

Meeting

Planning COMMITTEE A

Date and time

Wednesday 30TH NOVEMBER, 2022

At 7.00 PM

Venue

Hendon TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Planning COMMITTEE A (quorum 3)

Chair: Councillor Nagus Narenthira
Vice Chair: Councillor Tim Roberts

Richard Barnes
Lachhya Gurung

Danny Rich
Elliot Simberg

Substitute Members

Claire Farrier
Gill Sargeant

Shuey Gordon
Tony Vourou

Arjun Mitra
Lucy Wakeley

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 Friday 25 November 2022 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk

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

Andrew Charlwood – Head of Governance

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

Media Relations Contact: Tristan Garrick 020 8359 2454 Tristan.Garrick@Barnet.gov.uk

Assurance Group

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Order of Business

Item No	Title of Report	Pages
1.	Minutes of the last meeting	5 - 10
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
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13.	Land Adjacent To Larkspur Road Edgware HA8 9GG - 22/4009/FUL (Edgware)	101 - 120
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15.	28 Cheviot Gardens London NW2 1QE -22/1494/FUL (Cricklewood)	133 - 150
16.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

26 October 2022

Members Present:-

AGENDA ITEM 1

Councillor Tim Roberts (Vice-Chair)

Councillor Richard Barnes
Councillor Lachhya Gurung

Councillor Danny Rich
Councillor Elliot Simberg

Apologies for Absence

Councillor Nagus Narenthira

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 21 September 2022 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Nagus Narenthira who was substituted for by Councillor Claire Farrier.

Councillor Tim Roberts acted as Chair for the meeting.

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.

6. DEVELOPMENT SITE NORTH OF PARK HOUSE AT FORMER 12 - 18 HIGH ROAD LONDON N2 9PJ- 21/6385/S73 (EAST FINCHLEY)

The Committee agreed that the item be withdrawn to be able to process additional responses so that further information may properly be taken into account.

The order of business was changed to accommodate speakers.

7. 52 GREENFIELD GARDENS LONDON NW2 1HX - 21/5555/FUL (CHILDS HILL)

The Committee agreed that the item be withdrawn as the application was premature because another application had to be considered first.

8. 2A ALBA GARDENS, LONDON, NW11 9NR - 22/2761/FUL (GOLDERS GREEN)

The Planning Officer presented the report.

Rabbi Yoni Golker and Norman Bloom addressed the Committee in support of the application.

Eli Pick, the Agent for the Applicant, addressed the Committee.

Further to a discussion, the Chair moved to a vote on the Officer's recommendation to refuse the application. The vote was recorded as follows:

For: (refusal) 3*
Against: (refusal) 0
Abstained: 3

*The Chair used his casting vote and voted for the recommendation to refuse the application.

RESOLVED that the application be 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 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).

9. 320 - 322 WATFORD WAY LONDON NW4 4UY- 22/2398/FUL (HENDON)

The Planning Officer presented the report.

Alan Gunne-Jones and Joann Durrant addressed the Committee and spoke against the application.

Joel Gray, the Agent for the Applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 5

Against: (approval) 1

RESOLVED that the application be **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 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).

10. 93 PARK ROAD BARNET EN4 9QX - 22/2915/OUT (EAST BARNET)

The Planning Officer presented the report.

L Marshom addressed the Committee and spoke against the application.

David Gutwirth, the Agent for the Applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the application be **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 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).

11. 51 BRENT VIEW ROAD, LONDON, NW9 7EJ- 21/5499/FUL (WEST HENDON)

The Planning Officer presented the report.

Joe Henry, the Agent for the Applicant, addressed the Committee.

Further to a discussion, the Committee voted on the Officer's recommendation to approve the application as follows:

For: (approval) 6

Against: (approval) 0

RESOLVED that the Committee **APPROVE** the application subject to completion of s106 agreement and conditions set out in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and

addendum provided this authority shall be exercised after consultation with the 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. 101 SUNNY GARDENS ROAD LONDON NW4 1SH - 20/5206/FUL (HENDON)

The Planning Officer presented the report.

Ian Shinwell addressed the Committee and spoke against the application.

The Agent for the Applicant, James Cohen, addressed the Committee.

The Committee had the opportunity to ask questions of the resident, agent and Officers.

The Chair moved to vote on the Officer's recommendation to approve the application. The vote was recorded as follows:

For: (approval) 5

Against: (approval) 0

Abstained:1

Councillor Rich was not present during some of the discussion and therefore abstained from the vote at the Chair's direction.

RESOLVED that the application be 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 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).

13. FLAT 29 PEMBROKE HALL MULBERRY CLOSE LONDON NW4 1QW-22/2788/RCU (HENDON)

The Planning Officer presented the report.

David Gutwirth, the Agent for the Applicant, addressed the Committee.

The Committee had the opportunity to ask questions of the Agent and Officers.

The Chair moved to vote on the Officer's recommendation to approve the application. The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

RESOVED that the application be 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 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).

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

None.

The meeting finished at 9.54pm

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COMMITTEE REPORT

LOCATION:	70 Hillside Gardens, Barnet EN5 2NL		
REFERENCE:	TPP/0680/21	Received:	31.08.2021
WARD:	Underhill	Expiry:	26.10.2021
CONSERVATION AREA			

AGENT:	PRI - Insurance Services		
PROPOSAL:	1 x Oak (applicant's ref. T1) - Fell and treat stump. T11 of Tree Preservation Order.		

RECOMMENDATION:

That Members of the Planning Committee determine the appropriate action in respect of the proposed felling of 1 x oak T1 (applicant's ref.) – Standing in T11 of the Tree Preservation Order, either:

REFUSE CONSENT for the following reason:

The loss of these trees of special amenity value is not justified as a remedy for the alleged subsidence damage on the basis of the information provided.

Or:

APPROVE SUBJECT TO CONDITIONS

1. The species, cultivar, size and siting of one replacement tree shall be agreed in writing with the Local Planning Authority and these replacement trees shall be planted before the end of the next planting season following the commencement of the approved treatment (either wholly or in part). If within a period of five years from the date of any planting, the tree(s) is removed, uprooted or destroyed or dies (or becomes, in the opinion of the local planning authority, seriously damaged or defective), further planting of appropriate size and species shall be planted at the same place in the next planting season.

Reason: To maintain the visual amenities of the area.

2. Within 3 months of the commencement of the approved treatment (either wholly or in part) the applicant shall inform the Local Planning Authority in writing that the work has / is being undertaken.

Reason: To maintain the visual amenities of the area.

Consultations

Consultation was undertaken in accordance with adopted procedures which exceed statutory requirements:

Date of Site Notice: 23.09.2021

Consultees:

Neighbours consulted: 8

Replies: 3 responses have been received, all 3 of support from 70 and 72 Hillside Gardens and The Thomas Watson Cottage Homes located on adjoining land.

MATERIAL CONSIDERATIONS

Relevant Recent Planning History:

21/0866/HSE Two storey side and rear extension following demolition of existing rear extension. New front porch extension. Approved subject to conditions

20/5442/HSE Single storey side and rear extension following demolition of the existing garage. Approved subject to conditions

B/00457/14 Part single part two storey side and rear extension. First floor rear extension.

None of these permissions have been implemented by the homeowner.

PLANNING APPRAISAL

1 Introduction

An application form proposing felling of 1 x Oak (applicant's ref. T1) - Fell and treat stump. T11 of Tree Preservation Order TRE/BA/52 in connection with alleged damage at 72 Hillside Gardens

The application has been submitted by PRI - Insurance Services acting as agent who are dealing with a claim of alleged subsidence damage at 72 Hillside Gardens.

Appraisal

Trees and Amenity Value

The subject oak tree stands within the rear garden of 70 Hillside Gardens on the western side of the road. The gardens back onto The Watson Thomas Cottages Homes a gated estate at the end of Leecroft Road.

There is a significant and steep level change downwards from west to east and the subject oak tree is located at the base of the slope. Reducing significantly, the public amenity north wards to The Watson Thomas Cottages Homes.

Hillside Gardens also slopes downward from the north to south, the Hillside Gardens properties obscure the tree which can only be glimpsed between the properties of 70 and 72 and over the roofs of other properties.

Historic maps (1865 to 1894) show trees positioned along the historic field boundary that separates Hillside Gardens and Leecroft Road and The Thomas Watson Cottage Homes.

The proportions of the tree are such that this tree is likely to be the tree shown on the historic map.

The TPO TRE/BA/52 primarily focuses on protecting trees around The Watson Thomas Cottages Homes estate. But does include a few trees amongst a row of established trees along the boundary.

As requested at the previous planning committee meeting the tree should be valued to compare this against any likely costs to the council for compensation. Tree preservation orders are made to protect trees with public amenity value. Therefore, the Visual Amenity Valuation of Tree and Woodlands (The Helliwell System 2008) Guidance note 4 is the appropriate valuation system. 6 factors are used to assess the amenity value of a tree and guidance is set out within the above document. This system does not value ecosystem services, timber value, historical or cultural values which also play a role, but lesser, in determining the suitability of the tree for special protection. However, these ecosystem services values are far greater.

Factor	Points									
	0	0.5	1	2	3	4	5	6	7	8
Size	< 2m ²	2 to 5m ²	5 to 10m ²	10-20m ²	20-30m ²	30-50m ²	50-100m ²	100-150m ²	150-200m²	+ 200m ²
Duration	<2 years		2-5 yrs	5-40 yrs	40-100 yrs	100+ yrs				
Importance	None	Very Little	Little	Some	Considerable	Great				
Tree Cover		Woodland	Many	Some	Few	None				
Suitability to setting	Not	Poor	Just	Fairly	Very	Particularly				
Form		Poor	Average	Good						

Current **Helliwell** point values: From 1st January **2022**. Individual Trees: £42.97. This tree scores 7 x 4 x 1 x 1 x 3 x 2 making an amenity score of 168 x £42.97 provides an amenity of £7,218.96.

The subject oak tree T1 (applicant's plan) is approximately 18m high and has a stem diameter of around 900mm. The tree is in good health with no obvious physiological or structural defects that would merit the felling of this tree.

2 The application

The application submitted by Environmental Services was registered on the 15.09.2021. The reasons for the proposed felling of the oak tree (applicant's ref. T1) cited in section 5 of the application form are:

"Fell and Treat Stump to T1 Oak Tree Located at 70 Hillside Gardens, Barnet, Hertfordshire, EN5 2NL.

1. The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £12,000 and £30,000, depending upon whether the tree/s can be removed or must remain.

3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

4. It is the case that an alternative to felling such as pruning or significant 'pollarding' of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.

5. We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 28th February 2020 clearly links the T1 Oak Tree as the cause of damage to the risk address

6. Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted."

1 The supporting documentation comprises:

Arboricultural Consultancy for Oriel Services limited ref:
Cunningham and Lindsey INSURANCE CLAIM CONCERNING SUSPECTED SUBSIDENCE
ENGINEERING APPRAISAL REPORT Date: 29/05/2019 Our Ref: 6871382
CET Property Services Level monitoring from 06/11/2019 to 06/11/2020
CET Property Services SITE INVESTIGATION FACTUAL REPORT
EPSL European Plant Science Laboratory tree root EPSL Ref: R28760

2 Findings

Damage at the property was first notified by the house holder to their insurers in August 2018 and subsequent site investigations were carried out during 2019 and 2020. Following the receipt of the application to fell the protected tree the councils structural engineer provided the following comments:-

I have reviewed the additional information and would comment on this case as follows;

1. The damage to the rear extension is consistent with subsidence of the rear extension.
2. The extension construction pre-dates the NHBC guidance for building near trees.
3. The level monitoring results indicate enhanced seasonal movement to the rear extension.

4. Where possible a control borehole should always be undertaken to compare and contrast soil test results.
5. There is a slight indication of soil desiccation at 1.7m depth.
6. Live Oak roots ID at foundation depth.
7. Dead Leguminosae at 1.6m depth. The source of these roots is not clear.
8. On the basis of the distance of the oak tree from the extension the NHBC guide recommends a foundation depth of 1.8m. This would suggest oak roots are potentially present to a greater depth than found in the borehole.

Although the extension foundations would be considered shallow by current guidelines, they appear to have been constructed before the detailed guidance in the NHBC for building near trees and probably matched the depth of the existing house foundation.

The extension has suffered subsidence damage due to tree root action affecting the clay subsoil, and on the balance of probability the oak tree T1 is likely to be implicated in the damage.

A site visit undertaken on the 9th February 2022 and found that all the vegetation within 70 and 72 Hillside gardens has remained unchanged.

The submitted level monitoring indicates that there is seasonal movement occurring which appears to be in the rear extension. The level of movement is reported as category 4 severe. During the site visit cracks were very visible in the rear of the property.

It is common practice to categorise the structural significance of the damage in this instance, the damage falls into 4 - Extensive damage, cracks 15 to 25mm.

BRE Digest 251 *Assessment of damage in low-rise buildings* includes a 'Classification of visible damage to walls with particular reference to ease of repair of plaster and brickwork or masonry'. It describes category 2 damage as "Extensive damage which requires breaking-out and replacing sections of walls, especially over doors and windows.

Windows and door frames distorted, floor sloping noticeably. Walls leaning or bulging noticeably, some loss of bearing in beams. Service pipes disrupted. Typical crack widths are 15 to 25mm, but also depends on number of cracks."

BRE Digest 251 notes that *"For most cases, Categories 0, 1 and 2 can be taken to represent 'aesthetic' damage, Categories 3 and 4 'serviceability' damage and Category 5 'stability' damage. However, these relationships will not always exist since localised effects, such as the instability of an arch over a doorway, may influence the categorisation. Judgement is always required in ascribing an appropriate category to a given situation."*

The foundation level monitoring shows seasonal movement of the rear extension. The trial bore holes BH 1 located at rear extension find high plastic soils to 2.6m deep where the trial pits ends for the following reason *"BH ends at 2.6m. Claystone too dense to hand auger. BH dry and open on completion."* Tree roots were found to be below the 1.4m deep foundations and identified as (Quercus) oak. The structural engineer notes that a foundation depth of 1.4m is "slightly shallow for an oak tree 18m from building."

The BH 2 located to the front of the property was abandoned for the following reason:-*"Hand dug trial pit to 650mm, then used bar through voids down face of brickwork to possible top of the foundation Abandoned at 1250mm, made ground collapsing."* A trial pit was dug in a different location at the front of the property and found the following highly shrinkable clay soils at 2.5m.

The Tree Preservation Order that includes the oak tree (T1) was made in 1995 which post dates the construction of the rear extension which gained planning permission in 1987. Given the trees' size and position, as well as the contemporaneous NHBC guidance regarding foundation depth, the construction of the single storey rear extension in the early 1980s should have had due regard to the presence and mature growth of the oak trees.

The oak tree predates the construction of the extension at 70 Hillside Gardens, so there may be a risk of further damage caused by soil heave. This has not been confirmed and no predicted heave calculations have been submitted with this application.

The loss of the subject oak tree would have a considerable impact on public visual tree amenity and the character and appearance of the area. As it would reduce the impact of the 'wooded' strip of land between Hillside Gardens and The Watson Thomas Cottages.

Representations

6A The Hall, Leecroft Road Barnet in support of application
72 Hillside Gardens Barnet in support of application Reason
70 Hillside Gardens Barnet in support of application;

3 Legislative background

As the oak tree is included in a Tree Preservation Order, formal consent is required for their treatment from the Council (as Local Planning Authority) in accordance with the provisions of the tree preservation legislation.

Government guidance advises that when determining the application the Council should (1) assess the amenity value of the tree(s) and the likely impact of the proposal on the amenity of the area, and (2) in the light of that assessment, consider whether or not the proposal is justified, having regard to the reasons put forward in support of it. It should also consider whether any loss or damage is likely to arise if consent is refused or granted subject to conditions.

The Town and Country Planning (Tree Preservation) (England) Regulations 2012 provide that compensation is payable for loss or damage in consequence of refusal of consent or grant subject to conditions. The provisions include that compensation shall be payable to a person for loss or damage which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable when consent was refused or was granted subject to conditions. In accordance with the 2012 Regulations, it is not possible to issue an Article 5 Certificate confirming that the trees are considered to have 'outstanding' or 'special' amenity value which would remove the Council's liability under the Order to pay compensation for loss or damage incurred as a result of its decision.

The application states the reasons for the works are as follows:

"The above tree works are proposed as a remedy to the differential foundation movement at the insured property and to ensure the long-term stability of the building.

2. The above tree works are proposed to limit the extent and need for expensive and disruptive engineering repair works at the insured property. In this instance the estimated repair costs are likely to vary between £12,000 and £30,000, depending upon whether the tree/s can be removed or must remain.

3. The above tree works are proposed to limit the duration of any claim period and therefore allow the landowner their right to the peaceful enjoyment of their property.

4. It is the case that an alternative to felling such as pruning or significant ‘pollarding’ of the tree would not provide a reliable or sustainable remedy to the subsidence in this case. We do not consider that any other potential means of mitigation, including root barriers, would be effective or appropriate in the circumstances.
5. We are satisfied that the evidence obtained following completion of our Arboricultural Implication Assessment report completed 28th February 2020 clearly links the T1 Oak Tree as the cause of damage to the risk address
6. Insurers understanding the requirement to offer replacement planting in the event consent to fell is granted.”

When considering this the higher figure of £30,000 should be used. It is highly likely that the applicants will pursue the Council for any additional cost incurred if this application is refused.

The Court has held that the proper test in claims for alleged tree-related property damage was whether the tree roots were the ‘effective and substantial’ cause of the damage or alternatively whether they ‘materially contributed to the damage’. The standard is ‘on the balance of probabilities’ rather than the criminal test of ‘beyond all reasonable doubt’.

