan 2021.

10 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in The London Plan (2021) 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.

12 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given

those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced.

The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the

Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm,

development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be

designed for the site using information obtained from the desktop study and Conceptual Model. This

shall be submitted to, and approved in writing by, the Local Planning Authority prior to that

investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,

- refinement of the Conceptual Model, and

- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation

report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement

detailing the remediation requirements, using the information obtained from the site investigation, and

also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local

Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed

in the method statement shall be carried out and a report that provides verification that the required

works have been carried out, shall be submitted to, and approved in writing by the Local Planning

Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for

environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD

(adopted September 2012), DM04 of the Development Management Policies DPD (adopted September

2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London

Plan 2021.



screens to be installed around the first floor terrace shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens 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 Design and Construction SPD (adopted October 2016).

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of the London Plan 2021 and Mayors Housing SPG.

- 15 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 wholesome 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. Any use of grey water and/or rain water systems needs to be separate from the potable (wholesome) water system and needs to meet the requirements and guidance set out in Part G of the Building Regulations.

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), Policy SI 5 of the London Plan 2021 and Barnet's Sustainable Design and Construction SPD (2016).

- 16 Other than the area shown as the first floor terrace, the roof of the building 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).

- 17 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2013 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), the London Plan (2021) and the 2016 Mayors Housing SPG.

- 18 a) No development shall take place until a scheme of proposed noise mitigation measures against externally generated traffic/mixed use noise has been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016), and Policies D13 and D14 of the London Plan 2021.

- 19 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).

- 20 a) Prior to first occupation of the development hereby approved, details of measures to incorporate suitable bird and bat boxes/bat bricks shall have been submitted to and approved in writing by the Local Planning Authority.

b) The measures shall be implemented in accordance with the approved details prior to first occupation.

Reason: To ensure improvements to biodiversity in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and, Policy G6 of the London Plan 2021.

## Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

We believe that your development is liable for 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 first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

- 3 The soft landscaping scheme should include native tree species of local provenance, berry bearing shrubs and hedges and wildflower areas where the sward height is allowed to grow higher than a managed lawn.
- 4 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 5 If demolition is delayed for more than one-year, repeat surveys should be undertaken. If at any time following the start of works a bat roost is identified or evidence of bat roosts is observed, all work would need to cease until a suitably qualified, licensed bat ecologist had been consulted and advice sought on how best to proceed legally. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The Planning Authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Conservation of Habitats and Species Regulations 2017 (as amended).

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site is located on the western side of Sunnyside, within the Childs Hill ward. It contains a group of single-storey garages/storage units located to the rear of Sunnyside House which fronts Cricklewood Lane.

Sunnyside is residential in character, comprising predominantly terraced dwellinghouses on its western side and semi-detached properties on its eastern side. A notable exception is Sunnyside House, which is a four-storey building containing self-contained flats, located on the junction with Cricklewood Lane (A407). Cricklewood Lane comprises various commercial uses at ground floor.

The property is not within a conservation area and is not a statutory or locally listed building.

### **2. Site History**

Reference: 20/5880/FUL

Description: Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space.

Decision: Refused

Date: 28.04.2021

Reason for refusal: The erection of this two-storey building would result in demonstrable harm to the amenity of neighbouring occupiers by virtue of their scale and siting, and would result in an unacceptable loss of light to the detriment of the residential amenities of neighbouring occupiers including Flats 3 and 5, Sunnyside House, contrary to Policy D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Appeal dismissed: 21.02.2022

### **3. Proposal**

This application seeks planning permission for 'Demolition of existing garages, erection of 2no dwellings. Associated refuse/recycling store and amenity space.'

The proposal is a resubmission after a previous refusal under 20/5880/FUL.

The proposal involves the erection of a two-storey building to provide 2no self-contained flats. The proposed building would adjoin the existing terrace on the western side of Sunnyside to form a new end-of-terrace dwellinghouse.

The height of the proposal has been reduced from the previous proposal significantly. The total height has been reduced from 9 m to 7m.

The proposed building would measure approximately 8.7 metres in width, 16.5 metres in total depth, and 7 m metres in height at ridge. At first floor level it would be 6.6m wide and 8.3m deep. It would feature a pitched roof. It features single-storey projections to the side and rear with flat roofs, including a green roof at the rear. The single storey side element would be maximum 3.8m high and 2m wide at front and 1m at the rear. The single storey rear element would be total 8.2m deep and staggered at the side. This depth would be similar to the two storey outrigger of the attached terrace. The single storey rear element would be 3.6m high along the side boundary with attached terrace.

The proposal would create 2no self-contained flats. The proposed flats are as follows:

- Flat 1 (ground floor) 2-bedroom (4 person), 74 sqm;
- Flat 2 (first floor) 1-bedroom (2 person), 60 sqm.

The proposed development provides private amenity space for each unit, comprising 51.8 sqm for ground floor flat 1 and 10 sqm for first floor Flat 2.

It also provides a separate cycle store and bin stores for each unit. The proposal is a car-free development.

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

Consultation letters were sent to 129 neighbouring properties.

14 Objections received.

Their contents are summarised below:

- Concern regarding blocking daylight for Flat no.2, 3,5 and 6 Sunnyside house
- Concern regarding available parking on road
- Impact of building work on neighbours
- Overlooking impact for ni.2 Sunnyside house
- Do not respect the terrace and street scene
- Entrance to ground floor flat is unsafe
- Parking survey is out of date

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published in July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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 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. The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Relevant Policies: D1, D3, D4, D6, D7, H1, H2, SI 2, SI 12, SI 5, T5, T6.

#### Barnet's Local Plan (2012)

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

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

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

#### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

#### Supplementary Planning Documents

Residential Design guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and

where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- 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 occupiers.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.
- Refuse and recycling
- Accessibility and sustainability

## **5.3 Assessment of proposals**

### Principle of development

Policy CS4 provides policy on quality homes and housing choice in Barnet and states that,

"seeking a range of dwelling sizes and types of housing including family and lifetime homes that meets our identified housing priorities and does not undermine suburban character or local distinctiveness."

Policy H1 of London Plan 2021, recommends to optimise the potential for housing delivery on all suitable and available brownfield sites through their Development Plans and planning decisions. These includes sites with existing or planned public transport access levels (PTALs) 3-6 or which are located within 800m distance of a station or town centre boundary.

Policy D3- Optimise Site Capacity, of London Plan 2021 recommends incremental increase in density. Policy H2 of London Plan supports incremental intensification of existing residential are within PTAL 3 to 6 or areas within 800m of station or town centre by new built, infill, conversion and redevelopment.

