

MEETING

PLANNING COMMITTEE A

DATE AND TIME

WEDNESDAY 15TH MARCH, 2023

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

TO: MEMBERS OF PLANNING COMMITTEE A (Quorum 3)

Chairman: Councillor Nagus Narenthira
Vice Chairman: Councillor Tim Roberts

Councillors

Richard Barnes
Lachhya Gurung

Danny Rich
Elliot Simber

Substitute Members

Claire Farrier
Gill Sargeant

Shuey Gordon
Tony Vourou

Arjun Mittra
Lucy Wakeley

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

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ORDER OF BUSINESS

Item No	Title of Report	Pages
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2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	Land At 49 And 51 Beresford Avenue N20 0AD - 22/6069/OUT (Whetstone)	11 - 42
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9.	163 Sunny Gardens Road London NW4 1SG - 22/1343/FUL (Hendon)	69 - 90
10.	47 Warwick Road Barnet EN5 5EQ - 22/5451/FUL (Barnet Vale)	91 - 110
11.	78 Finchley Lane London NW4 1DH - 22/4992/FUL (Hendon)	111 - 126
12.	202 High Street Barnet EN5 5SZ - 22/4361/FUL (High Barnet)	127 - 152
13.	20 Shirehall Close London NW4 2QP - 22/4795/FUL (Hendon)	153 - 164
14.	2 Holmdale Gardens London NW4 2LX - 22/6017/HSE (Hendon)	165 - 172
15.	Any item(s) that the Chairman decides are urgent	

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Decisions of the Planning Committee A

8 February 2023

Members Present:-

Councillor Nagus Narenthira (Chair)
Councillor Tim Roberts (Vice-Chair)

AGENDA ITEM 1

Councillor Richard Barnes
Councillor Lachhya Gurung

Councillor Danny Rich
Councillor Elliot Simberg

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 11 January 2023 be agreed as a correct record.

2. ABSENCE OF MEMBERS

None.

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. 52 TENTERDEN GROVE LONDON NW4 1TH (22/5179/RCU) (HENDON)

The Planning Officer presented the report.

Dor Cohen addressed the Committee and spoke against the application.

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)

7. SHERWOOD COURT GARAGES FRIERN PARK LONDON N12 9LX (22/0766/FUL) (WOODHOUSE)

This item was withdrawn by the Chair to ensure that further information may properly be taken into account.

8. 26 RENTERS AVENUE LONDON NW4 3RB (22/2472/FUL) (HENDON)

The Planning Officer presented the report.

Uri Ullmann addressed the Committee and spoke against the application.

Councillor Alex Prager addressed the Committee and spoke against the application.

James Cohen, 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) 3

Against: (approval) 3

*The Chair used her casting vote and voted for the recommendation to approve the application.

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)

9. 11A LONG LANE LONDON N3 2PR (22/1108/FUL) (WEST FINCHLEY)

The Planning Officer presented the report.

Rhonda Rix addressed the Committee and spoke against the application.

Anthony Adler, 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) 1
Against: (approval) 3
Abstained: 2

Councillor Elliot Simberg moved a motion seconded by Councillor Lachhya Gurung, to refuse the application for the following reasons:

The proposed change of use to an HMO would result in the loss of a family-sized unit for which there is a known demand, as reflected in 4-bed units being identified as the highest priority for market housing set out in the Development Plan. No evidence of a lack of need has been submitted such as to justify the loss and the applicant has not sufficiently demonstrated that there is an identified need for this form of accommodation proposed in this area. The proposal would therefore be contrary to Policies CS1, CS4 and CS5 of the Local Plan Core Strategy DPD (2012), Policies DM01, DM08 and DM09 of the Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016), the Sustainable Design and Construction SPD (2016) and Policy H10 of the London Plan (2021)

The motion was carried. The Committee then voted to refuse the application which was recorded as follows:

For: (refusal) 4
Against: (refusal) 1
Abstained: 1

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).

10. 8 PARKSIDE GARDENS BARNET EN4 8JP (22/5139/HSE) (BRUNSWICK PARK)

The Planning Officer presented the report.

Ankit Patel, 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 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. A1000 HIGH ROAD, JUNCTION WITH BEDFORD ROAD TO THE NORTH AND BROMPTON GROVE TO THE SOUTH, N2 8AQ (21/0673/ADV) (EAST FINCHLEY)

The Planning Officer presented the report.

Councillor Claire Farrier addressed the Committee and spoke against the application.

Further to a discussion, Councillor Danny Rich moved a motion seconded by Councillor Richard Barnes, to defer the application.

The motion was carried. The Committee then voted to defer the application which was recorded as follows:

For: (deferral) 5

Against: (deferral) 1

RESOLVED that the application be DEFFERED for the Planning Committee to be provided with more information in order to determine the application.

12. 60 NORTH END ROAD, NW11 7SY (22/5523/HSE) (CHILDS HILL)

The Planning Officer presented the report.

Councillor Matthew Perlberg who was in support of the application, was not present during the meeting.

Madhavan Raman, the Applicant, addressed the Committee.

Further to a discussion, Councillor Simberg moved a motion seconded by Councillor Rich to approve the application for the following reasons:

That no harm would be caused to the character and appearance of the existing building, the street scene and the wider locality.

That no harm would be caused to the living conditions of neighbouring residents.

The motion was carried. The Committee then voted to approve the application which was 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)

- 1.Approved plans
- 2.Time Limit
- 3.Materials to match
- 4.roof not to used as a balcony

13. CONDITIONS - LAND JEANETTES, NORTH OF THE RIDGEWAY, BARNET NW7 1EL

RESOLVED that the Committee agrees to the conditions detailed in the Officer's report.

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

None.

The meeting finished at 9.25pm

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Location Land At 49 And 51 Beresford Avenue London N20 0AD

Reference: 22/6069/OUT

Received: 22nd December 2022

Accepted: 3rd January 2023

Ward: Whetstone

Expiry 28th February 2023

Case Officer: Stephen Volley

Applicant: Millen

Proposal: Outline application with landscaping reserved for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD

AGENDA ITEM 6

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

BAB 001 R2 Site Layout Plan
B0AB002 R1 AIA and Habitat
BAB 004 R0 Site Sections
BAB 004.1 R0 Road Sections
BAB 005 R2 Waste Strategy Plan
BAB 005.1 R2 Highway Plan
BAB DV 001 R1 Development views
BAB EL 001 R0 Elevations and floor plans P3-8
BAB PEL 001 R1 Proposed Elevations and Floor Plans No.51
BAB PEL 001 R0 Existing Elevations 49 and 51
BAB PFP 001 R0 51 Floor plans existing
BAB SS 001 R0 Street Scene Elevations
Location Plan
Noise Assessment Sept 2022
Design and Access Statement
Waste Strategy
Road Safety Audit Brief GG119
Road Safety Audit 05.01.2023

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 Application for the approval of the reserved matters must be made before the expiration of three years from the date of this permission.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 3 The development to which this permission relates must be begun not later than two years from the final approval of the reserved matters or, in the case of approval on different dates, the final approval of the last such matter to be approved.

Reason: To comply with Section 92 of the Town and Country Planning Act 1990.

- 4 Details of landscaping shall be submitted to and approved in writing by the Local Planning Authority before any development begins and the development shall be carried out in accordance with those details as approved.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality, or the enjoyment of neighbouring occupiers of their properties, in accordance with Policies DM01 and DM17 of the Development Management Policies DPD (adopted September 2012).

- 5 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

7 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the railway; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 8 No development should take place in proximity to a tunnel or tunnel shafts without prior submission of details of ground investigation and foundations of the works. Such details to be approved in writing by the local planning authority in conjunction with Network Rail. The developer must liaise directly with Network Rail's Asset Protection Team (details below) to ensure that the foundation detail for the site in relation to the tunnel and the associated hidden shaft are agreed in advance with Network Rail prior to any work commencing on site.

Matt Leighton
Town Planning Technician
Network Rail Property - Eastern Region
George Stephenson House
Toft Green
York
YO1 6JT

Reason: To safeguard the amenity of future residents in accordance with Policy CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 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.

- 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 T5 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.

- 11
- 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).

- 12
- 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).

- 13
- 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).

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (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) & M4(3) 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 Policy D7 of the London Plan 2021.

- 15 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.

- 16 a) The proposed development shall proceed in accordance with the mitigation strategy and Biodiversity Enhancements specified in drawing B0AB002 R1 AIA and Habitat

b) The site clearance and any mitigation measures shall be implemented in full in accordance with details with the submitted plan.

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) and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 a) Before the development hereby permitted is first occupied or the use first commences, parking spaces, cycle parking and turning spaces as shown on Drawing BAB 001 R2 (Site Layout Plan); shall be provided and marked out within

the site.

b) The parking spaces shall be used only in accordance with the scheme approved as part of this condition and not be used for any purpose other than the parking and turning of vehicles in connection with the approved development.

c) The applicant will be required to enter into a s184 agreement with the council for modifications to the existing access and reinstatement of the footway adjacent to the existing site access.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policy T6 of the London Plan 2021.

18 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 20% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 20% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy T6 of the London Plan 2021.

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

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

containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

vii. noise mitigation measures for all plant and processors;

viii. details of contractor's compound and car parking arrangements;

ix. Details of interim car parking management arrangements for the duration of construction;

x. Details of a community liaison contact for the duration of all works associated with the development.

xi. Provision of a competent banksman.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

20 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), and the Sustainable Design and Construction SPD (adopted October 2016).

21 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on drawing B0AB002 R1 (AIA and Habitat) 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), and Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012).

- 22 Notwithstanding the details submitted with the application and otherwise hereby approved, no gate or any means of enclosure shall be erected along the proposed access, at any time, whether in use or not without the prior written consent of the local planning authority.

Reason: To ensure community cohesion and to safeguard the character and visual amenities of the area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

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

- 5 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.
- 6 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 licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 7 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.

For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust

from demolition and construction, Institute of Air Quality Management, January 2014.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 8 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 For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

The statement shall have regard to the most relevant and up to date guidance including: Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014.

- 9 A Waiver of liability and indemnity agreement in relation to the non-adopted roads in each phase within the development must be signed by the developer and be submitted to and approved in writing by the Local Planning Authority. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises

OFFICER'S ASSESSMENT

The application has been 'called in' for determination by planning committee by Cllr Ella and Cllr Liron Velleman on the basis that the application materially changes the infrastructure and character of the cul-de-sac and does not include affordable housing.

1. Site Description

The site is located to the rear of 49 and 51 Beresford Avenue, which is currently occupied a pair of semi-detached dwellings. Located at the head of the cul-de-sac in a prominent position, the two properties provide an important contribution to the character and appearance of the Beresford Avenue street scene.

The gradient of the land drops away as one moves away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue. A railway tunnel passes under the site.

The application site is not located within a Conservation Area nor is any part considered listed.

2. Site History

Reference: 22/3511/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 1st September 2022

Description: Outline application with landscaping reserved for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD

Reference: 22/2560/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 15 September 2022

Description: Outline application with landscaping reserved for the demolition of no.49 and no.51 Beresford Avenue and the erection of 8 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4A

Reference: 21/5999/RMA

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Approved subject to conditions

Decision Date: 11 February 2022

Description: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semidetached houses on land to the rear of 49 and 51 and provision of new access.

Reference: 21/5046/OUT

Address: 51 Beresford Avenue, London, N20 0AD

Decision: Refused

Decision Date: 11 November 2021

Appeal Decision: Dismissed - APP/N5090/W/21/3276065

Description: Erection of 6no semi detached dwellings and 1no detached dwelling on land at 49 and 51 following demolition of no.51 Beresford Avenue

Reference: 20/6076/RMA

Decision: Refused

Decision Date: 14 May 2021

Description: Reserved matters application seeking approval for appearance, scale and landscaping pursuant to Appeal reference APP/N5090/W/20/3248645 (outline application reference 19/5079/OUT) dated 29/10/20 for 'Erection of 6 Passive Semidetached

houses on land to the rear of 49 and 51 and provision of new access'

Appeal Decision: Allowed - APP/N5090/W/21/3276065

Appeal Decision date: 6th January 2022

Reference: 19/5079/OUT

Decision: Refused

Decision Date: 13th December 2019

Description: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access

Appeal Decision: Allowed - APP/N5090/W/20/3248645

Appeal Decision date: 29th October 2020

18/2526/OUT

Proposal: Erection of 6 Passive Semi-detached houses on land to the rear of 49 and 51 and provision of new access.

Decision: No formal decision issued.

Decision Date: Committee date 17.07.2018.

Appeal Decision: Dismissed - APP/N5090/W/18/3208804

Appeal Decision date: 15th August 2019

17/3663/OUT

Proposal: Demolition of no existing buildings at 49 and 51 and erection of 5no detached dwellings at no 49 and 51. New access road.

Decision: Refused.

Decision Date: 08.01.2018

Appeal Decision: Dismissed - APP/N5090/W/17/3191245

Appeal Decision date: 19.01.2018

17/2208/OUT

Proposal: Demolition of no 51 and erection of 4no detached dwellings at no 49 and 51. New access road.

Decision: Refusal

Decision Date: 02.06.2017

16/3054/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 9 houses (2 detached 4x semi-detached, 3 x terraced) and a replacement garage and driveway to no 49

Decision: Deemed Refusal

Decision Date: 28.02.2017

Appeal Decision: Dismissed

Appeal Decision date: 17.02.2017

15/06599/OUT

Proposal: Demolition of No 51 to facilitate new access drive and a residential redevelopment comprising 13 houses (6 x semi-detached, 7 x terraced) and a replacement garage and driveway to No 49

Decision: Refuse
Decision Date: 01.02.2015

3. Proposal

Outline planning permission is sought for the demolition of part of no.51 Beresford Avenue and the erection of 6 semi detached dwellings on land at 49 and 51 Beresford Avenue, Barnet N20 4AD. Appearance, means of Access, layout and scale are to be determined with landscaping being reserved for future consideration.

As discussed in the main body of this report the 6 houses to the rear have already been consented at appeal, with access gained from a lane running parallel with no. 49 Beresford Avenue. A red hatched line on the site layout plan depicts the extent of this permission. This current application seeks a revised access between Nos.51 and 53, which is facilitated by the removal of a two storey side extension at no.51, thereby returning the building to its original form. The existing hardstanding fronting no. 51 will be partly integrated into the proposed access, with the rear garden reduced in size. Land to the rear of no.49 is unaffected by this proposal.

4. Public Consultation

The application has been 'called in' for determination by planning committee by Cllr Ella and Cllr Liron Velleman on the basis that the application materially changes the infrastructure and character of the cul-de-sac and does not include affordable housing.

Consultation letters were sent to 584 neighbouring properties, with 147 objections received raising the following objections.

- Loss of unity and symmetry
- Harmfully erode the character and appearance of the street scene
- Defaces the iconic look of the street view of this cul-de-sac by part demolition of one of the houses on the turning circle.
- This proposed access road will cause detrimental harm to the street scene, as this is currently a continuous pavement around the end of the cul-de-sac, creating a safe place for children to play, cycle and scoot
- Proposed access road will cause detrimental harm to the street scene
- The whole design of the development adds a separate alien identity to Beresford Avenue.
- Unsubstantiated Biodiversity claims
- Breach of relevant planning law (Section 70 c The Planning Act 1990)
- Submission of similar applications has caused confusion
- The buildings are contrary to the deeds of the land.
- Deeds of these properties say 'no excavation'.
- There is no pedestrian access to the proposed houses.
- The entrance will only allow one vehicle to enter or exit
- The access road to the rear garages is blocked by the proposal.
- The proposed access road width is too narrow for large delivery vehicles and refuse vehicles and is dangerously close to the boundary walls of numbers 51 and 53
- Incorrect drawings - Millens plans have been manipulated in their favour and not drawn to scale.
- The gates make this a separate community at the end of the cul-de-sac which detracts from the street scene
- The drawings presented by Millens are not drawn to scale.

- Been allowed to progress even more repeated and malicious applications.
- An accident waiting to happen
- The road on the recent layout was rejected by the inspector
- The proposed access road passes in very close to the walls of 51/53. Substantial harm to the living conditions of the occupiers of these houses will be caused by increased noise, disturbances and lights from vehicle headlights
- The demolition of 49 and/or 51 Beresford has already been rejected
- This application contains features specifically ruled out by previous application outcomes
- Matters relating to Network Rail are unresolved.
- Faith in planning process has plummeted damaging the integrity of the council.
- Millens deplorable conduct towards Beresford's residents and scrutinise their latest application while using planning law related to breach of planning as a guide.
- Safety audit brief did not include pedestrians, children and cyclists.
- A funnelled road, residents of 51 Beresford step out their house directly on to a road and not onto their driveway.
- The date of appeal where Millens was granted planning permission for use of the access has run out, there cannot be a situation where if successful on this latest application Millens can't pick and choose what access route they use.
- Demolition is not acceptable as it alters the street scene, aesthetics and architecture.
- There is no image of the proposed gate to show dimensions, shape, colour and safety factors and how it blends or does not coexist with Beresford.
- There is no compliance with the standards expected from the Royal Society of the Prevention of Accidents.
- Current application and proposed access route for this development is unsafe and will lead to car collisions and car to pedestrian collisions.
- Inadequately tweaked desk driven noise assessment lacks any substance, no proper hands on assessment of any factor. The unique bespoke road does not concur with standard paper assessments.
- There is no reference to the pavement that this road cuts across. Many in the road are wheelchair bound or have difficulties mobilising-this is a predictable safety hazard to all other pedestrians as well.
- Proposal negatively affect the established 1930's street scene cul-de-sac.
- Access road is not wide enough, turning room is inadequate, large delivery vehicles will have problems manoeuvring in the space.
- Not enough parking for visitors on site.
- Existing garage behind the property is not used for a car and it is too far from the property, cars currently park in front of the house but the plans do not indicate this arrangement.
- Plot 6 of the proposed development significantly overlooks the current property No53 Beresford Avenue. The front windows of Plot 6 overlook the rear gardens and bedrooms of No 53.
- The validity of the land use over a major railway tunnel.
- On the last day of commenting on the application, residents were told that Millens is withdrawing the gate. There is now no time to scrutinise or respond which means one rule for Millens and one for Beresford Residents.
- The building works will decimate wildlife and drive them out and their building-brick sustainability solutions is totally inadequate for the increased bird population.
- Previous proposals to use the shared access track or run an access road alongside it were made with the argument that they were concealed from further up the road. The revised proposal would lie directly ahead and therefore would change the established street scene even more.
- A historical map indicates that there was a fence in front of the building.
- The current configuration has existing for a long time and is considered to be well

established. Demolishing part of no. 51 Beresford creating an extension of the road, as well as setting back the front door is certainly to detrimentally affect the established street scene.

-The proposals has shortcomings such as proximity of walls and insufficient space for vehicles and lack of pedestrian footpaths.

-Property no. 51 is proposed to be set back the front door, this will necessitate a change to the original building, and roof line in order for the ridge and valley to meet the new wall location. The elevations also indicate the re-positioning of the shared chimney stacks.

-CGI images are misleading and show the area with no parked vehicles and no vegetation. This is a false representation and seeks to show much more space and visibility than exists.

-Millens, current application, now proposes (along with the demolition of part of 51 Beresford) a different access be granted between 51 Beresford and 53 Beresford but they will still need the access road between 47 and 49 Beresford to bring in building materials as it is unrealistic that they can gain access from the cul-de-sac as it would block any movement and traffic as well as polluting our immediate environment.

-The proposed development is gated and exclusive and has no benefit to the existing inclusive community of Beresford.

-There has been enough evidence to enact Section 70 (c) Town and Country Planning Law 1990 which gives power to the Council to stop all repeat, malicious serial applications.

-Sections 65(5) and 327(A) of the Town and Country Planning Act 1990 states that local planning authorities "must not entertain" applications where statutory requirements to (amongst other things) notify owners of planning applications and certify that they have done so have not been met. Millen's tweaks have no relevance to their application and have fallen short of what they were expected to address.

-No. 51 rear garden vastly reduced.

-The Disability Discrimination Act is there for the planners to ensure developers ensure access to this development.

-Millens have put profit before safety.

-According to the Royal Society for the Prevention of Accidents say it should be recognised that even in the best regulated area accidents can occur and therefore access for emergency vehicles is essential. An ambulance requires an opening of at least 2.15m and ideally an ambulance should be able to get right up to the area. A fire engine is 2.3m in width and the above is equally applicable. The Royal Society assert that a Trolley Bed (as carried in ambulances) can be used where a vehicle cannot get right up to an area. A Trolley weighs around 58 kilos unloaded and it requires a standing footpath of 1 metre to access a property.

- The Royal Society: It is important that there are no finger or hand traps and shear points. This means that there should be a minimum gap of 12mm between the gate and the posts etc, both sides of the gate.

-Who are the 617 people and/or organisations that have been consulted.

-The drainage pipes which run in the alley way and possibility of land slide which already been subject towards the tunnel should not be built upon.

-The construction will put additional pressure on existing infrastructure such as water supply, drainage and include loss of privacy to homes and gardens.

-Decisions made behind closed doors is contrary to the council's policy on transparency.

-There are mainly single houses and bungalows on plots and the applicant suggest 6 houses on one plot which is considered excessive.

-Section 73 of the Town and County Planning Act 1990 should be implemented should be implemented to ensure that previous conditions have been upheld by Millens.

-Information missing in the application relating to sustainable drainage to prevent surface water entering road/highway

The Rt. Hon Theresa Villiers has been consulted and raises the following objections to this proposal.

'I understand from residents of Beresford Avenue that the above further planning application relating to land at 49 and 51 Beresford Avenue, N20 has been submitted.

I have consulted my constituents and been informed that, despite the developer making some changes in response to previous criticisms, this proposal is no more acceptable than the last. They ask me to pass on the following comments:

-Previous proposals to use the shared access track or run an access road alongside it were made with the argument that they were concealed from further up the road. This one would lie directly ahead and therefore would change the established street scene even more.

-Residents were unable to see a statement included in the documents for this application, but the previous statement asserted that there was previously an access road in this location, using evidence of an outbuilding from a historic map. However, the map does not indicate any road or track in this location. Neither does it indicate that the building was a garage. In fact, a line on the map suggests a fence in front of the building.

-The requirement is to not detrimentally affect the established street scene (not the original street scene). The current configuration has existed for a very long time, and is well established. Indeed, since these homes were originally built in the 1930s, and the map used was published in 1950 (<https://maps.nls.uk/view/102901864>), it's highly likely that the current configuration has been there far longer than the one on this map. To demolish part of No 51, creating an extension of the road, as well as setting back the front door will detrimentally affect the established street scene.

-The established street scene also includes a continuous pavement which is frequently used by children on their bikes and scooters. To interrupt this with a through road is to change the nature of the existing family-friendly cul-de-sac, to the detriment of existing residents.

-The plan suffers the same shortcomings (with regard to proximity of walls and insufficient space for vehicles, lack of pedestrian footpath and so on) to the previous proposals to create a new access road in this location and to create one adjacent to No 49.

-On the point of the reconfiguration of No 51 to set back the front door: very little is indicated of this change in either the images or descriptions. It must be noted that this aspect represents a change to the original building, and also necessitates a significant change to the roof line in order for the ridge and valley to meet the new wall location. The elevations also indicate the re-positioning of the shared chimney stack. Is this possible? Again, this significant change is completely glossed-over.