In accordance with the Tree Preservation legislation, the Council must either approve or refuse the application i.e. proposed felling. The Council as Local Planning Authority has no powers to require lesser works or a programme of cyclical pruning management to the privately owned TPO oak tree that may reduce the risk of alleged tree-related property damage. If it is considered that the amenity value of the oak tree is so high that the proposed felling is not justified on the basis of the reasons put forward together with the supporting documentary evidence, such that TPO consent is refused, there may be liability to pay compensation. It is to be noted that the Council’s Structural Engineers have noted that the *“oak tree would be implicated in the subsidence damage to the extension”*. There is also uncertainty about the risk of heave, it is also clear that the foundations were not constructed in accordance with NHBC guidance current at the time.

The statutory compensation liability arises for loss or damage in consequence of a refusal of consent or grant subject to conditions - a direct causal link has to be established between the decision giving rise to the claim and the loss or damage claimed for (having regard to the application and the documents and particulars accompanying it).

If it is concluded on the balance of probabilities that the roots of the oak tree are the ‘effective and substantial’ cause of damage or alternatively whether they ‘materially contributed to the damage’ and that the damage would be addressed by the felling of these trees, there may be a compensation liability if consent for the proposed felling is refused – in the application submissions it is indicated that 72 Hillside Gardens the repair works for may be in excess of an extra £30,000 if the subject oak tree is retained.

4 COMMENTS ON THE GROUNDS OF OBJECTION

Three letters of support have been submitted for the removal of the oak tree.

70 Hillside Gardens; the reason for support from tree owner is that subsidence is also an issue at this property.

72 Hillside Gardens, also submitted a letter of support to their insurers agents application.

6A The Hall, Leecroft Road Barnet provided no reason for their support.

5 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 application would have a significant impact on any of the groups as noted in the Act.

6 CONCLUSION

The agent, PRI - Property Risk Inspection, proposes to fell an oak tree standing within the grounds of 70 Hillside Gardens because of its alleged implication in subsidence damage to the rear extension of 72 Hillside Gardens.

The subject oak tree has amenity value and is visible from publicly accessible locations. It is part of a row of trees that are growing on the rear boundaries of properties on the western side of the road. These trees are important for wildlife as well as in preserving the character of the area and softening the adjacent built form. The loss of this oak tree will reduce the sylvan character of land between Hillside Gardens and Leecroft.

The Council's Structural Engineers have assessed the supporting documentary evidence and have noted that the subject oak tree is implicated in the subsidence damage to the extension. However, the subject tree is not the only causative factor in the alleged subsidence damage, the primary reason is deficient foundations. It is uncertain if there is a risk of heave damage as a consequence of felling this oak tree.

The financial implications for the public purse, and public amenity value/benefits of the subject oak tree need to be weighed.

If it is concluded on the balance of probabilities that the oak trees' roots are the 'effective and substantial' cause of damage or alternatively whether they 'materially contributed to the damage' and that the damage would be addressed by the felling of this tree, there may be a compensation liability (in the application submissions it is indicated that the repair works for 30 Cromer Road may be in excess of an extra £30,000 if the subject oak tree is retained) if consent for the proposed tree felling is refused.

Members need to decide whether or not the proposal is justified, having regard to the reasons put forward in support of it, given the likely impact of the proposal on the amenity of the area; bearing in mind the potential implications for the public purse that may arise from the Decision for this application.



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Location 10 Manorside Barnet EN5 2LD

Reference: 22/3258/HSE

Received: 21st June 2022

Accepted: 21st June 2022

Ward: Underhill

Expiry 16th August 2022

AGENDA ITEM 7

Case Officer: Rish Mehan

Applicant: Councillor Rohit Grover

Proposal: Single storey rear extension and replacement of double glazed windows

OFFICER'S RECOMMENDATION

Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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:

2207/01-0

2207/01-1

2207/01-2

2207/01-3

2207/01-4

2207/02-1E Rev E

2207/02-2C Rev C

2207/02-3D Rev D

2207/02-4D Rev D

Arboricultural Impact Assessment and Method Statement - October 2022

Tree protection plan 22-1451-TPP - 21/10/2022

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 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 All works shall be carried out in accordance with the hereby approved method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

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

This application is referred to Planning Committee because it is submitted by Councillor Rohit Grover.

1. Site Description

The application site contains a two storey, detached dwellinghouse at the end of a cul-de-sac off Manor Road. The surrounding area is residential in character, comprising of predominantly semi-detached and detached properties.

The subject site is not located within a Conservation Area, is not a listed building or subject to any other relevant planning restrictions.

2. Site History

N/A

3. Proposal

The proposal relates to the construction of a single storey extension to the rear (west) elevation and replacement of double-glazed windows. The proposal would feature materials that would match the existing property.

4. Public Consultation

5 consultation letters were sent to neighbouring properties. One letter neither in support nor refusal of the proposal has been received.

The comment is summarised below:

The proposed footprint extends the house *much* closer to our exposed fence line and the proposed dining room and lounge sliding windows would overlook our garden and the rear of our property. It would also mean that we're able to see directly into the proposed dining room and lounge area from both our garden and house.

Previous screening plants along the fence line (within the 10 Manorside boundary) have been removed by the current owners (and not replaced), but most of the line of sight has been screened by the existing laurels on the 9 Pinecroft side. This would no longer be the case with the proposed extension.

I would suggest it would be to everyone's benefit if the flower garden area as noted on the plan is planted up at the boundary to provide some screening in both directions, e.g. with laurels and other hedging. There is not any scope to do this on the 9 Pinecroft side due to the existing landscaping and fence/shed installation) but based on the proposals it looks as though there ought to be adequate space to incorporate screening into the scheme. I would add that a condition of the Pinecroft development (and subsequent work) was the retention of laurels as screening, so it would seem appropriate for screening to be a condition here. A plan to provide some screening would move us from neutral to being more supportive of this proposal.

I would also add that care must be taken as the proposed build sits adjacent to a protected Horse Chestnut tree (TPO/CA/91/A1) which overhangs the proposed development, with roots likely sited under the proposed plot. The tree must not be harmed, and proposed work must account for this tree, its roots, and its protected status.

As per usual, any requirement to trim or maintain the Horse Chestnut tree, even if it overhangs 10 Manorside, must be consented separately and we will review any such proposal in its own

4.1 Internal Consultation

Barnet's trees team have been consulted on this application due to the trees on site. Upon initial consultation the trees team they requested the following information to be submitted prior to a decision being made:

'The tree stands in TPO/CA/91/A1.

- o An arboricultural impact assessment
- o Draft method statement to address any impacts identified
- o Draft tree protection plan

All of the above must comply with the guidance set out within BS5837:2012 Trees in relation to design, demolition and construction - Recommendations.

Additionally, in order to make a comprehensive assessment we would require a detailed plan showing the levels of the existing building, the location of the proposed extension and the level at which the TPO tree stands. The proposal will necessitate level changes and excavations in close proximity to the tree but none of this has been quantified as yet.

Details of foundation design are also an important consideration. Section 7.5 of BS5837 provides guidance on bespoke foundation design (in principle).'

The agent had provided the required information and the trees team confirmed they are

satisfied with the information provided.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, 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 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 for the next 20-25 years. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

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

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

Barnet's 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

Impact to Character:

Policy DM01 sets out that 'proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces

and streets'.

The Residential Design Guidance SPD states that single storey rear extensions should not look too bulky and prominent compared to the size of the main building and garden to which they relate and extensions to detached properties should not exceed more than 4m in depth.

The proposed extension would have a depth of 2.45 metres, a width of 10.00 meters and a maximum height of 4.45m at the lowest ground level, infilling the area to the north of the existing flat roof kitchen. It would appear subordinate and in keeping with the character of the host property as well as the surrounding area in respect of design, scale and finish, in compliance with Policy DM01.

Impact to Neighbouring Amenity:

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

The Residential Design Guidance SPD states that proposals should be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight.

By virtue of the size and siting of the proposed extension it is not considered that it would cause adverse impact to neighbouring amenity at either no. 9 Manorside or no. 9 Pinecroft Crescent in terms of appearing overbearing or causing undue loss of light or outlook.

Moreover, it is not considered that the proposed windows to the rear would result in any unacceptable increase in overlooking relative to the existing relationship, in particular the kitchen window. Notwithstanding the increased proximity where the dining room is extended to the rear, the windows would be set at the same level and there remains scope to replace the existing trellis with close boarded fencing if desired. The higher ground level at the northern end would mitigate the impact from the side window to the lounge.

Taking all of the above into account it is considered that the proposal is in line with Policy DM01 in terms of its impact to neighbouring amenity.

5.4 Response to Public Consultation

The existing fencing and boundary wall is considered to be acceptable in terms of mitigating privacy. The existing flower bed is being retained. Therefore there are no issues regarding amenity.

In regard to the protected Horse Chestnut tree (TPO/CA/91/A1) a tree protection plan, arboriculturally impact assessment and method statement has been submitted. The tree officers are satisfied that there will be no harm to the protection tree as per the information provided.

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 and would not have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL

Location Flat 2, 81 Sunny Gardens Road London NW4 1SH

Reference: 22/3953/FUL Received: 1st August 2022
Accepted: 2nd August 2022

Ward: Hendon Expiry 27th September 2022

Case Officer: Radhika Bedi

Applicant: Ms Sanaz Diba

Proposal: Roof extension involving rear dormer and 3no front facing roof lights

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:

81SGR - 100 Site Location Plan
81SGR-101 - B Existing and Proposed Ground Floor Plan
81SGR-102 - B Existing and Proposed first floor plan
81SGR-103 - B Existing and Proposed loft floor plan
81SGR-104 - B Existing and Proposed roof plan
81SGR-105 - B Existing and Proposed front elevation
81SGR-106 - B Existing and Proposed side elevation
81SGR-107 - B Existing and Proposed rear elevation
81SGR-108 - B Proposed Front and Rear View
81SGR-109 - B Proposed Front and Rear View
81SGR-110 - B Proposed Rear View

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 application site is the end part of a purpose built flat block at the junction with Nursery Walk and comprises the upper floor flat. No. 81 was formed out of a side extension to No.s 83-85, approved together with the conversion of the building to flats under W05973.

There are no significant changes in levels across the applicant site. The rear largely comprises the parking area, with some lawn to the rear and front. The applicant property is not listed nor located on land designated as a Conservation Area and there are no trees subject to Preservation Order.

2. Relevant Site History

Reference: W05973

Address: 83/85 Sunny Gardens Road, London, NW4 1SH

Decision: Approved subject to conditions

Decision Date: 24 January 1979

Description: Conversion of properties into eight self-contained flats with a two-storey side extension to form two additional flats, and with ancillary car-parking at rear.

Reference: 22/3175/FUL

Address: Flat 2, 81 Sunny Gardens Road, London, NW4 1SH

Decision: Withdrawn

Decision Date: 3 August 2022

Description: Roof extension involving rear dormer and 3no front facing roof lights

3. Proposal

The application proposes a roof extension comprising a rear dormer and 3no front facing roof lights.

Amendments have been made during the lifetime of the application, as a result of which the building envelope of the dormer is in line with those of the other part of the building.

The proposed roof extension has an L-shaped footprint measuring 8m in width, 1m in height and a maximum in the tallest section of 1.5m. In profile, the dormer would project 1.3m and 2m for the deepest section.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties.
8no objection letters were received.

Reasons for objection can be summarised as:

- The freeholders and owners of the ground floor flat have not been notified about this development and do not agree for it to go ahead.
- The managing agents were emailed an Article 13 Notice to be distributed to owners on Friday 1 Aug, the same day as this application was submitted rather than 15 days in advance.
- Roof is not within the demise of Flat 2
- Structural concerns
- The noise of construction
- Satellite illustration and plans of the existing dormers are not accurate.
- Design not in-keeping with other dormers on the property

A re-consultation has been carried out on the amended plans and the outcome will be reported in the Addendum

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must

determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2022

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 (2016)

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

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact of the proposal on the character and appearance of the building, the street scene and the wider area

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

The existing building is effectively in three parts - with No81 forming a later extension of the original. The central and northern part of the building already benefit from wide, but shallow dormers in an L-shaped configuration. As a result however, the prominent rear elevation appears incomplete.

The proposed development - as amended - would introduce a corresponding third dormer which would directly replicate the footprint and profile of those existing. As such, the design would complement the appearance of the main building and be constructed of materials to match.

Roof lights are a common feature of the street scene. Due to their position and design, the proposed front facing roof-lights are considered to be acceptable and would not be detrimental to the character and appearance of the application property and the general locality.

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

Given the modest proportions and the relationship between the proposed loft extension and the neighbouring properties, it is not considered that this scheme would be detrimental to the amenities of the occupants of any neighbouring property in respect of harm to outlook or sense of enclosure.

Having regard to the aspect from the existing rear-facing windows, the proposed new roof-lights and rear dormer due to its location are not considered to have detrimental impact in terms of overlooking or loss of privacy.

Therefore, for the reasons stated above the proposal is considered to be acceptable under Policy DM01.

5.4 Response to Public Consultation

- The freeholders and owners of the ground floor flat have not been notified about this development and do not agree for it to go ahead.
- The managing agents were emailed an Article 13 Notice to be distributed to owners on Friday 1 Aug, the same day as this application was submitted rather than 15 days in advance.

The Application was accompanied by Certificate B citing the freeholder. A copy of the Article 13 Notice (dated 1st August) was also provided. Although Certificate B states note was served on the 1st June, the objection claims it was not served until 1st August (consistent with the date of the Notice). Nonetheless, this was prior to the registration of the application (on the 5th). For the avoidance of doubt, Article 13 of the Development Management Procedure Order (2015) to give requisite notice of the application to any person (other than the applicant) who on the prescribed date is an owner of the land to which the application relates - NOT that notice has to be given on that date. Certificate B correctly identifies the freeholder and evidence of the requisite notice has been provided. The leaseholders of the ground floor flat (and any other leaseholders) did not stand to be directly notified, as their ownership over the roof space is as part of their share of the freehold. The flats were however notified as part of the consultation.

- Roof is not within the demise of Flat 2

An Applicant is not required to be the owner (subject to the correct Certificate having been served). A grant of planning permission does not obviate the requirement for the permission of the relevant landowner(s) to be sought

- Structural concerns

Structural concerns are not a matter relevant to an application for planning permission and would be covered by Building Regulations and the Party Wall Agreement

- The noise of construction

The noise from the construction phase is not a material planning consideration that can be considered within the assessment. The works would nonetheless be controlled by the statutory working hours enforced by Environmental Health.

- Satellite illustration and plans of the existing dormers are not accurate.

The LPA are satisfied that the plans upon which the decision is made are accurate. The existing and proposed aerial views are illustrative and not listed in the approved plans and documents.

- Design not in-keeping with other dormers on the property

The design has been amended during the process of the application and now reflects the existing dormers on the building.

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 subject to conditions.

8. Site Location Plan



Location **69 Brunswick Park Gardens London N11 1EF**

Reference: **21/4740/FUL** Received: 31st August 2021 **AGENDA ITEM 9**
Accepted: 6th September 2021

Ward: Brunswick Park Expiry 1st November 2021

Case Officer: **Mansoor Cohen**

Applicant: John Silverman

Proposal: Erection of a two-storey building on the side garden of No. 69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Addition of a single storey front extension to form new front entrance at No. 69 Brunswick Park Gardens. Associated additional refuse/recycling store and parking area.

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:

BRG-B011-XX-XX-DR-A-PL005 Rev P02-Site Location Plan
BRG-B011-XX-XX-DR-A-PL006 Rev P02-Existing Site Plan
BRG-B011-XX-XX-DR-A-PL012 Rev P02-Existing Elevations
BRG-B011-XX-XX-DR-A-PL013 Rev P01-Existing Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL014 Rev P01-Existing First Floor and Roof Plan
BRG-B011-XX-XX-DR-A-PL008 Rev P04-Proposed Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL009 Rev P03-Proposed First Floor and Roof Plan
BRG-B011-XX-XX-DR-A-PL010 Rev P03-Proposed Elevations
BRG-B011-XX-XX-DR-A-PL011 Rev P02-Proposed Elevations

BRG-B011-XX-XX-DR-A-PL015 Rev P01-Proposed Section
BRG-B011-XX-XX-DR-A-PL008 Mark up Rev P04-Proposed Ground Floor Plan
BRG-B011-XX-XX-DR-A-PL007 Rev P03-Proposed Site Plan
Parking Survey by Fieldgate Consultants Ltd, dated 1 November 2021

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

- 2 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) 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 D14, SI 1 and T7 of the London Plan (2021).

5 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.

6 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of

the Development Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policies D6 and SI7 of the London Plan 2021

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. BRG-B011-XX-XX-DR-A-PL008; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6.1 of the London Plan 2021.

- 8 a) Notwithstanding the details submitted with the application, before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 9 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 G1 and G7 of the London Plan 2021.

- 10 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).

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy SI 5 of the London Plan 2021

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) 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) with the exception of the provision of lifts. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies D6 and D7 of the London Plan 2021.

- 14 Prior to the first occupation of the residential units hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions of a minimum of 10% when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan 2021.

- 15 The premises shall be used for assisted living units and for no other purpose (including any other purpose in Class C2 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority

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

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

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.

- 3 The applicant is advised that any development or conversion which necessitates

the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

OFFICER'S ASSESSMENT

This application was originally called in by the former Cllr Rutter and since has been called in by Cllr T Vourou for the reasons that:

1. This development would cause the new dwellings to be overlooking neighbouring properties.
2. The new development is too close to the neighbouring boundaries.
3. The new development would adversely affect the light in gardens in Pine Road.