Policy D3 of London Plan 2021 recommends enhancement of local context by delivering buildings and spaces that positively respond to local distinctiveness through their layout,



orientation, scale, appearance and shape, with due regard to existing and emerging street hierarchy, building types, forms and proportions.

DM08 states that, "Development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough."

The proposal involves the demolition of the existing single-storey garages and the erection of a two-storey building to provide a residential use. This is considered to be acceptable in principle. The existing garages have no particular merit and are understood to be used as storage independently of the adjacent residential block. As such, there are no reasons that would warrant an objection in principle to their loss. The proposed residential use would be in keeping with the predominantly residential uses in the surrounding area.

Regarding the proposed use as self-contained flats, the Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. However, they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

It is noted that the adjacent building at Sunnyside House comprises several flats. Following a review of planning history and council tax records, it is also noted that several other properties on Sunnyside comprise self-contained flats as a result of conversions. This includes, for instance, the property at No. 7, which was granted planning permission for conversion of the original single dwellinghouse to 2no self-contained flats. It is not considered that Sunnyside is characterised exclusively by single dwellinghouses, while flatted uses are an established feature within the street. Therefore, it is considered that the principle of a development involving flats would be acceptable at the site, subject to other material considerations.

It is noted that, the principle of demolition of existing garage and erection of a two-storey building to provide a residential use was established in the previous scheme under 20/5880/FUL.

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

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

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy D6 of the London Plan states that Housing development should be of high-quality design and provide adequately-sized rooms (see Table 3.1) with

comfortable and functional layouts which are fit for purpose and meet the needs of Londoners without differentiating between tenures.

The height of the proposal has been reduced from the previous proposal significantly. The total height has been reduced from 9 m to 7m. Habitable rooms in the loft have been removed. Previously the proposal had same height at ridge ( 9m) as the rest of the terraced properties. In this proposal this has been set down from the ridge of attached terrace by 2m. The overall depth and width of the proposal remains the same as previous scheme. The proposed footprint follows the existing footprint of the garages at the site as before.

The proposed building would measure approximately 8.7 metres in width, 16.5 metres in total depth, and 7 m metres in height at ridge. At first floor level it would be 6.6m wide and 8.3m deep. It would feature a pitched roof. It features single-storey projections to the side and rear with flat roofs, including a green roof at the rear. The single storey side element would be maximum 3.8m high and 2m wide at front and 1m at the rear. The single storey rear element would be total 8.2m deep and staggered at the side. This depth would be similar to the two-storey outrigger of the attached terrace. The single storey rear element would be 3.6m height along the side boundary with attached terrace no.2 Sunnyside.

The proposed building would adjoin the neighbouring property at 2 Sunnyside, which currently forms the end of a relatively long terrace on the western side of Sunnyside. Properties on this terrace benefit from front bay windows at ground floor. The proposed building would form a new end-of-terrace dwellinghouse. Though the ridge would sit 2m below the ridge of attached terrace, the proposal would reflect the slope of the road.

The ground and first floor would sit below that of the neighbouring property and would respect the sloping ground level. The proposed building would benefit from a front bay window and fenestration reflecting the proportion and design of that of the terrace. It is considered that the proposed building would sit comfortably within the streetscene and would be in keeping with the appearance and form of surrounding buildings.

The single-storey side element would be modest in scale and is not considered to disrupt the character of the terrace, given its lesser prominence as a single-storey element. Regarding the protrusion at ground floor to the rear, this is in keeping with the depths of outriggers to properties along this section of Sunnyside. As such, the footprint of the building is relatively in keeping with the established pattern of development.

Although further details of materials would be requested by condition, the approach to material, including facing brickwork for external walls and dark grey roof tiles, would be in keeping with the local character. A condition requiring further details of proposed bin and cycle stores would be considered sufficient to ensure these would not have a detrimental impact on the streetscene.

The proposed use of the building as 2no self-contained flats is not considered to be an over intensive use, given the presence of other flatted uses within the surrounding area, including at Sunnyside House. It is not considered to result in a detrimental level of activity in terms of comings and goings, deliveries, or other activities associated with a residential use.

Overall, the proposed development is considered to have an acceptable impact on the local character and streetscene, in accordance with planning policy including Policy DM01 of the Development Management Policies DPD. It is noted that the previous scheme was

not refused on character grounds.

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

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

Access to the ground floor flat is proposed via the existing side access which is considered acceptable.

The rear of the proposed building at first floor, notwithstanding the projecting balcony (3m deep), would be aligned with the rear of the neighbouring property at No. 2. The projecting balcony is set away 1.7m from the shared boundary and privacy screening would be provided to ensure that there would be no harmful overlooking to the neighbouring property. In considering the impact of this balcony, weight is given to existing rear balconies within the vicinity, such that it would not be a completely alien element. The ground floor of the proposed building would have a depth of 8.2m similar to the 2 storey rear outrigger of attached terrace no. 2 Sunnyside. The proposed height of 3.6m along the shared boundary is such that it would not protrude above the existing boundary wall. Given this, it is not considered that there would be any harmful impact in terms of loss of light, outlook or overbearing to the neighbouring occupiers at No. 2.

The proposed building is separated from the neighbouring residential block no.1 to 19 Sunnyside House by approximately 4.8 metres at the nearest point, similar to the previous proposal. There are external walkways up to second-floor level and flank walls with non-habitable windows above at 1 to 19 Sunnyside House. The distance to the nearest habitable windows of that property, which are set inside the site, is approximately 10 metres from the flank wall of the proposal.

Table 2.4 of the Sustainable Design and Construction SPD (October 2016) states that there should be a distance of 21m between properties with facing windows to habitable rooms to avoid overlooking. The proposal does not contain any habitable windows on the northern side flank wall facing no. 1 to 19 Sunnyside House, that would result in harmful overlooking. As above, the proposed privacy screening to the first-floor terrace, subject to further details as required by condition, would be considered sufficient to mitigate any potential overlooking.

The previous proposal was refused due to detrimental impact in terms of loss of light for neighbouring properties flats 3 and 5 Sunnyside House. The current proposal addresses the issue by lowering the height of the proposed building, so that it does not overshadow or cause loss of light for the neighbouring block of flats at no.1 to 19 Sunnyside House.

The applicant has provided a daylight and sunlight analysis for the revised scheme. The analysis has considered 30 windows belonging to 30 rooms at the neighbouring properties. The results have confirmed that satisfactory levels of daylight would continue to be received to all of these windows following the construction of the proposed development.

The results to the first floor living room within Flat 3 is 0.94 and the result within the first floor kitchen within Flat 5 is 0.98 as per the submitted analysis. As such it is considered that, the neighbouring properties at no.1 to 19 Sunnyside House would receive adequate daylight following the construction of the proposal.