-Following the proposed changes, The resulting property of No 51 would be extremely cramped with its rear garden vastly reduced. The residence would be crammed in between the access road and No 49 and would be much smaller than other homes on the road as well as those on the new development. It would therefore be completely out of kilter.

-The sight lines drawn on the plan are a complete fallacy, running to tightly within the confines that they are impracticable. The CGI images clearly show that visibility into the access road is very limited and frequent conflicts of vehicles are certain. Note that the angle of the CGI images is further to the right than the position of an approaching vehicle keeping to the left. There are also conveniently no CGI images from the opposite end of the proposed access. This omission is telling; clearly the proximity of buildings to the narrow access and lack of visibility would be exhibited.

-The CGI images are also misleading in that they show the area with no parked vehicles and no vegetation. This is false representation, and seeks to show much more space and visibility than is actually the case.

It should be considered that the only plan for this site that has been allowed (and notably only by a planning inspector on appeal, against the overwhelming objections of residents and the unanimous decision of the planning committee) is one which proposes to use the shared access track. The applicant, and the residents and freeholders of No 49 and No 51 have no legal ownership of this track, and no rights to alter it or to restrict freedom of access to other residents.

There is a covenant on their proposed access road forbidding the widening of it. Residents and the wider community have 24/7 access to this access road. The access road is privately owned. Following, Millens last appeal they were granted planning permission which included their proposed access road. However, the private owner has denied them the access to build their houses.

Millens' current application now proposes (along with the demolition of part of 51 Beresford) a different access be granted between 51 Beresford and 53 Beresford but residents believe that they will still need the access road between 47 and 49 Beresford to bring in building materials as it is unrealistic that they can gain access from the cul-de-sac as it would block any movement and traffic as well as polluting the immediate environment.

It is therefore unworkable, hence the on-going alternative applications. All applications that involve demolition (in whole or part) of No 49 or No 51 have been rightly refused, and this application should be no different.

Furthermore, residents have asked me to confirm that there is a covenant on the land forbidding house building over the railway tunnel.

We are now in the 8th year of repeat applications. Constituents ask if these can be countered by the following appropriate planning law:

Sect.70 (c) Town and County Planning Law 1990 gives power to the Council to stop, once and for all repeat and malicious serial applications and this may need looking at again as there are no significant changes to this current application.

They are also concerned that the following has been ignored by the planners:

Section 73 of the Town and County Planning Act 1990 that allows applications to be made for permission to develop without complying with a condition previously imposed on planning permission.

Millens in each of their applications have made no reference to being granted this. They keep referring to the planning permission granted before on this one and on previous applications but there are no notifications from the planning department or any evidence of any monitoring by them to ascertain if these conditions were or were not carried out.

Furthermore, there has been no reference to these in planning officer's reports to the planning committee or to the Planning Inspectorate; nor have any of the residents' specific references to this been listed in their objections to them as well. They also believe that the same can be queried regarding Millens' breach of planning law i.e. Section 171A of the Town and Country Planning 1990.

Residents have raised these concerns with the council but received no response.

I would be grateful if my constituents' views on this application can be considered before

any decision is made. I note that, to date, there are 147 objections to this latest application. Please inform the Planning Committee that I also object to this application and believe that it should be refused'.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published 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.

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. Chapter 3 sets out a suite of policies relating to design and amenity with policies D3, D4 and D5 insisting on the deliver of high-quality inclusive design without compromising existing residential amenity.

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS9,
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

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

Sustainable Design and Construction SPD (2016)

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

Residential Design Guidance SPD (2016)

Part 2 of the SPD sets out the general guidelines for new residential development.

- All new proposed design should relate to its setting and local character and be of an appropriate density;
- All proposals for new development should complement or improve the character of the area through its appearance, architectural detailing, siting, use of materials, layout and integration with surrounding land, boundaries, building lines, setbacks, fronts and backs; and
- Be designed to ensure the provision of sufficient privacy, minimisation of overlooking between surrounding dwellings and orientation of buildings to maximise sunlight and daylight and do not reduce the amenity value of neighbouring occupiers.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Planning considerations relevant to this application
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- The living conditions of future residents;
- The effect of the proposal on highway safety
- The impact of the proposal on trees, landscape features, biodiversity and protected species habitats; (Matters reserved for future consideration)
- Waste and recycling strategy
- Network Rail

Planning considerations relevant to this application

Outline planning permission has been approved at appeal under 19/5079/OUT (pins reference APP/N5090/W/20/3248645) for the retention of 49 and 51 Beresford Avenue to provide 6 Passive Eco Houses' (details of access and layout to be considered). The date of the appeal decision is 29th October 2020. Condition 2 states (2) Application for

approval of the reserved matters shall be made to the local planning authority not later than 3 years from the date of this permission. Condition 3 states (3) The development hereby permitted shall take place not later than 2 years from the date of approval of the last of the reserved matters to be approved. The most recent reserved matters application 21/5999/RMA seeking approval for the remaining reserved matters (appearance, scale and landscaping) pursuant to Appeal reference APP/N5090/W/20/3248645 was determined and approved on 11 February 2022. All reserved matters have been approved.

The appeal decision therefore remains extant until 11 February 2024.

In view of the above, the planning considerations relevant to this application relate only to the removal of the side extension of no. 51 and the reconfiguration of its front / rear garden to provide vehicular access to the application site. To assist in the determination of this application the site layout plan identifies by way of a red hatched line the extent of development allowed at appeal in 2020 (19/5079/OUT). Reference to plots 1 – 6 in the main body of this report is made for completeness only.

Details of appearance, layout and scale are to be determined under this application with landscaping reserved for future consideration.

Whether harm would be caused to the character and appearance of the street scene and the wider locality

The site is occupied by 49 and 51 Beresford Avenue, a pair of 1930's two storey semi-detached single-family dwellings, located at the top end of the cul-de-sac in the Brunswick Park Ward. The gradient of the land drops away from the turning head in front of the dwellings. The site includes a substantial area of land to the rear of these dwellings, the garden land serving the houses, which extends back to the rear garden areas of Weirdale Avenue. There is a pathway adjacent to no 47 Beresford Road which facilitates access to private garages at the rear and provides a through-route onto Weirdale Avenue. A railway tunnel passes under the site.

The character of Beresford Avenue varies in scale, form, and style involving a mix of semi-detached chalet bungalows on wider plots with shorter rear gardens (on the west side) and two-storey terraced and semi-detached dwellings on much narrow plots with deeper rear gardens (on the east side). However, the defining characteristic of the streetscape is that buildings are limited to two storeys in height, positioned relatively close to one another on consistent building lines. As a result, there is an overall cohesive rhythm to the buildings and the enclosure of the cul-de-sac.

Paragraph 126 of the National Planning Policy Framework (2021) states:

"The creation of high quality buildings and places is fundamental to what the planning and development process should achieve. Good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities. Being clear about design expectations, and how these will be tested, is essential for achieving this. So too is effective engagement between applicants, communities, local planning authorities and other interests throughout the process."

Paragraph 130 of the National Planning Policy Framework (2021) states:

"Planning policies and decisions should ensure that developments:

a) will function well and add to the overall quality of the area, not just for the short term but

over the lifetime of the development;

- b) are visually attractive as a result of good architecture, layout and appropriate and effective landscaping;
- c) are sympathetic to local character and history, including the surrounding built environment and landscape setting, while not preventing or discouraging appropriate innovation or change (such as increased densities);
- d) establish or maintain a strong sense of place, using the arrangement of streets, spaces, building types and materials to create attractive, welcoming and distinctive places to live, work and visit;
- e) optimise the potential of the site to accommodate and sustain an appropriate amount and mix of development (including green and other public space) and support local facilities and transport networks; and
- f) create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users (46); and where crime and disorder, and the fear of crime, do not undermine the quality of life or community cohesion and resilience."

Chapter 3 of the London Plan (2021) sets out a suite of policies relating to design with policies D3, D4 and D5 insisting on the deliver of high quality inclusive design without compromising existing residential amenity.

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (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."

Plots 1-6:

As identified in the planning history / planning considerations section above the proposed layout of the 6 dwellings and their associated plots and parking arrangements are the same as the 2019 (18/2526/OUT) and 2020 (19/5079/OUT) applications that were determined at appeal (APP/N5090/W/18/3208804 - APP/N5090/W/20/3248645). The 2020 appeal was allowed, subject to conditions. Although the 2019 appeal was dismissed on loss of amenity grounds, paragraphs 13 and 14 (copied below) of the Inspectors decision ruled that no harm would be caused to the character and appearance of the area from the 6 dwelling houses proposed to the rear.

para. 13 of the appeal decision states:

The Council have also expressed concern that the houses would appear 'shoehorned' into the site, with a cramped appearance. The submitted layout however shows that the 6 semi-detached houses can be comfortably accommodated, with suitably sized gardens, landscaping and parking areas. Inevitably, the gardens to 49 and 51 Beresford Avenue will be reduced in size and length but this would not be to an extent to cause harm or indicate overdevelopment.

para. 14:

I conclude therefore that there would be no harm to the character and appearance of the area. The proposal would be consistent with CS Policy CS5 and DMDP Policy DM01 in-

so-far as they require proposals to respect local context and preserve or enhance local character.

A subsequent reserved matters application (21/5999/RMA - seeking approval for appearance, scale and landscaping) was approved by planning committee in February 2022.

The layout of the 6 houses is therefore acceptable and would not cause harm to the character and appearance of the area.

New access, including part demolition of 51 Beresford Avenue and reconfiguration of hardstanding area to frontage:

Following the refusal of the previous application, site sections and visualisations have now been provided to provide more certainty over the proposed access arrangements and its impact on the character and appearance of the area. The gated access arrangement previously proposed is now removed and a condition is imposed to ensure that no gate or any means of enclosure shall be erected along the proposed access, at any time, whether in use or not without the prior written consent of the local planning authority. This is to ensure community cohesion and to safeguard the visual amenities of the area.

To facilitate the new access off Beresford Avenue the two storey side extension of no.51 is to be removed in its entirety. Properties at the head of the cul-de-sac have similarly extended at the side, apart from no 34 Beresford Road. However, despite the extensions and alterations, the original proportions of the dwellings remain distinguishable. The position of the pairs of semis at the head of the cul-de-sac are consistent, which provides an attractive sense of unity and symmetry to the group. The Councils urban design team have been consulted and conclude that the loss of the extension at no. 51 would have a limited impact on the integrity of the streetscene or character of the local area. In any event, the demolition of the existing two storey extension can be carried out without planning consent.

To further facilitate the new access the open space to the frontage of no.51 is to be reconfigured with the hardstanding area being incorporated into the proposed access. A low level picket fence is proposed to redefine the property boundary and a triangular landscaping strip will remain along the frontage. In the Officers view this reconfiguration constitutes only minor alterations to the street frontage, thus having a minimal impact on the character and appearance of the Beresford Avenue street scene. Tree planting along the access (to be secured at the reserved matters stage) will help soften its appearance.

As discussed in the highway section of this report, the off street car parking provision that the hardstanding currently provides is to be replaced at the rear of no.51, and this approach is supported by highway officers. The partial loss of the rear garden of no.51 does not impact on the character and appearance of the Beresford Avenue. The reduction of the garden space and the impact this will have on the amenity of the current occupiers is referred to in following sections of this report.

Conclusion:

The design considerations relevant to this application relate only to the removal of the side extension of no. 51 and the reconfiguration of its frontage to provide a vehicular access to the application site. All other matters have previously been approved at appeal under planning application 19/5079/OUT. For all the above reasons the proposed alterations to

facilitate the new access are considered by officers to have a minimal impact on the character and appearance of the Beresford Avenue street scene. This minimal impact needs to be balanced against the main benefit arising from this development, which is the provision of much needed family housing within the borough, which has already been consented at appeal. In the officers view such provision outweighs the minimal visual impact of this development on Beresford Avenue and for this reason the application is supported in design terms.

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

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'.

Paragraph 130 of the Framework that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health well-being, with a high standard of amenity for existing and future users..." (part f)

Policy D3 of the 2021 London Plan seeks to deliver appropriate outlook, privacy and amenity through a design led approach.

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users. Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance. Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

Plots 1-6:

The impact of the proposed 6 dwellinghouses on the living conditions of neighbouring residents has been previously assessed through the appeal process with the Planning Inspector raising no objections (APP/N5090/W/20/3248645 - 29th October 2020)

In allowing the appeal, the Inspector made the following conclusions:

Para13. The proposal would not be harmful to the living conditions of nearby residents. There would be no conflict with Policy CS5 of Barnet's Local Plan Core Strategy Development Plan Document (CS), which requires development to respect local context and character. I also find no conflict with Policy DM01 of Barnet's Local Plan Development Management Policies Development Plan Document (DM), which requires replacement development to be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Part demolition of 51 Beresford Avenue, including proposed access arrangements:

The demolition of the side extension to no.51 Beresford Avenue raises no concerns for loss of amenity to neighbouring occupiers. Construction works including demolition will be controlled by a planning condition.

In terms of the access arrangements proposed, the passing bay and its direction of travel is located directly along the boundary with no.53. A Noise Assessment by LF Acoustics Ltd dated 2022 has been submitted. The assessment concludes that the vehicle movements would not result in any adverse noise effects upon the occupants of the neighbouring properties, when assessed against relevant standards and guidance. The noise levels calculated would be equivalent to those calculated and assessed previously, when considering the alternate access with the mitigation measures proposed considered acceptable and in compliance with the relevant British Standard: BS28233:2014 for designs of buildings.

Environmental Health Officers have reviewed the noise assessment and raise no objection, subject to conditions.

In the absence of side facing windows serving main habitable rooms and based on the conclusions of the noise assessment report, officers consider that internally, noise and disturbance to the occupiers of no.53 will be negligible. The acoustic fence located along the common boundary will mitigate against external noise to this property.

Notwithstanding the above, for the occupants at 51 Beresford Avenue it would be necessary to request a vibration monitoring report during construction when there are likely to be a significant number of HGVs leaving and entering the site and this can be secured by a planning condition .

For all the above reason the impact on the living conditions of neighbouring residents will not be compromised by this proposal, subject to conditions and compliance with the noise assessment.

The living conditions of future residents

While this is an outline application only, access, appearance, layout and scale are to be considered with only landscaping reserved for future consideration.

The development would create 6no. new dwellings with the retention of Nos 49 and 51 (a net gain of 6 dwellings). The Sustainable Design and Construction SPD requires the following minimum residential space standards for new dwellings:

Plots 1-6:

Plots 1-6: 4-bed/6-person, 112sqm required, 157sqm proposed

The dwellings exceed the minimum internal space standard for the relevant dwelling size, as per the councils Sustainable Design and Construction SPD.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The proposed bedrooms comply with these minimum standards.

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

The sustainable design and construction SPD ,section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the

room. All proposed rooms are either dual-aspect or / and benefit from adequate levels of light and outlook.

The sustainable design and construction SPD, Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for houses with seven or more habitable rooms, there should be a minimum provision of 85 sqm of outdoor amenity space. The proposal provides private rear amenity space for each dwelling, well in excess of the minimum standard.

Part demolition of 51 Beresford Avenue and proposed access arrangements:

To facilitate the new access the two storey side extension of no.51 is to be demolished together with a reduction in the private amenity space currently afforded to the rear of the property. Due to the size of the plot the reduction in the size of the rear garden area is not contentious as it retains in excess of 60 square metres of usable private amenity space, which exceeds the 40 square metres minimum standard for houses with up to four bedrooms. However, the new access arrangements will result in vehicles manoeuvring and passing in close proximity to the front door of this property and this was a reason for refusing the previous application, particularly in the relation to the absence of defensible space. To address this issue defensible space is now proposed in the form of a landscape strip and low level picket fence (with a gated access located at the far end of the front garden), This provides a clear demarcation between vehicular and pedestrian movements. In addition, a secondary door is to be inserted along the flank wall of no.51 to provide direct access from the 2no. parking spaces located at the rear of the property. This will reduce the need to access the property from the front.

In the officers view the measures now introduced would safeguard the safety of occupiers to and from the property in compliance with Policies CS5 and CS9 of Barnet's Core Strategy DPD (2012) and Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

The effect of the proposal on highway safety and the free flow of traffic

Policy CS9 of Barnet's Core Strategy DPD (2012) sets out the Council's policies in regard to providing safe, effective and efficient travel.

The site is located at the rear of Nos 49 to 51 Beresford Avenue, a residential no through road. No CPZ or parking restrictions are active within the road. The site lies in an area with a PTAL score of 2 (low), however, 3 bus routes (251, 34, 264) can be accessed from stops within 6 minutes walking distance of the site.

Parking:

The proposal comprises of the erection of 6 x3 bed semi-detached dwellings and the retention of no. 51 Beresford Avenue. A total of 10 car parking spaces are provided, which includes 2no. spaces at the rear of no.51 to replace the parking provision removed at the front of the property to allow for the proposed access. A total of 12 long stay and 2 short stay enclosed cycle parking spaces are proposed at the site frontage. The parking arrangement for the 6 dwellings has already been approved and does not form part of the highway assessment for this application. The 2no. parking spaces proposed to the rear of 51 Beresford Avenue are essentially a like for like replacement of the original parking provision allocated at the front of the property and are therefore compliant with the requirements of policy DM17, which attracts a minimum parking provision of 1.5 spaces

and a maximum of 2 spaces for a semi detached house.

Access:

Planning permission has already been granted for access to the site via a lane running parallel with the side elevation of No.49 Beresford Avenue. The reasons for not utilising this approved access are unknown to the Council but this should have no bearing on the determination of this alternative access as each application is to be determined on its own merits. Should this new access be considered policy compliant then there is no reason to refuse the application on highway grounds.

The proposed access arrangement is similar to the previous application (22/3511/OUT) that was refused under delegated authority due in the main to the absence of information to make an informed decision on the likely impact of the access on highway safety (and character and appearance). A similar vehicular access arrangement was also sought in 2017, under planning application 17/3663/OUT. The application was refused and subsequently dismissed on appeal as it contained unsatisfactory and inadequate details of the potential impact of the development on the highway. In this current case more detailed evidence has been submitted to support the application. This comes in the form of visualisations, site section drawings, a road safety audit, road sections, and a swept path analysis for service vehicles; all of which have been reviewed by the Councils highway officer.

With the loss of the side extension and hardstanding at no.51, the access route is proposed between nos.51 and 53 Beresford Avenue. Accessed directly off the turning area at the head of the cul de sac the access initially provides one way traffic movement (3.5m width) for a distance of 17 metres and then widens to 4.8m metres to allow two way traffic movements.

The site itself will generate in the region of four vehicle trips in each peak hour, and 36 vehicle trips daily. This includes arrivals and departures. The level of trip generation by the development is considered by Highway officers to be unlikely to have any significant safety or highway network impact as the recommendations of the road safety audit commissioned by M & S Traffic dated 5th January 2023 have been implemented. These measures include a priority working system using appropriate signage (not visible from Beresford Avenue), and clear demarcation of the proposed access with a low level acoustic fence proposed along the boundary of no.53 and a picket fence defining the boundary with no. 51. In addition, and perhaps most importantly, it has been clearly demonstrated in the swept path analysis that 30 metre vehicular intervisibility can be achieved at the entrance to the site thereby avoiding the need for vehicles to reverse back into Beresford Avenue to allow for oncoming vehicles to exit.

There are concerns from residents that a service vehicle cannot approach the entrance to the access as identified in the swept path analysis due to vehicular parking within the turning head of Beresford Avenue. However, vehicular parking in this location is prohibited and subject to parking controls to ensure safe movement of vehicles to and from the properties. To this end, the positioning of the service vehicle as depicted in the swept path is considered by highway officers to be a safe and workable solution.

The proposed development will involve demolition and construction works so a demolition and construction logistics plan is requested and this can be secured by way of a condition. Before and after highway condition surveys will need to be undertaken prior to commencement of the development. A s184 agreement will need to be obtained by the

applicant for reinstatement/renewal of the existing dropped kerb which is on the adopted highway. An informative is provided providing details of a Waiver of liability and indemnity agreement in relation to the non-adopted roads. This is to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Electric vehicle charging points should be provided in accordance with London Plan standards. 20% active and 80% passive. This is to be secured by way of a planning condition. This equates to 2 active and 8 passive points. This is to be secured by way of a planning condition.

For all the above reasons this application is considered policy compliant in terms of safeguarding highway and pedestrian safety within Beresford Avenue and is recommended for approval on this basis.

The impact of the proposal on trees and landscape features, biodiversity and protected species habitats

Hard and soft landscaping measures and ecological enhancements have been considered and proposed within the AIA and Habitat Plan numbered BAB002, but no ecological report has been submitted. With 'Landscaping' being a reserved matter the protection of existing habitats and the enhancement of landscaping (both within the site and its boundaries) will be determined through a reserved matters application, and secured by a planning condition.

Refuse Strategy

A household refuse and recycling collection area is proposed within the site at the rear of no.51 Beresford Avenue in close proximity to the turning head. A swept path drawing submitted in support of the application provides details of service vehicles entering and exiting the application site in a forward gear. The highway logistics for doing so have been discussed above and agreed by the Councils highway officers, who conclude that both highway and pedestrian safety will not be compromised by this arrangement. The storage area has been reviewed by the Councils Commercial services who support the waste strategy, subject to a planning condition seeking more detailed information on the storage facilities being proposed.

Network Rail

It should be noted that there is a hidden tunnel shaft in the rear garden of No.51. Whether this has been filled in is unknown by Network Rail so on this basis they raise no objection to the application subject to ground investigation works (under the supervision of our Asset Protection team, to ensure no inadvertent danger to the railway beneath) being carried out prior to the commencement of the development. This can be secured by planning condition

6. Response to public objection, including Member 'call in'

The application has attracted a significant number of objections, much of which has been addressed in the main body of this report.

Objections relating to the six units at the rear of the site cannot be substantiated as access

arrangements (within the red hatched area shown on the site plan) and layout are the same as the application allowed at appeal in 2019. Appearance, scale and landscaping were subsequently approved by the Council under application 21/5999/RMA in 2022. The outline permission remains extant until 11 February 2024. Concerns for loss of unity and symmetry following the removal of the side extension at no.51 are not supported by the Council's urban design officer as the dwelling will be brought back to its original form, and in any event, the removal of the extension does not require planning permission. Further concerns relating to the visual impact of the proposed access cannot be supported as this will have a minimal impact on the overall character and appearance of the area. The benefits arising from this development in the form of much needed family homes offsets this impact. Objections relating to gated access are welcomed with a condition being imposed that no gate or any means of enclosure shall be erected along the proposed access, at any time without the prior written consent of the local planning authority

Noise and disturbance to no.51 cannot be supported due to the absence of side facing windows serving habitable rooms, the provision of an acoustic fence along the shared boundary and the absence of objection from Environmental Health Officers, following a review of the noise assessment.

Residents concerns for highway and pedestrian safety are paramount, and for this reason detailed evidence has been requested and submitted to support this current application on highway grounds. This comes in the form of visualisations, site section drawings, a road safety audit, road sections, and a swept path analysis for service vehicles; all of which have been reviewed and considered acceptable by the Councils highway officer, due in the main to the unrestricted intervisibility available between vehicles entering and exiting the site, thus preventing the need for vehicles (including service vehicles) from reversing out into the turning head of Beresford Avenue. Priority signage will also assist. Within the Beresford Avenue turning head, dropped kerbs provide direct access to properties thus prohibiting vehicular parking in and around this turning area. A residents meeting was held on 3rd February to explain these highway safety measures.