1. Site Description

The application site comprises land to the north of no.69 Brunswick Park Gardens, a two-storey detached building. The surrounding streetscape is predominately characterised by two-storey gable-ended dwelling houses formed within small terraces. There is little design variation within the streetscape. The application site is visible from the main public highway, although fronts onto a pedestrian footpath linking Brunswick Park Gardens and Pine Road. To the north of the site is the rear gardens of dwelling houses located on Pine Road, to the west is a large field associated with the North London Business Park, to the south is no.69 Brunswick Park Gardens and to the east is the highlighted pedestrian footpath. The site topography slopes down from west to east.

The application site is not located within a conservation area and is not a statutory or locally listed building. The site is in Flood Zone 1 and has no trees subject to Tree Preservation Orders (TPO) located within its curtilage.

2. Site History

Reference: 18/7550/FUL
Address: 69 Brunswick Park Gardens
Decision: Refused

Decision Date: 04 March 2019

Description: Erection of a two-storey building on the side garden of no.69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Associated parking and refuse and recycling storage.

Reason: The proposed development would by reason of its two-storey front gable design, building width, inconsistent eaves treatment and siting of the front door, have a discordant appearance within the streetscene and when viewed in relation to the adjacent grouping of properties at nos. 61 to 69 Brunswick Park Gardens. It would also result in a visual imbalance with the adjoining property at no.69 in which it would form a pair of semi-detached properties. As a result it would fail to comply with Policies 7.4 and 7.6 of the London Plan (2016) and Policy DM01 of Barnet's Development Management Policies (2012).

Reference: 19/3425/FUL

Address: 69 Brunswick Park Gardens, London, N11 1EF

Decision: Refused

Decision Date: 14 August 2019

Description: Erection of a two-storey building on the side garden of no.69 Brunswick Park Gardens, to create 4no self-contained assisted living units

Reason: The proposed development would, by reason of its building width and siting of the front door, have a discordant appearance within the streetscene and when viewed in relation to the adjacent grouping of properties at nos. 61 to 69 Brunswick Park Gardens. It would also result in a visual imbalance with the adjoining property at no.69 in which it would form a pair of semi-detached properties. As a result it would fail to comply with Policies 7.4 and 7.6 of the London Plan (2016) and Policy DM01 of Barnet's Development Management Policies (2012).

3. Proposal

This application follows on from the previous two refused schemes considered under reference no. 18/7550/FUL and 19/3425/FUL and seeks to overcome the previous reasons for refusal.

The application seeks planning permission for the 'Erection of a two-storey building on the side garden of No. 69 Brunswick Park Gardens, to create 4no self-contained assisted living units. Addition of a single storey front extension to form new front entrance at No. 69 Brunswick Park Gardens. Associated additional refuse/recycling store and parking area'.

The primary differences between this application and its predecessor, 19/3425/FUL are as follows:

- New front further projecting porch for the existing building
- The inclusion of centralised two storey front projection to mirror No.69 (predecessor consisted of a flush front with a front canopy to one side of the building).
- Alterations to fenestration detailing to match the existing building
- Reduced width and ridge height of the two storey rear projection
- Reconfiguration of the internal layout for the four units
- Alterations to the layout of the landscaping around the building
- Reduction in the existing 3no. spaces of parking provision to 2no. parking spaces to improve access to existing building entrance.

Amended plans were received during the course of the application and are the subject of this assessment.

4. Public Consultation

Consultation letters were sent to 49 neighbouring properties.

3 responses were received, comprising 3 letters of objection including objection comments from Cllr Rutter.

The objections received can be summarised as follows:

- Loss of light and overshadowing
- Loss of privacy and overlooking
- Noise and disturbance as a result of the development
- Proposal is fundamentally the same as the previous refused application.

The former Councillor Rutter submitted the following comments on behalf of residents:

'Local residents have contacted me recently and informed me that they are unhappy that another new application has been submitted similar to the previous applications which were refused.

The addition of the new front entrance makes no difference and therefore previous concerns still apply.

I note that there will also be additional refuse/recycling store and parking area and wonder where this additional parking area will be especially as parking is limited.

I therefore write to confirm that if you are minded to approve this application, then I would like to bring this application to committee please. The same previous concerns still apply;

- This is a typical case of 'garden grabbing'
- The proposed development is too close to the boundary fence
- Out of character with neighbouring properties
- Overlooking
- Proposed development will cause loss of light to gardens in Pine Road'

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 on 20 July 2021. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. 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.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

- Residential Design Guidance SPD (adopted October 2016)
- 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:

- The 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 amenity of future occupants;
- Whether harm would be caused to the living conditions of neighbouring residents; and,
- Whether harm would be caused to the Highway environment

5.3 Assessment of proposals

As mentioned above, this application follows on from two previously refused schemes 18/7550/FUL and 19/3425/FUL, the latter being subject to an appeal decision which was dismissed. The Inspectors decision forms a material planning consideration in the assessment of this scheme and will be referenced accordingly where relevant.

Principle of development

For reference, the following comments were made in the previous two schemes with regards to the principle of development:

'This application proposes to erect a two-storey building on the side garden of no.69

Brunswick Park Gardens, for the purposes of creating four self-contained assisted living units for the Birnbeck Housing Association. The units would serve tenants of the association who have Asperger Syndrome who live independently but receive assistance and support from the association from time to time.

The Birnbeck Housing Association have four properties within Brunswick Park Gardens at nos. 69, 71, 91 and 93. Planning permission for four assisted living units at no.91 was granted in 2015 (ref: 15/02224/FUL). Therefore, it is considered that the principle of self-contained assisted living units within Brunswick Park Gardens has been established. The proposed scheme would not result in the loss of a single-family dwelling, but would rather utilise part of the side garden to no.69 to create additional accommodation. Consequently, given the proposed scheme would not result in the loss of a single-family dwelling and the fact self-contained assisted living units are part of the established character of Brunswick Park Gardens, there would be no in-principle objection to the proposed scheme subject to design, amenity and highways considerations.'

Therefore the above assessment remains valid and the principle of the development remains supported subject to the considerations as set out below.

Residential Amenity

For reference, under the previous two planning applications, the following comments were stated in the officer report with regards to the impact of the proposal on the residential amenity of neighbouring properties:

'Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

It is considered that the proposed development would have an acceptable impact on the residential amenity of neighbouring occupiers by way of outlook, daylight / sunlight and privacy.

Outlook and Daylight / Sunlight:

The applicant has provided a shadowing analysis to assess the impact of the proposed development on the properties at nos. 27 to 33 Pine Road. This assessment shows shadowing resulting from the proposed development on 21 December, 10 February, 21 March and 21 June. The assessment shows significant overshadowing during December and February, but limited, or temporary overshadowing during March and June. The BRE guidance suggests that for an amenity area, like a garden, to appear sunlit throughout the year, at least 50% of the garden or amenity area should receive 2 hours of sunlight on 21st March (21st March is the equinox month and is the set day for testing overshadowing in accordance with the BRE criteria). The shadowing assessment demonstrates that on 21st March, all gardens of the highlighted properties would receive more than the required two hours of sunlight. Based on the above and the fact all highlighted gardens would receive good levels of direct sunlight in the spring and summer months when vegetation is in full bloom and gardens are typically occupied more frequently, it is considered that the proposed development would have an acceptable impact on adjacent gardens by way of

daylight / sunlight.

It is also noted that the rear windows serving habitable rooms at nos. 27 to 33 Pine Road would be set-back from the proposed flank wall by a distance of 20m on average. In view of the highlighted shadowing analysis and the acceptable impact of the proposed development on the rear gardens of nos. 27 to 33 Pine Road, it is considered that the rear windows serving habitable windows at these properties would receive an acceptable level of daylight / sunlight and outlook.

Privacy:

The proposed flank wall contains no windows. Therefore, it is not considered that the proposed development would provide opportunities for direct overlooking into the neighbouring properties at nos. 27 to 33 Pine Road.

There is a distance of 6m from the first-floor front windows and the rear garden of no.71 (10m to the main part of the rear garden). While this would result in some opportunities for overlooking, it is not considered these opportunities are significantly more harmful than those currently available from the first-floor windows of no.69.

In summary, while it is acknowledged that the proposed development will result in an increased level of overshadowing to the rear gardens of nos. 27 to 33 Pine Road, particularly during the winter months, it is considered that the impact is acceptable and in compliance with BRE standards. Indeed, it is considered that each of the adjacent rear gardens and rear windows serving habitable rooms would receive sufficient daylight / sunlight and outlook, particularly in the spring and summer months when the gardens are typically used more frequently. While there will be an increased sense of enclosure given the siting of the proposed flank wall just over 2m from the site boundary with the highlighted gardens, it is not considered that this proximity is so significantly harmful as to warrant a reason for refusal, particularly in view of the shadowing assessment. Lastly, it is considered that the proposed development would be acceptable in relation to privacy and overlooking.'

Based on this assessment, the Council concluded under references no. 18/7550/FUL and 19/3425/FUL that the impact of the proposed building on the residential amenity of neighbouring properties would be acceptable. The proposed design and footprint has not changed in a manner that would alter this assessment, and therefore the Council maintains the position of the preceding applications.

Character and Street Scene

As noted earlier in this report, the previous schemes were refused on character and appearance grounds, the latter scheme 19/3425/FUL was subject to the scrutiny of the Planning Inspectorate in which the appeal was dismissed. The following comments from the Inspector were noted:

Paragraph 4: The proposal is for the erection of a two-storey building attached to the side of No 69. No 69 is a fairly substantial two storey detached building with a central projection spanning both stories. Though both buildings would contain flats, the proposal would have the visual effect of creating a new semi-detached pair with No 69. The proposed building would be slightly narrower than the building at No 69 but would, nevertheless, be of a scale which would be consistent with others in the area.

Paragraph 5: The front door and main entrance to the proposed building would be sited to one side of the building and would have a porch canopy above. Whilst the canopy would be similar to others in the area, no such canopy is present at No 69 and the resultant semi-detached pair would not reflect the symmetry found elsewhere. Moreover, buildings in the area generally have a central entrance which acts as a focal point, adds to the symmetry and creates a strong sense of uniformity. No 69 is such a building and the central entrance projection is the most notable design feature of the building. The proposed building would not reflect this design and would, instead, have an off-centre appearance.

Paragraph 7: As such, in my view, the proposal would create a visually unbalanced pair of buildings which would fail to reflect the prevailing rhythm which characterises the area. I therefore consider that the proposed development would have a discordant appearance within the street scene and would cause harm to the character and appearance of the area.

To this end, the current scheme has sought to directly address the concerns raised by the council and Inspector. The proposed scheme incorporates a deeper new front entrance to the existing building no.69 which is more akin to the depth of front porches on neighbouring buildings. The new build will reflect this centralised front projection mirroring its depth, design and features. The proposed scheme would thus retain a heightened level of symmetry between the existing building and new build appearing duly balanced. Moreover, fenestration proportions, detailing and positioning have been matched within the new build to provide a seamless integration. It is therefore considered that the current submission has acceptably addressed the previous concerns raised by the Inspector.

In respect of the rear elevation, improvements have been made to modestly reduce the width of the rear gable end projection and setting down the ridge height significantly beyond the ridge of the main roof. This aspect would thus read as a subordinate 'addition'.

In conclusion, the revised design within this application has overcome the previous concerns raised and would acceptably integrate with the existing building, streetscene and wider locality.

. Quality of residential accommodation

The London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum internal space requirements for residential units.

The proposal includes the creation of 4 new units consisting of the following:

- Unit 1 (ground floor) - 1b2p GIA 51sqm (required 50sqm)
- Unit 2 (ground floor) - Studio GIA 39sqm (required 39sqm)
- Unit 3 (first floor) - 1b2p GIA 50sqm (required 50sqm)
- Unit 4 (first floor) - Studio GIA 39sqm (required 39sqm)

As set out above, all of the units would meet the required minimum space standards.

Table 2.2 of Barnet's Sustainable Design and Construction SPD (2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m² and is at least 2.75m wide and

every other double (or twin) bedroom is at least 2.55m wide.

Both of the double bedrooms within the one bedroom flats would meet these required standards.

Floor to ceiling height:

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

The submitted section drawing demonstrates that all units would meet this requirement.

Light/outlook:

Barnet's Sustainable Design & Construction SPD (2016) section 2.4 states that glazing to all habitable rooms should provide reasonable levels of outlook and daylight / sunlight to all habitable rooms.

All units would be dual aspect with ample glazed areas to ensure an acceptable level of outlook and daylight/sunlight.

Section 2.3 of the Sustainable Design & Construction sets out the minimum external amenity space standards for a flat, which is 5m² per habitable room. The existing rear garden of some 225sqm of useable space is capable of accommodating the required amount for both the existing property at no.69 and the proposed development, thus in compliance with the requirements. Subdivision details of the garden area could be secured by way of a condition.

Highway Impacts

The existing property has 3x off-street car parking spaces which the developer is proposing to scale down to 2x spaces in order to provide improved pedestrian access into the existing property.

The site lies within a PTAL 1a site, which means that there is very poor public transport accessibility to and from the site. According to requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for a proposal such as this is 4 spaces. Therefore the proposed is an under-provision of 4x off-street car parking spaces, plus the loss of 1x of the existing spaces.

Taking into consideration the Transport Statement provided by the applicant within the Design and Access Statement, it is believed that existing car parking provision is under-utilised by existing residents and therefore less parking provision than that required by Policy DM17 of the Barnet Local Plan, is deemed to be required. However, highways consider evidence of this in the form of a car parking survey is required to ensure that any potential overspill of off street car parking is not accommodated on the public highway causing disruption to other local residents and road users.

Subsequently a parking survey was provided demonstrating a minimum spare parking capacity of 13 spaces and therefore adequate to accommodate any potential overspill. Highways thus raise no objection to the proposal.

Cycle Parking:

The plans show a dedicated cycle store within the rear garden accommodating 6 spaces which would be in accordance with the London Plan standards. Cycle store details can be secured through a suitable condition.

Refuse/Recycling:

A dedicated refuse store for the existing and proposed building would be located to the front forecourt of the site which resembles the siting of the existing refuse store and therefore acceptable. Further details of the store can be attained through a condition.

5.4 Response to Public Consultation

In addition to the above assessment, the following comments are made in response to objections received:

- This is a case of garden grabbing and will represent a loss of green spaces. Private garden areas are not considered to be green spaces

-Noise and disturbance as a result of the development

In relation to construction activities, this can be reduced by way of construction management plan secured via a condition. In respect of occupiers, the level of occupiers are modest and considering that these are assisted living units, it is not considered that demonstrable harm would arise to neighbouring occupiers.

-Proposal is fundamentally the same as the previous refused application.

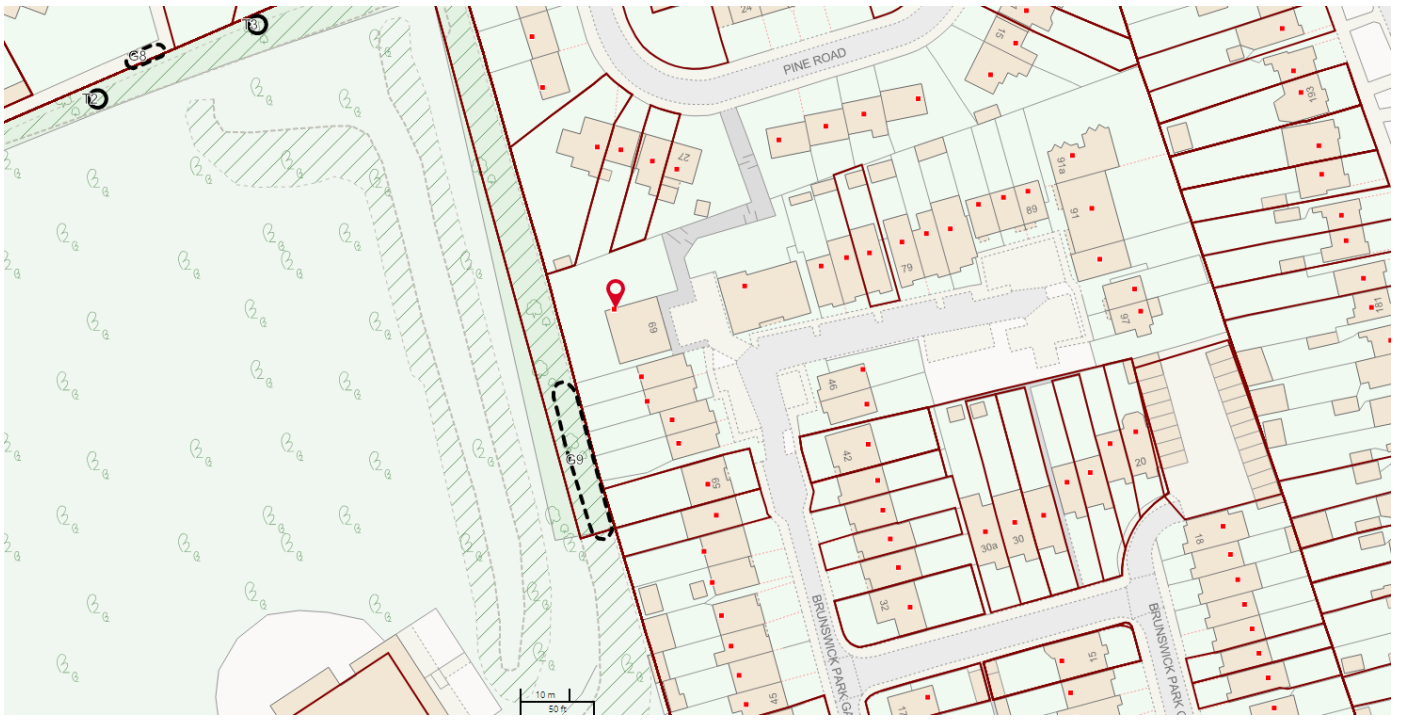
The principle of the development has been previously accepted, the current scheme addresses the sole reason of refusal which related to the design of the new build.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal would have an acceptable impact on the character and appearance of the host building, streetscene and locality. The proposal is not deemed to adversely impact neighbouring occupiers. This application is therefore recommended for APPROVAL.