It is considered that the revised proposal addresses the reason for the previous refusal and it is considered not to have any detrimental impact on neighbouring amenity.

#### Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 2no self-contained flats. The gross internal area of the flats would be as follows:

- Flat 1 (ground floor) 2-bedroom (4 person), 74 sqm;
- Flat 2 (first floor) 1-bedroom (2 person), 60 sqm.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough. The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential Units as follows:

- 2 bed/4 person - 70 sqm;
- 1 bed/2 person - 58 sqm over two levels.

Both flats would meet the minimum internal floorspace standards as described above and are therefore considered to be acceptable in this regard.

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 m<sup>2</sup> and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

London Plan 2021 and the sustainable design and construction SPD requires a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area . It is considered that the host property would benefit from adequate internal ceiling height at all storeys of habitable space.

#### *Room stacking/siting*

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living rooms, kitchens and bathrooms on other floors.

The proposed layout is considered to provide adequate stacking provision ensuring bedrooms for the most part are stacked above bedrooms and kitchen and living areas likewise.

#### *Light/Outlook*

In terms of the amenity for future occupiers, the Council would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation.

The proposed units are both dual-aspect and would benefit from good levels of light and outlook. The proposals are therefore considered to be acceptable in this regard.

## *Amenity*

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Sustainable Design and Construction SPD (adopted October 2016) states that, "Outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough". It further mentions that, "Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers."

Section 8.4 of Barnet's Local Plan Residential Design Guidance SPD (2016) states: "in designing high quality amenity space, consideration should be given to privacy, outlook, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. All dwellings should have access to outdoor amenity space that is not overlooked from the public realm and provides reasonable level of privacy". Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 sqm per habitable room for flats.

The proposed development provides private amenity space for each unit, comprising 51.8 sqm for ground floor flat 1 and 10 sqm for first floor Flat 2, which would meet the above standards and are considered to be acceptable.

### Whether harm would be caused to highway safety

The site is in a PTAL score of 4 which means that there is good public transport accessibility to and from the site. 3 Bus routes can be accessed within 1 minute walking distance of the site and the nearest tube station is Cricklewood Station which can be accessed within 2-3 minute walking distance from the site. There is a Controlled Car Parking in operation on streets surrounding the site of Resident permit holders only (zone C1) Mon-Fri 10am-11am.

T6 of London plan 2021 states that, "Car parking should be restricted in line with levels of existing and future public transport accessibility and connectivity."

It further states that, "Car-free development should be the starting point for all development proposals in places that are (or are planned to be) well-connected by public transport, with developments elsewhere designed to provide the minimum necessary parking ('car-lite'). Car-free development has no general parking but should still provide disabled persons parking in line with Part E of this policy."

It further mentions that, "Where sites are redeveloped, parking provision should reflect the current approach and not be re-provided at previous levels where this exceeds the standards set out in this policy."

As per London plan 2021 Table 10.3 - Maximum residential parking standards, for Outer London area with PTAL 4 for 1 to 2 bed residential units maximum parking standard is Up to 0.5 - 0.75 spaces per unit. According to London Plan parking requirement is 1 to 1.25 spaces.

Councils DM 17 requires

1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and  
1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

With regard to the maximum parking standards as set out in Barnet Council's Local Plan

Development Management Policy DM17, the maximum range of vehicular parking spaces required for the proposed development is between 2 and 2.5 spaces.

The proposal is car-free development. The applicant has provided a parking survey in accordance with Lambeth methodology. The survey results show that there is sufficient car parking capacity available in the surrounding area with a minimum of 10 permit holder bays available overnight in the study area and more parking available during the day and early evening.

Furthermore, the applicant's planning statement states that the proposal would involve the removal of the single yellow line and dropped kerb along the site's frontage on Sunnyside to accommodate one car parking space for inclusion within the local controlled parking zone. Highways officers have been consulted and are satisfied that the proposals would not result in an unacceptable increase in parking stress.

Cycle parking and cycle storage facilities should be provided in accordance with London Plan 2021 and Policy DM17 London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

Table 10.2 of London plan 2021 provides minimum cycle parking standard. This requires 1.5 spaces per 2 person 1 bedroom dwelling and 2 spaces per all other dwelling.

For this proposal the required total cycle parking provision is 3.5 cycle parking spaces. Cycle stores are shown on the proposed site plan which can accommodate 4 cycles. A condition is considered to be sufficient to ensure satisfactory compliance with this policy.

It is therefore considered that subject to appropriate conditions, the proposed development would have an acceptable impact on the surrounding highways network, in accordance with planning policy including Policy DM17.

### Refuse and recycling

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes on to state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

The proposed development includes the provision of bin stores to the front of the site. Details of the screened facilities would be required by condition to ensure their siting and appearance is appropriate and does not harm the character or visual amenities of the site.

### Impact on Ecology

National policy states that "When determining planning applications, local planning authorities should aim to conserve and enhance biodiversity by applying the following principles:

Core Strategy Policy CS7: Protecting and Enhancing Barnet's Open Spaces, aims to protect and enhance biodiversity across the borough. The network of green spaces, places and features that thread through and surround urban areas and connect town to country are known as Green Infrastructure. Barnet's Green Infrastructure includes: Green Belt and MOL, parks and gardens, natural and semi-natural green spaces, trees, hedgerows and

green corridors, playing pitches and outdoor sports facilities, amenity green space, landscape, children's play facilities, allotments, community gardens and urban farms, cemeteries and churchyards, rivers, streams (including the Blue Ribbon Network) and open water areas as well as green roofs and walls.

DM16 states that, "When considering development proposals the council will seek the retention and enhancement, or the creation of biodiversity."

The applicant submitted a preliminary Bat survey. No evidence of bats was found to be associated with the building.

The lack of potential roosting places and absence of any evidence of the presence of bats means that no further surveys are required for this building. It is considered that the building has no potential as a roosting place for bats.

The Council's Ecologist informed that, if demolition is delayed for more than one-year, repeat surveys should be undertaken. If at any time following the start of works a bat roost is identified or evidence of bat roosts is observed, all work would need to cease until a suitably qualified, licensed bat ecologist had been consulted and advice sought on how best to proceed legally. Where a bat roost is identified, destruction of the roost would usually need to be covered by a European Protected Species (EPS) Licence obtained from Natural England. The Planning Authority would need to have sight of any mitigation strategy developed for a licence application in order to address their obligations under The Conservation of Habitats and Species Regulations 2017 (as amended).

Therefore, the proposal is not considered to have any impact on Ecology.