Objections relating to utilities, caveats and title deeds in and around the applications site are not material planning considerations and as such have not been referred to in this report. Certificate Of Ownership (Certificate A) has been duly completed with the applicant certifying that that on the day 21 days before the date of the application nobody except the applicant was the owner of any part of the land or building to which the application relates. Network Rail have been consulted and raise no objections, subject to ground investigation works being secured by condition.

Members have raised an additional issue relating to the provision of affordable housing but this application seeking the provision of 6 houses does not trigger the 10 unit (major development) threshold for seeking such provision as set out policy H4 of the London Plan 2021.

7. Equality and Diversity Issues

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

8. Conclusion

Having taken all material Planning considerations into account, the application is

recommended for APPROVAL, subject to a suite of planning conditions, including s184 agreement for reinstatement/renewal of the existing dropped kerb, which is on the adopted highway.

Site Location Plan



Location 147 Cheviot Gardens London NW2 1QB

Reference: 22/6015/S73

Received: 19th December 2022

Accepted: 19th December 2022

Ward: Cricklewood

Expiry 13th February 2023

AGENDA ITEM 7

Case Officer: Emily Bell

Applicant: Mr Sanjay Gulati

Proposal:

Variation of condition 1 (Approved plans) pursuant to planning permission 22/0425/FUL dated 29/11/2022 for `Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking.` Amendments include addition of a separate side access entrance for the occupant of Unit 2 (the upper floor flat) and relocation of one of the first floor flank wall windows and relocation of the stairs and alterations to internal flat layout.

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:

202212/147CG/SA/01
202212/147CG/SA/02
202212/147CG/SA/03
202212/147CG/SA/04

202212/147CG/SA/05
202212/147CG/SA/06
202212/147CG/SA/S1
202201/147CG/C/05

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 the original permission 22/0425/FUL dated 29/11/22.

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 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).

- 6 The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with Unit 2 and shall not at any time be occupied as

separate units or dwellings.

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

- 7 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).

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

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's local Plan Policy CS9 of the Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in drawing no. 202201/147CG/C/05 submitted with the

planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 11 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).

- 12 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.

Informative(s):

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

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

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 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.

- 5 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.
- 6 Any gates must open inwards and not out onto the public highway for health and safety reasons.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licences please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.

OFFICER'S ASSESSMENT

1. Site Description

The application property is a two-storey semi-detached single-family dwelling on the south side of Cheviot Gardens on a corner plot with Chiltern Gardens located in the Cricklewood ward. The application property is not located in a conservation area or locally / statutorily listed.

2. Relevant Site History

Reference: 19/6016/192

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Lawful

Decision Date: 6 December 2019

Description: Roof extension involving hip to gable, rear dormer window and 3no front facing rooflights

Reference: 19/6019/HSE

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Approved subject to conditions

Decision Date: 30 December 2019

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

Reference: 22/0425/FUL

Address: 147 Cheviot Gardens, London, NW2 1QB

Decision: Approved subject to conditions

Decision Date: 29 November 2022

Description: Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing

rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking

3. Proposal

Variation of condition 1 (Approved Plans) pursuant to planning permission 22/0425/FUL dated 29/11/2022 for 'Conversion of single residential dwellinghouse into 2 self-contained flats, including part single, part two storey side and rear extension and alterations to existing rear dormer window. Associated amenity space, refuse storage, cycle storage and off-street parking'.

The proposed amendments to the approved plans include:

- o Addition of a separate side access entrance for the occupants of Unit 2 (the upper floor flat)
- o Relocation of first floor flank wall windows
- o Relocation of stairs internally
- o Alterations to internal flat layout

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties. 5 letters of objection have been received, summarised below:

- o Dividing a house into three flats without amenities (no baths or showers shown on plans) fails to protect standards of living
- o Goes against planning guidance HOU03
- o No explanation of SUDS to prevent flooding
- o Loss of amenity with parking suggested over front garden
- o Planning proposal makes no reference to front hardstanding
- o Current plans propose independent access to each flat which will revitalise the corner of Cheviot with Chiltern Gardens and provide an active frontage (improvement to previous scheme)
- o Not clear from plans what will happen with refuse bins
- o Speculative development where the loft can be used independently
- o Concerned the garden room will be used as a bed-in-shed or Flat 4
- o Would be desirable to have front hedging

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, 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

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 building, the street scene and the wider area;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides satisfactory living accommodation for future occupiers

5.3 Assessment of proposals

In deciding whether a change is material a Local Planning Authority must have regard to the effect of the change on planning permission as originally granted, together with any previous changes made under this Section. The LPA should consider amendments under S73 providing that the proposed changes do not amount to a fundamental alteration of the consented scheme.

Upon review of the proposal, officers are satisfied that the proposed changes do not have the effect of a fundamental alteration to the allowed scheme and can be determined under the scope of an application under S73.

The proposed amendments do not result in any greater number of flats than previously approved and as such there are no objections to the principle of the development which was found to be acceptable.

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the site's context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies 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 relocation of windows to the side elevation facing Chiltern Gardens represents a minimal change to the approved external appearance of the building as the number of upper floor windows remains as previously approved. The associated internal layout changes would have no impact on the external character and appearance.

In relation to front doors for residential conversions, the Residential Design Guidance states that the replacement of the existing front door with two doors adjacent to one another should be avoided. However, it then states "...on especially large properties or those on corner plots, it may be possible for each unit to have its own front door on different sides of the house without detracting from the appearance of the property".

The introduction of a door to the side elevation providing access for the upper floor flat is not considered to result in a detrimental impact to the character and appearance of the site which would warrant refusal of the application.

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

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

The proposed alterations to the approved plans include the relocation of windows within the side elevation facing Chiltern Gardens. The relocation represents a minor movement of the windows and would be a minimal change to that previously approved. The number of windows within the side elevation on the upper floors would remain as previously approved. Further, the plans indicate that these windows would be obscure glazed. Given that Chiltern Gardens separates the opposite neighbouring houses, these changes are not considered to give rise to any detrimental impacts to neighbouring occupiers.

The proposed internal alterations would not impact on amenities of neighbouring occupiers.

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 relocation of the stairs internally would alter the layout and unit mix from the approved development. The ground floor flat would provide a 2 bed, 3 person unit (a reduction from a 4 person unit as approved) with a GIA of 91sqm. A 2 bed, 3 person unit over 1 storey requires 61sqm. The proposed flat would greatly exceed this requirement. Moreover, the room shown as study would still be large enough to be a single bedroom and meet the minimum unit size. The upper floor flat would still provide a 3 bed family sized unit with the same floor area as previously approved. The amended layout and flat provision is considered acceptable.

5.4 Response to Public Consultation

- o Dividing a house into three flats without amenities (no baths or showers shown on plans) fails to protect standards of living

The plans submitted are not required to show individual appliances. However, there is a bathroom proposed for each flat with a bath shown. The flats shown meet the minimum space standards as per the London Plan 2021.

- o Goes against planning guidance HOU03

Policy HOU03 is contained within the 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. Further, the conversion of the dwelling into flats has been approved and the permission is extant under ref. 22/0425/FUL. This application relates to changes to this permission.

- o No explanation of SUDS to prevent flooding

SUDS are not a requirement for minor development.

- o Loss of amenity with parking suggested over front garden
- o Planning proposal makes no reference to front hardstanding
- o Would be desirable to have front hedging

The provision of a hardstanding to the front to provide 2no parking spaces would be consistent with the streetscene where it appears that the majority of properties benefit from front hardstanding. Further, this aspect of the scheme has already been granted permission under ref. 22/0425/FUL, with this application relating only to changes to the approved plans with regards to addition of a separate side access entrance, relocation of first floor side windows and internal layout.

- o Not clear from plans what will happen with refuse bins

This application seeks amendments to the approved application 22/0425/FUL, however, does not propose changes to the location of the proposed refuse storage which was indicated at the previous application to be located to the side of the application site. As per the previous consent, details of refuse and recycling storage and collection is to be secured by condition.

- o Speculative development where the loft can be used independently

Each application is assessed on its own merits. The plans indicate that the loft level will provide an additional bedroom for Unit 2. Any use of the development not in accordance with the approved plans should be reported to the council's enforcement team.

- o Concerned the garden room will be used as a bed-in-shed or Flat 4

The proposal does not include the conversion of the outbuilding to a self-contained unit. Planning permission would be required for this. A condition could be attached to any approval requiring the outbuilding to be ancillary to the first and loft floor unit. Any unlawful development should be reported to the council's enforcement team.

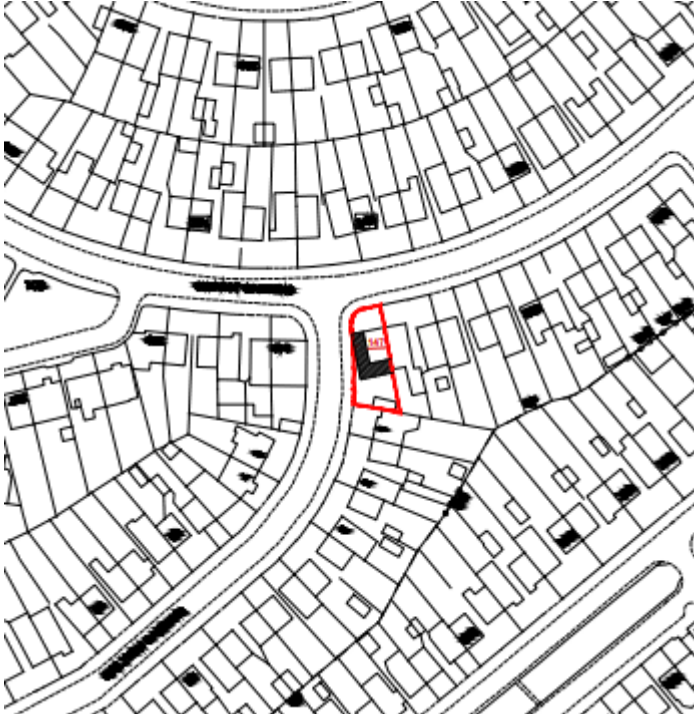
6. Equality and Diversity Issues

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 amendment to the condition would not give rise to any unacceptable impacts on the character and appearance of the application site, the street scene and the locality, or have an adverse impact on the safety and amenities of neighbouring occupiers. This application is therefore recommended for approval.



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Location Dellfield Court 1 Etchingham Park Road London N3 2DY

Reference: 22/5013/FUL Received: 11th October 2022
Accepted: 11th October 2022

Ward: West Finchley Expiry 6th December 2022

AGENDA ITEM 8

Case Officer: Tina Oliveira

Applicant: Mr Gavin Bass

Proposal: Installation of a modular plantroom unit housing water tanks and pumping equipment for a sprinkler installation to the rear of the block. Construction of an electrical plantroom at the rear of the block with related relocation of an existing shed. Construction of a generator switch room to the front of the block. New bin enclosure to the front of the block (AMENDED DESCRIPTION AND PLANS)

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:

Design and Access Statement dated 11/10/22
Construction Phase Plan dated 25/11/22
Refurbishment Works Method Statement dated 25/11/22
70088109/SA/10 Rev A Existing Plans and Elevations
70088109/SA/11 Rev C Proposed Plans and Elevations

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) and enclosures shall match those detailed in the approved plans.

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 1 no. *Prunus serrula* 'Tibetica' planted at 14/16 cm girth shall be planted before the end of the next planting season following the completion of the application (either wholly or in part). The tree shall be planted within 2m of the cherry tree removed on the front left hand side of the property in front of the proposed generator switch room, as shown on the approved drawings.

If within a period of five years from the date of any planting, the tree 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 and in accordance with local planning policy DM01 and regional policy G7 of the London Plan 2021.

- 5 The level of noise emitted from the sprinkler system plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property in day to day operation (excluding emergency situations and testing).

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

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. 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 located at Dellfield Court, 1 Etchingam Park Road, London N3 2DY consisting of a retirement and sheltered housing block, with front and rear amenity space, with off-street parking within the front amenity space. The site is located within the West Finchley ward.

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. There are no trees covered under Tree Preservation Orders.

2. Site History

Reference: 22/5855/FUL

Address: Dellfield Court, 1 Etchingam Park Road London N3 2DU

Decision: Pending Consideration

Decision Date: Not applicable

Description: Temporary erection of 3no. prefabricated two storey cabins to the front parking area to be used for contractors' welfare facilities.

Reference: C14560/01

Address: 1 Etchingam Park Road London N3 2DU

Decision: Approved subject to conditions

Decision Date: 19.12.2001

Description: Demolition of existing buildings and replacement with part single, part two and part three storey building to be used as a 39 place residential care home. Drop off area and four parking spaces at front.

Reference: C14560C/02

Address: 1 Etchingam Park Road London N3 2DU

Decision: Approved

Decision Date: 28.02.2003

Description: Submission of details of boundary treatment, surface finishes refuse store pursuant to conditions 2, 3 and 5 of planning permission ref. C14560/01 dated 19.12.01 for a residential care home.

Reference: C14560B/02

Address: 1 Etchingam Park Road London N3 2DU

Decision: Approved

Decision Date: 01.05.2002

Description: Submission of details of materials, pursuant to condition 3 of planning permission reference C14560/01 dated 19.12.01 for a residential care home.

Reference: C14560A/02

Address: 1 Etchingam Park Road London N3 2DU

Decision: Approved

Decision Date: 09.05.2002

Description: Details of turning spaces and parking spaces pursuant to Condition 9 of planning permission ref C14560/01 dated 19 December 2001 in respect of a new part single, part two, part three storey residential care home.

Reference: C14560D/03

Address: 1 Etchingam Park Road London N3 2DU

Decision: Approved

Decision Date: 27.03.2003

Description: Details of extract ventilation equipment pursuant to Condition 7 of planning permission ref C14560/01 dated 19.12.01 for a residential care home.

3. Proposal

The application seeks approval for the Installation of a modular plantroom unit housing water tanks and pumping equipment for a sprinkler installation to the rear of the block. Construction of an electrical plantroom at the rear of the block with related relocation of an existing shed. Construction of a generator switch room to the front of the block. New bin enclosure to the front of the block. (Amended description and plans)

The proposed developments to the front of the sheltered home include the following: -

Generator Switch room: This development is proposed to be within the width of the existing left hand side bin enclosure. It will be flat roofed and measure 2.16 metres in depth, 3.16 metres in width and 2.80 metres in height. To the front of this proposed generator room will be a concrete slab having a height of 0.10 metre, depth of 1.20 metres in and width of 4.00 metres.

New Bin Enclosure: A new bin enclosure is proposed at the right-hand side, front of the building, diagonally sited, measuring 1.70 metres in depth, 3.20 metres in width and 1.85 metres in height.

The proposed works to the rear of the sheltered home include the following: -

New Electrical Switch Room: This room is proposed to the left-hand side corner of the premises adjoining the side boundary to Lodge Mead Court and the rear boundary to No.196 Ballards Lane. It will be flat roofed and measure 2.55 metres in depth, 4.05 metres in width and 2.70 metres in height. An existing shed No.1 is proposed to be relocated to the outer end of two other existing sheds, to accommodate this new electrical switch room. Further an existing gate will be marginally relocated. This gate will maintain the existing access to the side passage between the host side and Lodge Mead Court.

New Sprinkler Plant: A new sprinkler unit is proposed to the rear right hand side amenity area along the rear and side boundary lines. The unit would measure 2.50 metres in depth, 5.00 metres in width and have a height of 2.10 metres to flat roof with max. height of 2.40m. The proposed sprinkler unit would be enclosed in a fence made of galvanised powder coated railings along the garden facing elevations. It would hold a gate along the side for access measuring 1.90 metres in height. The effective depth of the fence with the gate would measure 4.25 metres in depth, 6.43 metres in width and 1.90 metres in height. The entire set up would be housed on a 0.10-metre-high concrete base.

With the proposed siting of the sprinkler unit, an existing rear planter within this location would be reduced in width to be 2.50 metres wide and 1.83 metres deep. A new planter is proposed along the garden front of the unit which measures 1.24 metres in depth, 6.43 metres in width and 1.03 metres in height.

Through the life span of the application, amendments were sought to restrict any increase in the width of the existing front bin enclosure, now proposed to be used as the generator switch room. This was achieved by the relocation of the proposed electrical switch room to the left-hand corner of the rear amenity with an associated move of an existing shed to accommodate this. Further amendments were provided to change the material and reorient the proposed front right hand side bin enclosure, to negate any negative impact on the root protection area of a neighbouring tree and to respect the character of the surrounding area.

4. Public Consultation

Consultation letters were sent to 161 neighbouring properties. 7 objections received.

Concerns raised include:

- Impact on outlook
- Impact on home value
- Noise impact
- Impact on health due to contamination from metal unit
- Impact on character of residential area due to industrial unit
- Safety of adjoining residents due to current state of host site
- Removal of tree

4.1 Internal Consultation

The Environmental Health officer has no comments on the proposals.
The Highways department raises no objections following amendments received with regards to the Construction Management Statement.

No comments were received from the London Fire Brigade.

The Tree officer raises no objections following amendments received to reposition the proposed bin enclosure and to contain the proposed generator room within the width of the existing bin enclosure. Through the life span of this application, a tree to the front, left hand side of the application site was removed. A condition has been attached to this consent to replace this.

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. 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, DM04

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Proposal:

- 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 site context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), D1 and D4 (both of the London Plan 2021).

Clause 14.39 of the residential design guidance states that outbuildings within the front curtilage can be considered only where detached buildings in front gardens form part of the existing character of the street. For instance, where detached buildings were built as part of the original form and layout of an estate.

Following amendments, the proposed front generator room will not change from the width of the existing element (bin enclosure) at the site. The generator switch room will be contained within this existing element and will marginally increase in depth with a rearward projection of 0.50 towards the front line of the building. This increased depth would not alter the adjoining existing passageway at this end of the building. There would be an increase in height from the existing element by 0.50 metres to have a wall height of 2.80 metres.

Officers consider that the proposed generator room would not significantly alter the street scene considering there is an existing element of similar width as proposed, having materials to match that with the existing. The additional height of 0.50 metres from that existing is not seen to be a disproportionate addition within the context of the three-storey sheltered block to its rear. The proposed concrete base to the front of the generator switch room will provide for a levelled area to house a backup generator set in case of an emergency. A need for this was clarified to be the requirement of a dedicated spot for a generator in the case of a fire emergency. The marginal height of this slab is not considered detrimental to the character of the surrounding area.

The proposed generator switch room is therefore seen as an acceptable addition subservient to the main building and in character with the application property and the street scene of the surrounding area.

The proposed bin enclosure is seen as a subservient addition within the front amenity space having a subordinate height of 1.85 metres. Its diagonal positioning would reduce

it's visibility within the street. Following amendments, the proposed bin enclosure will have three sides constructed of steel posts and rock panel wood look cladding to have a timber look finish. This material was considered safe as against timber, being fire resistant within the context of the use of the premises. The proposed bin enclosure is not seen to be detrimental to the character of the property and the surrounding area.

Following amendments, the repositioning of the electrical switch room to the rear of the sheltered home is seen to have an acceptable impact on the character of the host site. It would not have any considerable impact on the street scene being rear. The proposed electrical switch room will be in brick to match the existing building and will have a height of 2.70 metres. This development is considered to be a subordinate addition within the rear curtilage of the property.

The proposed sprinkler plantroom is to be located along the eastern rear boundary of the block. It is also adjacent to the rear garden of Spencer Court but is separated by a wall. The depth and width of the proposal is moderate when considered by itself and when considering its location in accordance with the gated area around the structure, it is not considered that the overall scheme is inappropriately located. The height of the structure with an additional aspect which reaches 2.40m will not protrude above the boundary fence, it is adjacent to and is appropriate in relation to a single storey outbuilding. Its depth and width are not overly large and would not appear disproportionate to the size of the rear garden. The proposed concrete base will provide level ground around the plantroom, and given its size, it is considered acceptable for the scheme. The 1.90m high metal railings will surround the structure ensuring it is kept secure from any unauthorised persons. Though of functional appearance, it is not considered unduly detrimental to the character of the area.

The proposed sprinkler unit, by virtue of its design, appearance and positioning is not considered to appear unacceptably dominant or obtrusive within the context of the application site. It is noted that the enclosure to it does not match the existing palette of materials at the site but is noted to contribute to the safety and functioning of the sheltered home within the property.

Given the above, the proposed sprinkler unit with its associated enclosure and planters are considered to have an acceptable impact on the character of Dellfield Court and surrounding vicinity of Etchingham Park Road.

Development forms and uses within the wider area are varied so the proposal, which is acceptably subordinate within the context of the application site, is not considered to harmfully conflict with the wider pattern of development.

As such, it is found that the established character and appearance of the existing sheltered home would not be affected, should this proposal receive approval; therefore, in this regard, it is compliant with Policy DM01 of Barnet's Development Management Policies DPD.

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

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

Para.14.40 of Barnet's Residential Design Guide (2016) states that extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful: loss of privacy by overlooking adjoining properties; loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms; loss of outlook from adjoining properties; sense of enclosure or overbearing impact on adjoining properties; loss of garden, landscaping or open space, which contributes to local amenity; loss of parking space that is desirable to retain.

Impact on Adjoining Flats at Lodge Mead Court:

The proposed developments closest to these adjoining neighbours are the generator switch room and the electrical switch room.

The proposed generator room would not protrude beyond its existing building line to the front. It is sited approximately 5.00 metres from the flank wall of this adjoining neighbour. As such, no significant impact is seen on the amenity enjoyed by the adjoining flats at Lodge Mead Court. The additional increase in height of 0.50 metres, would not be higher than the windows sills at these neighbouring first floor flats and is not seen to alter the existing outlook enjoyed by these neighbouring dwellings. Further it is noted that the proposed generator switch room is to contribute to the safety and functioning of the sheltered home within the property and the use of the same would be incidental to a fire emergency.

The proposed electrical switch room would be adjoining the pram sheds along this boundary that belong to these neighbouring dwellings. It would be further screened by an existing wall along this boundary. Further, the subordinate height of the proposed outbuilding would not alter the existing outlook of these neighbouring dwellings. This development is therefore not seen to have an undesirable impact on the neighbouring amenity of occupiers of Lodge Mead Court.

Impact on Nos.1-8 Spencer Court:

The proposed sprinkler unit would be along the rear boundary to these dwellings. The proposed unit would not be higher than the existing boundary wall to these neighbouring units and is not seen to have any significant impact on the amenity of these neighbouring occupiers.

Impact on Nos.1 and 2 Holder Close:

The proposed sprinkler unit will be blocked from view to these neighbouring dwellings on account of the close boarded fence between the host site and these adjoining neighbours. However, a small additional protrusion over the main unit would be higher than this neighbouring fence. Considering this would be screened from the views of these neighbours on account of the dense garden shrubs and plants to the rear garden of these neighbours, the proposed sprinkler unit is not seen to have a detrimental impact on the outlook of these neighbouring dwellings. It is not considered that the overall scheme would cause undue harm to the residential amenities of these adjoining occupiers.

Environmental Health officers have considered the proposal and raised no objection. It is noted that the unit will only be functional when in operation (ie: in an emergency or under test). Nonetheless, a precautionary condition is included to this consent.