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Location 26 Renters Avenue London NW4 3RB

Reference: 22/2472/FUL

Received: 9th May 2022

AGENDA ITEM 10

Accepted: 9th May 2022

Ward: Hendon

Expiry: 4th July 2022

Case Officer: Emily Bell

Applicant: C/O UPP Architects + Town Planners

Proposal:

Conversion of the existing dwelling into 4no. self-contained flats including, Part single, part two storey side and rear extension and conversion of the existing garage. Associated refuse/recycling, amenity space, cycle storage and off-street parking

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:

026RE-A-03-002
026RE-A-01-001
026RE-A-01-002
026RE-A-02-001
026RE-A-02-002
026RE-A-03-001
026RE-A-03-003
026RE-A-03-004
026RE-A-05-001
026RE-A-05-002
026RE-A-06-001
026RE-A-06-002
026RE-A-06-003
026RE-A-06-004
026RE-A-01-001 REV 2
026RE-A-01-002 REV 2
026RE-A-02-101 REV 1
026RE-A-02-102 REV 1
026RE-A-02-103

026RE-A-03-101 REV 1
026RE-A-03-102 REV 1
026RE-A-03-103 REV 2
026RE-A-03-106 REV 2
026RE-A-05-101 REV 2
026RE-A-05-102 REV 2
026RE-A-06-101 REV 2
026RE-A-06-102 REV 2
026RE-A-06-103 REV 2
026RE-A-06-104 REV 2

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) unless otherwise specified in the approved plans and 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 extensions hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

- 5 Before the building hereby permitted is first occupied the proposed dormer windows in the flank elevation facing No 24 Renters Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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

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

- 7 Before the development hereby permitted is first occupied, the rear amenity area shall be sub-divided in accordance with the details shown on approved plans Drg No 026RE-A-01-002 REV 2 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 (2012) and the Sustainable Design and Construction SPD (2016)

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

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

- 9 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the 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).

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no.026RE-A-01-002 REV 2 submitted with the planning application and the corresponding access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy T5 and Table 10.2 of 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 a) Notwithstanding the approved plans, before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Informative(s):

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

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.

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

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

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

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

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

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

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

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

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

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

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

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

- 6 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.

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

OFFICER'S ASSESSMENT

1. Site Description

The subject site is located at 26 Renters Avenue, NW4 3RB, consisting of a two storey detached dwelling located on the corner of Renters Avenue at the junction with Cheyne Walk. The property has previously been extended by way of a two storey side extension with a flat roof. There is also a detached garage set back from the main dwelling with side elevation running along Cheyne Walk.

The area surrounding the site is predominantly residential consisting of detached and semi-detached dwellings.

The property is not listed and is not located within a conservation area.

2. Site History

Reference: W14192A/07

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Refused

Decision Date: 18 December 2007

Description: Two storey front extension and first floor rear extension. Extensions to roof including side and rear dormer windows to facilitate a loft conversion.

Reference: W14192/05

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Approved subject to conditions

Decision Date: 28 October 2005

Description: Two-storey front and first floor rear extension with new pitched roof over existing flat roof. New front porch. Single storey detached garage to the side.

Reference: W14192B/08

Address: 26 Renters Avenue, London, NW4 3RB

Decision: Approved subject to conditions

Decision Date: 2 May 2008

Description: Two storey front extension and first floor rear extension with new pitched roof over existing flats roof. Conversion of existing roof into habitable room area involving rear and side dormers.

3. Proposal

Conversion of the existing dwelling into 4no self-contained flats including, part single, part two storey side and rear extension and conversion of the existing garage. Associated refuse/recycling, amenity space, cycle storage and off-street parking.

4. Public Consultation

Consultation letters were sent to 45no neighbouring properties.
8no letters of objection have been received, summarised below:

- o Development out of character which is substantially large family houses
- o Houses are either single family or two flats with ample size for a small family. This development creates small bedsits
- o Will lead to stretch on local services
- o Deterioration and quality of living if converted to flats
- o Implications for parking
- o Privacy of neighbouring occupiers
- o Implications for foundations/structures of adjacent properties
- o Noise associated with more households
- o Impact of construction/building works
- o Safety risk of bin placement
- o Roof extensions are overbearing, visually obtrusive
- o Shared garden does not allow for privacy
- o Greenhosue gas emissions

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Relevant policies:

D3 and D4 - Good Design

D5 - Inclusive Design

D6 - Housing Quality and Standards

D7 - Accessible Housing

D12 - Fire safety

H2 - Small Sites

H12 - Housing Size mix

SI 2 Minimising Greenhouse Gas Emissions

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9

Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

- States that privacy can be safeguarded by achieving adequate window to window, or window to balcony distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of Development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Provision of adequate accommodation for future occupiers
- Highways and Parking
- Refuse and Recycling

5.3 Assessment of proposals

Principle of Development

The Borough has an attractive and high quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flatted 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 2012 (LP) 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.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flat accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

A review of the locality reveals that a number of properties along Renters Avenue have been historically converted into flats, these include nos. 43, 51, 53, 63, 83, 85, 87, 87 and 91. Taking into consideration the existence of several other examples of subdivisions, the principle of flats in this location is acceptable subject to further considerations as set out below.

Impact of the proposal on the character and appearance of the area

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

The NPPF attaches great importance to the design of the built environment, stating that, "good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities" (para.124).

The proposal includes a ground floor extension measuring a maximum of 4 metres in depth. The Residential Design Guidance states that a depth of 4 metres is normally considered acceptable for a single storey rear extension on a detached dwelling and the proposal would comply with this guidance. A single storey infill extension is also proposed to connect the main dwelling with the existing detached garage. This infill extension is not considered to significantly impact on the character and appearance of the host property.

The Residential Design Guidance states that two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable as they can be too bulky and dominant. At first floor it is proposed to extend adjacent to the common boundary with no. 24 Renters Avenue by approximately 2.2 metres and to a maximum depth of 2.5 metres towards the flank elevation facing Cheyne Walk. This depth is considered to result in an acceptable addition which would not be overly bulky and is considered to be acceptable with regards to the character of the building.

A previous application was approved at the site (ref. W14192B/08) which included extensions to form two front bays as well as roof extensions. In this case, the ridge height of the extended roof did not rise above the level of the neighbouring property.

Amended plans have been received throughout the lifetime of the application to include a reduction in the ridge height of the proposed building.

The previous application also permitted the addition of 2no dormers to the roof of the host site. It is proposed under the current application to include 3no dormers, one to each side elevation and one to the rear elevation. The proposed dormers have been amended throughout the lifetime of the application to include an increased set in from the eaves of the main roof. There are examples of dormer roof extensions within the surrounding area along Renters Avenue and Cheyne Walk and the proposed extensions are not considered to detract from the character of the host site or wider area.

Overall, the extensions to the building as amended are considered to be of an appropriate scale and would have an acceptable impact on the character and appearance of the host site and surrounding area.

Impact on the Amenities of Neighbours

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

The neighbouring property at no. 24 Renters Avenue benefits from a single storey rear extension. The proposed extensions to the host property at ground floor level would extend past this by approximately 1.3 metres which is considered to be an acceptable distance which would not result in detrimental impacts to light and outlook to the neighbouring property. The infill ground floor extension would not project deeper than the existing garage and would be concealed from view from the ground floor extension to the main dwelling.

At first floor the extension would project past the neighbouring property by approximately 1.3 metres with a distance of 1 metre between the flank walls of the host site and neighbouring property which is considered to have an acceptable impact on neighbour amenity. No windows are proposed within the flank elevation of the extension facing towards no. 24 and as such there are no concerns regarding overlooking or loss of privacy.

Due to the location of the host property on a corner site, there is not considered to be a detrimental impact to neighbouring occupiers opposite.

The roof extensions are not considered to have an overbearing impact on neighbouring properties. The plans indicate that the side dormer facing towards no. 24 Renters Avenue will be obscure glazed so as to protect the privacy of these neighbouring occupiers.

Whilst it is accepted that the scheme would result in additional comings and goings than the existing single family dwelling, it is considered that given the character of the surrounding properties, officers do not consider that the increase in occupancy level would result in an unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal. Residential use is accepted on site and it is considered that there would be no significant additional impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

Provision of adequate accommodation for future occupiers

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

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 application will therefore be assessed according to the requirement laid out in the London Plan (2021).

The proposal would provide the following dwellings:

- Unit 1: 2 bed, 3 person unit with GIA of 67sqm
- Unit 2: 3 bed, 4 person unit with GIA of 77 sqm
- Unit 3: 2 bed, 3 person unit with GIA of 61sqm
- Unit 4: 1 bed, 2 person unit (duplex) with GIA of 61sqm

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 1 bed, 2 person unit over 2 storeys requires 58sqm, a 2 bed, 3 person unit over 1 storey requires 61sqm and a 3 bed, 4 person unit over 1 storey requires 74 sqm.

Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The proposed units would meet the minimum internal space standards as per the Sustainable Design and Construction SPD.

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

The proposed flats are considered to benefit from adequate light and outlook. The units to the ground floor level would be provided with private amenity space to the rear so as to ensure that privacy of future occupiers is maintained. All units would provide the requisite internal head height (2.5m for a minimum of 75% of the floorspace).

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

Unit 1 is provided with 32.6m² of private amenity space and Unit 2 is provide with 63.3m² of private amenity space. There is a further communal amenity space measuring 134.7sqm to the rear. This is considered to result in and provide an acceptable level of private outdoor amenity space for the future occupiers of the proposed flats.

Parking and highways

The applicant is proposing to convert the existing single family dwelling into self-contained units with the provision of 4 off-street car parking spaces. The site lies within a PTAL 3 zone, which means that there is moderate public transport accessibility to and from the site. In line with requirements on Policy DM17 of the Barnet Local Plan, the proposed provision of 4x off-street car parking spaces, 1 space per dwelling is deemed acceptable on highways grounds.

The applicant is proposing to retain the existing crossovers to property frontage and to create a new access to the rear of the property to access 2 further car parking spaces. All vehicular crossovers must be between 2.4-4.2m wide in order to safely accommodate access from the public highway. The applicant is advised that an application must be made to the highway domestic crossovers department prior to the commencement of works.

Cycle parking needs to be provided in accordance with the requirement of the London Plan Cycle parking standards. For this proposal 8x cycle parking spaces are required. Details of this can be secured by way of a condition.

The application is recommended for approval on highways grounds, subject to conditions.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy SI 5 of the London Plan (2021) and a reduction of CO₂ emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy SI 2 of the London Plan (2021)

5.4 Response to Public Consultation

- o Development out of character which is substantially large family houses

As discussed within the main body of the report, a review of the locality reveals that a number of properties along Renters Avenue have been historically converted into flats.

- o Houses are either single family or two flats with ample size for a small family. This development creates small bedsits

The proposed development would provide a 3 bed family sized unit on the ground floor. The remaining units would contribute to providing a mix of housing types within the Borough.

- o Will lead to stretch on local services

It is not considered that the addition of the proposed flats would significantly impact the local amenities to an extent that would warrant refusal of the application. The development would also be CIL liable, meaning a contribution towards community infrastructure would be required.

- o Deterioration and quality of living if converted to flats

Decisions are based on the assumption that residents would act in a sensible and responsible manner. Notwithstanding, there is nothing before the council to substantiate increased risks of neglect as a result of the proposal.

- o Implications for parking

Highways officers have reviewed the application and are satisfied that the proposal would have an acceptable impact.

- o Privacy of neighbouring occupiers

This has been discussed within the main body of the report.

- o Implications for foundations/structures of adjacent properties

Details regarding foundations/structure will be dealt with under building control legislation. The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme.

- o Noise associated with more households

This has been discussed within the main body of the report.

- o Impact of construction/building works

This is not a material planning consideration.

- o Safety risk of bin placement

Highways and waste collection teams have reviewed the application and raised no objections to the placement of the refuse stores. More details will be secured by way of a condition.

- o Roof extensions are overbearing, visually obtrusive

The roof extensions have been amended throughout the lifetime of the application and are considered to be appropriate additions.

- o Shared garden does not allow for privacy

Units 1 and 2 on the ground floor have been allocated private amenity space to ensure no overlooking into windows. Communal garden space is common design feature of flat conversions.

- o Greenhouse gas emissions

A condition will be attached to any consent requiring the development to be constructed incorporating carbon dioxide emission reduction measures.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 13 Wycombe Gardens London NW11 8AN

Reference: 22/0502/FUL

Received: 2nd February 2022

AGENDA ITEM 11

Accepted: 3rd February 2022

Ward: Childs Hill

Expiry 31st March 2022

Case Officer: Ashley Niman

Applicant: Mr Sodeinde

Proposal: Erection of a two storey dwelling with basement level and rooms in the roofspace, following demolition of existing dwelling

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:

013WY-A-01-001
013WY-A-03-001
013WY-A-03-002
013WY-A-03-003
013WY-A-03-004
013WY-A-05-001
013WY-A-05-002
013WY-A-06-001
013WY-A-06-002
013WY-A-06-003
013WY-A-06-004

13WY-A-01-001
13WY-A-03-101
13WY-A-03-102
13WY-A-03-103
13WY-A-03-104
13WY-A-03-105
13WY-A-05-101
13WY-A-05-102
13WY-A-06-101
13WY-A-06-102
13WY-A-06-103
13WY-A-06-104

Planning Statement (UPP 03.02.2022)

Preliminary Roost Assessment Survey (Arbtech Consulting Ltd, 10.01.2022)

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 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 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).

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

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

- 6 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).

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

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

- 8 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.
- xi. details of the excavation and construction method statement for the basement

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.

- 9 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation, of the extension hereby approved, facing 11 or 15 Wycombe Gardens.

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).

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing 11 and 15 Wycombe 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).

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

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

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

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

- 14 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).

- 15 a) Prior to first occupation of the development hereby approved, details of bat and bird boxes and habitat enhancements, as set out in the Preliminary Roost Assessment shall be submitted to and approved in writing by the Local Planning Authority.

b) The measures shall be implemented prior to first occupation.

Reason: To ensure appropriate ecological enhancements are implemented in accordance with the NPPF, 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.

- 16 Prior to installation, details of any external lighting proposed shall be submitted to and approved in writing by the Local Planning Authority.

Reason: To ensure that nature conservation interests are not prejudiced by the development 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.

- 17 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.

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

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

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.

- 3 If at any time following the start of demolition works, a bat roost or evidence of a bat roost 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 Habitats and Species Conservation Regulations 2017 (as amended).

If demolition is delayed for more than one-year after the date of the Arbtech Report (January 2021), a repeated bat survey(s) should be undertaken.

- 4 **Water Pressure:** Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

Waste Water: the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

Surface Water: Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Management of surface water from new developments should follow guidance

under sections 167 & 168 in the National Planning Policy Framework. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-forservices/Wastewater-services>.

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is presently occupied by a two-storey detached dwelling of the Arts and Craft Style on the south side of Wycombe Gardens. The neighbouring dwellings are either detached or semi-detached, all with a slightly different design with the majority characterised by a two-storey front bay.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights. There are no protected trees on site.

2. Site History

Reference: 17/6582/192

Address: 13 Wycombe Gardens, London, NW11 8AN
Decision: Lawful
Decision Date: 8 November 2017
Description: Single storey rear extension

Reference: 18/3741/192
Address: 13 Wycombe Gardens, London NW11 8AN
Decision: Lawful
Decision Date: 20 July 2018
Description: Two storey rear extension

Reference: 18/6716/HSE
Address: 13 Wycombe Gardens, London, NW11 8AN
Decision: Withdrawn
Description: Alterations to front elevation including two storey bay windows with gable roofs. Part single, part two storey rear extension. New roof to form hipped roof to the front and rear gable roof with rooms in the roofspace. Alterations to fenestration

Reference: 19/0939/HSE
Address: 13 Wycombe Gardens, London, NW11 8AN
Decision: Withdrawn
Description: Alterations to front elevation including 1no two storey bay window. Part single, part two storey rear extension. Extension to roof including 1no side dormer window, 1no adjacent side dormer window and new roof to form hipped roof to the front, and rear gable roof with rooms in the roofspace. Excavation and construction of basement level habitable space. Alterations to fenestration.

Reference: 19/3817/HSE
Address: 13 Wycombe Gardens, London, NW11 8AN
Decision: Approved subject to conditions
Decision date: 13.11.2019
Description: Single storey front porch infill extension including relocation of entrance door. First floor front extension above existing bay window. Part single, part two storey rear extension. Alterations and extensions to roof including partial hip roof, new gable to rear and dormer windows to both sides. Excavation of new basement level. Changes to fenestration

3. Proposal

Erection of a two storey dwelling with basement level and rooms in the roofspace, following demolition of existing dwelling.

4. Public Consultation

Consultation letters were sent to 43 neighbouring properties.
Seven letters of objections were received and three letters of support.

The views of objectors can be summarised as follows;

- Loss of privacy and overlooking
- Impact on the willow tree
- Sense of enclosure and overbearing

- Insufficient information to assess proposals
- Loss of light / outlook
- Close proximity of application property to neighbouring boundary
- Lack of structural information and impact assessment of basement
- Lack of planting to rear following basement development
- Design out of character
- Flooding resulting from basement development
- Overdevelopment

The view of supporters can be summarised as follows:

- development is of appropriate size
- design is in keeping and would enhance the street

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

Barnet's 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 emerging policies and draft site proposals

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, 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.