#### Accessibility and Sustainability

The application scheme is required by Policy D7 of the London Plan (2021) to meet Building Regulation requirement M4(2). The submitted drawings show that the proposed development can be adopted to meet this requirement, and a condition is attached to ensure compliance with these Policies.

Policy SI 2 of the London Plan 2021 require, all Major development should be net zero-carbon. It states that, "Minimum on-site reduction of at least 35 per cent beyond Building Regulations is required for major development. Residential development should achieve 10 per cent, and non-residential development should achieve 15 per cent through energy efficiency measures. Where it is clearly demonstrated that the zero-carbon target cannot be fully achieved on-site, any shortfall should be provided, in agreement with the borough."

In respect of carbon dioxide emission reduction, the proposed scheme has to designed to achieve CO2 reduction to comply with the requirements of Policy SI 2 of the London Plan 2021 and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached to require the units to receive water through a water meter and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (20 21).

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

## 5.4 Response to Public Consultation

Addressed in the report.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

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





**Location** 46 West Hill Way London N20 8QS

**Reference:** 22/2161/HSE

Received: 22nd April 2022

Accepted: 22nd April 2022

**Ward:** Totteridge & Woodside

Expiry 17th June 2022

AGENDA ITEM 11

**Case Officer:** Greta Norton

**Applicant:** Mr Shiv Thakrar

**Proposal:** Proposed demolition of side link garage and replacement with a two storey side and rear extension, new roof to provide loft conversion with rear dormer and side roof lights, side chimney breasts removed and provision for solar panels on east and west facing roof slopes. Existing pebble dash render to be removed and replaced with brick slips

### **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 Chair (or in their absence the Vice-Chair) 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:

Proposed Plans and Elevations 22008 HHP 02.01

Existing Plans, Elevations and Location Plan 22008 HHP 01.01

Email dated 11.07.22 from DS Squared Architects regarding proposed brick colour.

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the first-floor extensions hereby approved, facing either No 48 or 44 West Hill Way.

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).

- 6 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing 44 or 48 Francklyn Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

#### **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 comprises a two-storey detached property located on the northern side of West Hill Way, N20 8QS, within the Totteridge & Woodside ward.

The property can be defined by its red brick and pebble-dash façade with a tiled hipped roof form. There is a small front garden, and parking space to the forecourt of the property via a front hardstanding, which leads to a garage that is attached to the eastern side elevation of the dwelling. The site boasts a large private rear garden, which backs onto the gardens of Roben Close.

There is tree on site, situated within the rear garden, which benefits from a Tree Preservation Order (TPO)

The application site does not contain a locally or statutory listed building, nor is it located within a conservation area.

The site is not located within a flood risk area.

The area can be characterised by large two-storey and three-storey detached properties with amenity space to the rear and off-street parking facilities to the front. Many of the properties along West Hill Way have been extended in the past.

### **2. Site History**

Reference: N06042B/00/TRE\_B

Address: 46 West Hill Way, London, N20 8QS

Decision: Approved

Decision Date: 20 June 2000

Description: Birch - Reduce back to old points standing in T17 of TPO.

### **3. Proposal**

This application seeks planning permission for: Proposed demolition of side link garage and replacement with a two-storey side and rear extension, new roof to provide loft conversion with rear dormer and side roof lights, side chimney breasts removed and provision for solar panels on east and west facing roof slopes. Existing pebble dash render to be removed and replaced with brick slips.

It should be noted that the scheme has been amended since its original submission to address concerns raised by officers.

At ground floor level, the proposed single storey side element will be flush with the front building line, in replacement of the existing side link garage. This element measures a width of 2.31 metres for a depth of 5.90 metres, maintaining a gap of 10cm between the flank wall and shared boundary with neighbouring no. 44, with a maximum height and eaves height of 3.00 metres. The side extension then proceeds to extend to a maximum width of 2.45 metres, directly along the shared boundary with no. 44, for a further depth of 5.80 metres, with an increase in maximum height to 3.20 metres due to a partial glass roof. The total depth of the side extension measures 11.70 metres.

The ground floor side extension merges into the proposed single storey rear element, in the form of a wraparound extension. The proposed single storey rear element measures a depth of 4.50 metres beyond the original rear building line, protruding beyond the proposed side element by 1.30 metres. The deepest rear element is set off the shared boundary with no. 48 by 0.76 metres and set off the shared boundary with no. 44 by 2.65 metres. The single storey rear element has an eaves height of 2.95 metres, and a maximum height of 3.10 metres due to the proposed rooflights.

At first floor level, the proposed side extension is 1.44 metres in width, and is set off the shared boundary with no. 44 by 1.00 metre, maintaining a gap of 3.43 metres between the first-floor flank wall of no. 44. This element is set back from the front building line by 1.00 metre and extends a maximum depth of 10.80 metres. Alike to the ground floor extensions, the first-floor side extension merges into the first-floor rear, in the form of a wrap around. The first-floor rear element has a depth of 3.10 metres beyond the original rear building line, with a total width of 8.59 metres, including the wraparound side element. The roof of the first-floor side/rear element will be set down from the main ridge line of the property by 0.60 metres, in the form of a hipped roof. This element shall have a maximum height of 8.30 metres, and an eaves height of 5.30 metres.

The proposed roof extension involves the aforementioned first floor side/rear element, and a rear dormer window measuring 2.27 metres in width, 1.95 metres in height, and 2.10 metres in depth. 2no rooflights will be implemented on the eastern roof slope of the dwelling, and 3no rooflights are proposed on the western roof slope. In addition to this, solar panels are proposed on both eastern and western roof slopes.

The applicant has indicated that the existing pebble dash render will be replaced with brick slips.

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

Consultation letters were sent to 9 neighbouring properties. 7 responses have been received, consisting of 1no. support comment, and 6no. objections.

The support comment can be summarised as follows:

- o The property is in dire need of modernisation. The proposal contributes to an improvement in appearance, as well as eco-friendly installations.

- o On the road, very few houses look the same.

The objections can be summarised as follows:

- o The property already has a two-storey rear extension, and the proposed two-storey east-side extension and its new roof will cause a loss of light and overshadowing by a significant amount to ground floor and first floor rooms.

- o Proposed loft conversion includes full length doors opening onto a glass fronted balcony, causing a loss of privacy.

- o Proposed east-side extension will encroach on the roots of the large silver birch tree in the rear garden, causing damage.

- o The existing ground floor plan of the property shows the east-side boundary line passing through the adjacent garage, which is an error - garages of 44 and 46 are linked and separated by a party wall.

- o The proposed bulk of the works will spoil the image of the street.