The overall proposal is therefore considered appropriately located. The plans indicate that the rear developments will largely not protrude above the boundary wall to which it will be

located adjacent to and therefore will not be visible from the grounds of such properties. Furthermore, the proposed developments are suitably distanced away from the windows of habitable rooms of any nearby units. As such the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers.

Whether harm would be caused to nearby tree(s)

The application site does not have trees covered under a tree preservation order. However, amendments were sought in the positioning of the proposed bin enclosure to prevent any negative impacts on an adjoining tree. Further amendments were sought in regards to changes to the area currently in use as a bin enclosure to prevent any damage to the roots of trees in the immediate vicinity of this existing unit.

Through the life span of this application, a tree adjoining the existing bin enclosure has been removed and tree officers have subsequently advised a condition to this consent to replace the said tree.

5.4 Response to Public Consultation

Impact on outlook

Along the front left-hand side, the proposed generator switch room will not extend to the front of the existing unit. The neighbouring flats at Lodge Mead Court do not benefit from any windows along their flank walls adjoining the proposed works. In addition, the proposed generator switch is sited over 5.00 metres from this adjoining neighbour. The proposed developments within the rear of the application site would be no higher than the shared boundary walls to these adjoining neighbours. Officers therefore see no detrimental impact on the outlook to these neighbouring flats.

Impact on home value

Not a material consideration in the assessment of this application.

Noise impact

Any noise that could arise at all, would be only in the situation of an emergency and extend for the duration of the emergency.

Impact on health due to contamination from metal unit

No evidence has been found/presented to justify this.

Impact on character of residential area due to industrial unit

Discussed above in the report under the character assessment. The proposed works are fire precautionary measures in the event of an emergency.

Safety of adjoining residents due to current state of host site

The proposed works are proposed for the use in the event of a fire emergency and are no indication of the current state of the host site.

Removal of tree

A condition is proposed requiring a replacement tree on site.

5.5 Response to Internal Consultation

The council's environmental health officer assessed the impact of the air con condenser on neighbouring amenity. Given the nature of the development, there is not too much in the way of concern regarding environmental issues (Air quality, traffic noise, contaminated land) and raised no objections subject to conditions.

Following amendments received, the Council's highway officer has raised no objections to the proposed works.

Following amendments, the Tree Officer has raised no objection to the proposed works and has advised a condition for a replacement tree at the host site.

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	163 Sunny Gardens Road London NW4 1SG	
Reference:	22/1343/FUL	Received: 14th March 2022
		Accepted: 11th April 2022
Ward:	Hendon	Expiry: 6th June 2022
Case Officer:	John Sperling	
Applicant:	Mr M Freundlich	
Proposal:	Demolition of the existing dwelling and erection of two storey dwelling plus basement level and rooms in the roofspace (Amended Plans and Description)	

AGENDA ITEM 9

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:

Preliminary Ecological Appraisal and Preliminary Roost Assessment, Eco Assistance, 09/12/22 v2.1

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

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

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

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

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

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

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

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

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

5 a) 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.

6 Part 1

Before development commences other than for investigative work:

a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information, a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

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

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

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

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

- 8 Before the building hereby permitted is first occupied the proposed side windows facing Nos 161 and 165 Sunny Gardens Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 9 The flat roof areas of the new dwelling 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).

- 10 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); CS14 of the Adopted Barnet Core Strategy DPD (2012); and Policies D6 and SI7 of the London Plan 2021.

- 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, in the interests of promoting cycling as a mode of transport and to safeguard the visual amenities of the building and surrounding area, in accordance with Policy T5 and Table 10.2 of The London Plan (2021), Barnet's Local Plan Policies CS NPPF, CS1 and CS9 of Core Strategy (Adopted) September 2012, and Policies DM01 and DM17 of Development Management Policies (Adopted) September 2012.

- 12 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.

- 13 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).

- 14 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 15 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.

- 16 Prior to occupancy of works at least 1 x Woodcrete bat roost box (or similar alternative) shall be installed onto the newly constructed buildings at least 3m above ground, 1 x Woodstone Build-in House Sparrow Nest Box (or other alternative) shall be installed on the new building at least 3 m above the ground, and at least 2 x insect hotels and 1 x hedgehog box placed on the boundaries of the site in accordance with guidance with 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of these species' enhancement measures shall be submitted by the applicant for approval by the Local Planning Authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

- 17 Prior to commencement a) details of the location of at least 2 x hedgehog link gap (13cm x 13cm) at the base of the boundary fencing are to be submitted and approved by the local planning authority.

Prior to occupancy the approved hedgehog link must be installed in the base of the boundary fencing to ensure continued access for commuting hedgehogs through the garden. Photographs of the hedgehog gaps are to be submitted as evidence of compliance which shall be approved by the local planning authority.

Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 18 Prior to the commencement of information on the specification and provision of a Low Impact Lighting shall be submitted and approved by the local planning authority, the artificial lighting shall be in accordance with Bats Conservation Trust Guidance Note 08/18 Bats and artificial lighting in the UK Bats and the Built Environment series. These details shall ensure adequate protection of inappropriate light spill onto the boundary trees within the adjacent Childs Hill Park.

Reason: To protect bats pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM01 & DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G5, G6 & G7 of the London Plan.

- 19 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement in carbon dioxide emissions 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.

- 20 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

- 21 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 D6 and D7 of the London Plan 2021.

- 22 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-F of Part 1, or Classes A or C of Part 2 of Schedule 2 of that Order shall be carried out within the area of the application site hereby approved.

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

 - o confirmation that all Non Road Mobile Machinery (NRMM) comply with the The Non-Road Mobile Machinery (Type-Approval and Emission of Gaseous and Particulate Pollutants) Regulations 2018

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

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

- 4 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.

- 5 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.
- 6 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.
- 7 If any tree / vegetation clearance required to be removed during the active nesting bird season and cannot reasonable be avoided, then a nesting bird check must be conducted prior to commencement of clearance by a suitably qualified ecologist. Any active birds' nest that are discovered are to have an appropriate 5m protective buffer is to be place around the nest and the nest is to be retained until such time that the chicks have fledged.

While it is understood that any vegetation clearance within the site boundary falls

under permitted development there is a risk that nesting birds maybe negatively impact by the proposed clearance works should the works commence during the active nesting bird season. Nesting birds and their active birds' nests are protected from damage of disturbance under the Wildlife and Countryside Act 1981, as amended (section 1). Generally, trees, buildings and scrub may contain nesting birds between 1st March and 31st August inclusive. It is considered that nesting birds are likely to be present between the above dates. You are advised to seek the advice of a competent ecologist prior to undertaking any works which could affect nesting birds during the period outlined above.

- 8 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the western side of Sunny Gardens Road, consisting of a two-storey detached dwellinghouse with front hardstanding and rear amenity space. The area surrounding the proposed site is primarily residential, consisting of similar two-storey detached residential dwellings with some in the local area benefitting from various extensions. The host dwelling benefits from a single storey side garage and outbuildings to the rear along the boundary with 161 Sunny Gardens Road.

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

The site has a PTAL rating of 0.

There are no Tree Preservation Orders on site.

2. Relevant Site History

Reference: 19/4689/PNH

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Withdrawn

Decision Date: 4 October 2019

Description: Single storey rear extension with a proposed depth of 8.00 metres from original rear wall, eaves height of 3.00 metres and maximum height of 3.00 metres.

Reference: 19/4891/192

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Lawful

Decision Date: 3 October 2019

Description: Roof extension, including wrap around dormer. Single storey ground floor rear extension

Reference: 19/5387/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 27 December 2019

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

Reference: 19/8546/QCJ

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Pre-application advice issued

Decision Date: 23 January 2020

Description: Two storey side and rear extension. Dormer window roof extensions and alterations to the front facade of the property.

Reference: 20/0910/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 28 April 2020

Description: Part single , part two storey side and rear extension following demolition of existing garage. Loft extension involving side and rear dormer windows. New front porch

Reference: 20/3282/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Approved subject to conditions

Decision Date: 2 December 2021

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Alterations to front bay windows. Associated alterations and extension to roof including 1no. side and 1no. rear dormer windows. New front porch/canopy (AMENDED PLANS AND DESCRIPTION)

Reference: 21/1739/HSE

Address: 163 Sunny Gardens Road, London, NW4 1SG

Decision: Withdrawn

Decision Date: 10 February 2022

Description: Part single, part two storey side and rear extension following demolition of the existing garage. Excavation of a basement level and associated front and rear lightwells. Alterations to front bay windows. Associated alterations and extension to roof including 1no. side and 1no. rear dormer windows. New front porch/canopy

3. Proposal

This application seeks approval for the 'Demolition of the existing dwelling and erection of two storey dwelling plus basement level and rooms in the roofspace (amended description and drawings).'

Overall, the proposed dwelling would measure a maximum depth of 15.1 metres (including ground floor rear extension. At basement level, the maximum depth would be 19.1 metres. The property would measure a width of 9.8 metres. The rear patio would extend 5.3 metres beyond the ground floor rear extension. From ground level, the eave height and maximum height would be 5.6 metres and 8.7 metres respectively.

The property would benefit from a two-storey pitched element that would be sided on the right side of the property, when viewed from the front elevation. The eave corresponds with that of the property and a maximum height of 7.7 metres. The ground floor and first floor projection would be level and the remaining elements of the ground floor entrance area and first floor front elevation would be set back by 0.76 metres.

To the rear, a lightwell and access steps leading to and from basement/garden area would measure a depth of 6.6 metres and width of 3.2 metres.

At roof level, 2no side dormers and 2no rear dormers are included in the proposal. The side dormers would both measure a depth of 1.8 metres, width of 1.25 metres and height of 1.4 metres. The 2no rear facing dormers would measure a depth of 1.7 metres, width of 1.7 metres and height of 1.33 metres

The overall footprint of the existing property is 124sqm and the proposed footprint would be 200sqm (including all alterations relating to the property but not including front hardstanding). The footprint of the application site boundary is 524.85sqm. The existing and proposed property footprints therefore consist of 23.6% and 38.1% respectively.

The resultant dwelling would provide 7no. large double bedrooms and would benefit from approximately 258.29sqm of private garden amenity space.

The LPA sought amendments to remove the outbuilding following concerns raised by the Council's Ecology officer.

4. Public Consultation

Consultation letters were sent to 26 neighbouring properties

8no objection was received. The comments may be summarised as follows:

- Out of character with existing dwellings in street
- Overwhelming and obtrusive scale of replacement dwelling
- Harmful level of excavations from the basement to neighbours detriment
- Disruption and removal of existing wildlife
- Proposal is not for family home
- Disturbance from demolition and construction process
- Overlooking and light pollution from north elevation onto neighbouring properties
- Loss of privacy
- Lack of parking space

Following amendments to the application, namely the removal of the outbuilding and additional Ecological information, 9no additional objections were received and may be summarised as follows:

- Development still out of character
- Inconsistent with existing dwellings in Sunny Gardens Road
- Insufficient off-street parking space
- Excavations works for basement remains harmful
- Disruption from construction works
- Highways congestion and disruption
- Harm to neighbouring residents
- Overlooking, loss of privacy and light pollution
- Large terrace at first floor level
- Concerns still stand
- Development looks like a multi-residential development

In conjunction with the above, a neighbouring resident called to verbally confirm that their objection comments remain with the amended drawings.

In total, 19no objections have been received for this application.

4.1 Internal Consultation

Highways - no objections subject to conditions

Environmental Health - no objections subject to conditions

Tree - objection to outbuilding and impact on trees and wildlife. The outbuilding was subsequently removed from the scheme. No other concerns were raised with the scheme subject to conditions.

Ecology - objection raised to outbuilding and impact wildlife. The outbuilding was subsequently removed from the scheme. No other concerns were raised with the scheme subject to conditions.

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.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2021) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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 2041. 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, DM07, 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 (2012)

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

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:

- Impact on the character and appearance of the area;
- Impact on the amenities of neighbouring occupiers;
- Provision of suitable accommodation for future occupiers;
- Impact on Highways
- Refuse and Recycling
- Accessibility and Sustainability.

5.3 Assessment of proposals

Impact on the character and appearance of the area

There are no in principle objections for a replacement dwelling which re-provides the former detached single family dwelling house. However, any redevelopment of the site however, will need to ensure it accords with the adopted Development Plan.

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design.

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

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (October 2016) provides more detailed residential design guidance issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. Through these changes the SPD sets out the local priorities for protecting and enhancing Barnet's character.

It is noted that the considerations made under the previously approved householder application differ from the current application in that no assessment concerning subordination relative to the existing dwelling is required due to the demolition of the existing dwelling being proposed. Notwithstanding this, the report will compare the previous and current application where relevant to outline their differences.

The officer notes that the currently proposed dwelling would have a similar appearance to the development previously approved by committee members under planning reference number 20/3282/HSE dated 25.11.2021. The current scheme differs from the previous permission in that:

- Two more prominent rectangular bay windows are included to the right side (both at ground and first floor level) and left side (at ground level only). These features bare a close resemblance to the design of the extant permission. However, no overhanging pitched roof design feature is included to the front elevation so the current feature is considered to create a neater and sympathetic appearance.

- No front canopy is currently proposed which is considered to create a less cluttered front elevation and will preserve the appropriately proportioned front bay features
- Two side dormers are proposed (one to each side) relative to the singular side dormer previously approved is currently included. This addition, by virtue of the sympathetic dimensions and placement within the roof slope is considered to be create a balanced and not overly proportioned appearance from the context of the streetscene
- The front lightwells are exactly proportioned to those previously approved and are considered, by reason of their limited scale and visual manifestation, are also considered to be a discreet intervention. Furthermore, the property is situated approximately 6 metres from the front boundary and therefore the lightwells avoid having a dominant impact on the character of the streetscene.

Overall, the impact of the front elevation of the proposed dwelling is considered suitable within the context of the streetscene and will not deleteriously compete the existing neighbouring properties nor result in a harmful development within the plot.

With regards to the works taking place to the rear elevation of the property, the works are noted to be larger than that previously approved. With that being said, the overall design is noted to be similar. Namely:

- The bulk of the ground and first floor extensions are located to the side closest to No.165 Sunny Gardens Road and would be distanced 3.4 metres from No.161 Sunny Gardens Road.
- The proposal would also involve extending 3 metres beyond the rear wall of No.161, which is 0.4 meters further beyond that approved under the extant permission and compliant with Barnet's Residential Design Guidance (2016) for semi-detached properties.
- The proposed dwelling would not extend any deeper than the extant permission but would, at the projecting element, be wider by 1.5 metres at ground level and first floor level.

Again, without the need for extensions to be subordinate to an existing dwelling, these elements need not be subordinate in the same way the policies the extant permission necessitated. In their own right, these elements are not considered overly bulky or deleteriously proportioned within the context of the dwelling nor that of the wider locality and is therefore considered acceptable.

Also proposed to the rear, two rear dormer windows will be placed. Residential Design Guidance SPD (2016) states that such works must be subordinate features which should not occupy more than half the width or half the depth of the roof slope. All the proposed dormers would comply with this and, namely for those rear facing, be appropriately distanced from each other to avoid creating an unduly bulky appearance and is thus considered acceptable within the site and wider area.

With regards to the patio area, this element would extend 2.3 metres deeper but 1.8 metres less wide to accommodation for the rear access steps leading to and from the basement area. The steps would project 6.6 metres from the ground floor rear wall. Alongside the removal of the rear lightwell, the alterations to the patio and access steps are considered acceptable and is not envisaged to introduce a harmful or inappropriate form of development to the wider area. In terms of the basement level, of which the total depth would be 19.4 metres, is noted to be similar to the extant permission and is not considered harmful.

As such, it is considered that the proposed development would result in a deleteriously harmful impact to the character and appearance of the host site, street scene and wider

locality and thus fails to comply with the policies and expectations outlined in Policy DM01.

Impact on the amenities of neighbouring occupiers

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

The delegated report under planning reference number 20/0910/HSE states the following:

As noted above, the building line on this section of Sunny Gardens Road is staggered such that the properties to the north generally protrude further to the rear than those further south. In keeping with this, the neighbouring property at 165 Sunny Gardens Road, which also benefits from an existing two-storey rear extension along the side closest to the host property, protrudes approximately 8 metres beyond the existing rear wall of the host property.

With this site layout, the neighbouring property of No.165 would still project 2.65 metres from the rear wall of the ground floor element of the proposal. As such, officers do not consider that they would result in any material loss of light, outlook or overbearing to the neighbouring occupiers at No. 165. Regarding overlooking, it is noted that windows are proposed at ground, first and loft level which shall be obscure glazed. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 165 Sunny Gardens Road.

With regards to the impact on the neighbouring residents at No. 161 Sunny Gardens Road the proposal is not considered to harmfully project beyond the respective neighbouring rear wall to result in a harmful impact. The project would be 3 metres at ground level and 2.4 metres at first floor. Alongside this, the deeper elements of the proposal are noted to be sufficiently distanced from the boundary wall to not result in a harmful overbearing impact. Apart from the side dormer window, no other windows are proposed and will be retained as such by way of condition. Subject to this, officers are satisfied that the proposal would have an acceptable impact on the residential amenities of the neighbouring occupiers at 161 Sunny Gardens Road.

The proposed basement extensions and associated lightwells, by reason of their largely concealed nature and limited visual manifestation, are not considered to result in undue detriment to the neighbouring residents in respect of their visual amenity or light pollution.

Therefore, the proposal is considered to remain acceptable in respect of its impact on the neighbouring residential amenity. As such, the proposed development is considered to accord with the policies and expectations outlined in Policy DM01.

Provision of suitable accommodation for future occupiers;

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".

In addition to this, section 2.4 of the SPD for sustainable design and construction states

that "the impact of development on the availability of daylight / sunlight and privacy to the occupants of existing buildings and the occupants of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The Mayor's Housing SPG standard 5.5.2 recommends that development should preferably have direct sunlight in living areas and kitchen dining spaces and all homes should provide for direct sunlight to enter at least one habitable room for part of the day. Overheating should be considered when designing for sunlight".

Space standards:

The proposed dwellinghouse would contain 7 no. double bedrooms across the basement, first floor and loft levels. The double bedrooms would exceed the requirement of measuring 11.5 sqm and would measure more than 2.75 metres in width.

In accordance with D6 of the London Plan (2021) the proposed development should be of a high quality design and provide adequately sized rooms with comfortable and functional layouts which are fit for purpose. Housing developments are required to meet the minimum standards, as laid out in Table 3.1 of the London Plan.

The proposed development, would be required to provide more than 138sqm of internal floor space. The proposal exceeds this requirement.

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 floor levels will be minimum of 2.5 metres so this scheme will comply with this requirement.

Outdoor Amenity Space:

The Sustainable Design Construction SPD highlighted the importance of good quality amenity space. Section 2.31 highlights 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. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers.

Table 2.3 of Barnet's Sustainable Design and Construction SPD states that 85 sqm of amenity space would be required. The proposal comfortably meets this standard.

Lighting:

Barnet Council's Sustainable Design and Construction SPD under section 2.4 'Daylight, Privacy (minimum distance), Outlook and Light Pollution' highlights the need for development proposals to ensure that the availability of daylight/sunlight for new developments is adequate and contributes significantly to the quality of life of future occupiers.

Within the design principles section, the SPD highlights that all glazing to habitable rooms should normally not be less than 20% of the internal floor area of the room.

Overall it is considered the proposed lighting would be acceptable, positively contributing

to the amenity of future occupiers.

Outlook:

The London Plan Housing Supplementary Planning Guidance notes that units should demonstrate that all habitable rooms and the kitchens are provided with adequate privacy and daylight and that the orientation enhances amenity, including views. Furthermore, the Mayors Housing Supplementary Planning Guidance outlines that units must demonstrate that adequate privacy, daylight and orientation including views are adequate for habitable rooms.

The proposed outlook is considered acceptable.

Overall, the proposal is considered to provide an acceptable standard of accommodation.

Traffic, parking, cycle parking and refuse/recycling

The LPA's highways department raised no in-principle objection to the scheme subject to further information regarding cycle and refuse parking and storage being secured. This information can be secured by way of conditions, subject to approval.

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 in accordance with the requirements of Policy SI 2 of the London Plan (2021).

5.4 Response to Public Consultation

Consultation letters were sent to 26 neighbouring properties

8no objection was received. The comments may be summarised as follows:

- Out of character with existing dwellings in street
- Overwhelming and obtrusive scale of replacement dwelling
- Harmful level of excavations from the basement to neighbours detriment
- Disruption and removal of existing wildlife
- Proposal is not for family home
- Disturbance from demolition and construction process
- Overlooking and light pollution from north elevation onto neighbouring properties
- Loss of privacy
- Lack of parking space

Following amendments to the application, namely the removal of the outbuilding and additional Ecological information, 9no additional objections were received and may be summarised as follows:

- Development still out of character
- Inconsistent with existing dwellings in Sunny Gardens Road
- Insufficient off-street parking space
- Excavations works for basement remains harmful
- Disruption from construction works

- Highways congestion and disruption
- Harm to neighbouring residents
- Overlooking, loss of privacy and light pollution
- Large terrace at first floor level
- Concerns still stand
- Development looks like a multi-residential development

In conjunction with the above, a neighbouring resident called to verbally confirm that their objection comments remain with the amended drawings.

In total, 19no objections have been received for this application.

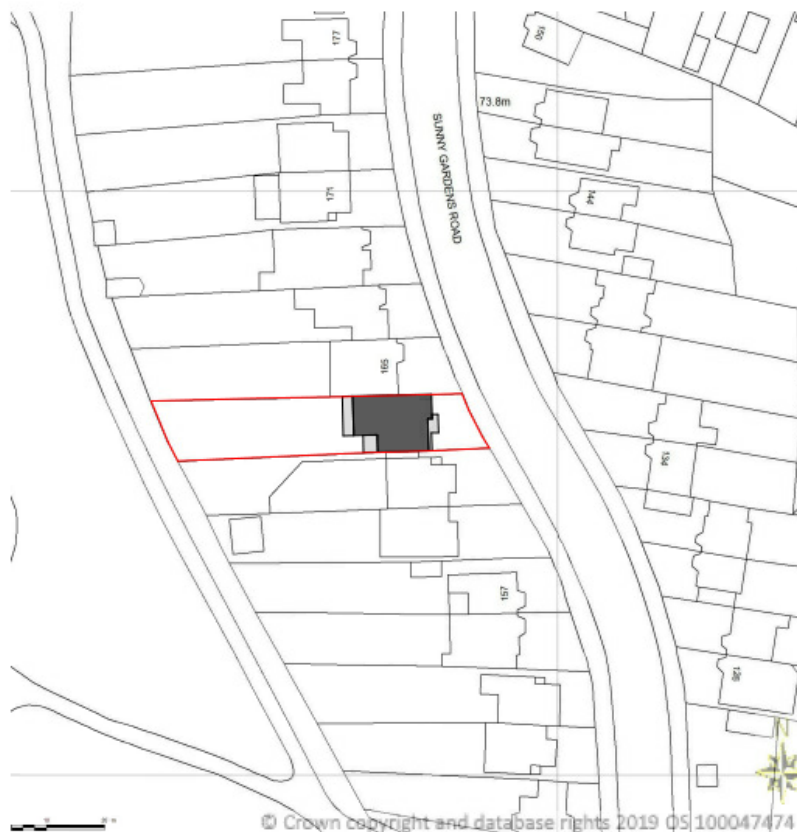
The above comments were noted by the case officer and, on further review of the considerations of the proposal, find the application to warrant refusal on grounds character, neighbouring amenity, substandard accommodation and lastly highways and ecological grounds. Please see the main body of the report for further detail.