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.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D3 and D5 (both of the London Plan).

Policy DM01 requires all proposals should preserve and enhance the local character of the area. This application seeks consent for the erection of a new front porch and front/rear extensions as well as roof and fenestration alterations.

This application differs from the approved one ref 19/3817/HSE in that the proposal requires the demolition of the present property and its replacement with one of the same mass, design, form and size. It does differ from the approved scheme in that the proposed basement would extend further to the front of the ground floor and also under the side passageway. The side passage at ground floor will allow access to the garden and the walk on light wells will allow light to the gym and play area.

The design of the new building reflects the approved scheme. To the front, the existing front bay arrangement is extended upwards to create a two-storey bay window; an addition in character with other properties along Wycombe Gardens. The front entrance canopy would have a flat roof incorporating a single storey bay extension to the study room. Again, within the new build, the front entrance door position will be altered so that it is provided directly from the front of the property rather than in the current side position.

At the rear of the site the new build would extend out with part single, part two storey rear extensions and is identical to that approved under 19/3817/HSE. At ground floor a 4-metre-deep extension is shown, in line with the stipulations of the Residential Design guidance which suggests that 4 metres depth will be acceptable to a detached dwelling house. The side building line nearest to no. 11 Wycombe Gardens is shown to be staggered with over 2 metres between the flanks of the application property and this neighbour, to take into account the positioning of the existing kitchen window on the flank of the neighbouring property at 11 Wycombe Gardens and ensure no loss of amenity to these existing occupiers.

At first floor, and as with the 19/3817/HSE approval, the rear would extend back by 3 metres, although this is set away from the flank wall of the neighbouring property at 11 Wycombe Gardens by approximately 3.5 metres to ensure that these neighbours will not experience any loss of amenity resulting from the first-floor extension. The neighbouring property at 11 Wycombe Gardens has an uncharacteristically deep footprint with two-storey built form projecting an additional 2.5m depth beyond the rear of the extended application property, with an additional 2.5m of single storey built form.

The new build incorporates a loft conversion and roof extension as designed and approved under 19/3817/HSE, with the creation of a partial hipped roof, rear gable feature and dormer windows to both sides. The design of the works to the roof echo the style found on neighbouring properties and the introduction of dormer windows is not considered to be contrary to the established character of roof developments within the area, and as such there is no objection to the proposed works to the roof.

It should be noted that there are no trees within close proximity of the proposed basement

development and therefore the proposals are considered to be acceptable on this basis. The application has included a Sub-Soil Investigation to ensure that the local conditions are able to support a basement development as well as desktop drain study provided by Thames Water to show that there are no public drains or sewers that will be affected by the scheme. It should be noted that the neighbouring site at no. A hard and soft landscaping condition is suggested to ensure that the resultant basement development will not be harmful to the character and appearance of the area, or amenities of neighbouring occupiers.

The proposed new build will use clay tiles to reflect the existing dwelling, rendered masonry on brick plinth, new double/triple glazed windows with fixed frameless glazing as opposed to existing Upvc Windows and timber doors. The details proposed are considered acceptable and will help to ensure the resultant development positively contributes to the character and appearance of the street scene.

The proposal is therefore compliant with relevant planning policy and is therefore acceptable in principle and in terms of design and impact on the character and appearance of the locality.

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 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 particular, assessment of the impact of the proposed development on the neighbouring property at 11 Wycombe Gardens has been necessary due to the close proximity of the flank walls of both residences. This neighbouring property benefits from an uncharacteristically deep flank elevation along the boundary with the application property, mainly consisting of two-storey built form, with a single storey addition at the rear. The built form of the neighbouring property continues along the boundary with the application site for a significant depth of the garden area on this side. It should be noted that the depth of the proposed new development at the application site will remain significantly behind the existing rear building line of this neighbour at 11 Wycombe Gardens. The potential impact of the development is in relation to a side kitchen window. Officers note that this is a secondary window to a room which also benefits from 2 rear south facing windows. It is considered that the amenities of the occupiers of no. 11 would not be unduly harmed by the development as proposed.

Since the approved scheme ref 19/3817/HSE was determined, the neighbouring site at 15 Wycombe Gardens has been completed for "Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling" under reference 18/3290/FUL dated 10th September 2019. The proposed development is not considered to prejudice the amenities of future occupiers of this new development.

A condition requiring windows in the flank elevations to be obscure glazed is suggested to ensure no loss of amenity to neighbouring occupiers.

With regards properties to the rear, there is considered to be adequate distance, exceeding the minimum distances set out in the design guidance, to the neighbouring

properties and gardens to ensure there is no unacceptable harm arising from the development.

Officers consider there would not be any undue detrimental impact upon neighbouring properties in terms of loss of outlook, daylight/sunlight, loss of privacy or any overbearing impact. The previous application was accompanied by a Daylight/Sunlight Assessment.

Ecology

A Preliminary Roost Assessment was submitted with the application and the Council's ecologist advises no further studies are required. Conditions to enhance biodiversity are recommended.

5.3 Response to Public Consultation

The comments made that there is insufficient information to assess proposals are noted, however, this is disputed as there is considered to be sufficient information provided to make a full assessment of the proposed development.

The concerns raised in relation to the impact of the proposed development on the amenity of occupiers at 11 Wycombe Gardens has been addressed in the above report.

To address the concerns that there is a lack of planting to rear following basement development a condition is suggested requiring details of hard and soft landscaping to ensure the setting of the development positively contributes to the character and appearance of the area and the amenities of neighbouring occupiers.

In regard to the comments made that the design of the development is out of character it is considered that there is a range of styles found in the wider area ensuring the resultant development will not appear out of character.

In regard to the comments made regarding concerns relating to the proposed basement development, it is considered that the proposals meet the stipulations of the adopted Residential Design Guidance document and any matters relating to structural impacts will be addressed by Building Control.

The proposals are considered not to have any harmful impact upon neighbouring amenity as outlined above.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered 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 49 Garth Road London NW2 2NH

Reference: 20/4631/FUL

Received: 1st October 2020

Accepted: 1st October 2020

Ward: Childs Hill

Expiry 26th November 2020

Case Officer: Will Collier

Applicant: Mr Dhan

Proposal: Change of use of the existing HMO (Class C4) into Sui Generis HMO (7 persons). Associated cycle store and refuse/recycling area (AMENDED DESCRIPTION).

AGENDA ITEM 12

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 FRONT/REAR ELEVATION EX-E001
EXISTING SIDE ELEVATION 1 EX-E002
EXISTING GROUND FLOOR PLAN EX-P001
EXISTING FIRST FLOOR PLAN EX-P002
EXISTING LOFT PLAN EX-P003
EXISTING ROOF PLAN EX-P004
EXISTING SECTION AA EX-S001
EXISTING OS MAP AND LOCATION EX-L001

PROPOSED FRONT / REAR ELEVATION PR-E001 REVISION B

PROPOSED OS MAP AND LOCATION PR-L001 REVISION B
PROPOSED GROUND FLOOR PR-P001 REVISION C Received 6th October 2022
PROPOSED FIRST FLOOR PR-P002 REVISION C Received 6th October 2022

PROPOSED LOFT PLAN PR-P003 REVISION C Received 6th October 2022
PROPOSED ROOF PLAN PR-P004 REVISION B
PROPOSED SIDE ELEVATION 1 PR0E002 REVISION B

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

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

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

- 3 The House of Multiple Occupation hereby approved must be occupied by no more than 7 persons at any time.

Reason: To safeguard the amenities of neighbouring occupiers in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 4 a) Within 2 months of the date of this decision, 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 within 2 months following the approval of the details.

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.

- 5 The cycle parking spaces and cycle storage facilities shall be provided in accordance with the approved details within 2 months of the date of this permission.

Reason: To ensure that cycle parking facilities are provided in accordance with the

minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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 site comprises a two storey semi-detached property on the north side of Garth Road at a 90 degree turn in the road on a splayed plot, currently in use as a house of multiple occupation (HMO). Garth Road consists of 1950s Council properties, a number of which are in private ownership. The buildings have tiled roofs and rendered facades many of which have been extended.

The dwelling has a two storey side extension, rear box dormer, and single storey wrap-around side/rear extension across the full width of the house.

Levels rise gently up Garth Road from its junction with the A41.

The HMO has a current HMO Licence.

2. Site History

Reference: F/05116/13

Address: 49 Garth Road, London, NW2 2NH

Description: Conversion of existing single family dwelling into two self contained Flats.

Decision: Refused

Decision Date: 1 November 2013.

Reasons for refusal:

1. The development introduces flats within an area characterised by single family dwellings. The proposal results in the loss of a large single family dwelling and introduces a use that is out of character with the prevailing character of the locality, harmful to the amenity of the area and contrary to policies DM01, DM02 and DM08 of the Adopted Development Management Policies 2012 and Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance.

2. The proposal would result in an intensification of the use and noise generating activities at the site such as residents entering and exiting the site and parking on the surrounding road network that would result in an increase in noise and activities that would be out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties contrary to Policies DM01 and DM04 of the adopted Local Plan.

3. The proposal would provide substandard accommodation which would be detrimental to the amenity of future residents and fails to meet the requirements of the London Plan, Policy DM02 of the adopted London Plan and the Councils Adopted Supplementary Planning Document 'Sustainable Design and Construction'.

Reference: F/03585/12

Address: 49 Garth Road, London, NW2 2NH

Description: Retention of the conversion of residential dwelling into 9-bed HMO.

Decision: Refused (dismissed on appeal, ref APP/N5090/A/13/2193792)

Decision Date: 9 October 2012.

Reasons for refusal:

1. The development introduces a House in Multiple Occupation (HMO) within an area characterised by single family dwellings. The proposal results in the loss of a large single family dwelling and introduce a use that is out of character with the prevailing character of the locality, harmful to the amenity of the area and contrary to policies DM01, DM02, DM08 and DM09 of the Adopted Development Management Policies 2012 and Draft Supplementary Planning Document Sustainable Design and Construction and Residential Design Guidance.

2. The proposal would result in an intensification of the use and noise generating activities at the site such as residents entering and exiting the site and parking on the surrounding road network that would result in an increase in noise and activities that would be out of character with the surrounding area to the detriment of the amenity of occupiers of the adjoining residential properties contrary to Policies DM01, DM04 and DM09 of the adopted Local Plan.

3. The proposal would provide substandard accommodation which would be detrimental to the amenity of future residents and fails to meet the requirements of Policy DM09 of the adopted Local Plan for the provision of a Houses in Multiple Occupation.

Reference: F/02844/11

Address: 49 Garth Road, London, NW2 2NH

Description: Single storey rear extension. Roof extension including rear dormer window and two front rooflights to facilitate loft conversion.

Decision: Approved.

Decision Date: 7 July 2011.

Reference: C08001

Address: 49 Garth Road, London, NW2 2NH

Description: Two storey side extension

Decision: Approved.

Decision Date: 24 March 1983

3. Proposal

The applicant seeks planning permission for a change of use of the existing HMO (Class C4) into Sui Generis HMO (7 persons) with associated cycle store and refuse/recycling area.

The physical alterations include cycle store and extended bin store to the front.

The proposal has been amended during the application stage, reducing the number of rooms from 8 to 7 for 7 persons only.

4. Public Consultation

Consultation letters were sent to 55 neighbouring properties and a site notice was displayed on 10th October 2020.

27 objections were received. In summary the following concerns were raised:

- o Given history of previous refusals, should be refused.
- o Already pressure on traffic by larger developments.
- o Would cause increased traffic.
- o Puts pressure on local services.
- o Scale of the HMO would be out of character with the area, which is typically 2-3 bedroom houses.
- o Tenants are younger demographic with no commitment to the area.
- o Likely to lead to more crime and noise.
- o Operates without a licence
- o Application states incorrectly that the house was previously a small HMO - it has been a large HMO for 11 and never had planning permission for a smaller HMO.

- o Adverse impact on neighbours in regards to noise and disturbance.
- o Rubbish accumulates to the front and there is anti-social behaviour.
- o Inaccessible to public transport.
- o Concern about safety of children.
- o Already parking problems in Garth Road.
- o Childs Hill becoming a dumping ground due to this sort of development.
- o Threatens neighbourhood safety.
- o Sewage system not designed to take this number of people.

There was one letter of support, stating the change of management has greatly improved the HMO in terms of cleanliness and social behaviour.

Internal consultations

Highways Comments have been received. The consultee states the following:

The site fronts onto Garth Road. It is in a CPZ that operates between 1-8pm and it lies in an area with a PTAL score of 2(low). However, 6 bus routes can be accessed from stops within 6-8 minutes walking distance of the site.

The change of use from the existing HMO (Class C4) to 8 bedroom (HMO) will attract a maximum parking provision of 8 car parking spaces. The forecourt can accommodate 1 car parking space if a wider opening was constructed. However, no parking is proposed and this is acceptable subject to the applicant agreeing to enter into a section106 agreement with the council to deny occupants of the development the right to purchase CPZ permits.

8 cycle parking spaces are required, and 8 spaces are proposed which is acceptable. The type of cycle store proposed is acceptable. A cycle parking condition is recommended.

The design and access statement indicates that existing refuse storage proposals will remain but no details are provided on the proposed ground floor plan. Details of refuse storage are therefore requested by way of a planning condition.

Waste / Refuse:

No objections subject to conditions.

Environmental Health:

No objections.

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

The London Development Plan is the overall strategic plan for London, and it sets out a

fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM09

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)

Sustainable Design and Construction SPD (adopted October 2016)

- Provide 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 the development
- Impact on character and visual amenity
- Impact on neighbouring properties
- HMO Standards
- Highways and parking

5.3 Assessment of proposals

- Principle / the need for an HMO in this location/Character;

Policy DM01 of Barnet's Development Management Policies (2012) states that the loss of houses in roads characterised by houses will not normally be appropriate.

Garth Road is a short road characterised by single family dwellings. A search of the Council tax records for the street show no flats in the street. On investigation of the planning history of properties along Garth Road, no other permissions for HMOs or flats were found and as such, the character of the area is predominantly single family dwellinghouses.

In assessing the principle of HMOs, Policy DM09 states that the Council will seek to retain existing HMO provided they meet an identified housing need. Proposals for new HMO will be encouraged provided that they meet an identified need, can demonstrate that they will not have a harmful impact on the character and amenities of the surrounding area, are easily accessible by public transport, cycling and walking and meet the relevant housing standards for HMO.

In terms of accessibility, the site is located within an area with a PTAL rating of 2 which is considered poor. In general, HMOs arise in areas with good access to public transport (in particular bus routes) and local services such as near to town centres or in areas with more mixed character. It is not considered that an HMO use in an area of poor transport accessibility is desirable or in accordance with what the standards for HMOs seeks to achieve.

In this case the principle of HMO use for the building has been established by virtue of its change of use to a small HMO under permitted development before the introduction of the Article 4 Direction on 29th May 2016, which has been verified and confirmed in past enforcement cases.

Furthermore, the outcome of an appeal against the refusal of a 9 bed HMO for the site should be noted and given weight (APP/N5090/A/13/2193792). In the report, dated 10th September 2013, the Inspector confirmed that an identified need for an HMO had been met, dismissing it only on the grounds of the HMO having an adverse impact on neighbouring properties and on the living conditions of future occupiers of the HMO.

Thus, giving weight to the specifics of the case, in particular the fact that the property was converted to a small HMO under permitted development before the imposition of the Article 4 Direction, and taking into account the appeal decision described above, the principle of the development is supported.

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

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

The inspector also agreed that the previous 9-bed HMO did not have an adverse impact on the character of the area, stating: 'In the terms of the proposed use of the dwelling, the normal occupation of an HMO would not in itself be out of keeping with the predominantly residential character of Garth Road. In addition, despite having been extended the property retains the visual appearance of a single residential dwelling' (para 5).

The proposal in this case would lead to no change to the external appearance of the property other than the addition of refuse storage and a bike store at the front of the property, both of which are of a scale and position that would have no significant impact on the character of the property and locality.

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

HMOs can involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of additional refuse facilities and more people movements and more deliveries, that can have an unacceptable impact on the established character of an area. The use of the property by a large number of separate households is likely, on the basis of the criteria identified above, to change the character of the street due to the level of intensification above and beyond properties which are in single family occupation or have been converted into flats.

The use of the property by a large number of separate households is likely to undermine the more permanent residential nature afforded by single dwelling houses and purpose-built flats.

The building forms one of a pair of semi-detached dwellings. The adjoining neighbour (no. 51) is a single household.

In assessing the impact on neighbouring properties through the intensification of the use, it is helpful to compare the proposal to previous decisions on conversions to the property. The previous planning application (F/05116/13) was for conversion to two flats (1x 2 bed and 1 x 3 bed). There were three refusal reasons including over-intensification of use, which was merely based on an assessment of the density level appropriate for the area according to the London Plan (2011). It is considered that such a method of assessing the conversion against density levels is not necessary in light of current planning policy.

There is also a previous planning application (F/03585/12) to convert the property to a 9-bed HMO which was refused on three grounds. Over-intensification of use through increased activity and comings and goings associated with 9 households in the property was one of the reasons for refusal, which was subsequently upheld at appeal. Indeed, as stated by the inspector in the appeal decision, "I consider this to be a relatively large HMO....This leads me to conclude that the level of noise and disturbance from the occupation of an HMO of this size, in his location would result in noise and disturbance to occupiers of neighbouring properties significantly above that which would be usual in this locality".