- o The extension is too large and will cause overdevelopment.

- o Potential impact of and damage to cherry blossom tree, in no. 48's garden.

- o Application is missing a design and access statement to explain how the design was reached, and how potential impacts were considered and mitigated.
- o The proposed first floor rear extension will project 3.50 metres, which exceeds the guidance, and is less than 1m from the boundary. It will result in an overbearing two storey wall that would adversely affect amenity.
- o The proposal would extend 5.00 metres to the rear at ground floor, which is beyond the established building line of the street.
- o The proposal would affect outlook.
- o The two-storey rear extension introduces two new windows, which causes privacy and overlooking concerns.
- o Application does not include a tree survey or arboricultural impact assessment. The proposal is likely to extend within the root protection area of the cherry blossom tree.

## 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 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

#### The Mayor's London Plan 2021

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

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

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

## Barnet's Local Plan (2012)

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

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

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

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy, and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

## Barnet's Local Plan (2021)

Barnet's Draft Local Plan on 26th November 2021 was submitted to the Planning Inspectorate for independent examination which will be carried out on behalf of the Secretary of State for the Department of Levelling Up, Housing and Communities. This is in accordance with Regulation 22 of the Town and Country Planning (Local Planning) (England) Regulations 2021 (as amended).

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. 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 and the stage that it has reached.

## Supplementary Planning Documents

### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low-density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to the adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

### Design and Visual Amenity

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

Paragraph 14.13 of the Council's Residential Design Guidance SPD advocates that extensions should fit into the street, being consistent with the architectural character, neighbouring properties, and any special nature of the area.

Single storey side/rear element:

Under the Residential Design Guidance SPD, extensions of a depth of up to 4.00 metres are usually considered acceptable for detached properties. The proposed single storey rear element would measure a depth of 4.50 metres from the original rear wall of the property. Whilst the proposed depth of this element slightly deviates from Barnet's RDG (2016), it is noted that the rear building line of neighbouring no. 48 is set further back than no. 46, and therefore the introduction of a 4.50 metre rear extension will not appear as overly bulky towards the rear in comparison to its neighbouring property. Regarding the side/rear element of the ground floor extension, this section shall protrude beyond the original building line by 3.00 metres, and thus the deepest element of 4.50 metres shall not occupy the entirety of the rear extension, therefore aiding the subordination of the development.

Furthermore, the property benefits from a large rear garden, and so the principle of a 4.50 metre single storey rear extension shall not unacceptably reduce the amount or quality of outdoor amenity space.

The ground floor side element measures a minimum width of 2.31 metres and a maximum width of 2.45 metres, which is less than half the width of the original dwelling, and therefore is in line with paragraph 14.15 of Barnet's RDG (2016). This paragraph also mandates that side extensions should be set back from the front building line. However, the proposed design will have a front wall that is flush with the façade of the dwelling and is deemed as acceptable due to the existing side garage's positioning in line with the front building line.

The proposed demolition of the existing garage and subsequent introduction of a side extension would be acceptable and would not have an adverse impact on the Highway as adequate off-street parking exists at the site.

In light of the above, the single storey rear/side element of the proposal is considered to be a subordinate addition to the original dwelling and will not harm the character of the surrounding street scene or rear building lines.

First floor side/rear element:

Paragraph 14.23 of Barnet's RDG (2016) states that two storey rear extensions which are closer than 2.00 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable, as they can be too bulky and dominant. Paragraph 14.24 similarly requires that two storey rear extensions need to ensure they do not lead to harm to the character or appearance of the property and area.

The proposed first floor rear element would measure a maximum depth of 3.10 metres beyond the original first floor rear wall. Whilst it is acknowledged that this exceeds the guidance by 0.10 metres, the existing two storey rear extension at the property has a first-floor depth of 3.10 metres, and therefore the proposal will maintain the same depth as existing. In addition to this, it is noted that neighbouring no. 44 benefits from a first-floor rear extension of the same depth.

Whilst the introduction of full width first floor rear extensions can potentially harm the character of a dwelling or the surrounding area, the principle of a full width first floor rear extension at no. 46 would be acceptable. Neighbouring no. 44 benefits from a full width first floor rear extension of a similar nature to the proposed, meaning the proposed first floor addition to no. 46 will reflect the character of an immediate neighbouring property and will not be an overly dominant addition to the original dwelling.

In regard to the side/rear element of the first-floor extensions, Paragraph 14.14 of Barnet's RDG (2016) mandates that side extensions to existing buildings can be unacceptably prominent features in the street scene, and where gaps between houses are a common feature of a street, then proposals which close such gaps or create a terracing effect by bringing buildings too close together are likely to be rejected. Secondly, paragraph 14.17 of the RDG advises that there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e., a minimum gap of 1 metre between the boundary and the extension at first floor level for most two-storey extensions).

The first-floor side element maintains a 1.00 metre gap between its flank wall and the shared boundary and maintains a 3.43 metre gap between the flank wall of no. 44. Thus, this would be sufficient to avoid a detrimental cascading terracing effect.



The proposed first floor side element would have a width of 1.44 metres, which is considered to be a very modest first floor side addition and will not overly dominate the original front elevation of the dwelling. Additionally, two-storey side extensions are present within the vicinity of the property. Examples can be found at no.'s 27 and 21 West Hill way, which are situated diagonally opposite the host property.

Paragraph 14.16 of the council's Residential Design Guidance (2016) mandates that extensions of the type similar to the proposed be set down by 0.5 metres from the main ridge line as to aid subordination. The proposed first floor side/rear extension is to be set down from the main ridge line by 0.60 metres, therefore appearing as a subordinate feature to the main dwelling.

Barnet's RDG (2016), ideally seeks a set-back from the front building line of 1.00 metre for first floor side extensions. The first-floor side extension would be set back by 1.00 metre from the front building line, therefore respecting this aspect.

The two-storey side and rear extensions, viewed cumulatively, are deemed as subservient features of the property and the proposed development will be harmonious to the surrounding character of the area, due to multiple properties already benefiting from two storey rear extensions and/or two storey side extensions.

Rear dormer and 5no side rooflights:

The aforementioned first floor side/rear extensions will provide space for a loft conversion; alongside a proposed rear dormer. The proposed rear dormer would be a subservient addition to the rear roof slope, whereby the dormer would not exceed half the width of the roof slope and would leave adequate roof slope above and below its location, in accordance with Barnet's RDG (2016) paragraph 14.33. It is not considered that the proposed dormer would detrimentally impact the appearance and character of the property or the surrounding area. The rooflights would also be considered to be an acceptable addition to the surrounding area and host property.