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 is considered acceptable and hereby recommended for APPROVAL.



Location 47 Warwick Road Barnet EN5 5EQ

Reference: 22/5451/FUL

AGENDA ITEM 10
Received: 9th November 2022

Accepted: 10th November 2022

Ward: Barnet Vale

Expiry 5th January 2023

Case Officer: Mansoor Cohen

Applicant: Mr Antonio Gjata

Proposal: Conversion of the existing dwelling into 2no self contained flats including single storey rear extension, first floor rear extension, rear dormer window, 1no additional front facing rooflight and alterations to front elevation. Changes to the levels of front driveway to include 1no. off street parking space. Associated refuse/recycling/cycle store.

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:

47WR-101-B

47WR-102-B

47WR-103-B

47WR-104-B

47WR-105-B

47WR-106-B

47WR-107-B

47WR-108-B

47WR-109-B

47WR-110-B

Site location plan

Nocturnal Emergence Surveys, dated August 2022

Planning Statement

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

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

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

- 3 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 SI 1, SI 7, D14 and T7 of the London Plan 2021.

5 Before the development hereby permitted is first occupied, refuse and recycling facilities and associated access as shown on drawing no. 47WR-110-B shall be provided prior to first occupation of the development and retained as such thereafter.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first

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 a) Notwithstanding the hereby 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 adequate and satisfactory provision is made for the parking of bicycles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy T5 and Table 10.2 of the London Plan (2021), London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No.47WR-109-B 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 Policy T6.1 of the London Plan 2021.

- 8 No works on public highway including creation or modification of a vehicular access as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans. The applicant will be expected to make an application to the Domestic Crossovers Team, for the creation of new accesses and reinstatement of the existing accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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 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 October 2016).

- 11 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 G7 of the London Plan 2021.

- 12 Before the building hereby permitted is first occupied the proposed ground floor window in the side elevation facing no.45 Warwick Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 13 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.

- 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 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

- 15 Prior to occupation of the development at least 2 x Woodcrete bat box (or similar) shall be installed into the newly constructed building as outlined within the

submitted the Bat Survey Report (Ecoassistance, September 2022b), and 2 x Woodcrete bird boxes (or similar) shall be installed onto the newly constructed building (as appropriate) in accordance with the recommendations of the submitted Nocturnal Emergence Surveys Report (August 2022, Acer Ecology) and guidance of 'Designing for Biodiversity A technical guide for new and existing buildings (RIBA) as appropriate. Details on the specifications, location, aspect, and position of bat roost and bird nest boxes shall be submitted by the applicant for approval by the Local Planning Authority.

Reason: Pursuant to section 197 of the Town and Country Planning Act 1990 in accordance with local planning policy DM16. Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

Informative(s):

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

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

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 metres.

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

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

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

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

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

- 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 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.
- 8 The applicant is advised that if the development is carried out, only low-level planting or landscaping (Below 0.6m in height) shall be provided at the entrance to the development to ensure that the visibility splays on either side of the access for the vehicles emerging from the development are kept clear of any obstruction which is likely to have a detrimental impact on highway and pedestrian safety.
- 9 It is recommended that the compensation for loss of amenity lawn onsite should utilise species rich seed mix or turf. This mix should consist of a ratio of 70/30 native grass to flowering plants as such flowering plant species and grasses provide high value to pollinating insects including bees, butterflies. An example of a potential species rich meadow seeding mix includes Boston Seed Dual Purposed Wildflower Meadow Seed Mix BSXM 70/30 and for the amenity lawn Emorsate Seed Strong Lawn Grass Mixture EG22.

Any proposed tree and shrub planting should incorporate native species rich plantings and consist of native berry producing shrub species such as hawthorn, blackthorn, spindle, field maple, hazel, and hornbeam. A best practice approach would be to apply a '10-20-30' formula to develop a diverse tree/hedge population - no more than 10% of any species, 20% of any genus or 30% of any family. These species will provide ideal foraging and sheltering habitats for a variety of species including nesting birds, invertebrates, and foraging mammals.

Night scented plants should also be incorporated into a detailed planting schedule where feasible. An extensive list of suitable plant species can be found on the RHS advice page <https://www.rhs.org.uk/advice/pdfs/plants-for-bats.pdf>. The provision of bat friendly planting is in Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy G6 of the London Plan.

OFFICER'S ASSESSMENT

1. Site Description

The subject site is 47 Warwick Road, EN5 5EQ, a semi-detached single family dwelling comprising of 4 bedrooms. The property has been extended on the side with a two-storey extension and extension to the roofscape. This extension has allowed for an extra bedroom. An application for a rear dormer has previously been deemed lawful.

The surrounding area of Warwick Road consists of a combination of semi-detached, some terrace houses and small blocks of flats. The area is mainly residential with local shops a 10 minute walk away. There is not a specific architectural style on Warwick road as properties hold different characteristics from different periods. Flatted developments are present to the adjacent side of the subject site.

The site is not in within a Conservation area, nor is it subject to a listed building. The site lies within Flood Zone 1 (low probability of flooding).

2. Site History

Reference: 21/5284/FUL

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Refused

Decision Date: 13 December 2021

Description: Conversion of the existing dwelling into 2no self contained flats including single storey rear extension, rear dormer window and 1no additional front facing rooflight. Associated refuse/recycling/cycle store

Refusal reason 1: In the absence of a Preliminary Roost Assessment (PRA), it has not been possible to determine whether the proposed development would affect the current habitat for protected species. Therefore, in the absence of detailed information the proposal is considered to have a detrimental impact on ecology, including the fragmentation of habitats, contrary to Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

Refusal reason 2: The bin storage placement is in the rear garden and placement for collection is considered inadequate for this site. The storage and collection of refuse and recycling would potentially be detrimental to the character and appearance of the host property and amenity of future occupiers, contrary to Policies D6 and SI 7 of the London Plan (2021), Policy DM01 of the LB Barnet: Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Refusal reason 3: The proposed rear dormer by reason of its excessive size, massing, siting and design, would fail to appear as a subordinate, proportionate or sympathetic addition to the existing dwelling house, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan Core Strategy DPD (2012), Policy DM01 of the LB Barnet: Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016)

Refusal reason 4: The proposed stacking of habitable rooms between the proposed flats, would result in a sub-standard form of residential accommodation, detrimental to the residential amenities of future occupants, contrary to Policy D6 of the London Plan (2021),

Policy CS5 of the LB Barnet: Local Plan (Core Strategy), Policies DM01 and DM02 of Barnet's Development Management Policies DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Refusal reason 5: The proposal would fail to provide the quality and quantity of external amenity space necessary to meet the likely needs of future occupiers. As a result, the proposal would be to the detriment of the residential amenity of future occupiers and contrary to policy DM02 of Barnet's Development Management Policies (2012) and the Sustainable Design and Construction SPD.

Reference: 21/1413/192

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Lawful

Decision Date: 3 June 2021

Description: Roof extension involving rear dormer window and 3no front facing rooflights following removal of the existing

Reference: 21/1414/HSE

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Approved subject to conditions

Decision Date: 27 May 2021

Description: Single storey rear extension

Reference: NO8661

Address: 47 Warwick Road, Barnet, EN5 5EQ

Decision: Approved subject to conditions

Decision Date: 11.05.1987

Description: Two-storey side extension with basement garage under

3. Proposal

The application seeks planning consent for the conversion of the existing dwelling into 2no self contained flats including single storey rear extension, first floor rear extension, rear dormer window, 1no additional front facing rooflight and alterations to front elevation. Changes to the levels of front driveway to include 1no. off street parking space. Associated refuse/recycling/cycle store.

The proposal follows a previously refused scheme for a similar development. The primary differences are as follows:

- A reduction in the depth of the ground floor extension by 0.5m
- The addition of a modest sized first floor rear extension
- Rear dormer size substantially reduced
- Alterations to the front landscaping and the provision of an additional 1no. off street parking space
- Minor internal layout changes

The proposal would provide the following units:

Flat 1 (Ground floor) - 3b5p GIA 86sqm

Flat 2 (First and second floor) - 2b4p GIA 86sqm

Subdivision of the rear garden will facilitate private outdoor amenity space for each flat. Cycle parking will be provided within the respective rear gardens.

2 car parking spaces will be provided within the front forecourt.

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties. 6no objections has been received as part of this application including 1 request to speak at committee

They objections are summarised as follows:

- Inaccuracies in the application form; trees within the site, loss of garden, EPC certificate
- over intensification of the site
- overdevelopment of the site
- Concerns of overlooking and overshadowing by way of the rear extension
- No established rights of way to gain access to the rear garden and cycle storage of the site along the side passageway
- Parking spaces too small to meet standards and would result in overhang onto footway
- Insufficient parking provision for the development
- Increased pressure on on-street parking and congestion
- Loss of a valuable large family house
- The proposal should ensure decarbonisation
- Loss of natural habitat and garden space

5. Planning Considerations

5.1 Policy Context

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

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

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

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

Barnet's Local Plan (2012)

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

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

Barnet's Draft 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 (October 2016)
- Sustainable Design and Construction SPD (October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Ecology and Trees.

5.3 Assessment of proposals

Principle of development

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

The proposal seeks to convert the existing family dwelling into 2 separate dwellings consisting of 1 x 3 bedroom unit and 1 x 2 bedroom unit.

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

The proposal would provide an appropriate mix of dwelling sizes by providing a 3 bedroom family unit deemed as a medium priority in the local plan and the highest priority within the emerging local plan as well as a two bedroom unit which is recognised as a medium priority within the emerging plan. The proposal would also realise a net gain in housing provision and thus compliant with the aforementioned policy.

Policy DM01 part (h) states that the conversion of dwellings into flats in roads characterised by houses will not normally be acceptable.

A review of the Council Tax records has been undertaken for properties along Warwick Road. The following properties provide flatted accommodation:

- 35 and 35A Warwick Road, Barnet, EN5 5EQ
- 23 and 23A Warwick Road, Barnet, EN5 5EQ
- 12 and 12A WARWICK ROAD, Barnet, Herts, EN5 5EQ
- 14 and 14A Warwick Road, Barnet, EN5 5EQ
- 31 and 31A Warwick Road, Barnet, EN5 5EQ

In addition, the adjacent side of the Warwick Road consists of purpose built flatted development.

Based on the evidence given above, it is clear that flatted developments are a feature of Warwick Road and therefore the conversion of the dwelling into flats is considered to be acceptable as a matter of principle and in line with Policy DM01 (h). This is the same conclusion reached in the previously refused scheme.

The principle of the proposed development is therefore considered to be acceptable subject to other material planning considerations as set out below.

Character and appearance

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

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

A 3.5m deep single storey rear extension was considered acceptable within the previously refused scheme. A similar sized extension was also granted under an earlier householder

application. The current proposes a similar addition with a modestly reduced depth by 0.5m, the addition would be compliant with Residential Design Guidance and would feature as a subordinate addition to the property. Thus this element continues to be acceptable.

This proposal introduces a modest sized first floor rear extension with hipped roof. This element would read as a subordinate addition due to its narrow width and substantially set down roof height and would integrate acceptably with the existing property.

The previous scheme included a sizeable rear dormer which virtually engulfed the main roofslope, this was considered unacceptable and contrary to guidance. The present proposal incorporates a considerably reduced size rear dormer which would be visually contained within the rear roofslope and would read as a subordinate addition broadly in compliance with guidance.

Minor changes to openings on the front elevation of the property would retain the proportions and positioning of the upper floors windows and therefore provide a cohesive appearance.

Landscaping to the front forecourt and associated level changes are proposed to facilitate an additional off street parking space. Whilst this would reduce the existing soft landscaping, efforts have been made to retain areas of soft landscaping to soften the visual appearance of the dwelling. It is also noted that a number of properties along this stretch feature similar hard landscaped front forecourts. A condition can be imposed to ensure permeable materials are utilised.

The front entrance stairwell has been altered to suit the proposed layout and contains two sets of landing steps to break up its visual appearance deemed to be appropriate.

In summary, the proposed enlargements and alterations are deemed to have an acceptable impact on the character and appearance of the host property, streetscene and locality.

Neighbouring Amenity

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

In respect of the adjoining neighbour, no.49 Warwick Road, the proposed single storey rear extension would project a relatively modest depth of some 3m beyond the neighbouring rear elevation, this would be compliant with guidance and has previously been accepted under the extant permission. It is therefore not considered that this element would adversely impact neighbouring amenity in terms of excessive overshadowing, loss of light or outlook.

The first floor rear extension is set a substantial distance away from the common boundary of this neighbour and its modest size is not considered to result in a harmful impact.

To the side facing no.45 Warwick Road, the respective properties are separated by an alleyway some 3.6m in width. In addition no.45 benefits from a part single part two storey rear extension which extends beyond the subject property rear elevation. Whilst it is acknowledged that this neighbour sits at a lower level due to the decline of the road, taking into consideration the separation distances, the existing extensions of no.45 and the proposed relatively modest and guidance compliant extensions, it is not considered that this would result in an adverse impact to this neighbour.

The proposal incorporates a ground floor side window facing no.45, however, this would serve a bathroom and therefore not a habitable room. In addition a condition will be imposed to ensure this is obscure glazed with only a fanlight opening to ensure full privacy is maintained.

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

With regards to the conversion of the dwellinghouse into 2 self-contained flats, it is not considered that the comings and goings of an additional 1 residential unit in this location would result in adverse impacts on the amenity of adjoining occupiers above and beyond that already present with the existing large single family dwellinghouse. As such, the proposal is not considered to result in an over intensification of the site.

Living standards for future occupiers

Floor Area:

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

The proposal would provide the following units:

Flat 1 (Ground floor) - 3b5p GIA 86sqm (required 86sqm)

Flat 2 (First and second floor) - 2b4p GIA 86sqm (required 79sqm)

As set out above both units would either meet or exceed the minimum space standards.

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

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

All proposed bedrooms meet the above standards.

Floor to ceiling height:

Policy D6 of the London Plan 2021 requires a minimum ceiling height of 2.5 metres for at least 75% of the gross internal area of each unit.

The submitted section demonstrates both units would meet this requirement.

Room stacking/siting

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

Whilst it is acknowledged that the stacking between the two flats is not wholly like for like, this is limited to the overlap of the kitchen area of the upper floor flat over the single person bedroom of the ground floor flat and officers consider that any undue noise transfer could be suitably addressed through the imposition of a condition requiring pre-completion Sound

Insulation Test Certificates to be submitted to the LPA for approval. A condition to this effect will be included to any approval.

Light/outlook:

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

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

Amenity Space:

Table 2.3 of the Sustainable Design and Construction SPD states that 5sqm of outdoor private amenity per habitable room should be provided for flats, whereby rooms in excess of 20sqm are counted as two. Accordingly each flat would require a provision of 20sqm of outdoor amenity space.

The proposal incorporates the subdivision of the rear garden providing 59sqm for the ground floor unit and 74sqm for the first floor unit which are well in excess of the requirements and therefore acceptable.

In order to address refusal reason 5 of the previous scheme, direct access from the first floor flat to its relating amenity space has been provided by way of the proposed first floor rear extension which provides a stairwell leading into the amenity space.

The proposal is therefore found to provide an acceptable level of living accommodation for future occupiers.

Highways

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 2 and 3 off-street parking space. The site also lies in a PTAL rating of 3 which indicates moderate accessibility to public transport.

The applicant has proposed 2 car parking spaces off-street which is within the specified range. As such, Highways consider the proposal to be acceptable. It is also highlighted that the two proposed spaces as shown on the plans would meet the standards measuring 2.4m by 4.8m.

To facilitate the 2 parking spaces the proposal requires, the applicant is proposing to provide 2 separate 2.4m crossovers which highways have considered acceptable. The applicant will require to submit a separate application to the Local Highway Authority for the crossovers.

Cycle parking:

The proposal will need to provide 4 cycle parking spaces in accordance with the London Plan 2021. The applicant will provide 2 cycle parking spaces for each flat located within their

respective gardens which is acceptable. Further details will be secured through a suitably worded condition.

Refuse/Recycling:

Refuse and recycling storage would be located within a dedicated area within the building envelope utilising a void within the lower ground floor. A new closed board timber door would facilitate access to the bin store and would be within 10m drag distance of the highway. The area provided would adequately accommodate the required number of bins. The proposed bin store is therefore deemed acceptable and overcomes the previous relating reason for refusal.

Ecology

The application has been accompanied by an Ecological report which has been reviewed by the councils Ecologist, the following comments were provided:

'No objections on ecological grounds as the bat emergence surveys did not reveal any evidence of roosting bats or nesting birds (Nocturnal Emergence Surveys Report, August 2022, Acer Ecology). The proposed works are deemed unlikely to negatively impact protected or notable species.'

It is further highlighted that in respect of a biodiversity net gain assessment, the councils ecologist has noted that the proposed development would not meet the threshold for such a requirement and would not be fairly and reasonably related in scale and kind to the development. As such this is not required.

Lastly, to compensate for the loss of amenity lawn to the front of the site, the ecologist recommends soft landscaping should utilise native species. The recommended informative will be applied to any approval.

In light of the above, there are no objections on ecological grounds.

Trees

The councils tree officer has reviewed the submission and notes the proposal in respect of tree impacts is broadly comparable in scope to the extant approval 21/1414/HSE. The officer further notes the proposal will necessitate the removal of a small Euonymus in the rear garden.

A condition for hard and soft landscaping across the site will be attached to any permission.

5.4 Response to Public Consultation

- Inaccuracies in the application form; trees within the site, loss of garden, EPC certificate

These are duly noted and have been considered in the assessment of the application. In any event, the tree officer has stated the proposal will not result in the loss of any trees; loss of any residential garden land refers to a land use change, the proposal

- overdevelopment of the site

The enlargements proposed are relatively modest and could be largely realised through the extant permission and lawful certificate previously issued.

- No established rights of way to gain access to the rear garden and cycle storage of the site along the side passageway

The land in question appears to be under third party ownership, however, the subject property benefits from an existing side gate which the applicant confirms has been in use for over 30 years, there is therefore no evidence to assert that the applicant does not benefit from established rights of access. In any event rights of easement are not material planning considerations.

- Increased pressure on on-street parking and congestion

The parking provision for the development is considered acceptable and in accordance with Policy DM17.

- Loss of a valuable large family house

The proposal would result in a replacement family unit deemed a medium priority, as well as a net additional unit contributing to the housing number and mix in the borough.

- The proposal should ensure decarbonisation

A condition will be imposed requiring the development to provide a 10% carbon reduction in accordance with Policy SI 2 of the London Plan.

- Loss of natural habitat and garden space

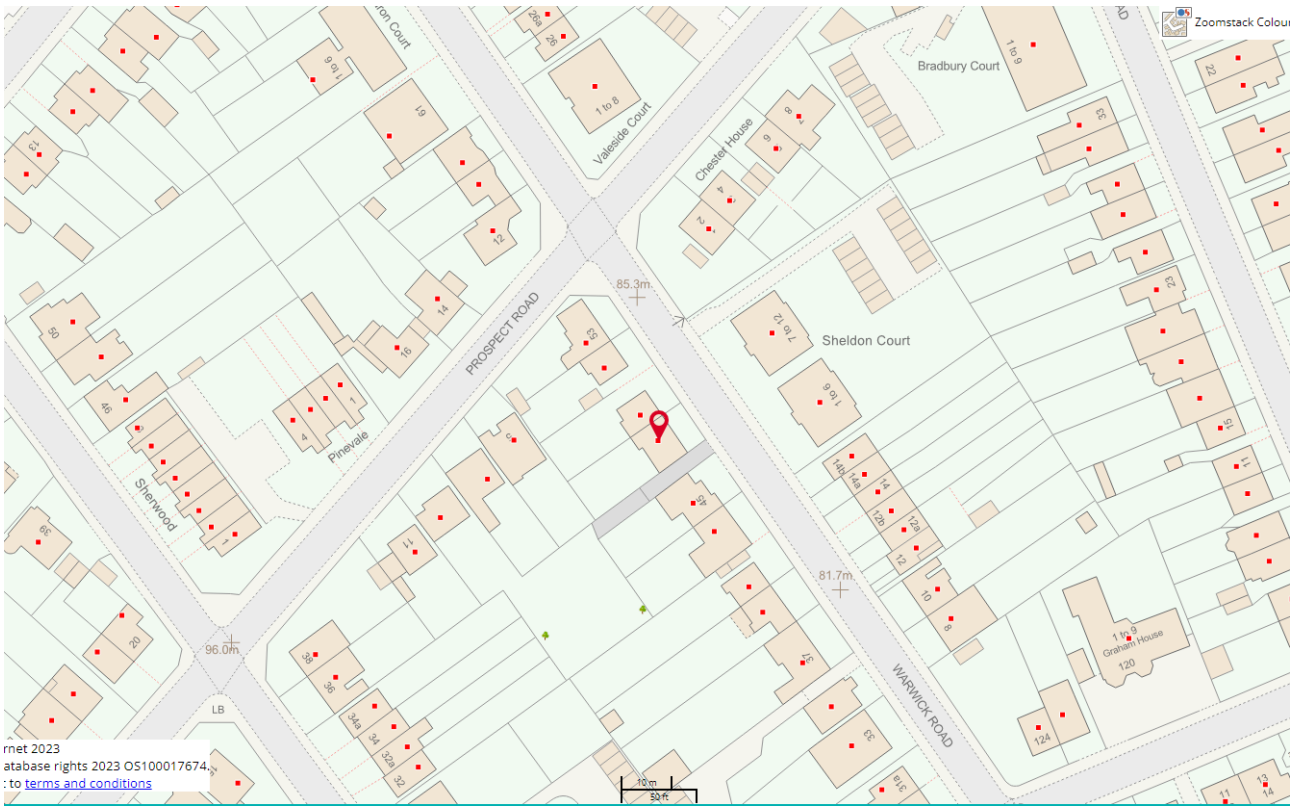
The Council's ecologist has raised no objection to the proposal. Garden space remains well in excess of the requirements.

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 or future occupiers. This application is therefore recommended for approval.



Location 78 Finchley Lane London NW4 1DH

Reference: 22/4992/FUL

Received: 10th October 2022

Accepted: 11th October 2022

Ward: Hendon

Expiry 6th December 2022

AGENDA ITEM 11

Case Officer: Keshni Patel-Rayani

Applicant: Mr F Daly

Proposal: Conversion of the existing dwelling into 2no. self-contained flats including roof extension involving rear dormer

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 received on 10.10.2022
- Existing Elevations and Section, Drawing Number 509121-3, dated 09/22
- Existing Floor Plans, Drawing Number 509121-1, dated 09/22
- Proposed Elevations and Section, Drawing Number 509121-4, dated 09/22

- Proposed Floor Plans, Drawing Number 509121-2, received 15/11/22

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

Reason: In the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 5 Prior to occupation of the development, existing parking spaces and the access to the parking area from public highway shall be retained in accordance with the submitted planning application. Thereafter, 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 adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 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.

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.

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

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

- 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), Policy SI2 of the London Plan 2021.

- 9 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).

- 10 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.

- 11 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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 policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (October 2016).

- 12 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.

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 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.
- 3 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.
- 4 The applicant is advised that Finchley Lane is Traffic Sensitive Road; deliveries during the construction period should not take place on working days between

8.00am-9.30am and 16.30pm to 18.30pm. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.