In this case, taking into account that the use of the property as a small HMO (up to 6 person) is permitted development by virtue of the fact that it pre-dated the Article 4 Direction, and given that the number of occupants in the proposal is restricted to 7 persons only, just one over the permitted development level, it is considered it would not therefore have an undue impact on neighbouring amenity above the permitted development level, and is significantly less than the previously refused 9-bed HMO. On balance, therefore, it is considered acceptable in this respect.

- Whether the scheme complies with HMO standards.

On conversions, the Residential Design Guidance states that subdivision requires careful consideration of the layout of each unit and the size and features of the rooms, so that the proximity of the new units to each other does not cause their occupants or neighbours undue disturbance.

In terms of internal standards, the Council uses the Barnet HMO Standards (2016) as a guide. Whilst not an adopted planning document, it is used as an effective measure of internal space and facility standard that contribute to the adopted Local Plan requirements to "meet the relevant housing standards for HMOs (Policy DM09)."

This is also in accordance with the approach advocated in the Mayors Housing Supplementary Planning Guidance (adopted March 2016) under paragraph 3.5.1 states that LPAs should ensure "...schemes are of good quality and meet all relevant Housing Act and HMO standards and requirements."

The application seeks permission for the use as the property as a 7-bedroom (7 person) House in Multiple Occupation (HMO) HMO for up to seven people.

The Adopted Standards for Houses in Multiple Occupation have regard to its internal floorspace and layout. Paragraph 2.1 states 'where there are five or more occupiers each separate household shall, where practicable, be provided with a wash hand basin'. Para. 2.2 states that 'each separate occupancy shall, where practicable, be provided with its own readily accessible bath or shower room of adequate size with sufficient space for drying and changing'.

The development meets these requirements as each room shown on the proposed floor plans would have its own basin with bath/shower room.

Paragraph 4.1.1 stipulates that "Each household shall, where practicable, have its own kitchen separate from and being not more than one floor distant from the sleeping room or within the unit of accommodation".

This test would be met, two communal kitchens (on ground floor and first floor) are proposed of acceptable size, providing two sets of kitchen facilities, on the ground floor and first floor.

Section 2.3 of the Sustainable Design and Construction SPD (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'.

While there are no minimum outdoor amenity space standards for HMOs, the application site provides a spacious communal rear garden as seen on the location plan and confirmed via satellite imagery. On this basis, the intended amenity space provision is deemed acceptable.

The conditions of the HMO are therefore acceptable for future occupiers.

- Highways and Parking.

The site fronts directly onto a bend in Garth Road - a residential road. It is in a CPZ that operates between 1-8pm and it lies in an area with a PTAL score of 2(low). However, 6 bus routes can be accessed from stops within 6-8 minutes walking distance of the site.

Highways were consulted when the scheme was for 8 bedrooms before being amended to 7 and advised that a car free development would be acceptable if the applicant enters into a S106 agreement to deny occupants of the development the right to purchase CPZ

permits.

In this case, taking into account that the HMO is permitted development for a small HMO which imposes no parking requirements, and given that the previous appeal dismissed highway and parking issues as a refusal reason (para. 7, Appeal ref. APP/5090/A/13/2193792) it is not therefore considered necessary to require such a S106 to make the proposal acceptable.

The proposed development is required to provide long stay cycle parking spaces in accordance with the London Plan Cycle Parking standards. The block plan shows that an appropriate cycling facility can be achieved, and this would have limited impact upon the street scene given its scale.

5.4 Response to Public Consultation

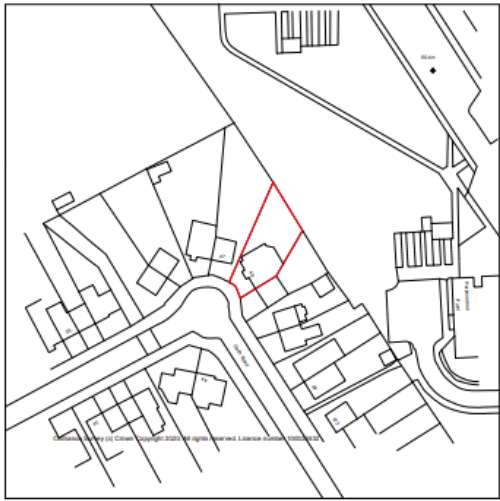
Many of the comments surrounding character and amenity have been answered in the report. There are numerous concerns relating to the fear from anti-social behaviour however good citizenship is not a material planning consideration.

6. Equality and Diversity Issues

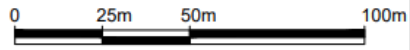
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

7. Conclusion

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.



OS Map



Location **Land Adjacent To Larkspur Road Edgware HA8 9GG**

Reference: **22/4009/FUL** Received: 3rd August 2022 **AGENDA ITEM 13**
Accepted: 5th August 2022

Ward: Edgware Expiry 30th September 2022

Case Officer: **Emily Bell**

Applicant: Mr Johnson

Proposal: Construction of a two storey building with lower ground floor level to provide 4no. self-contained flats Associated parking, refuse/recycling/cycle storage and amenity space

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:
22/3524/1 REV B
22/3524/2
22/3524/3 REV A
Site Location Plan

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

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

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

- 3 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.

- 4 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

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

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

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

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

5 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

7 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.

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

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

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

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

9 Before the development hereby permitted is first occupied, the parking spaces and forecourt area shown on the approved plans shall be provided and thereafter shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies T6 and T6.1 of the London Plan (2021)

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

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

thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 11 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.

- 12 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).

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

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

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

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

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevation facing no. 1 Iris Walk 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.
- 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.

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.

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

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

Occupiers of properties which have not been formally registered can face a

multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

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

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

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

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

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

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

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

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

Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email highwayscorrespondence@barnet.gov.uk.
- 9 Any gates must open inwards and not out onto the public highway for health and safety reasons.

OFFICER'S ASSESSMENT

1. Site Description

The site is located at the northern end of Larkspur Grove, in the ward of Edgware. The street is characterised as residential. The site consists of an open, grassed area. There is a steep level change across the site. The highest part of the site is at the eastern boundary (adjoining 1 Iris Walk) and drops quickly towards the western boundary.

The site is bounded by Edgware Way to the north, no.1 Iris Walk to the east and Aster

Court (flatted building) to the west. The site is not a listed building and is not within a conservation area.

2. Site History

Reference: 15/00793/FUL

Address: Land Adjacent to Aster Court, Larkspur Grove, Edgware, HA8 9GF

Decision: Approved, subject to conditions

Decision Date: 1st April 2015

Description: Erection of a three bedroom, two storey detached house with onsite parking for two cars and associated garden area

Reference: 15/05292/S73

Address: 1 Iris Walk, Edgware, HA8 9GG

Decision: Approved subject to conditions

Decision Date: 14 October 2015

Description: Variation of condition 1 (Plans) pursuant to planning permission 15/00793/FUL dated 01/04/2015 for 'Erection of a three bedroom, two storey detached house with onsite parking for two cars and associated garden area'. Variation include revision is to alter the design of the rear single storey projection due to sewer easement issues

Reference: 17/4816/FUL

Address: Land at Larkspur Grove Adjacent to 1 Iris Walk

Decision: Refused

Decision Date: 12 October 2017

Description: Construction of a two storey building to create 3no self-contained flats. Associated parking, refuse and recycling store

Appeal Decision: ALLOW

Appeal Decision Date: 17 July 2018

Reference: 20/1249/CON

Address: Land At Larkspur Grove Adjacent to 1 Iris Walk, Edgware, HA8

Decision: Approved

Decision Date: 29 January 2021

Description: Submission of details of conditions 3 (Levels), 4 (Demolition and Construction Method Statement), 5 (Details of Location, Extent and Depth of Excavations for Services), 6 (Tree Protection), 7 (Tree Protection), 8 (Materials), 9 (Landscaping), 11 (Cycle Parking) and 13 (Refuse) pursuant to appeal decision APP/N5090/W/18/3198562 dated 17/07/18 (planning reference 17/4816/FUL)

3. Proposal

Construction of a two storey building with lower ground floor level to provide 4no. self-contained flats. Associated parking, refuse/recycling/cycle storage and amenity space.

The 4 flats would be as follows:

Flat 1: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 2: 1 bed, 2 person unit over 1 storey with GIA of 50sqm

Flat 3: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 4: 2 bed, 3 person unit over 2 storeys with GIA of 82sqm

4. Public Consultation

Consultation letters were sent to 40 neighbouring occupiers. 17 letters of objection have been received, summarised below:

- o Noise and disturbance
- o Parking issues
- o Permission previously refused
- o Safety with regards to building works
- o Height, depth and width of proposed development would bring the building very close to Aster Court resulting in overlooking
- o Block sunlight to flats and garden of Aster Court
- o Visually oppressive and overbearing and not in keeping with design of surrounding properties
- o Communal bin shed with attract vermin and bad odour
- o Reduction in grass area and outdoor area for recreation
- o Structural damage to neighbouring properties
- o Flood risk
- o Light pollution
- o Impact of construction work including noise and dust
- o Detrimental impact on character and appearance of local area
- o Building works already started on site

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17

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

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage.

5.3 Assessment of proposals

Principle of conversion into flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

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.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or

redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) 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.

However, policy DM08 advises that a variety of sizes of new homes to meet housing need and 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. Family sized accommodation, including 3 bedroom units are a priority within the borough.

The area is characterised by a mix of single family dwellings and flatted development, including purpose built blocks of flats including the adjacent property, Aster Court. Given the mixed character of the area it is not considered that the principle of flats would be out of character and the principle of flats is considered to be acceptable. Further, permission was previously allowed at appeal at the site for the construction of a two storey building to create 3no self-contained flats. The principle of flatted development at the site was established under the previous application.

Character and appearance

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

The proposed building will be a two storey building with additional lower ground floor level and undercroft parking. Permission was previously granted on site following an appeal for the construction of a two storey building with an undercroft parking area (ref. 17/4816/FUL and appeal ref. APP/N5090/W/18/3198562). The current proposal would differ from the previous consent by making use of the levels on site by the addition of 1no lower ground floor flat. The overall height and bulk of the proposed building matches that of the approval building with the same overall height and profile in the streetscene.

With regards to character and appearance of the building, the inspector found:

"The proposed flats would occupy two storeys but would be partly above an undercroft parking area on the lower part of the sloping site giving it an appearance height comparable with three storey buildings nearby. It would have an L-shaped plan with the rear wing set back behind a parking area.

The immediate context of the site is formed by a large three storey block of flats on one side and a terrace of houses set at a higher level on the other. The eaves of the latter are at a similar level to those of the proposed buildings. That part of Larkspur Grove leading to the site consists of both two and three storey dwellings. The height, scale and bulk of the proposed building would not appear at odds with the established built context.

The development would occupy much of the width of the site and a greater extent than an unbuilt two storey house which has planning permission on the higher end of the site

would do. Whilst the undeveloped nature of the site presently provides a gap between buildings, the built form that would result would not appear harmful in contrast to the built up character of much of its surroundings, significant parts of which are made up of short terraces of houses situated in close proximity to one another. Furthermore, the building would terminate views along Larkspur Grove providing definition to the streetscape and public realm, rather than being obtrusive. Consequently, the design and built form of the development would not harm the character and appearance of the area."

It is noted that the current proposed building is largely the same with regards to overall height, width and bulk as that found acceptable by the Inspector. The current proposal would utilise the levels on site and incorporate an additional lower ground floor. This is not considered to result in any greater impact on the character and appearance of the streetscene.

It is noted that the previous application was originally refused due to insufficient information having been provided to demonstrate that the development would not result in the loss of a protected tree on the site. However, in the subsequent appeal it was found that the tree in question was no longer present on the site.

Whether the proposal provides a satisfactory living environment for future occupiers

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.

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area for flats based on a standard set for the number of bedrooms (b) and persons-bedspaces (p). A 1 bed, 2 person unit over 1 storey requires 50sqm and a 2 bed, 3 person unit over 2 storeys requires 70sqm. Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The proposed units are as follows:

Flat 1: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 2: 1 bed, 2 person unit over 1 storey with GIA of 50sqm

Flat 3: 1 bed, 2 person unit over 1 storey with GIA of 56sqm

Flat 4: 2 bed, 3 person unit over 2 storeys with GIA of 82sqm

All flats are shown to meet the relevant minimum standards for internal floorspace.

Outlook, light and privacy:

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

The proposed flats are considered to benefit from adequate light and outlook. The proposed window serving the bedroom of Flat 1 within the lower ground floor would face onto the communal hardstanding area to the front of the site. In order to protect the privacy

of future occupiers of this flat, a revised block plan showing new soft landscaping in front of this window was received. This is considered to adequately ensure that the occupants of the lower ground floor flat would receive adequate privacy and avoid overlooking from use of the hardstanding area.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

The proposed layout provides reasonable stacking throughout the property. In the event of an approval, a condition should be attached for Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA.

Outdoor amenity space:

Barnet's Local Plan expects that sufficient and functional amenity space should be provided for all new houses and flats wherever possible. Table 2.3 within the Sustainable Design and Construction SPD indicates that for flats, outdoor amenity space should be 5 m² per habitable room.

The proposal will provide sufficient amenity space.

Impact on the amenities of neighbours

The proposal is set at a sufficient distance from the neighbouring properties in particular Aster Court to ensure that there will be no overlooking or loss of privacy as a result of the proposal. The proposal will be a minimum of 15 metres between the corner building line and due to the orientation and layout of the two buildings, there is not considered to be any direct overlooking or loss of privacy towards or from the proposed windows.

The proposed building has a staggered rear building line across the L-shaped footprint. At its deepest the depth of the building projects approximately 3 metres from the rear building line of 1 Iris Walk which is as per the previously consented scheme. The proposal is located approximately 1 metre from the common boundary with 1 Iris Walk and 2 metres from the flank wall of 1 Iris Walk. These distances are considered to be sufficient to ensure that the proposal would not be harmful to residential occupiers of no. 1 Iris Walk. The positioning of the proposed building is not considered to result in adverse amenity impacts, by way of loss of privacy, sunlight, or outlook on the adjoining neighbours. The building will be approximately the same height to the eaves level as the neighbouring property and will be set lower than the ridge height and as such would not appear overbearing against this property. It is noted that the overall height of the building, due to level changes, will be higher than the neighbouring building but this will not extend higher than the established building height.

Due to the relationship of the proposed building and neighbouring property, Aster Court, there is not considered to be any adverse amenity impacts, by way of loss of privacy, sunlight, or outlook on the adjoining neighbours.

Parking and highways

Highways officers have reviewed the submitted application documents and following

confirmation that the turning space for vehicles is in excess of the requirements, they have confirmed that there is no objection to the plans and proposal on highways grounds. The applicant is reminded that an application must be made for a vehicular access as part of a S184 application.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S1.5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy S1.2 of the London Plan (2021) and the 2016 Housing SPG's requirements.

In relation to accessibility, the appeal inspector stated "Due to the topography of the site and configuration of the flats, access to all three flats would be via external steps. It would not be appropriate to require compliance with optional Building Regulations for accessible and adaptable dwellings as that requirement assumes reasonable provision of access to include step free access. " As such, the relevant condition is not proposed.

5.4 Response to Public Consultation

o Noise and disturbance

Given the mixed character of the area including single family dwellings and flat developments, it is not considered that the addition of the 4no proposed units would have an unacceptable impact on the amenity of neighbouring occupiers with regards to the noise and disturbance resulting from the proposed use.

o Parking issues

Highways officers have reviewed the application and have raised no objection to the proposal on highways grounds.

o Permission previously refused

Permission was refused by the council; however, this was subsequently allowed at appeal (ref. APP/N5090/W/18/3198562).

o Safety with regards to building works

o Impact of construction work including noise and dust

A condition will be attached to ensure that the development is implemented in accordance with the measures detailed within the Construction Management Plan (REV B) as approved under discharge of condition application 20/1249/CON dated 29/01/21.

o Height, depth and width of proposed development would bring the building very close to Aster Court resulting in overlooking

o Block sunlight to flats and garden of Aster Court

The height, depth and width of the proposed development in relation to Aster Court has not changed from the previous application which was allowed at appeal. The previous application was found to have an acceptable impact on neighbour amenity and this did not

form a reason for refusal.

- o Visually oppressive and overbearing and not in keeping with design of surrounding properties
- o Detrimental impact on character and appearance of local area

As discussed within the main body of the report in greater detail, the design and scale of the building was found to be acceptable at appeal (ref. APP/N5090/W/18/3198562). The scale of the proposed building is largely the same as previously approved. The current proposals utilises the site levels to provide 1no additional flat at lower ground floor level which is not considered to result in greater impact on the character and appearance of the area above that previously approved.

- o Communal bin shed with attract vermin and bad odour

Details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers are to be secured by way of a condition.

- o Reduction in grass area and outdoor area for recreation

Within the previous appeal decision, the inspector stated that "it has been reported that the site was used as an informal play area, however, the appellant points out that it is private and there is no indication that it has any formal recognition for such a use." It is also noted that works have started on site to implement the previous approved scheme.

- o Structural damage to neighbouring properties

The impacts of structural works would be dealt with as a matter of building control and regulations. This is not a material planning consideration.

- o Flood risk

The application site is located within Flood Zone 1 and in an area with low risk of surface water flooding.

- o Light pollution

The proposed development is set sufficiently from neighbouring properties so as not to result in undue light pollution. Further, the addition of 1no additional flat to the development compared to the previous approval which is being lawfully implemented on site is not considered to result in a greater impact which would warrant refusal of the application.

- o Building works already started on site

The building works started on site relate to the previously approved scheme, allowed at appeal.