The proposal has been amended during the lifetime of the application to address concerns raised regarding the scale and design of the rear dormer. The height of the dormer was reduced from 2.26 metres to 1.90 metres, in order to leave adequate roof slope above the dormer. Officers are now satisfied that the amended proposal is acceptable in design terms.

Solar Panels:

The proposed solar panels to roof would be grouped appropriately and set within their respective roof slopes. As such are considered to have an acceptable impact on the character of the property. The contribution that they would make to the production of a sustainable energy source is noted in the balanced assessment here.

Materials:

The proposed replacement of pebble dash render with brick slips is deemed as acceptable on the grounds of design. It is noted that materials used along the street varies, and brick slips would match many properties along West Hill Way.

Regarding the design of the proposal, officers do consider the resultant development to be proportionate addition. The case officer notes that many of the surrounding properties benefit from similar now implemented proposals, therefore this proposal for the host

dwelling would not be out of character of the local area and will have an acceptable impact on the street scene and wider locality in accordance with Policy DM01 of the Development Management Policies DPD.

### **Impact on the amenities of neighbouring occupiers:**

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

No. 48

No 48 is a detached property situated directly west of the application site. The proposed two-storey side extension will not have an unacceptable impact upon neighbouring no. 48, due to its locality to the eastern elevation of the property.

This property does not benefit from any extensions to the rear, but does however boast a protruding ground floor rear bay window. The proposed single storey rear element of the extension will be set off the shared boundary by 0.75 metres, with a gap of 1.46 metres between the flank walls of either property. The ground floor extension shall protrude beyond the bay window of no. 48 by 1.31 metres, which is considered to be a modest depth. Thus, the modest protrusion and boundary set-off of the extension shall ensure that the development will not detrimentally impact the outlook, light, or privacy of occupiers at this property.

The proposed first floor rear element will create a two-storey flank wall nearby the western boundary. As the rear building line of no. 48 naturally protrudes beyond no. 46's rear building line, the proposed first floor rear extension will extend just 2.15 metres beyond the first-floor rear wall of no. 48. Barnet's RDG mandates that first floor rear extensions closer than 2.00 metres to the boundary should not protrude more than 3.00 metres in depth to protect neighbouring amenity, and therefore the 2.15 metre protrusion should not have an adverse impact upon the first-floor rear habitable windows of no. 48 in relation to overbearing impact and loss of light.

No. 44:

Neighbouring property no. 44, located to the east of the application site, benefits from a two-storey rear extension. The proposed two storey rear/side element will extend directly along the shared boundary with no. 44, beyond the original rear building line of no. 46 by 3.10 metres. This will be flush with the established two-storey rear building of no. 44, and thus shall not impact the rear habitable windows of the neighbouring property in regard to their light, outlook, or privacy. The ground floor element of the proposed extension extends to a maximum depth of 4.50 metres; however, this section of the ground floor rear extension is set off the shared boundary with no. 44 by 2.67 metres. This is considered to be a significant set off that ensures any loss of light is mitigated and would only protrude beyond no. 44's rear building line by 1.32 metres. Therefore, the rear element of the proposal will not impact this particular property to a degree that would warrant refusing the application.

The proposed two-storey side extension shall not give rise to detrimental amenity impact to the occupants of no. 44. No. 44 benefits from a single storey side garage, which is currently linked to the single storey garage at no. 46. A transparent double door is situated

to the rear of the garage at no. 44, followed by a small side window and a further double window to the western flank wall of their property. In the lifetime of the application, clarification was sought to understand which rooms these windows serve, in the interests of assessing amenity impact.

It has been confirmed that the double doors of the garage do not serve habitable space, the small side elevation window serves a toilet, and the double window to the side elevation serves a kitchen/dining room. Thus, the proposed two storey side extension will not negatively impact habitable living space with regard to the garage windows or the small side window, due to the spaces that they serve. In terms of the double side elevation window which serves the kitchen/dining area, it is noted that this is considered as a habitable room.

However, this room is also served by a larger rear window, and therefore the side elevation window can be assessed as a secondary source of light. Whilst it is acknowledged that no. 46 is naturally elevated slightly higher than no. 44, in light of the above reasoning, it is believed that the proposed two storey side extension will not unduly affect the habitable living spaces of neighbouring no. 44.

The proposed rear dormer shall not affect the occupiers of no. 48 or 44 by way of loss of privacy, light, or outlook due to its modest size and central location within the roof slope.

Overall, the proposed scheme, by virtue of its design and siting, would not have a significant adverse impact upon the character and appearance of the street scene, nor would it have a significant adverse impact on the residential amenity of neighbouring occupiers.

#### **5.4 Trees**

It is noted that a protected tree is situated within the rear garden, as well as multiple other non-protected trees. Thus, an arboricultural method statement and arboricultural impact assessment has been provided as part of the planning application.

The documents are satisfactory, and set-out tree protection methods in detail, indicating that any potential damage to root protection areas and the trees themselves is avoided. These will be secured by way of condition.

#### **5.5 Response to Public Consultation**

(The property already has a two-storey rear extension, and the proposed two-storey east-side extension and its new roof will cause a loss of light and overshadowing by a significant amount to ground floor and first floor rooms)

o The proposed two-storey side extension, alongside the boundary with no. 44, will inevitably cause loss of light to the ground floor side windows of no. 44 to some extent, however, the room which these windows serve are either not habitable, or benefit from another source of light. The ground floor double side elevation window at this property serves a kitchen/dining room which is considered as habitable space; however, this room also gains light through the ground floor western rear window. Thus, the side elevation window can be considered as a secondary source of light. In regard to the smaller ground floor side elevation window, and the double rear garage doors, these windows do not serve habitable rooms and thus the amenity is not threatened in this case.

o With reference to the first-floor rooms of no. 44, there are two small first floor windows and one larger set of windows, all of which are obscure glazed. The proposed first floor side extension is of a modest width and does not extend right up to the shared boundary. It is believed that this element will not drastically impact the light that is captured by these side elevation windows in the afternoon.

(Proposed loft conversion includes full length doors opening onto a glass fronted balcony, causing a loss of privacy)

o Amendments were sought during the lifetime of the application to remove the Juliette balcony from the proposed rear dormer. Thus, a loss of privacy is not of a concern as per the current plans.

(Proposed east-side extension will encroach on the roots of the large silver birch tree in the rear garden, causing damage)

o The Tree Protection Plan document illustrates that the root protection areas of all trees within the rear garden will hardly be encroached upon as a result of the works. The plans indicate multiple methods of tree protection to ensure any damage is avoided, including a no-dig 3D cellular system, ground protection and tree protection barriers.