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

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

- 6 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.

- 7 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

The application has been called to committee by Councillor Prager for the following reason:

"This is on the grounds of a loss of a single-family home, which is contrary to the Local Plan DM01 and particularly DM08."

1. Site Description

The application site relates to a semi-detached property located on the southern side of Finchley Lane. The area is mixed in typology consisting of detached and semi-detached properties along with purpose built flatted developments. A number of properties along this stretch including the adjoining neighbour no.76 have been subdivided into flats. The immediate area is residential in character although located further afield west is the Brent Street Town Centre.

The site is not within a conservation area, nor is it a listed building. The PTAL of the site is 2 which indicates a poor level of transport accessibility.

2. Site History

Reference: W07038E/00

Address: 78 Finchley Lane, London, NW4 1DH

Decision: Approved subject to conditions

Decision Date: 5 March 2001

Description: Conversion to form two self-contained flats.

Reference: 21/5524/192

Address: 78 Finchley Lane, London, NW4 1DH

Decision: Lawful

Decision Date: 29 October 2021

Description: Roof extension involving rear dormer window.

Reference: 21/3869/FUL

Address: 78 Finchley Lane, London, NW4 1DH

Decision: Refused

Reasons for refusal:

- Highway Safety, with regard to parking provision and.
- The Character and appearance of the site and surrounding area.

Appeal: Appeal Dismissed

Decision Date: 21 September 2021

Description: Conversion of existing dwelling into 3no self-contained flats. Roof extension involving rear dormer window. Addition of 1no side facing window Replacement of rear first floor window with new door. Relocation of first floor side window and addition of 1no side facing window. New side access door

3. Proposal

The application seeks planning permission for the 'Conversion of existing dwelling into 2no self-contained flats including a roof extension involving a rear dormer window.

The proposal would provide the following units:

Flat 1 (Ground Floor) - 3 bedroom/4 person

Flat 2 (First Floor/Loft Level) - 3 bedroom/6 person

The proposed roof extension would extend the existing dormer, and measure a width of 6.6m, a height of 2.4m and a depth of 5.3m.

During the life of the application revised plans were submitted to show 2no off-street parking spaces.

4. Public Consultation

Consultation letters were sent to 105 neighbouring properties.

No responses were received.

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Draft Local Plan (Reg 19) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development.
- Whether harm would be caused to the character and appearance of the existing building, the street scene, and the wider locality.
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers.
- Highway Impacts.

5.3 Assessment of proposals

Principle of Development

Chapter 2 of the Core Strategy which stipulates:

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.

Policy DM01 seeks to protect the character of the borough, which has been informed by the characterisation study undertaken as part of the production of the Local Plan. The supporting text of Policy DM01 states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused. In particular, DM01(h) states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate.'

A review of site history demonstrates that several properties have benefitted from planning consent for the subdivision of homes into self-contained flats including that of no.76, the adjoining neighbour. Officers site inspection notes that Finchley Lane consists of general character of mixed dwellings such as flats and dwellinghouses. The layout of the submitted existing floor plans suggest that the property is used as two self-contained flats, however the appeal statement for the previously refused application ref 21/3869/FUL has been determined on the basis that the application site is a single dwelling. Although planning permission was granted for the conversion to form two self-contained flats in 2001, the existing plans submitted with this application do not show two separate entrances to the suggested flats and therefore this application has been assessed on the basis that the current use is a dwellinghouse.

The agent contends that the application site has been used as a dwellinghouse although planning permission was deemed lawful for the conversion to form two self-contained flats under planning ref W07038E/00.

Given the site context and previous planning history and existence of other flats within the immediate vicinity of the site the principle of converting the application site into flats is considered acceptable.

Impact on the Character of the Area

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

Given the busy road the property resides on and the existence of flatted development, it is not considered that the use of the site as two units would give rise to undue levels of activity, noise or disturbance.

Residential Design Guidance SPD (2016) states: 'Dormer roof extensions should normally be subordinate features on the roof and should not occupy more than half the width or half

the depth of the roof slope...Adequate roof slope above and below the dormer is required on semi-detached and terraced properties, the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack.'

The proposed roof extension would extend the existing dormer, and measure a width of 6.6m, a height of 2.4m and a depth of 5.3m ensuring 0.8m gap between the ridge of the main roof and dormer.

Whilst adequate roof slope would remain above the dormer, the existing and proposed rear dormer would fail to be set in 1m from the party wall as guidance stipulates. The proposed dormer would therefore fail to occupy no more than half the width and height of the roofslope contrary to guidance

The previously refused application sought the same development to the roof as the current proposal. The previous application was refused on the character and appearance of the roof extension. An appeal was made under this application and the following was concluded by the inspector:

"15. The appeal property is a two-storey semi-detached house. It is typical of the properties on this section of Finchley Lane. The surrounding area is mostly residential and is characterised by substantial semi-detached properties with relatively modest gardens. Some of the gardens in the block are longer than others and consequently the rear of the properties have an open aspect. A substantial tree canopy restricts views of the rear elevation of the appeal properties and its neighbours. Many of the properties in proximity to the appeal site have been converted to flats and the character of the area would not be affected by the change of use.

16. The RDG advises that dormers should be set in at least one metre from a party wall, flank wall or chimney stack and should not occupy more than half the width or half the depth of a roof slope. The proposed dormer would deviate from this advice, in that it would be almost the full width of the roof slope.

17. Numerous properties in proximity to the appeal site have roof extensions and adjacent half of the pair has a large dormer extension comparable to that proposed. The proposal would be viewed in the context of this and other rear extensions and outriggers on the rear elevations of properties on the lane.

18. However, there would be a reasonable set down from the ridge and set back from the eaves providing some spacing around it and helping to reduce its overall visual impact. I am satisfied that the original roof would remain a distinct element of the dwelling. Moreover, it would be viewed in the context of other dormer extensions within the block that are similarly full width and height and would not appear as unduly bulky or incongruous in its surroundings.

19. For the reasons above, I conclude that the proposal would not cause harm to the character and appearance of the area. The proposal would therefore not conflict with CS Policies CS1 and CS5, DMP Policy DM01, LP Policy D3 which, amongst other things, seek to ensure that new development is of high-quality design. Despite the technical breaches with the guidance in the RDG, the site-specific circumstances of the appeal mean that the scheme would still comply with the overall aims design aims of these policies and the development plan as a whole."

Furthermore, the application site sought permission ref 21/5524/192 for roof extension

involving rear dormer window, which was deemed lawful, however the development has not been constructed on the application site.

In conclusion, it is considered that the proposed roof extension would not create adverse impact to the character of the area and considered acceptable.

Impact of Amenity of neighbouring occupiers

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

It is not considered that the use of property as two self-contained with a maximum occupancy level of 10 persons would give rise to undue levels of activity, noise or disturbance above and beyond what could be utilised by family groupings within the existing dwellings. Furthermore, as apparent within no.76, such use would be typical of the surrounding area.

The property incorporates a roof terrace to serve flat 2 above the existing ground floor rear projection. As confirmed by officers site visit and the submitted plans, the roof terrace is in situ and serves the existing upper flat. Whilst a search of planning records does not reveal any consents for such a use, satellite images indicate that its use as such is well established. The proposed terrace would serve flat 2 which replicates the existing use which serves the upper flat, taking this into consideration, the use of the terrace for flat 2 would not materially alter the existing relationship and therefore not result in any further harm in terms of overlooking or loss of privacy. On the basis, this aspect of the application is acceptable.

Flank windows serving the upper floors could be conditioned to being obscure glazed with only fanlight openings and therefore would not present concerns of overlooking.

It is not considered that this proposed development would cause significant harm to the amenity of neighbouring occupiers.

Impact on Amenity of future occupiers

Floor space standards and ceiling heights.

The proposed units would comprise:

Flat 1 (Ground Floor) - 3 bedroom/4 person GIA 92m² (requirement 74m²)

Flat 2 (First Floor/Loft Level) - 3 bedroom/6 person GIA 184m² (requirement 102m²)

All of the proposed units would exceed the minimum space standards set out in the London Plan (2021) and Sustainable Design SPD (Oct 2016).

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of a dwelling.

The submitted section demonstrates the proposal would have a ceiling height of 2.8m on ground floor, 3m on first floor and 2.5m in loft level. The minimum ceiling height of 2.5 metres has been adhered with this proposed development.

Outlook, light, and privacy:

All units would be dual aspect and provide an adequate level of light. Windows serving bedrooms 2 and 3 of flat 1 would be in close proximity (0.7m) to the boundary wall/fencing. They would as such provide poor outlook for future occupiers, however, the relationship and layout is not materially different to the existing layout and no (net) additional habitable rooms would be formed with compromised outlook. As such, in this particular instance given the existing relationship this aspect is considered acceptable.

The proposed flat 1 will gain access to the flat via the side door of the property whilst flat 2 will gain access to the property via the front door.

Private outdoor amenity space:

Table 2.3 of the Sustainable Design SPD (2016) states that for flats 5m² of amenity space is required per habitable room (as defined by the SPD), this equates to a requirement of 25m² for flat 1 and 25m² for flat 2.

The site benefits from a reasonably sized garden that would accommodate the requirements of outdoor amenity for flat 1. The proposed flat 2 will have access to the roof terrace which measures 26 square meters which is within the requirements of outdoor amenity space.

Highways

Policy CS9 of the Barnet Core strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, requiring that development is matched to capacity and promote the delivery of appropriate transport infrastructure. Policy DM17 of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

Policy DM17 sets out parking standards as follows for the residential use:

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

Highways have reviewed the proposal and have commented as follows:

' The site fronts onto the A504 Finchley Road, it is not in a Controlled Parking Zone and there are no parking restrictions in the vicinity of site. The site is situated in an area with a The Public Transport Accessibility Level score of 2 (low), however, 3 bus routes can be accessed from stops within close walking distance of the site.

The proposal is to convert existing dwelling into 2no. self-contained flats (1x3bed, 1x3bed) flats.

According to the Parking Standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 2 and 3 spaces.

The applicant confirms in the application form that 2no. parking spaces is accommodated off-street, however is not demonstrated in the proposed plan. Revised ground floor plan is requested.

Cycle Parking

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport. For this proposal, the required cycle parking provision is 4no. cycle parking spaces. Cycle parking should be provided in a secure, covered, lockable and enclosed environment. The type of stands used must allow both wheels and the frame of the bicycle to be locked.

Refuse Collection Arrangements

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

The proposed bin store should be located within 10 metres from public highway with clear and levelled access to be provided to the refuse collection staff on collection days or the bins will need to be brought forward on collection days to a designated collection point.

The proposed development is acceptable on highways grounds subject to the above-mentioned comments and the following informatives.'

No details of refuse and recycling has been provided however, it is anticipated that refuse collection arrangements would be secured by way of a condition.

During the life of the application revised drawings have been submitted indicating 2no off streetcar parking spaces, the spaces shown meet the requirements set out in Barnet Council's Local Plan Development Management Policy DM17.

5.4 Response to Public Consultation

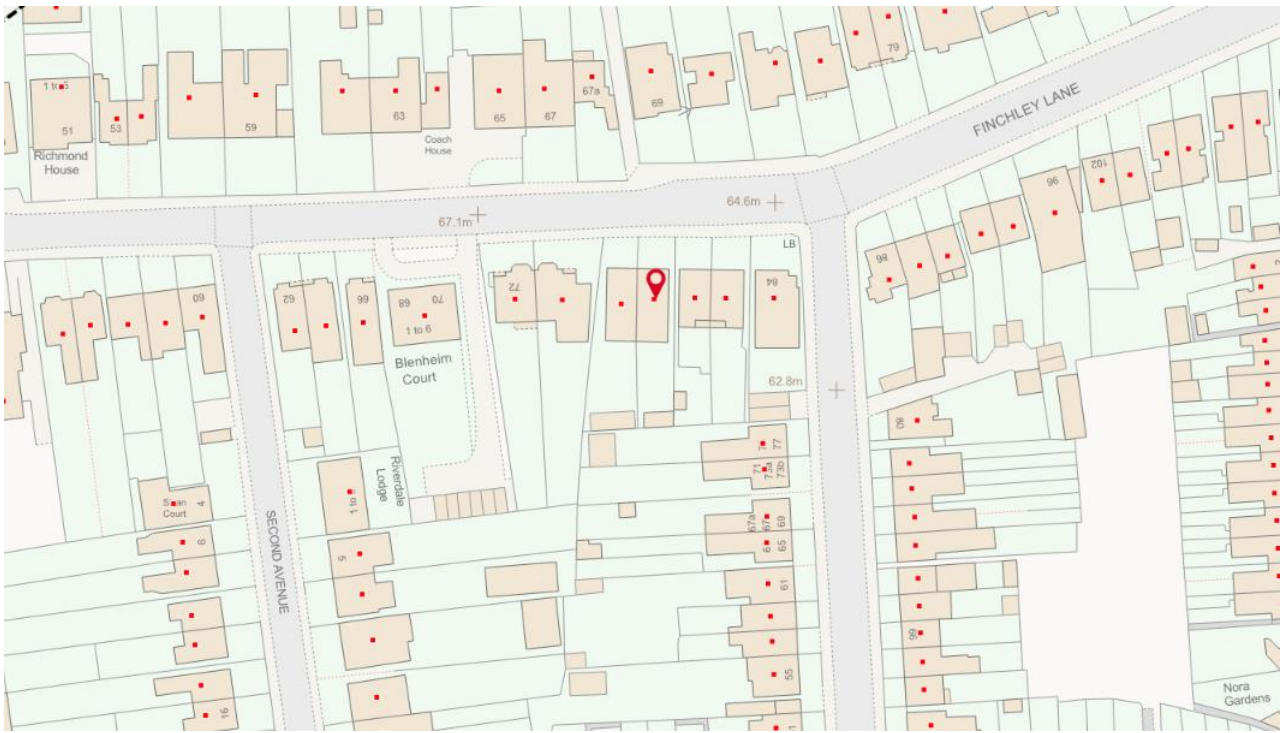
N/a

6. Equality and Diversity Issues

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

7. Conclusion

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 and the quality of the living accommodation is satisfactory. This application is therefore recommended for approval.



Location 202 High Street Barnet EN5 5SZ

Reference: 22/4361/FUL

Received: 29th August 2022

Accepted: 30th August 2022

Ward: High Barnet

Expiry 25th October 2022

AGENDA ITEM 12

Case Officer: Mansoor Cohen

Applicant: Darren Cooper and Michael Wernickle

Proposal: Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 1no. mews house to the rear with associated refuse storage and cycle store

OFFICER'S RECOMMENDATION

Approve subject to s106

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

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;

3. Amendment to the Traffic Management Order:

A contribution of £2,392.01 towards the amendment of the Traffic Management Order (TMO) to ensure that the new occupants are prevented from purchasing CPZ parking permits.

4. Parks and Open Space Improvement Works in lieu of amenity space:

Contribution of £4,000 Index Linked towards the improvement and enhancement of Old Courthouse Recreation Ground within the London Borough of Barnet as identified by the Parks and Open Spaces Officers or such other appropriate officer to be allocated between any or all of the following objectives in such proportions as the Council in its absolute discretion considers appropriate:

- (a) Provision of drainage to playing pitches and grounds of amenity land
- (b) Buildings and fencing improvement within Parks and Open Spaces
- (c) Project Management Consultation for improvements
- (d) Improvements to sports courts
- (e) Improvements to children's play area
- (f) Safety in parks including soft and hard landscape improvements
- (g) Disability access improvements.

5. Cycle Parking Contribution:

Contribution of £3,300 towards the provision of off-site cycle parking/storage in lieu of on site provision for the commercial unit.

6. Monitoring of Legal Agreement:

Contribution of £1,500 towards monitoring of the legal agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:

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

2019-D001-S0-P0

2019-S100-S0-P1

2019-S101-S0-P0

2019-P100-S0-P2

2019-P101-S0-P4

2019-P102-S0-P5

2019-P103-S0-P4

2019-P104-S0-P2

2019-P110-S0-P0

2019-P200-S0-P6

2019-P201-S0-P1

Daylight and Sunlight Report (Neighbouring Properties), dated 11 November 2020

Heritage Statement, dated October 2020
Noise Assessment, dated 6 November 2020
Energy & Sustainability Statement, November 2020
Vision Control Film, dated 5 December 2022
Design & Access Statement Revision P5, dated November 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 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 5 a) 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.

6 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.

- 7 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) if required, a signed Waiver of liability and indemnity agreement, (iii) 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 (iv) 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

- 8 Prior to commencement of the development, a basement impact assessment report shall be submitted to and approved in writing by the Local Planning Authority. The development thereafter shall proceed subject to the satisfactory outcome of the basement impact assessment.

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

- 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 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 D6 and D7 of the London Plan 2021.

- 11 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.

- 12 Before the building hereby permitted is first occupied the proposed first and second floor window(s) in the side elevation facing 204 High Street 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).

- 13 No demolition or development shall take place until a stage 1 written scheme of investigation (WSI) has been submitted to and approved by the local planning authority in writing. For land that is included within the WSI, no demolition or development shall take place other than in accordance with the agreed WSI, and the programme and methodology of site evaluation and the nomination of a competent person(s) or organisation to undertake the agreed works. If heritage assets of archaeological interest are identified by stage 1 then for those parts of the site which have archaeological interest a stage 2 WSI shall be submitted to and approved by the local planning authority in writing. For land that is included within the stage 2 WSI, no demolition/development shall take place other than in accordance with the agreed stage 2 WSI which shall include:

- A. The statement of significance and research objectives, the programme and methodology of site investigation and recording and the nomination of a competent person(s) or organisation to undertake the agreed works;
- B. Where appropriate, details of a programme for delivering related positive public benefits; and
- C. The programme for post-investigation assessment and subsequent analysis, publication & dissemination and deposition of resulting material. This part of the condition shall not be discharged until these elements have been fulfilled in accordance with the programme set out in the stage 2 WSI.

Reason: Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012)

- 13 Before the building hereby permitted is first occupied the proposed first floor window in the rear of elevation of 'House 1' facing Nesbitts Alley shall be fitted with Vision Control Film as shown on drawing no. 2019-P110-S0-P0 and detailed in the supporting documents and shall be permanently retained as such thereafter.

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).

- 14 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/>

Reason: In the interest of good air quality in accordance with Policy DM04 of the Barnet Local Plan Development Management Policies (2012) and Policy S11 of the London Plan 2021.

- 15 Part 1

Before development commences other than for investigative work:

- a) A desktop study (Preliminary Risk Assessment) shall be carried out which shall include the identification of previous uses, potential contaminants that might be expected, given those uses, and other relevant information. Using this information,

a diagrammatical representation (Conceptual Model) for the site of all potential contaminant sources, pathways and receptors shall be produced. The desktop study (Preliminary Risk Assessment) and Conceptual Model shall be submitted to the Local Planning Authority. If the desktop study and Conceptual Model indicate no risk of harm, development shall not commence until approved in writing by the Local Planning Authority.

b) If the desktop study and Conceptual Model indicate any risk of harm, a site investigation shall be designed for the site using information obtained from the desktop study and Conceptual Model. This shall be submitted to, and approved in writing by, the Local Planning Authority prior to that investigation being carried out on site. The investigation must be comprehensive enough to enable:

- a risk assessment to be undertaken,
- refinement of the Conceptual Model, and
- the development of a Method Statement detailing the remediation requirements.

The risk assessment and refined Conceptual Model shall be submitted, along with the site investigation report, to the Local Planning Authority.

c) If the risk assessment and refined Conceptual Model indicate any risk of harm, a Method Statement detailing the remediation requirements, using the information obtained from the site investigation, and also detailing any post remedial monitoring shall be submitted to, and approved in writing by, the Local Planning Authority prior to that remediation being carried out on site.

Part 2

d) Where remediation of contamination on the site is required completion of the remediation detailed in the method statement shall be carried out and a report that provides verification that the required works have been carried out, shall be submitted to, and approved in writing by the Local Planning Authority before the development is occupied.

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016).

- 16 Prior to the first occupation of the development or the use first commencing hereby approved, the recommendations within Section 8 of the Noise Assessment report by Hawkins Environmental (dated 6 November 2020) submitted with this application, shall be implemented in their entirety and retained as such thereafter.

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

- 17 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the commercial premises within the development as measured within habitable rooms of the hereby approved residential units shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

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

- 18 a) Before development commences, a scheme of proposed air pollution mitigation measures shall be submitted to and approved in writing by the Local Planning Authority.

- b) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy SI1 of the London Plan 2021.

- 19 No piling shall take place until a PILING METHOD STATEMENT (detailing the depth and type of piling to be undertaken and the methodology by which such piling will be carried out, including measures to prevent and minimise the potential for damage to subsurface sewerage infrastructure, and the programme for the works) has been submitted to and approved in writing by the local planning authority in consultation with Thames Water. Any piling must be undertaken in accordance with the terms of the approved piling method statement.

Reason: The proposed works will be in close proximity to underground sewerage utility infrastructure. Piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

- 20 a) Prior to the installation of any external plant in connection with the development hereby approved, a report shall be carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

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

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

RECOMMENDATION III:

- 1 That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director for Planning and Building Control:
- 2 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31st May 2023, unless otherwise agreed in writing, the

Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

1. The proposed development does not provide a legal agreement to mitigate the highways impacts of the proposed development and it is therefore considered that it would have a detrimental impact on the free flow of traffic and highway safety, contrary to Policy T6.1 of the London Plan (2021), Policy CS9 of the Adopted Core Strategy and Policy DM17 of the Adopted Development Management Policies DPD

2. The proposed development would fail to provide adequate private amenity space for the occupiers of the development contrary to Council's standards set out within the adopted Sustainable Design and Construction SPD (2016). The lack of a formal undertaking to meet the costs in lieu of this shortfall, would mean the development would fail to provide adequate mitigation, contrary to Policies DM01 and DM02 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

- 2 The 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 The applicant is advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 35dB(A) expressed as an Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate:

- 1) BS 7445(2003) Pt 1, BS7445 (1991) Pts 2 & 3 - Description and measurement of environmental noise;
- 2) BS 4142:2014 - Method for rating industrial noise affecting mixed residential and industrial areas;
- 3) BS 8223: 2014 - Guidance on sound insulation and noise reduction for buildings: code of practice;
- 4) Department of Transport: Calculation of road traffic noise (1988);
- 5) Department of Transport: Calculation of railway noise (1995);
- 6) National Planning Policy Framework (2012)/ National Planning Policy Guidance (2014).

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 5 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
- 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
- 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to

buildings;

6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

- 6 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.
- 7 If as part of the basement development there is a proposal to discharge ground water to the public network, a Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Thames Water would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing trade.effluent@thameswater.co.uk . Application forms should be completed on line via www.thameswater.co.uk. Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 8 If a concrete lorry is operated from the public highway then 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.

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

- 10 Written schemes of investigation will need to be prepared and implemented by a suitably professionally accredited archaeological practice in accordance with Historic England's Guidelines for Archaeological Projects in Greater London. This condition is exempt from deemed discharge under schedule 6 of The Town and Country Planning (Development Management Procedure) (England) Order 2015.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located on the eastern side of the High Street. It contains a flat roofed building approximately 24.2 metres wide.

Buildings in the surrounding area range predominantly from single-storey to three-storeys in height, comprising commercial uses at ground floor and some residential uses on the upper floors. Nesbitt's Alley runs along the rear site boundary and contains a mix of residential and non-residential uses.