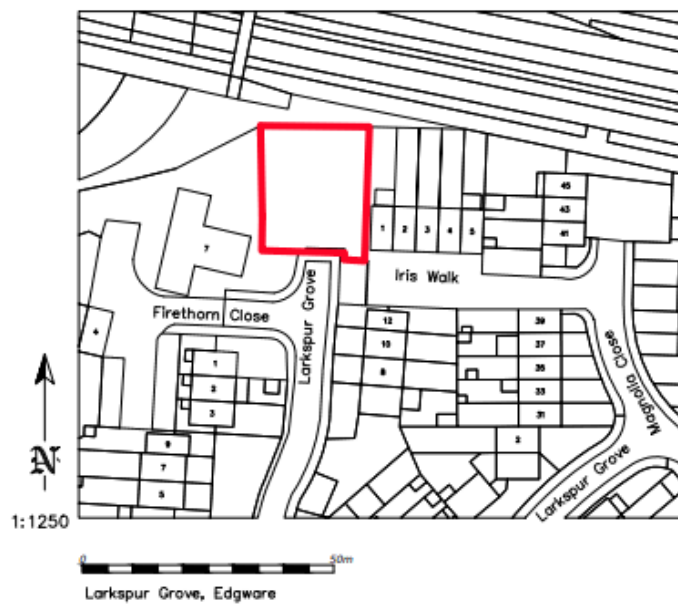
6. Equality and Diversity Issues

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

equality responsibilities.

7. Conclusion

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



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Location 8 Ranelagh Close Edgware HA8 8HL

Reference: 22/0816/HSE

Received: 17th February 2022

Accepted: 17th February 2022

Ward: Edgware

Expiry: 14th April 2022

AGENDA ITEM 14

Case Officer: Mansoor Cohen

Applicant: Mr Eric and S Jasmin Owusu - Afriyie and Rahman

Proposal:

Part single part two storey side and rear extension with associated alterations and extensions to roof including 1no. rear rooflight, following demolition of existing garage. Erection of new replacement garage

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:

Site Location Plan

Drg No P005A - Existing and Proposed Block Plan, Proposed Garage Elevations

Drg No S001 - Existing Floor Plans

Drg No S002 - Existing Elevations

Drg No S003 - Existing Section A_A

Drg No P001A - Proposed Floor Plans

Drg No P002A - Proposed Loft and Roof Plan

Drg No P003A - Proposed Elevations

Drg No P004A - Proposed Section A_A

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations, of the extension(s) hereby approved, facing No. 7 Ranelagh Close.

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 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the

emission of dust, noise and vibration arising from construction works;

- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

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

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

- 7 The flood resilience measures as set out in Section 10 of the approved 'Flood Risk Assessment' by Meridian, dated February 2022 shall be carried out in full accordance with the details recommended

Reason: To ensure that the development provides appropriate measure against flood risk and to comply with Policy DM04 of the Local Plan Development Management Policies (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies SI 12 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
 - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
 - o Confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.
 - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
- 3 All Non-Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of the demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's supplementary planning guidance "Control of Dust and Emissions During Construction and Demolition" dated July 2014 (SPG), or subsequent guidance.
- Unless it complies with the standards set out in the SPG, no NRMM shall be on site, at any time, whether in use or not, without the prior written consent of the local planning authority.

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

OFFICER'S ASSESSMENT

1. Site Description

The application property is a semi-detached dwellinghouse located at 8 Ranelagh Close. The application property is not listed nor located on land designated as a Conservation Area. There are no protected Trees on or adjacent to the application site. The site benefits from a front hardstanding of a generous scale as well as rear amenity space. The host site is located in a high flood risk area, Flood Zone 3.

2. Site History

Reference: 21/5488/HSE

Address: 8 Ranelagh Close, Edgware, HA8 8HL

Decision: Refused

Decision Date: 10 December 2021

Description: Two storey side and rear extension with associated alterations and extensions to roof including side and rear rooflights, following demolition of existing garage (AMENDED DESCRIPTION)

Reason 1: The proposed extensions, by reason of their siting, size and excessive projection would individually and cumulatively result in an unduly bulky, disproportionate and incongruous addition, as well as overdevelopment of the host site, to the detriment of the character and appearance of the host property, street scene and the wider pattern of development in the area, contrary to Policies CS1 and CS5 of the LB Barnet Local Plan: Core Strategy (2012), DM01 of the LB Barnet Local Plan: Development Management Policies DPD (2012) and Residential Design Guidance SPD (2016).

Reason 2: The proposed two-storey rear extension, by virtue of its depth, height, size and siting, would create an overbearing impact resulting in an unacceptable loss of outlook and sunlight, overshadowing and increased sense of enclosure to the rear habitable rooms and garden of No 7 Ranelagh Close, to the detriment of the residential amenities of neighbouring occupiers, contrary to Policies CS1 and CS5 of the Barnet Core Strategy 2012, Policy DM01 of the Development Management Policies DPD 2012 and the Barnet Residential Design Guidance SPD 2016.

Reason 3: The proposed site is located within Flood Zone 3 and no Flood Risk Assessment has been submitted with the application and therefore insufficient information has been submitted for the Local Planning Authority to determine the impact on flood risk. The application is therefore considered unacceptable and contrary to Policy DM04 of Barnet's Development Management Policies Document DPD (2012); Policy SI.12 of the London Plan (2021) and the requirements of the National Planning Policy Framework (2021)

3. Proposal

This application proposes a part single part two storey side and rear extension with associated alterations and extensions to roof including 1no. rear rooflight, following demolition of existing garage. Erection of new replacement garage.

The two storey side element would be recessed 1.3m from the front elevation and extend for a depth of 9.7m at ground floor level and 9.2m at first floor level at a width of 3.1m.

The single storey rear element would measure a depth of 3.5m and a width of 9.3m, whilst the first floor rear element would measure a depth of 3m and a width of 6.6m being recessed some 2.8m from the boundary with the adjoining neighbour.

The single storey element would measure 3.2m to the top of its flat roof and the two storey element would measure 5.6m to its eaves and 7.7m to its ridge being set 0.5m down from the ridge of the main roof.

The replacement garage would measure 6m in depth and 3m in width with a height of 2.4m to its flat roof.

It is worth noting that the aim of the proposal is to increase the living space for the residents with special needs.

Amendments were received during the course of the application reducing the depth of the first floor rear element from 3.5m to 3m and incorporating a 0.5m set down from the ridge of the main roof. The amended plans are the subject of this assessment.

4. Public Consultation

Consultation letters were sent to 18 neighbouring properties, 8 objections have been received throughout the consultation period. The main points for consideration are:

Character and appearance - Overdevelopment of the site

Concern regarding the large scale proposed two-storey addition to the property

The footprint equating to the original scale of the property

Proposed additional occupancy at the site due to the additional bedrooms.

Concern regarding local character, the street scene and the scale of the proposal as well as the unbalancing nature of the proposal sited at a property which is semi-detached.

Noise pollution the site being close to the A41, as well as limited sunlight and outlook for the bedrooms.

Concerns have also been raised regarding the use of the property as an HMO, in this regard concern has also been raised in terms of safety.

Parking

The additional habitable rooms requiring additional parking at the site, the extensions removing much of this availability. Ranelagh Close is also discussed as a narrow road with existing parking and manoeuvring issues.

Flooding and water damage.

Loss of trees.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5,

Relevant Development Management Policies: DM01, DM04, DM17.

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

Officers consider that the main planning considerations are as follows:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused in relation to public highways, local flooding and environmental health considerations.

5.3 Assessment of proposals

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

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

The proposal follows a previously refused scheme, 21/5488/HSE, which this application seeks to overcome. The primary differences between the refused scheme and the current proposal are as follows:

- A reduced width side extension along with a setback from the principal elevation
- A reduced ground floor rear projection
- A reduced width of the first floor rear element
- A set down from the main ridge
- The introduction of a replacement garage.

The Councils Residential Design Guidance SPD 2016 advises that rear extension should be subordinate additions constructed with materials which are in keeping with the rest of the house. For a semi-detached dwelling a depth of up to 3.5 metres would normally be considered acceptable but it also advises that care should be taken in the design and location of extensions to minimize impacts upon neighbouring properties. In this respect, the single storey rear element of the proposal is in compliance with the guidance, measuring as 3.5 metres depth. Whilst the adjacent neighbouring properties do not benefit from similar ground floor extensions of this scale, the minor scale of this proposal is considered to mitigate the impact in terms of local character.

Paragraph 14.15 of the adopted Residential Design Guidance SPD states that side extensions should not be more than half the width of the original house and should be setback to reduce its visual impact. The dwelling as existing has a cat slide roof which this proposal would see removed, however, numerous dwellings including the adjoining pair have seen this element removed by way of enlargements.

The side extension would be setback 1.3m at ground and first floor level and would not measure more than half the width of the original dwelling and therefore in compliance with guidance. Furthermore, its siting at a head of a cul de sac would mean that only in close

range views would this element have any visibility thereby acceptably reducing its impact from the streetscene. It is also noted that the neighbouring properties nos. 9 and 10 benefit from similar sized side extensions. Moreover, the side extension would be set down 0.5m from the main ridge in accordance with guidance and would therefore feature as a subordinate addition.

The first floor rear element of the extension has been reduced in depth during the course of the application to accord with guidance and when combined with its reduced width would feature as a proportionate addition.

The proposed replacement garage would be of a similar scale, size and siting to the existing garage and therefore acceptable.

The proposed rear rooflight is not considered to be of harm due to its small scale and siting.

There are no Tree Preservation Orders on site and no trees of any significance were witnessed by officers during the site visit.

It is therefore considered that proposed development has overcome the previous relating reason for refusal (21/5488/HSE) and would have an acceptable impact on the host property, streetscene and locality.

Potential impacts upon the surrounding public highway

Previously the application was refused on highway grounds due to insufficient information on access to the existing garage and the resultant displacement of vehicle parking. During the course of the application, highway officers conducted a site visit to assess the existing access and crossover. Highway officers concluded the existing access was adequate and access to the proposed replacement garage would be sufficient and would not conflict with the adjacent pedestrian footpath.

The proposal therefore re-provides the existing off street parking space. Whilst it is noted the extension would likely increase the level of occupants and therefore the demand for parking spaces. The requirement in accordance with policy DM17 would be two spaces and therefore a shortfall of 1 space is proposed. Highways officers have noted the site does not lie in a CPZ zone and the quiet nature of the cul de sac along with relatively extensive sections of upstand would mean any potential displacement of 1 space could be comfortably accommodated on street. Officers site visit also re-confirms sufficient on street parking spaces.

The proposal is thus considered acceptable on highway grounds.

Potential impacts upon the amenities of neighbouring residents

It will be important that any scheme addresses the relevant development plan policies (DM01 of the Barnet Local Plan and policy D6 of 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. Any application should include plans demonstrating how this has been achieved. Specific areas which will need to be addressed in this regard include the proposals impacts on daylight and sunlight.

With regards to No. 9 Ranelagh Close, this property maintains a significant distance from the host dwelling alongside facing a different direction and therefore not being directly adjacent and therefore there will be no harmful impact. As such, the proposal is not considered to result in a loss of sunlight, outlook or privacy.

As for No. 7 Ranelagh Close, the attached property to the host dwelling, the ground floor element of the rear extension is not considered to result in a harmful loss of sunlight and outlook, the depth being 3.5 metres on a semi-detached property. The first floor element would be set some 2.7m from the common boundary and would not extend more than 3m in depth (previously 3.5m), this is in accordance with Residential Design Guidance which states 'Two storey rear extensions which are closer than 2 metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable'. It is therefore considered that given the significant separation distance and relatively moderate depth, that this element would not lead to unacceptable overshadowing, loss of light/sunlight nor appear overbearing.

There are not windows in the side elevation of the extension which would raise concerns of overlooking or loss of privacy.

Flooding

The host site is also located within Flood Risk Zone 3, the agent/applicant has now provided a flood risk assessment as a part of the proposal, as such, this is no longer considered to be a reason for refusal. The FRA is considered to be acceptable, detailing the minimal likelihood of flooding within the local area.

Environmental Health

Environmental Health Officers have recommended the conditions, a demolition and construction management plan, alongside NRMM registration in order to reduce the noise from the development in the event of an approval. This can be imposed accordingly to any approval.

5.4 Response to Public Consultation

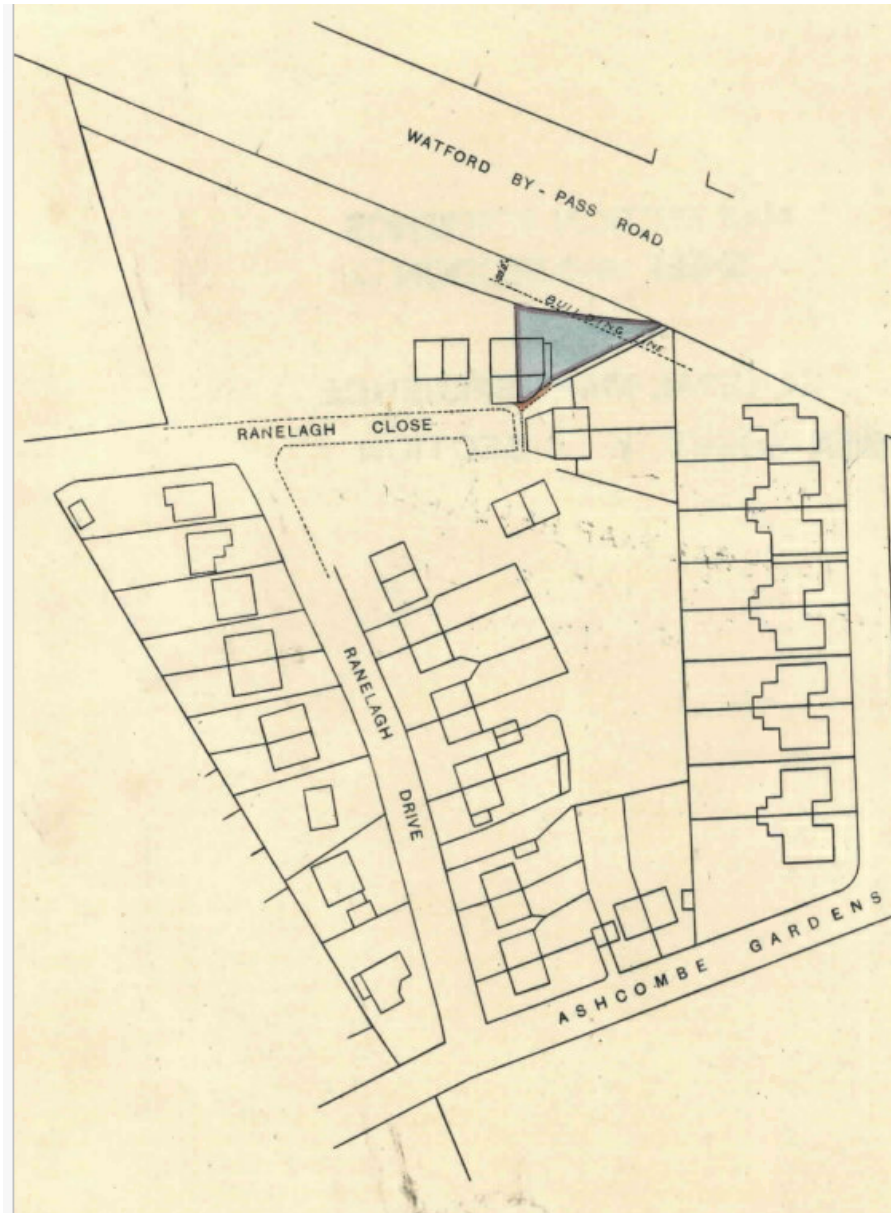
Key planning considerations have been addressed within the report.

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. Whilst it is noted that the occupants of the property require extra spacing for their needs, this does not outweigh the planning concerns regarding the proposal. In addition, no letter was provided from the occupational therapists of the applicants.

7. Conclusion

Having taken all material considerations into account, the proposed development would have an acceptable impact on the character and appearance of the application site and the wider locality. The proposal is also considered to have an acceptable impact with regard to residential amenities. The application is therefore recommended for approval.



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Location 28 Cheviot Gardens London NW2 1QE

Reference: 22/1494/FUL

Received: 22nd March 2022

Accepted: 23rd March 2022

Ward: Cricklewood

Expiry 18th May 2022

AGENDA ITEM 15

Case Officer: Erica Mason

Applicant: Mr Marjaee

Proposal:

Conversion of the existing dwelling into 2no. self-contained flats.
Repositioning of front entrance and changes to the fenestration.
Provision of amenity space, parking, cycle storage, refuse and recycling storage

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:

LCENG-DRG-501-28-NW2 1QE Rev A (Location Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Block Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing Ground Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Existing Ground Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Ground Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Existing First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed First Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Loft Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Loft Floor Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Roof Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Roof Plan) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Front Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Front Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Rear Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Rear Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Side Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Side Elevation) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Pre-Existing & Existing Side Section) dated 09.10.2022

LCENG-DRG-501-28-NW2 1QE Rev A (Proposed Side Section) dated 09.10.2022

Lotus Chartered Engineers Design Report Rev A (Dated 20 June 2022)

Sound Insulation Improvement Technical Note (Dated 19 June 2022)

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

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

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

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

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

- 6 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).

- 7 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policies SI 2 of the London Plan (2021) and the 2016 Mayors Housing SPG.

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on the approved proposed ground floor plan shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

Informative(s):

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

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.

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

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

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

Further details and the application form can be downloaded from:

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

- 4 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense. In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged. Please Note: A maximum width of a crossover allowed from a public highway is 4.2 meters. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW. Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

OFFICER'S ASSESSMENT

1. Site Description

The application property is a two-storey semi-detached single-family dwelling on the eastern side of Cheviot Gardens, located in the Cricklewood ward. The building is not located in a conservation area: nor is it locally or statutorily listed.