(The existing ground floor plan of the property shows the east-side boundary line passing through the adjacent garage, which is an error - garages of 44 and 46 are linked and separated by a party wall)

o The boundary lines shown on the existing ground floor plans are correct. It distinguishes which section of the linked garages belongs to no. 46.

(The proposed bulk of the works will spoil the image of the street)

o The style of properties along West Hill Way varies, whereby the architectural design is not consistent. Furthermore, when viewed from the street scene, the proposed two storey side extension is not considered to be bulky, and so the image of the street will not be spoiled. Many properties benefit from two storey side extensions, namely no.'s 21 and 27.

(The extension is too large, and will cause overdevelopment)

o The proposal is not considered to cause an overdevelopment of the site. The majority of the extensions are modest, guidance-compliant additions, especially the proposed two storey side extension and rear dormer. The proposed two storey rear extension is of an extremely similar design to neighbouring no. 44, and thus does not appear as overdeveloped in the context of surrounding design or the host property itself.

(Application is missing a design and access statement to explain how the design was reached, and how potential impacts were considered and mitigated)

o Design and access statements are not considered to be mandatory as part of householder planning applications. The design has been assessed by the local planning authority, considering the character of the surrounding area, and a full amenity impact assessment.

(The proposed first floor rear extension will project 3.50 metres, which exceeds the guidance, and is less than 1m from the boundary. It will result in an overbearing two storey wall that would adversely affect amenity)

o The first-floor rear extension measures 3.10 metres in depth, which exceeds the guidance recommendation by 0.10 metres. The additional 0.10 metres will allow the rear wall of the extension to be flush with the rear wall of no. 44.

(The proposal would extend 5.00 metres to the rear at ground floor, which is beyond the established building line of the street.)

o The proposal extends 4.50 metres at ground floor. Whilst this exceeds the guidance by 0.50 metres, the rear building line of the street is not consistent due to some properties benefiting from extensions, and some properties remaining original. Thus, the character shall not be drastically affected.

(The proposal would affect outlook.)

o The proposed two storey side extension will not affect outlook to a detrimental extent. With regards to the proposed rear extensions, the single storey rear element will protrude beyond the rear bay window of no. 48 by just 1 metre, and the first-floor element will protrude around 2.1 metres. These depths are not considered to drastically affect the outlook of occupants at no. 48. The majority of the rear element of the proposal will not protrude beyond the rear wall of no. 44, thus not affecting outlook. Part of the single storey rear element which protrudes beyond the rear wall of no. 44, is considered to be a modest depth that shall not affect outlook of the neighbouring property.

(The two-storey rear extension introduces two new windows, which causes privacy and overlooking concerns)

o The introduction of two new first floor windows to the rear of host property will not significantly change the level of outlook that already exists at the rear of the property.

(Application does not include a tree survey or arboricultural impact assessment. The proposal is likely to extend within the root protection area of the cherry blossom tree)

o The agent has since provided an arboricultural method statement and arboricultural impact assessment. The documents clearly indicated that the proposed works shall hardly encroach onto the root protection areas of any trees within the rear garden. Furthermore, mitigation methods have been implemented on the plans to ensure any potential damage, even though unlikely, is avoided.

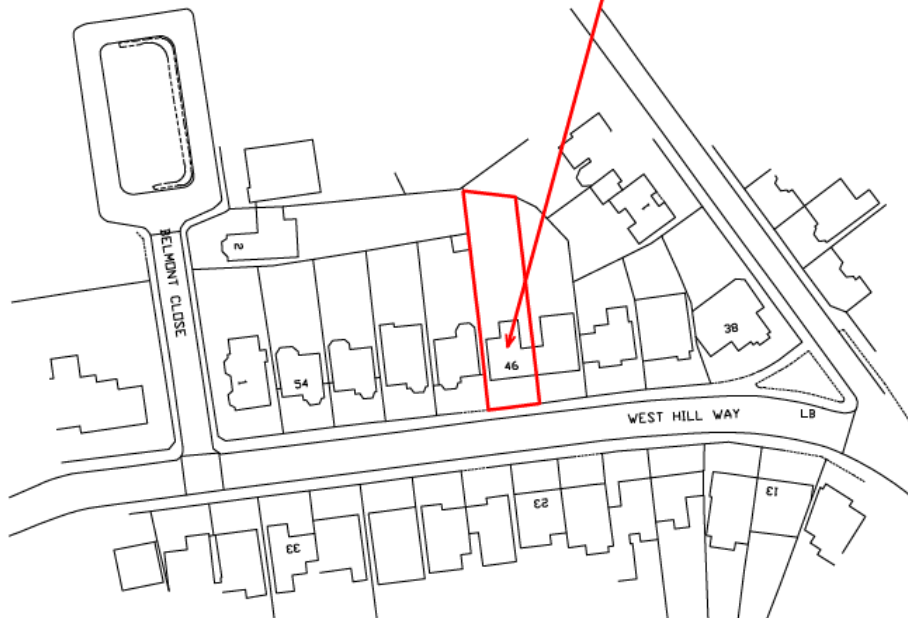
## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

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

46 WEST HILL WAY,  
LONDON, N20 8QS



LOCATION MAP  
SCALE 1:1250

**Location** 26 Derwent Avenue Barnet EN4 8LX

**Reference:** 22/1281/RCU

Received: 10th March 2022

Accepted: 11th March 2022

**Ward:** Brunswick Park

Expiry 6th May 2022

AGENDA ITEM 12

**Case Officer:** Asha Chhabhaiya

**Applicant:** Mrs Gosia Thomas

**Proposal:** Erection of a rear outbuilding (Retrospective Application)

### **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 Chair (or in their absence the Vice-Chair) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

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

Existing layout and elevations (as built) ELA/1 rev A  
Block Plan ELA/11 rev A  
Location Plan ELA/13 rev A

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

- 2 The materials used in the external surfaces of the building(s) shall be retained as existing.

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).

- 3 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

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

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

## **OFFICER'S ASSESSMENT**

### **1. Site Description**

The application site contains a two-storey terrace dwellinghouse, located on the west side of Derwent Avenue, in Brunswick Park ward.

The surrounding area is primarily residential and consists of two-storey semi-detached and terrace properties of similar architectural styles.

There is parking to the forecourt of the site, and amenity space to the rear. There is a rear access road serving the rear of the site as well as neighbouring properties.

The site is not in a conservation area.