The site lies within the Chipping Barnet Town Centre and forms part of its secondary retail frontage.

The site is within the Monkey Hadley Conservation Area. It does not contain any listed buildings, although there are statutory and locally listed buildings within close proximity of the site. The site also lies in the Archaeological Priority area of Chipping Barnet.

2. Site History

Reference: 20/5512/FUL

Address: 202 - 204 High Street, Barnet, EN5 5SZ

Decision: Refused

Decision Date: 13 May 2021

Description: Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 2no. mews houses to the rear with associated refuse storage and cycle store

Reason 1: The proposed development, by virtue of its scale, proximity to neighbouring properties, and placement of habitable windows, would result in harmful overlooking and an

unacceptable loss of privacy to the detriment of the residential amenities of neighbouring occupiers including 6a Nesbitt's Alley, contrary to Policy D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Reason 2: The development by reason of poor outlook and a lack of privacy for the proposed houses, and a significant shortfall of outdoor amenity space for all units, would result in a sub-standard form of residential accommodation, detrimental to the residential amenities of future occupants, contrary to Policies D3 and D6 of the London Plan (2021), Policy CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policies DM01 and DM02 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), the Residential Design Guidance SPD (2016), Sustainable Design and Construction SPD (2016) and The Mayors Housing Supplementary Planning Guidance (2016).

Reason 3: No off-street parking is proposed to serve the proposed development and the development fails to provide either a parking survey demonstrating sufficient on-street capacity or a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to policy DM17 of the Adopted Development Management Policies DPD (2016) and the Planning Obligations SPD (2013).

Appeal Status: Dismissed
Appeal Date: 24 May 2022

Reference: B/00698/13
Address: 202 - 204 High Street, Barnet, EN5 5SZ
Decision: Refused
Decision Date: 8 October 2013
Description: Demolition of existing car showroom and construction of two storey building including rooms in the basement and roofspace to provide restaurant on the ground floor/basement (A3) and a retail unit (A1) and 6no. self contained flats on the floors above. Provision of cycle storage area and refuse
Appeal status: Dismissed
Appeal date: 08 October 2013

3. Proposal

This application seeks planning permission for "Demolition of existing car showroom and erection of a three storey plus basement building comprising of commercial use at ground floor and basement levels, 4no. self-contained duplex flats at first and second floor levels and 1no. mews house to the rear with associated refuse storage and cycle store".

The proposal follows a previously refused scheme which was subsequently dismissed at appeal and seeks to overcome the reasons for refusal. Principally this scheme reduces the number of mew houses from 2 to 1 towards the rear half of the site. Other alterations within this scheme relate to internal layout configuration, outdoor amenity space provision, fenestration and façade detailing.

The proposed building is a three-storey building including rooms in the roofspace. It would provide a commercial unit (Use Class E) at ground floor and basement level, 4no self-

contained split-level flats at first and second floor levels, and 1no self-contained dwellinghouse to the rear at ground and first floor levels.

The proposed building largely occupies the footprint of the site save for an area towards the rear to serve as outdoor amenity space for the house. The front element of the building would be three storeys in scale set with a double pitched roof forming two side gables, whilst the rear consists of a two storey element with a pitched roof and a part single part two storey flat roofed outrigger.

The three storey element would have a ridge height of approximately 10.8 metres whilst the two storey element would be 7.8m.

The commercial unit has a total GIA of 356.7 sqm, including the basement level. The following residential units would be created:

- Flat 1 (first/second floor) 2-bedroom/4 person, 82.6 sqm;
- Flat 2 (first/second floor) 2-bedroom/4 person, 87.5 sqm;
- Flat 3 (first/second floor) 2-bedroom/4 person, 89.4 sqm;
- Flat 4 (first/second floor) 2-bedroom/4 person, 92.0 sqm;
- House 1 (ground/first floor) 2-bed/4-person, 111 sqm.

Entrance to the flats would be from the front elevation along the High Street whilst the house would have an independent access from the rear of the site along Nesbitt's Alley.

4. Public Consultation

Consultation letters were sent to 116 neighbouring properties. A site notice was posted on 8th September 2022. A press notice was published on 8th September 2022. A total of 10no representations were received including from The Barnet Society and MP Theresa Villiers, consisting of 9 letters of objection and 1 neutral comment from Hendon and District Archaeological Society. Representations are summarised below:

Objections:

- Previous reasons of refusal still applicable
- Concerns of impact on the Conservation Area and character and appearance of the locality
- Overdevelopment of the site
- Concerns over size of commercial unit
- Concerns of overshadowing and loss of light to neighbouring properties
- Concerns regarding impact on surrounding highways and parking
- Concerns of noise and disturbance from the development
- Concerns of overlooking and loss of privacy to neighbouring occupiers
- Concerns of the living standards of future occupiers
- Concerns regarding structural damage to neighbouring buildings
- Concerns regarding impact on sewerage network
- Discrepancies between elevation plans and D&A Statement.

Neutral comment:

-Site is within an Archaeological Priority Area, and on a previous (refused) application for this site (20/5512/FUL) Historic England asked for an archaeological condition to be imposed if it were granted. They may wish to repeat this request.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06, DM08, DM11, DM17.

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

Barnet's Draft 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)

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 site, street scene and the wider locality with particular reference to the Monken Hadley Conservation Area;
- Whether harm would be caused to the living conditions of neighbouring occupiers.
- Whether satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.
- Refuse and recycling
- Accessibility and sustainability

5.3 Assessment of proposals

Preamble

This application follows a previously refused scheme which was subject to the scrutiny of the Planning Inspectorate. The appeal was dismissed with a decision issued on 24 May 2022. This submission seeks to overcome the concerns raised by the Inspector. The Inspector's findings form a material consideration in the assessment of this application and will be referenced where relevant, however principally concluded the proposal would not result in material harm to the living conditions of neighbouring occupiers (dismissing refusal reason 1), poor outlook would result for house 2 and inadequate amenity space for both houses (upholding refusal reason 2) and the car free development would be acceptable subject to a legal undertaking to restrict future occupiers from obtaining parking permits (relating to refusal reason 3).

Principle of development

As per the previous application, the principle for the erection of a three-storey building providing commercial and residential uses is considered to be acceptable. The existing building has no particular architectural merit, a finding re-enforced by the Inspector. As such, there are no reasons that would warrant an objection in principle to its loss. The proposed commercial use at ground floor would ensure an active frontage is retained and that the vitality of this section of the High Street and wider Town Centre is preserved.

The proposed residential uses above and to the rear are broadly in keeping with the pattern of development in the surrounding area. Furthermore, there is no objection in principle to a use involving flats in this location, given its town centre siting with proximity to local amenities.

Whether harm would be caused to the character and appearance of the site, street scene and the wider locality with particular reference to the Monken Hadley Conservation Area

Section 72(1) of the Planning (Listed Building and Conservation Areas Act) 1990 states that special attention must be paid to the desirability of preserving or enhancing the character or appearance of a conservation area. The Act also requires special interest to be given to the desirability of preserving a listed building and any features or architectural interest it possesses.

Policy HC1 of the London Plan 2021 states that development proposals affecting heritage assets, and their settings, should conserve their significance, by being sympathetic to the assets' significance and appreciation within their surroundings. The cumulative impacts of incremental change from development on heritage assets and their settings should also be actively managed.

Policy CS5 of the Core Strategy (2012) states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

Policy DM01 of the Council's Development Management Policies (2012) states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

Policy DM06 requires all development to have regard to the local historic context. Proposals affecting heritage assets should demonstrate the significance of the heritage asset; the impact of the proposal on the setting of the heritage assets and how the benefits outweigh any harm caused to the heritage assets.

The previous application was found to have an acceptable impact on the character and appearance of the Conservation Area and locality. The current submission does not materially alter the front façade with the primary changes relating to rear half of the site as a result in the reduction of one house. This therefore reduces the level of built form on the site. Fenestration detailing and boundary treatment to the rear were modestly amended to align with comments provided by the councils Heritage officer and to produce a high quality appearance.

For completeness, the officer report to the refused scheme stated as follows in this regard:

"The proposed building is a three-storey building fronting the High Road. Although it is taller than the adjacent property at 200 High Street, the ridge height is in line with the three-storey building at No. 198. As such, it would not be noticeably out of keeping with the scale or pattern of development in this section of the High Street. Following amendments received during the course of the application, the front elevation is considered to be sympathetic to the appearance and design of surrounding buildings, including a sense of harmony between eaves heights and the scale and positioning of fenestration. The inclusion of chimney stacks to each flank are in keeping with the character of the conservation area. Additionally, the design of the frontage at ground floor is consistent with the active frontages on the High Street.

The proposed building steps down in height towards the rear. This is in keeping with the smaller scale of built form on Nesbitt's Alley and avoids an undue overbearing impact on Nesbitt's Alley.

Overall, the proposed development is considered to have an acceptable impact on the local character and streetscene. Additionally, taking into account the limited value of the existing

building, it is considered to preserve or enhance the character of the Monken Hadley conservation area. As such, the proposals would be in accordance with relevant planning policy in this respect, including Policy DM01 of the Development Management Policies DPD."

It is further highlighted that the Inspector in paragraphs 25 -26 of the appeal decision considered 'The proposed scheme would reflect the general scale and mass of existing local buildings and would consist of architectural detailing that would suit its context. As such, the proposal would preserve the character and appearance of the conservation area. Furthermore, in respect of No 151-153 High Street, a grade II listed building, the Inspector stated the proposal 'would make a positive contribution to the character of the street and therefore would preserve the setting of the listed building'.

In summary, the proposed development is considered to have an acceptable impact on the character and appearance of the locality and heritage assets.

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

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

As previously, the proposed development is not considered to result in an unacceptable impact to the residential amenities of the occupiers to the south on the High Street, such as Nos. 200 and 198. It should be noted that as a result of the removal of one house at the rear, there would be particularly less bulk, mass and scale in respect of this neighbouring relationship. In addition, the submitted daylight assessment demonstrates the development would accord with BRE guidance in respect of these neighbours and therefore not result in acceptable overshadowing or loss of light.

To the rear of the site beyond the dividing Nesbitts Alley lies a restaurant and hotel as well as nos. 6 & 6a Nesbitts Alley which form an L shaped building with a central courtyard. Nos. 6 & 6a respectively are orientated parallel and perpendicular in relation to the subject site. The proposed rear curtilage of the site is approximately 13 metres from the front elevation of the neighbouring properties at 6/6a Nesbitt's Alley and approximately 17m from facing windows.

It is noted that within the refused scheme, weight was attached to the potential use of 6/6a as residential dwellings given Prior Approval applications, references 18/6398/PNO and 18/6397/PNL, consented its conversion from offices to residential use. Since this time a further consent, reference 20/3130/FUL approved alterations to no.6 to provide three floors including lower ground floor as offices (B1 use). Officers recent site visit confirms this latter permission has been implemented and its use operating as offices. Taking into consideration its use as offices, no harm would arise by way of overlooking or a loss of privacy as a result of the proposed development.

In respect of no.6a which lies perpendicular to the site, the Inspector considered that only limited and oblique views would be provided into the windows of this neighbour. Officers consider the current scheme would be materially the same in this respect and would therefore not result in harm to this neighbour.

In any event, the proposed rear boundary wall and planter would largely screen views to both nos 6 & 6a from House 1 at ground floor level and the only facing window at first floor level would be fitted with View Control Film (VCF) which would obscure views to these neighbouring windows. It is noted that the approach to use VCF was considered acceptable by the Inspector. A condition can be imposed to ensure the VCF is implemented and retained as such thereafter prior to occupation of the dwelling.

In terms of noise and disturbance, the proposal is sited within a busy thoroughfare and the Chipping Barnet Town Centre and therefore such activity would acceptably assimilate into the vicinity.

In conclusion, the proposed development is not considered to result in an adverse impact to neighbouring occupiers.

Whether the proposal provides a satisfactory living environment for future occupiers

The development would create a total of 5no self-contained dwellings. The gross internal area of the units would be as follows:

- Flat 1 (first/second floor) 2-bedroom/4 person, 82.6 sqm;
- Flat 2 (first/second floor) 2-bedroom/4 person, 87.5 sqm;
- Flat 3 (first/second floor) 2-bedroom/4 person, 89.4 sqm;
- Flat 4 (first/second floor) 2-bedroom/4 person, 92.0 sqm;
- House 1 (ground/first floor) 2-bed/4-person, 111 sqm.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough.

The London Plan (2021) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential Units, in this instance a 2-bedroom/4 person across two floors would require a minimum GIA of 79sqm.

As per above, all units would exceed this requirement.

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

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

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. The proposed cross section drawing demonstrates this requirement would be met.

Light/Outlook/Privacy

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

The proposed flats at first and second floor level are dual-aspect and are considered to provide adequate levels of light, outlook and privacy.

In respect of the previously refused scheme, the Inspector considered that house 2 would suffer a substantial sense of enclosure and lack of outlook given the tall elevation end of no.6a Nesbitts Alley. To this end, the current scheme has resolved this concern with the removal of house 2 from the proposal and with House 1 largely facing onto the central courtyard.

House 1 would be dual/triple aspect and owing to its multiple glazed windows is considered to provide sufficient outlook for future occupiers. Given no.6 consists of office use and no.6a would be perpendicular to this dwelling in combination with the VCF facing window, it is considered that an adequate level of privacy would be afforded to occupiers of this dwelling.

Amenity

The Council's Sustainable Design and Construction SPD (2016) (SPD) seeks flats to have access to 5sqm of outdoor amenity space per habitable room and for houses with 4 habitable rooms, to have access to 40 sqm. The guidance also states that where the standards, for high density flatted development are not met, the Council will seek a Planning Obligation to offset such a shortfall. Also, Policy D6 of the London Plan seeks flats to have access to 5 sqms of private outdoor space for 1-2 person dwellings and one sqm extra for each additional occupant unless there are higher standards within a Council's Development Plan.

In accordance with the SPD, each flat would require 20sqm of outdoor amenity space. The four flats would not benefit from any outdoor amenity space given the constraints of the site, however, the Inspector considered that due to comparatively generous size of these units, high street location providing easy access to local amenities would offset the deficiency of outdoor space. In addition and in accordance with the Planning Obligations SPD (2013), the applicant is willing to enter into a legal agreement to secure a contribution of £4000 towards improvement of local parks in lieu of the shortfall of amenity space for the flats. Taking the above into consideration, this aspect is considered acceptable.

In respect of the house, 46sqm of outdoor amenity space would be provided to the rear of the dwelling. It is also noted that the GIA of this dwelling at 111sqm would greatly exceed the minimum required GIA of 79sqm. Officers are therefore satisfied that a sufficient level of outdoor amenity space would be provided for these future occupiers.

Overall, the proposed development, would provide an acceptable standard of accommodation for future occupiers.

Whether harm would be caused to highway safety

The site is in a PTAL score of 0 (worst) but areas adjacent to the site to the west on High Street have a PTAL of 3 (average). In total, 7 bus routes can be reached within 3 minutes walking distance of the site. There are parking restrictions in the form of double yellow lines and parking bays on the High Street. The site is in a CPZ which operates from Mon-Sat, between 8am and 6.30pm.

The proposal will result in the provision of 356.7sqm of A1 commercial use at basement and ground floor level and 4 self-contained flats plus 1 mews house providing a total of 5x2bed units. The residential element will generate a maximum parking demand of 5-7.5 spaces and the commercial element at a ratio of 1 space per 50 sqm has been applied which

equates to 7 spaces. However, given that the site is in a CPZ and in a town centre location, Highways would accept no parking provision at the site provided the applicant is willing to enter into a section 106 agreement with the Council to deny residents of the development the right to purchase CPZ permits.

This approach was also considered acceptable by the Inspector. The applicant has confirmed they are willing to enter into such an agreement. As such, the proposed car free development is considered acceptable subject to completion of this legal agreement.

Highways have stated that the proposed development is unlikely to generate a significant number of vehicle trips and so the network impact of the scheme is expected to be low.

Highways have recommended that although the commercial floorspace does not exceed 1000sqm, a travel plan is requested to encourage the use of sustainable transport use alongside a travel plan monitoring contribution of 5K is recommended. Officers do not consider that such an obligation would meet the tests of necessity or reasonableness given it does not meet the policy threshold. In addition, parking permit restrictions will ensure sustainable modes of transport are utilised.

Cycle parking:

Based on London Plan cycle parking standards a minimum of 10 long stay and 2 short stay cycle parking spaces are required for the residential uses and 4 long stay and 7 short stay spaces for the commercial element. 10 cycle parking spaces are proposed for the residential use within a dedicated internal area of the building.

No cycle parking is shown for the commercial premises, however this can be adequately accommodated within the commercial floorspace. The applicant has stated the precise location and details of the cycle cannot be provided as this will be dependant on future tenants of the premises. Highways have stated that if cycle parking space cannot be provided within the commercial element of the development a s106 contribution of £3,300 towards cycle infrastructure in the town centre may be acceptable.

Officers are content with either of the two approaches and thus a legal obligation and applicable conditions can be secured to ensure one of the two options are realised.

Refuse storage:

The proposed development includes the provision of refuse stores for the proposed commercial and residential uses within the building envelope. A condition requiring the applicant to sign a waiver for refuse vehicles may be required if collections will take place from Nesbitt Alley. Further details including servicing arrangements and suitable collection points can be secured through a condition

Accessibility and Sustainability

In terms of water consumption, a condition would be attached to any permission to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy SI 5 of the London Plan (2021).

A condition would also be attached requiring that the development achieved a reduction in carbon emissions in accordance with Policy SI2.

The proposed development therefore could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan if approved.

Other matters

The site also lies in the Archaeological Priority area of Chipping Barnet. The Greater London Archaeological Advisory Service (GLAAS) have been consulted on this application, as per the previous application, in order to safeguard any potential archaeological remains they have recommended a pre-commencement condition to govern an evaluation of the site and if necessary a full investigation. This condition will be imposed to any approval.

Environmental Health have recommended conditions relating to noise insulation, air pollution mitigation and contaminated land. The recommended conditions will be applied to any approval.

Thames Water have requested a 'Piling Method Statement' condition to be applied in the event of an approval to prevent and minimise the potential for damage to subsurface sewerage infrastructure. The recommended condition will be applied.

5.4 Response to Public Consultation

Mainly addressed in the report.

- Concerns over size of commercial unit
The proposed unit consists of one commercial floorspace albeit with two separate entrances. In any event, each unit would remain suitably sized.
- Concerns regarding structural damage to neighbouring buildings
This is not a material planning consideration.
- Concerns regarding impact on sewerage network
Thames Water have not objected to the proposal subject to conditions.
- Discrepancies between elevation plans and D&A Statement
CGI images within the D&A Statement are for illustrative purposes only. For added clarity a caveat statement to this effect has been included within the revised D&A Statement.

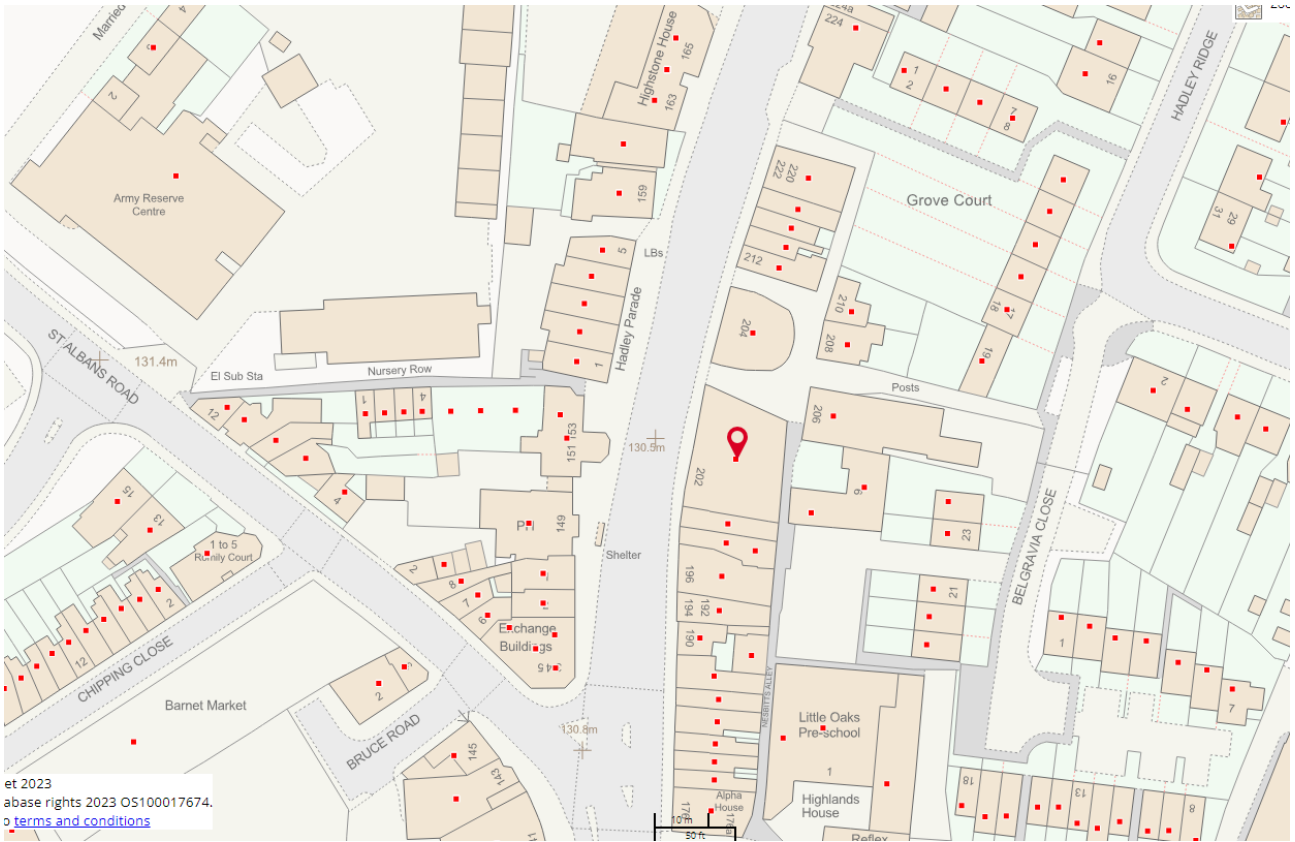
6. Equality and Diversity Issues

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 of the site, street scene, locality and heritage assets. The proposal would not adversely impact neighbouring

occupiers or the highway network. This application is therefore recommended for approval subject to conditions and the completion of a legal agreement.



Location 20 Shirehall Close London NW4 2QP

Reference: 22/4795/FUL

Received: 28th September 2022

Accepted: 30th September 2022

Ward: Hendon

Expiry: 25th November 2022

AGENDA ITEM 13

Case Officer: Keshni Patel-Rayani

Applicant: Mr & Mrs Conway

Proposal:

Conversion of existing 2no. self-contained flats into 1no. single family dwellinghouse including; Single storey rear extension; Alterations and extensions to roof including 2no. rear dormer windows, 1no. dormer windows to both sides and 3no. rooflights to front roofslope; Conversion of garage into habitable room; Alterations to front elevation including 2no. two storey square bay windows, and new front entrance and porch (Amended Description)

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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 proposed ground floor rear extension, by reason of its scale, design and excessive rearward projection, is considered to result in a disproportionate and incongruous form of development that would fail to respect the established pattern of development, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012); Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016)
- 2 The proposed ground floor rear extension, by reason of its scale, design, siting and excessive rearward projection, would result in an overbearing form of development, leading to an undue loss of outlook and increased sense of enclosure to the detriment of the residential amenities of the neighbouring occupiers, contrary to Policy D3 of the London Plan (2021), Policies DM01 of the LB Barnet: Local Plan

(Development Management Policies) DPD (2012), Policies CS NPPF, CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), the LB Barnet: Residential Design Guidance SPD (2016) and the LB Barnet: Sustainable Design and Construction SPD (2016).