2. Relevant Site History

Reference: 20/5812/192

Address: 28 Cheviot Gardens NW2 1QE

Decision: Lawful

Decision Date: 30 December 2020

Description: Roof extension involving hip to gable, rear dormer window with Juliette balcony, 3no front facing rooflights and new side gable window.

Reference: 21/1411/HSE

Address: 28 Cheviot Gardens NW2 1QE

Decision: Approved Subject to Conditions

Decision Date: 07 June 2021

Description: Demolition of existing side garage. Part single, part two storey side/rear extension. Front extension to accommodate for front porch (AMENDED DESCRIPTION).

Reference: 22/1495/FUL

Address: 28 Cheviot Gardens NW2 1QE

Decision: Refused

Decision Date: 16 September 2022

Description: Conversion of the existing dwelling into 3no. self-contained flats including rear dormer window to the existing first floor side extension. Repositioning of front entrance and changes to the fenestration. Provision of amenity space, parking, cycle storage, refuse and recycling storage.

Reason for Refusal No. 1: Character (Dormer) - The proposed rear dormer roof extension by reason of its size, siting and design when considered cumulatively with the existing extensions, would be harmful to the character and appearance of the property and immediate locality. As such the proposal is contrary to Policies D1 and D4 of the London Plan (2021), Policies CS NPPF, CS1, CS5 of the Local Plan Core Strategy (Adopted September 2012), Policy DM01 of the Local Plan Development Management Policies DPD (Adopted September 2012) and the Residential Design Guide (2016).

Reason for Refusal No. 2: Character/Amenity - The conversion into 3no. self contained flats would result in an over-intensive use that is out of keeping with the prevailing character of the locality consisting of predominantly single family dwellings and conversions into 2no. self contained flats. The proposal would result in a harmful increase in potential noise and disturbance by reason of increased coming and going and associated general activity. The proposed development would therefore have a detrimental impact on the character of the locality and the amenities of neighbouring occupiers, contrary to Policies D3 and D14 of the London Plan (2021), Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the

Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).

3 Proposal

This application seeks full planning permission for the 'Conversion of the existing dwelling into 2no. self-contained flats. Repositioning of front entrance and changes to the fenestration. Provision of amenity space, parking, cycle storage, refuse and recycling storage'.

Unit 1 is proposed on the ground floor and is a 3 bed, 5 person unit with a GIA of 90sqm; Unit 2 is proposed on the first floor and second floor is a 4 bed, 6 person unit with a GIA of 112.7sqm.

3no. off street parking spaces are provided.

Private garden amenity space is provided to the rear for the proposed 2no. flats. Unit 1 would be provided with 41m², and Unit 2 would be provided with 46m².

4. Public Consultation

Consultation letters were sent to 63no. neighbouring properties. 9no. letters of objection and 9no. letters of support were received, summarised below:

Support:

- Properties on Cheviot Gardens are too old and need regeneration and development. Proposals to convert the houses to modern flats are acceptable in this area.
- New converted properties offering flats in particular at ground floor, is more suitable for people with mobility problems.
- I support conversion of houses to multiple units in Cheviot Gardens as in my opinion the area needs more units to meet the demand for housing. These conversions also improve and modernise the area.
- Golders Green estate including Cheviot Gardens is too old and needs to develop and be regenerated. Proposal to convert house to flats is supported.
- Utilise shortage of properties by converting existing properties into flats.
- Flat conversion would bring young talented professionals to the area making the community be more diversified and successful.
- Flat conversions will improve and modernize the area.
- There are examples for converted flats on Cheviot Gardens including no. 48 benefitting from planning permission. Other examples include no. 51 and no. 80.

Objections

- Two parking spaces is not an acceptable amount for the proposed number of occupants. Cheviot Gardens is already highly congested in terms of parking. Frequent blocking of driveways during construction occurs.
 - Cheviot Gardens has been suffering from a real traffic problem, as many drivers use the street (often speeding) as a shortcut to get to the A41. Increase in number of dwellings would increase issue.
 - Lack of access for larger emergency vehicles are evident in the area, and will be worsened by having only 2 spaces for potentially 10 or more residents.
- (Planners Comments: The Highways Department were consulted during the application process and confirm that the proposal would have an acceptable impact on the Highway.

Also, 3no. parking spaces are proposed).

- Local services are already at maximum capacity and increasing the number of dwellings in this building will put further pressure on these service as well as eroding the sense of local community on the road.

- Potential pressure on waste disposal.

- More rubbish, pressure on local services, litter collection, GP services increased risk of anti social behaviour.

(Planners Comments: It is not considered that the difference in the amount of potential occupiers as proposed, would have such an adverse impact on the available serviced to warrant a reason for refusal).

- Potential increase in noise pollution for neighbours. These buildings were designed to be single household homes and not to be converted into flats.

(Planners Comments: Each application is decided on its' own merits. Other applications and resultant approvals were granted for conversion into flats and therefore the principle is acceptable as discussed below).

- Juliet balcony door in Bedroom 1 of the first-floor flat may allow use of flat roof to be used as roof terrace, disrupting the privacy of 26 Cheviot Gardens and other neighbouring privacy.

(Planners Comments: There is no access on to the rear extension. In the event of an approval, a condition would be added to ensure the above in order to protect neighbouring amenities in relation to privacy and overlooking).

- Developer stated that this would be his 'family home'.

(Planners Comments: This is not a planning consideration).

- Report of energy provider stated that there was a 'First floor flat' listed for 28 Cheviot Gardens on the British Gas website.

(Planners Comments: There is no planning evidence that the property has been converted to flats).

- Two applications submitted without consultation with existing residents.

(Planners Comments: Whilst the applicant is encouraged to speak to neighbours about potential applications, it is not compulsory. It is the duty of the LPA to contact the relevant neighbouring occupiers by letter. This was done).

- Overdevelopment and inappropriate use of materials.

- The materials and colour used are not in line with facing bricks nor the roof materials and tiles and this makes the house an eyesore in contrast to neighbouring properties and drastically changes the visual appearance of the original concentric design of high quality facing bricks.

(Planners Comments: No extension is proposed under the current application. Proposed alterations relate to change to fenestration and repositioning of front entrance door. A condition is added to ensure materials to match are as currently existing).

- Barnet council has approved too many similar conversions (albeit not so overdeveloped).

(Planners Comments: Each application is decided on it's own merits).

- The developers seem already to have started work on this project and residents would like the council to explain how this has been allowed in the absence of planning permission.

(Planners Comments: Planning approval was previously granted for the extensions and not the conversion into flats. It is this work which is being implemented).

- The stress and noise of the renovation can impact health of residents.

(Planners Comments: No extension is proposed and therefore neighbouring amenities from noise and disturbance are considered to be protected in this regard. However, the Environmental Health Department should be contacted in the event of persistent noise).

- The builders carrying out the renovation have made a hole in next doors living room wall. No rectification of the issue following correspondence. Ornaments broken in

neighbouring dwelling when works were carried out at no. 28).

(Planners Comments: This is not a planning consideration - but is a civil matter)

- Erosion of the community and loss of character in the area.

(Planners Comments: Character discussed in the main body of the report).

- Health and Safety risk - fire exits for example.

- Potential fly tipping, anti-social behaviour, safety may be caused by new tenants who move into the area - are not invested in it. These properties should be kept for families which is in keeping with the original plan for the area.

- Loss of family built homes.

(Planners Comments: Fly tipping is not a planning consideration. However, loss of family homes is discussed within the main body of the report).

- Concern raised about the constant changing of planning and intended use of this property, as well as previous assurances from the developer that this was definitely going to remain a single family dwelling.

(Planners Comments: Each application is decided on its' own merits).

- Loss of privacy may be caused from the rear bedrooms with large windows looking into neighbouring garden.

(Planners Comments: Discussed in the main body of the report)

4.1 Internal Consultation

Highways

The LPA's Highways department was consulted regarding this application. The following comments were made:

- 1) Details of the vehicular access is requested in meters. A distance of 2.4m is required from the existing crossover. A new vehicular crossover will need to be created as per site observations.
- 2) Details of the dimensions of the car parking spaces is requested (2.4m x 4.8m)
- 3) Details of the distance from the bin store and the car parking spaces proposed is requested

Following a further meeting with the Highways Officer and assessment of the initially submitted drawing no. LCENG-DRG-402-28-NW2 1QE (PROPOSED GROUND FLOOR) - (updated to LCENG-DRG-501-28-NW2 1QE Rev 0 (Proposed Ground Floor Plan)) including the perimeter of the site and front drive/hardstanding, it was confirmed by the Highways officer that a further dropped kerb measuring 2.4m could be accommodated in front of the site - if it was set away from the existing dropped kerb at the site by at least 1.2m. The submitted drawings comply with the above.

Crossover Team

The LPA's Crossover Team within the Highways department was consulted regarding this application. The following comments were made:

'The location was inspected in April however as there was ongoing work we have not yet sent approval and will need a re- visit before it is approved'.

Therefore, no notable issues were found in relation to the submitted proposed application and proposed Crossover.

Building Control

The LPA's Building Control department was consulted regarding this application. The following comments were made:

- 1) I can confirm from the sound insulation improvements proposed is satisfactory and is an improvement in the minimum requirements of Part E. However, this will require the

actual sound test report to confirm that the proposed figures (db) have been met. Building Control usually request the above at the pre-completion stage of the project.

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

Relevant policies:

D1 - Form and Character

D3 - Amenities

D4 - Good Design

D6 - Housing Quality and Standards

H10 - Housing Size mix

SI 2 - Minimising Greenhouse Gas Emissions

T5 - Cycle Parking

T6.1 - Residential Car Parking

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS14.

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

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

Barnet's 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:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Cycle Storage
- vii. Refuse and recycling storage.

5.3 Assessment of proposals

Principle of conversion into flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

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.

Within Paragraph 2.8.1 of the Development Management Document which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate.

Policy DM01 of Barnet's Local Plan Development Management Policies DPD 2012 (LP) 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.

Following an assessment of planning records, it is noted that a number of properties on Cheviot Gardens benefit from planning permission for the conversion into self-contained flats.

Planning permission has been granted between the period 2006-2021 for conversion of houses to flats, notably at nos. 145 (C14798D/06, F/02295/10 and 17/1280/FUL), 80

(F/01365/09), 153 (F/04564/12), 124 (14/07553/FUL), 8 (16/6467/FUL), 108 (17/2834/FUL), 144 (17/7057/FUL), 46 (18/5942/FUL) and 51 (20/6116/FUL).

Cheviot Gardens is therefore considered an appropriate location in which housing has already undergone conversions and redevelopment into small-flatted development, in particular, conversion of single family dwellinghouses to 2no. self contained flats. Given the mixed residential character of Cheviot Gardens, officers consider that the principle of the conversion of the single family dwelling in this location to be acceptable in principle, in compliance with Policy DM01.

Therefore, as advised under Policy H10 - Housing Size Mix of the London Plan (2021): 'Schemes should generally consist of a range of unit sizes. Paragraph 4.2.8 states that where existing houses are redeveloped or subdivided, boroughs may require the provision of family-sized units (3 bed + units).

The proposal would provide a 3no. bedroom 5 persons ground floor unit which would provide a family sized home and a 4no. bedroom 6 persons first/second floor flat facilitated by the first and second floor levels. This is also acceptable in principle and would re-accommodate family sized units, following the loss of the single family dwellinghouse.

Whether the proposal provides a satisfactory living environment for future occupiers

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.

Floorspace standards:

The London Plan sets a minimum Gross Internal Floor Area flats based on a standard set for the number of bedrooms(b) and persons-bedspaces (p). Table 3.3: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The London Plan (2021) advises the following:

-A 3 bed, 5 person unit over 1 storey requires 86sqm and a 4 bed, 6 person unit over 2 storeys requires 106sqm.

-At least 75% of the floor space of each flat should accommodate a minimal internal height of 2.5m.

The proposed units are as follows:

Flat 1 is proposed on the ground floor and is a 3 bed, 5 persons unit with a GIA of 90sqm.
Flat 2 is proposed on the first floor and second floor is a 4 bed, 6 persons unit with a GIA of 112.7sqm.

All flats are shown to meet the relevant minimum standards for internal floorspace and

internal height of at least 2.5m for at least 75% of each proposed dwelling.

Outlook, light and privacy:

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

Both flats 1 and 2 are dual aspect at all levels - with the second floor bedrooms having rear glazing. The proposed flats would receive adequate light and in general the outlook is considered acceptable.

Stacking:

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if they lead to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

It is noted that the kitchen/living-room element of the proposed first floor flat would be set above the bedrooms 2 and 3 at least partially at ground floor level. However, following submission of initial sound insulation details and consultation with the Building Control Department - it was confirmed that a condition could be submitted in relation to a Pre-Completion Sound Insulation Test Certificates to be submitted to the LPA. Therefore, subject to the above, the proposal is considered to have an acceptable impact on future occupiers in relation to adequate sound insulation, subject to the appropriate condition as specified above.

Outdoor amenity space:

Section 8.4 of Barnet's Local Plan SPD: residential design guidance 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 5sqm per habitable room. Rooms over 20m² should be counted as two habitable rooms.

All proposed units would have access to private amenity space. Specifically, unit 1 would be provided with 41m², and Unit 2 would be provided with a private garden amenity area of 46m². Therefore, adequate outdoor amenity space would be provided for the proposed residential units. The access to the private outdoor amenity space for unit 2 will be facilitated down the side of the building within the curtilage of the site - with the rear of the ground floor flat able to access their allocated garden amenity from the rear patio doors.

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

Any proposal should respect the local character and either preserve or enhance it, compliant with policies DM01 and CS05 of the Local Plan DPD.

The application site previously gained planning approval for 'Demolition of existing side garage; Part single, part two storey side/rear extension. Front extension to accommodate for front porch' under planning reference 21/1411/HSE dated 07.06.2021. Also, 'Roof extension and alterations involving hip to gable, rear dormer window with juliette balcony,

3no. front facing rooflights and new side gable window' was approved under reference 20/5812/192 dated 30.12.2020. Both applications have been implemented. Albeit, the dormer roof extension is slightly larger than shown on the approved plans, the as-built drawings reveal that the rear dormer falls within permitted development by reason of its size.

Extensive discussion between the applicant and planning officer took place with regards to the proposed rear dormer at the rear of the existing and approved first floor side element. The rear dormer is eliminated from the scheme and therefore the scheme is considered appropriate and does not detract from the character and appearance of the proposal property and immediate locale.

The proposed conversion of the dwellinghouse into 2no. self-contained flats, is not considered to detract from the general character of the area to an unacceptable degree - and is not out of character with the immediate and general locale.

Lastly, the proposal includes the repositioning of the main front entrance and changes to the fenestration of the front entrance of the property. This aspect of the proposal is considered not to have an harmful impact on the character and appearance of the proposal property, immediate locale and current streetscene.

Impact on the amenities of neighbours

The only external alterations to the scheme relate to the front entrance and fenestration. The approved and implemented extensions to the property listed above, were considered to have an acceptable impact on the amenities of neighbouring occupiers under the relevant planning approvals.

The existing dwelling benefits from 4no. bedrooms. Given the size of these bedrooms, it is likely that the existing occupancy could be approximately 7 persons.

The proposal is for 1x3 bed, 5 persons flat, 1x4 bed, 6 persons flat. The conversion would result in additional occupancy of potentially 4 people. It should be noted that several properties in close proximity to the site have been converted into 2no. flats. Whilst it is accepted that the scheme would result in additional comings and goings compared to the existing single family dwelling, it is considered that 2 households are acceptable and given the character of the surrounding properties and Cheviot Gardens as a whole, officers do not consider that the increase in occupancy level would result in an unacceptable level of harm to the amenity of the neighbouring occupiers that would warrant a refusal - when compared to other properties in the vicinity being converted into 2no. flats.

Residential use is accepted on site and it is considered that there would be no significant additional harmful impact on the residential amenities of the neighbouring occupiers as a result of the sub-division. Thus, it was found that the proposed development will have an acceptable impact to the neighbouring properties.

Therefore, in assessment, the proposed conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings, to an unacceptable degree.

Parking and Highways

Barnet's Highways department were consulted regarding parking and highways for the

proposed development.

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. The proposed provision of a total of 3x off-street parking spaces for the dwellings, is in line with requirements set out on Policy DM17 of the Barnet Local Plan. The applicant is proposing to use the existing and proposed vehicular access.

The Crossover Team confirmed that the applicant submitted an application for an additional Crossover in front of the site to facilitate further parking access - and subject to a final on street assessment, the proposal is acceptable. Also, the Highways officer confirmed the acceptance of the parking arrangement.

The application is therefore found acceptable on Highways grounds.

Cycle Storage

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

Notwithstanding the provision of drawing no. LCENG-DRG-501-28-NW2 1QE Rev 0 (Proposed Ground Floor Plan), a condition is attached requiring details of cycle parking, including providing a secure, covered and lockable storage in an appropriate location.

Refuse and recycling storage

The plans indicate that refuse storage is proposed to the side of the application site. Details of refuse and recycling storage and collection is requested by a condition.

Accessibility and Sustainability

Conditions would be attached to any permission to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy S I 5 of the London Plan (2021) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy S I 8 of the London Plan (2021).

5.4 Response to Public Consultation

The comments are discussed above within section 4: Public Consultation and the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, the proposed development would result in a development of the site not detracting from the character of the proposal property and immediate vicinity and the wider locality. The application is also acceptable

on amenity ground sin relation to neighbours. Therefore, the application is compliant with the planning policies in this regard and is recommended for APPROVAL, subject to conditions.