### **2. Site History**



## Planning

Reference: 15/02510/192

Address: 26 Derwent Avenue, Barnet, EN4 8LX

Decision: Lawful

Decision Date: 19 May 2015

Description: Extension to roof including hip to gable end, rear dormer window, 2 no rooflights to front elevation

Reference: 15/02521/PNH

Address: 26 Derwent Avenue, Barnet, EN4 8LX

Decision: Prior Approval Not Required

Decision Date: 26 May 2015

Description: Single storey rear extension with a proposed depth of 3.3 metres from original rear wall, eaves height of 2.38 metres and maximum height of 3.3 metres

### 3. Proposal

This is a retrospective application for the erection of a rear outbuilding measuring a maximum width of 6.6m, maximum depth of 5.350m, maximum height of 4.020m with a flat roof design when viewed from the rear garden. The outbuilding would be 3.4m when viewed from the access road due to the change in levels across the site.

The building is sited at the end of the rear garden some 11.7m from the rear wall of the house, extending virtually the full width of the site. The overall length of the garden is some 17.7m .

### 4. Public Consultation

Consultation letters were sent to 4 neighbouring properties. 5 letters of objection were received which can be summarised as follows:-

-This new outbuilding is an eyesore in the alley way/ Not in keeping with the surrounding buildings.

-The building is much taller than any other buildings on the alleyway behind Chetwynd Avenue and Derwent Avenue.

-Although this does not directly block light to my property, the fall of the land would give the appearance of overlooking an industrial unit.

-We have concerns that the outbuilding will impact the resale value of our house, it is visible from both of the ground floor windows & dominates our view, it is fairly imposing.

-The owner informed us that it was within her Permitted Development & that she had all the relevant paperwork.

-Casts a major shadow over our back garden for the majority of the afternoon taking at least 50% of the natural light for over half the day.

-Owner has installed a motion detecting security light at the very top of the building.

-Whilst we have no objection in principle to the construction of an outbuilding in this garden we would urge the Council to uphold a significant reduction in the height of this structure which would in no way inhibit the use for which it was originally intended.

### 5.1 Policy Context

## National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

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

### Barnet's Local Plan (Reg 22) 2021

Barnet's Draft Local Plan -Reg 22 - Submission was approved by the Council on 19th October 2021 for submission to the Secretary of State. Following submission the Local Plan will now undergo an Examination in Public. The Reg 22 document sets out the Council's draft planning policy framework together with draft development proposals for 65

sites. It represents 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 and the stage that it has reached.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

#### Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

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

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

Policy DM01 requires that all proposals should preserve and enhance the local character of the area.

Paragraph 5.2 of Barnet's Residential Design Guidance states that back garden buildings should:

- o Not unduly over-shadow neighbouring properties
- o Not be too large or significantly reduce the size of a garden to become out of character with the area
- o Not unduly affect outlook from an adjoining property's habitable rooms or principal garden area
- o Be in harmony with the surrounding area in terms of design and material

The addition of the outbuilding to the rear of the garden would still retain a sizeable amount of outdoor amenity space for the occupiers in accordance with the Residential Design Guidance SPD.

There are examples of rear garden outbuildings/garage along Derwent Avenue and in the wider surrounding area, including nos 22, 28, 30 and 16 Derwent Avenue at varying heights and sizes. Accordingly the proposal is considered to be in keeping with the character and appearance of the surrounding area and is considered to be acceptable in principle. The outbuilding is located to the rear, accessed by a rear service road which also serves rear outbuilding at neighbouring properties. As such, it is not considered that the established character and appearance of the existing dwelling and general locality would be affected.

The outbuilding is proposed to be used as a garage which is considered acceptable. A condition will be attached to ensure the use of the outbuilding shall at all times be ancillary to the main building and shall not at any time be occupied as a separate unit or dwelling.

Overall, the proposed development is considered to have an acceptable impact on the character and appearance of the property and general locality. The outbuilding is considered to be proportionate to the size of the house and the garden. It is not considered that it would appear as a dominant feature out of character with the area.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan policy D6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

In respect of the proposed outbuilding, the Residential Design Guidance SPD under paragraph 14.40 stipulates that back-garden buildings should ensure that they do not unduly overshadow neighbouring properties.

24 Derwent Avenue

The development is sited 8.1m from the flank wall of this neighbour.

The proposed outbuilding will be located within 2 metres of the boundary of the curtilage of the site, however, notwithstanding that the outbuilding is some 2m higher than the boundary fence, it is not considered that the proposed outbuilding would be overbearing

or visually obtrusive to such a degree as to result in any unacceptable levels of harm to the amenity of neighbouring occupiers. The proposal does not result in significant loss of sunlight such as to warrant refusal.

28 Derwent Avenue

The development is sited 12.4m from the flank wall of this neighbour.

Windows and doors are proposed to the front elevation facing the host property. Further, the proposed outbuilding will sit adjacent to an already existing outbuilding at no. 28, thus causing minimal amenity impact to this neighbour.

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

*We have concerns that the outbuilding will impact the resale value of our house* This is not a planning matter

*Casts a major shadow over our back garden for the majority of the afternoon taking at least 50% of the natural light for over half the day.* Whilst some overshadowing will occur in the evening during the summer months, it is not considered that this would result in levels of harm such as to warrant refusal.

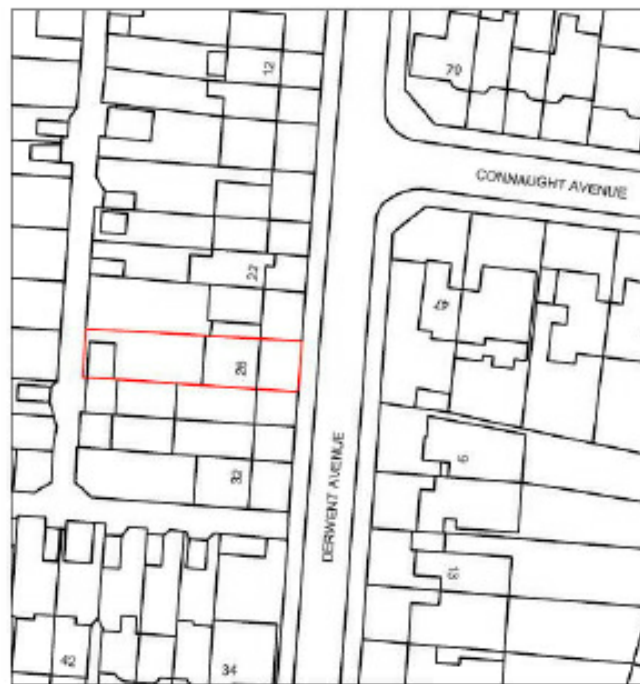
*Owner has installed a motion detecting security light at the very top of the building.* This is not a planning matter

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

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

#### **7. Conclusion**

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



LOCATION PLAN