- 3 The proposed additional two storey front bay, steepened roof pitch and corresponding roof extension incorporating enlarged crown, by reason of its scale, massing and design, would result in a disproportionate and incongruous form of development, appearing unduly bulky, prominent and failing to respect the established pattern of development, to the detriment of the character and appearance of the host property and surrounding area, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012); Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) and the LB Barnet: Residential Design Guidance SPD (2016)

Informative(s):

- 1 The plans accompanying this application are:

Drawing Number 20SC/P01 Existing Plans and Elevations dated Sept 2022
Drawing Number 20SC/P02 Proposed Plans and Elevations dated Jan 2023 Rev A

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

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

OFFICER'S ASSESSMENT

This application has been brought before the Committee as the property is owned by Cllr Conway

1. Site Description

The application site is located at 20 Shirehall Close, consists of a two-storey semi-detached dwelling formed of 2 self-contained flats located in the electoral ward of Hendon.

The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Relevant Planning History

Reference: W03415

Address: 20 Shirehall Close, London, NW4 2QP

Decision: Approved subject to conditions

Decision Date: 14.06.1972

Description: two-storey side extension and conversion of house into two self-contained flats

Reference: 18/3738/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 23.08.2018

Description: Roof extension involving side and rear dormer window and 2no front rooflights

Reference: 18/4531/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Refused

Decision Date: 28.09.2018

Description: Conversion of garage into habitable room, insertion of new window and door to replace existing door

Reference: 18/6946/FUL

Address: 20A Shirehall Close, London, NW4 2QP

Decision: Approved subject to conditions

Decision Date: 11.01.2019

Description: Roof extension involving side and rear dormer window and 2no front rooflights

3. Proposal

During the lifetime of the application amendments were sought, in which now the application seeks permission for conversion of existing 2no. self-contained flats into 1no. single family dwellinghouse including Single storey rear extension; Alterations and extensions to roof including 2no. rear dormer windows, 1no. dormer windows to both sides

and 3no. rooflights to front roofslope; Conversion of garage into habitable room; Alterations to front elevation including 2no. two storey square bay windows, and new front entrance and porch.

The proposed single storey rear extension would have a width of 12.5m. The rear building line is staggered and has a total depth of 6m from the boundary between 20 and 22 Shirehall Close and a depth of 2.5m between 20 and 18 Shirehall Close. The proposed single storey rear extension would support a hipped roof with a ridge height of 3.8 and an eaves height 2.6m from the ground level at the application site.

The rear elevation includes changes where the existing chimney is removed, the application also involves alteration to the roof of the two-storey rear bay window, to a gabled end.

The application also involves 2no rear dormers which both measure 1.7m in width, 1.5m in depth and 1.5m in height. The applicant has been amended to propose 1no dormers to each side of the property which both measure 1.5m in width, 1.4m in depth and 1.5m in height. Alterations to the roof also include the addition of three rooflights to the front elevation, increase in the pitch of the roof and creation of a broader crown measuring width (roof ridge) of 6.1m, a depth of the roof ridge as 3.5m.

The proposal includes alterations to the front elevation which incorporates two storey square bay windows supported by a gabled roof feature. The two storey bay windows have a depth of 0.7m, a width of 3.3m and a total height to the ridge of 8.1m and eaves height of 5.5m.

The proposal also includes the conversion of the existing garage into a habitable room.

4. Public Consultation

Consultation letters were sent to 50 neighbouring properties. 2no responses have been received to support the proposal

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to

communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

Barnet's Local Plan (2021)

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

The Regulation 22 Local Plan sets out the Council's draft planning policy framework together with draft development proposals for 65 sites. The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is adopted and as such applications should continue to be determined in accordance with the 2012 Local Plan, while noting that account needs to be taken of the policies and site proposals in the draft Local Plan and the stage that it has reached.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- i. Principle of the conversion of the 2 units back into single family dwelling
- ii. The impact on the appearance and character of the area
- iii. The impact on the amenities of neighbouring occupiers

5.3 Assessment of proposals

Principle of the proposed conversion and additional dwelling

The property is currently configured as 2 self-contained flats. The ground floor flat supports a 2-bed 4-person unit across 1-level, whilst 4 bedrooms have been shown two bedrooms would not comply with the nationally described space standard and therefore the first floor supports 2-bed 3-person unit across 2-level. The proposal seeks to convert back to a single family involving a 7-bed 12-person dwelling.

The application would provide a single-family dwelling, which would make a welcome contribution to the housing stock in the area. Although the proposal would result in the loss of flats, increasing the supply of family housing is a priority in Barnet according to policy and the proposal would not result in the loss of a family-sized unit and instead represent a

net gain of priority dwelling types and be consistent with the characteristic use of properties in Shirehall Close. Taking the above into account, the principle of the proposed works is acceptable subject to the other planning considerations set out in this report.

Impact on the character and appearance of the existing site, street scene and 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), D4 and D5 of the London Plan 2021.

To revert back into family dwelling would require internal alterations, which would not be visible from the public realm and are not considered to unduly impact on the appearance of the dwelling. However, the following proposed alterations have been assessed accordingly.

Single storey rear extension:

The Council's adopted SPD 'Residential Design Guidance' states that the depth of a single storey rear extension, normally considered acceptable for terraced properties is 3 metres, for semi-detached properties it is 3.5 metres, and detached property is 4 metres. Single storey rear extensions to the original house, need to ensure that:

- the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties
- they do not look too bulky and prominent compared to the size of the main building and garden to which they relate
- if the garden space is in breach of amenity standards, then application will normally be refused
- in addition, if the adjoining house is at a lower level or has a rear building line set back from your rear building line, the depth of the proposed extension may need to be reduced in order to protect amenity of your neighbour.

Officers note that the proposal would not be viewable from the front of the host dwelling, thus it is considered that the rear extension would not impact adversely on the existing street scene of Shirehall Close.

However, LB Barnet's Residential Design Guidance outlines that a depth of 4 metres is normally considered acceptable for a single storey rear extension to a detached house.

The proposed single storey rear extension expands the full width of the original dwelling and consists of a staggered rear building line in which the rear extension closest to no 22 would project a depth of 6m with a width of 5.5m, the remaining width of the proposed rear extension will have a depth of 2.5m.

As the property is configured as flats, the PD fallback position is not a material consideration that officers are able to consider in their assessment of this application and therefore mitigate the detrimental impact to the character the host property and the

surrounding area by virtue of being disproportionate and incongruous with regard to scale and relationship with the established rear building line.

Conversion of garage into habitable room and alterations to front elevation:

Shirehall is characterised by large single-family dwelling properties, predominantly with front doors and garages to the front facades. Officers note that there are some examples of garage conversions along the street, the fenestration introduced in these other examples is predominantly a single window to match those of the existing property.

Within this application the proposed garage would be converted into four separate rooms with the external façade of the existing garage proposed to change into a two-storey square bay window. The proposed development involves the existing bay window to be re shaped to a square bay supported by a gable end roof. This bay feature is mirrored to where the existing garage is located. During the life of the application amendments were requested to set the proposed bay back and lower than the existing, however this was not demonstrated in the revised plans. It is therefore considered that the additional bay feature would create an insubordinate addition to the dwelling.

Given that there are limited examples of anything similar within the locality, officers consider the proposed introduction of a competing two-storey square bay would have a detrimental impact on the established character of the existing property, street scene and wider locality contrary to Policy DM01 of the Development Management Policies DPD.

Alterations to the front elevation include the addition of a new front entrance and porch which has a depth of 0.8m and width of 3.2m. The proposed front porch will have an area of 2.56square meters. The proportions and scale of the porch would relate well to the main building(s) and add a level of articulation to the façade which when combined with its central positioning would have an acceptable impact on the subject building.

The proposed development also includes the addition of window to the front elevation on the first floor, during the life of the application this was revised into smaller and similar style as the original windows.

Alterations and extensions to roof:

The street scene is comprised of a number of variations in the massing and architectural detailing of the properties, the roofs are typically hipped, and the pitch extends from that of their individual front gables - as is currently the case at No 20. This remains a distinct characteristic of Shirehall Close, the proposed alterations of the roof include creation of a crown roof measuring width (roof ridge) of 6.1m, a depth of the roof ridge as 3.5m to support the additions of three rooflights to the front and a total of 4no dormer windows; two would be sited on the rear roofslope and one would be sited to either side roofslope all similar in size, scale and design. Alterations to the roof of the rear bay window to hip to gable.

During the course of the application amendments were requested for the roof extensions to be scaled down and for the rear gable projection to remain hipped. The revised plans now show the rear bay window supported with a hipped roof, which is considered to be in keeping and character of the existing roof style.

The initial plans showed 2no dormers to each side elevation however amendments incorporated during the course of the application saw the removal of 1no roof dormer to

each side of the roofslope to reduce the overall mass and bulk of these additions. It is acknowledged that the dormers would not exceed half the height and width of the roofslope, it is considered that the amended dormers would be centrally and visually contained within the respective roof slopes and would thus read as subordinate additions.

These additions are therefore considered to ensure enlargements feature as subordinate additions and respect the scale, mass, and design of the subject property. In conclusion, the proposed roof dormers are not considered to harm the character and appearance of the host property, neighbouring properties, and street scene.

The Council recognises that the addition of rooflights to the front roofslope is a common characteristic along Shirehall Close, it is therefore considered that this addition would not deter from the characteristic of the street scene.

Notwithstanding the above, the increased bulk brought about by the steeper pitch and the enlarged crown roof would be considered to create an overly dominant roof form - resulting in a significantly larger mass and prominent slope and massing at-odds with the generally established roof form.

Overall, officers are of the opinion that due to the scale, design and prominence of the additional bay feature to the front elevation, the scale of the rear extension and the additional bulk and enlargement of the crown roof, the proposal would affect the established character and appearance of the existing dwelling and be contrary to Policy DM01 of Barnet's Development Management Policies DPD.

Residential Amenity

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

Para.14.40 of Barnet's Residential Design Guide (2016) states that extensions to properties should not be overbearing or unduly obtrusive and care should be taken to ensure they do not result in harmful: loss of privacy by overlooking adjoining properties; loss of light or overshadowing of adjoining properties, particularly loss of light to main windows serving principal rooms such as living or dining rooms; loss of outlook from adjoining properties; sense of enclosure or overbearing impact on adjoining properties; loss of garden, landscaping or open space, which contributes to local amenity; loss of parking space that is desirable to retain.

Neighbouring No. 18 Shirehall Close sits to the southeast of the applicant site.

The proposed single storey rear extension will have a depth of 2.5m along the boundary between no 18 and the application site. This is within the advised 4.00 metres under the residential design guidance, which is seen to have an acceptable impact on neighbouring amenity. It is therefore considered that the single storey rear extension would not have a significantly adverse impact to the neighbouring property at no 18.

The proposed side dormer and first floor bedroom which would be facing no18 Shirehall which may cause invasion of privacy. It is therefore essential that any side windows above the ground floor be glazed and non-opening unless the opening is 1.70 metres above the

corresponding room floor to avoid intrusion on neighbour's privacy. Should this application be approved, a condition would be added to mitigate overlooking in neighbouring property.

Neighbouring No. 22 Shirehall Close sits to the northwest of the applicant site.

Barnet's Residential Design Guidance SPD states that for detached house a 4m deep rear extension is generally considered to be acceptable. However, the proposed single storey rear extension would project 6m in depth along the boundary between no 20 and 22 which is far greater than the guidance.

The neighbour at No.22 benefits from a rear extension, however it is set away from the boundary. The neighbouring property consists of a rear bay window which sited closest to the boundary of the application site. It is considered that the proposed development would cause undesirable impact on the amenity at No.22 causing loss of outlook and a sense of enclosure. The proposed single storey rear extension causes a sense of enclosure and appears overbearing to this neighbour due to its extensive depth.

2no first floor windows are proposed to face No.22 and 1no dormer window, these windows are considered to result in a loss of privacy and overlooking into the property.

1no of first floor widows will serve a bathroom and the other will serve a bedroom. While it is assumed that the bathroom window will be obscure glazed, there is no indication that the bedroom window will be. This window is considered to have potential to allow overlooking to No.22 Shirehall which in turn will impact their privacy. Should this application be approved, a condition would be added to mitigate overlooking in neighbouring property.

On the balance of matters, officers believe that the proposed rear extension would give rise to an adverse amenity impact of a degree that would warrant refusal.

5.4 Response to Public Consultation

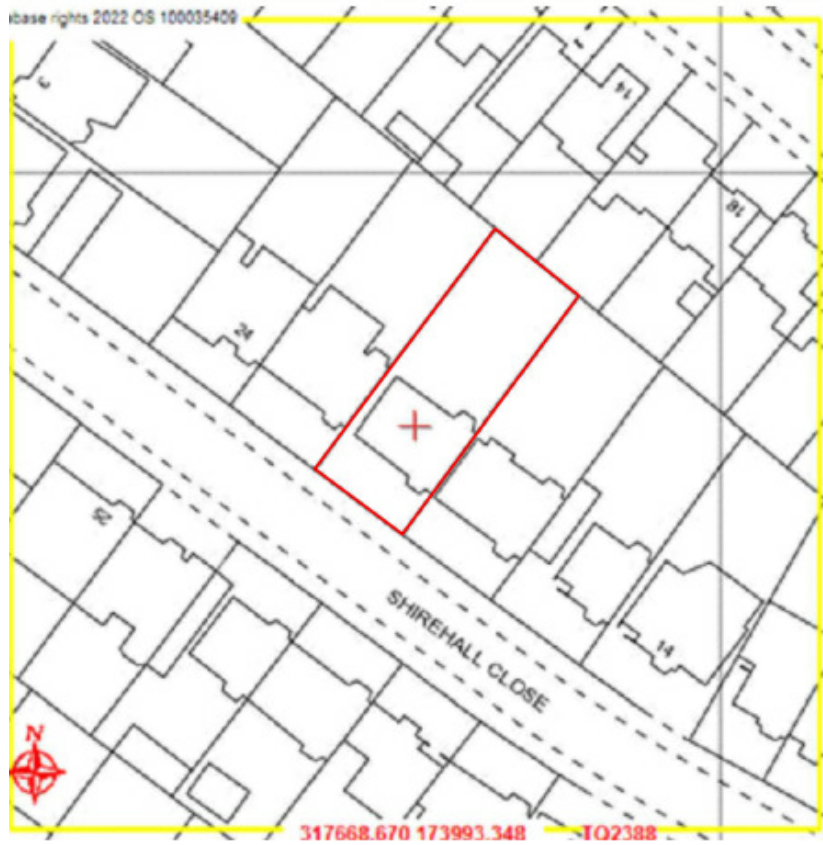
No objections received

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 have an unacceptable impact on the character and appearance of the application site and the locality. This application is therefore recommended for REFUSAL.



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Location 2 Holmdale Gardens London NW4 2LX

Reference: 22/6017/HSE

Received: 19th December 2022

Accepted: 19th December 2022

Ward: Hendon

Expiry: 13th February 2023

AGENDA ITEM 14

Case Officer: Lizzy Ruta

Applicant: Mrs Sharon Schurder

Proposal: Roof extension involving rear dormer, 5no front facing rooflights.
Alterations to fenestration

OFFICER'S RECOMMENDATION

Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the 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 proposed dormer roof extension, by reason of its width, scale, bulk and design, would fail to appear as a subordinate, proportionate or sympathetic addition, to the detriment of the character and appearance of the host property and the surrounding area. contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of the LB Barnet: Local Plan (Core Strategy) DPD (2012), Policy DM01 of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), and the Residential Design Guidance SPD (2016).

Informative(s):

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

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

2 The plans accompanying this application are:

EX-E001 - Existing Front & Rear Elevations
EX-E002 - Existing Side Elevations
EX-P001 - Existing Ground Floor
EX-P002 - Existing First Floor
EX-P004 - Existing Roof Plan
EX-S001 - Existing Section AA & BB
EX-3D - Existing 3D
PR-E001 - Proposed Front & Rear Elevations
PR-E002 - Proposed Side Elevations
PR-P001 - Proposed Ground Floor
PR-P002 - Proposed First Floor
PR-P003 - Proposed Loft Plan
PR-P004 - Proposed Roof Plan
PR-S001 - Proposed Section AA & BB
PR-3D - Proposed 3D
PR-3E - Proposed Volume

OFFICER'S ASSESSMENT

1. Site Description

The application site contains a semi-detached single family dwellinghouse situated at 2 Holmdale Gardens, London, NW4 2LX, in the ward of Hendon.

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 TPO's on site or nearby.

The surrounding area is predominantly residential, comprising mainly dwellinghouses and blocks of flats.

2. Relevant Site History

Reference: 22/4303/HSE

Address: 2 Holmdale Gardens, London, NW4 2LX

Decision: Approved subject to conditions

Decision Date: 27 October 2022

Description: Single storey side extension. Roof extension involving rear dormer, 5no front facing rooflights. Alterations to fenestration

Reference: 22/4304/192

Address: 2 Holmdale Gardens, London, NW4 2LX

Decision: Lawful

Decision Date: 19 September 2022

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

3. Proposal

This application seeks planning permission for a roof extension involving rear dormer, 5no front facing rooflights. Alterations to fenestration.

This application seeks to extend the dormer as approved within application ref. 22/4303/HSE - which previously measured 3.67m in width, 2.81m in depth, 2.60m in height, and 13.4m³ in volume.

The revised dormer would be consistent in depth and height, and would measure 8.27m in width.

4. Public Consultation

Consultation letters were sent to 9 neighbouring properties.
No responses have been received.

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 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 (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

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

The Residential Design Guidance 2016 stipulates that dormer extensions should be subordinate additions to the roof slope and should not occupy more than half the width or half the depth of the roof slope. The dormer would measure 8.27m in width, spanning almost the entire width of the existing roof width. At this scaling, the development is not considered to be appropriately subordinate to the main dwellinghouse. The proposed dormer therefore fails to meet the requirements of the Residential Design Guidance.

It is noted that a dormer of similar scale was originally proposed in application ref. 22/4303/HSE. Officers sought amendments to reduce the dormer in width to reduce the visual bulk of the extension so as to not be a disproportionate addition to the property and the proposal could not otherwise be realised in exercise of permitted development rights. This application, following amendment agreements, was approved subject to conditions in 2022. It is considered that neither the site nor the surrounding area conditions have sufficiently changed to justify a larger width dormer that was originally proposed.

A review of aerial imagery indicates that rear dormer extensions are evident elsewhere amongst dwellinghouses along Holmdale Gardens and in the surrounding area. Despite there being a number of dormers in the area of similar or even larger scale, there is not a consistent scale or roof pattern to which the proposed would positively contribute and in general these unsympathetic and overly dominant roof extensions have been achieved only in exercise of permitted development rights.

The hip to gable extension was also previously approved under 22/4303/HSE. Nevertheless, when considered in conjunction with the proposed dormer extension, it is considered to have an overbearing cumulative impact on the existing dwellinghouse.

The council therefore maintains its decision that the proposed roof extension would be a disproportionate addition to the property to the detriment of the character of the dwellinghouse and fails to comply with the Residential Design Guidance.

Impact of the proposal on the amenities of neighbours

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

This proposal is not found to have an unduly harmful impact in terms of residential amenity. The rear dormer would have no harmful impact on the neighbour's outlook, natural light, or privacy relative to the approved scheme. The property is set a sufficient distance from any property to the rear to ensure that there would be no direct overlooking to windows. In addition, the proposed rooflights to the front roof slope would not detrimentally impact any neighbouring amenity. As such, the proposal does not negatively impact on the rights of the neighbouring residents.

5.4 Response to Public Consultation

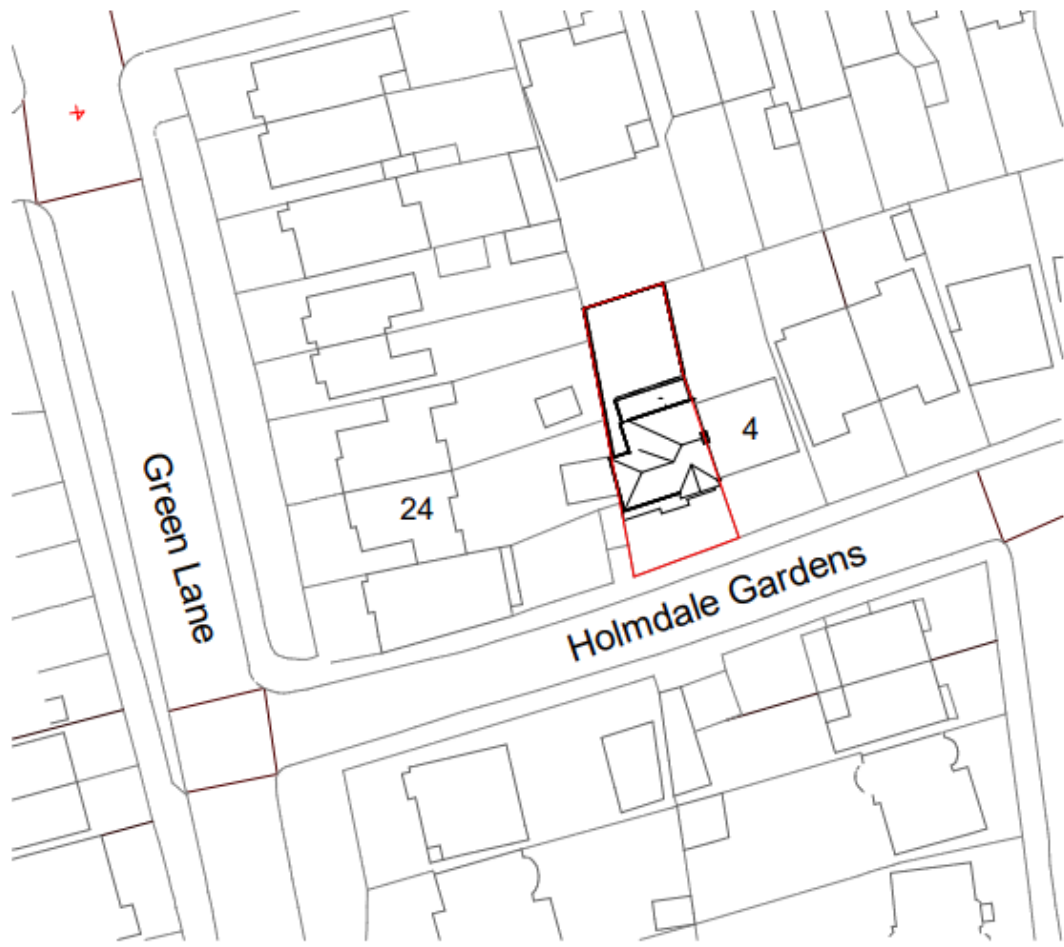
N/A

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site and surrounding area. This application is therefore recommended for REFUSAL.



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