

Meeting

Planning Committee B

Date and time

Tuesday 21st February, 2023

At 7.00 pm

Venue

Hendon Town Hall, The Burroughs, London NW4 4BQ

To: Members of Planning Committee B (quorum 3)

Chair: Councillor Claire Farrier

Vice Chair: Councillor Arjun Mitra

Councillors

Nick Mearing-Smith

Tony Vourou

Gill Sargeant

Joshua Conway

Substitute Members

Richard Barnes

Michael Mire

Nagus Narenthira

Danny Rich

Tim Roberts

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

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Andrew Charlwood – Head of Governance

Assurance Group

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Order of Business

Item No	Title of Report	Pages
1.	Minutes of the last meeting	To follow
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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.	84 West Heath Road, NW3 7UJ- 22/0228/FUL - Childs Hill	5 - 40
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LOCATION: 84 West Heath Road
London
NW3 7UJ

AGENDA ITEM 6

REFERENCE: 22/0228/FUL Validated: 02.02.2022

WARD: Childs Hill Expiry: 04.05.2022

APPLICANT: SM Planning

PROPOSAL:

Demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space

PREFACE

The application was withdrawn from the agenda for Planning Committee B on 23rd January 2023 partly as a result of further representations received prior to the committee which raised substantive issues.

The report has been amended to address the matters raised in the additional correspondence received which are outlined in this preface for expedience.

Firstly, it was raised in correspondence received that the current lawful use of the site had not been adequately assessed within the officer report (OR), and that there was a consequent failure to consider DM13. The lawful use of the site is a C2 Use Class and this was not affected by an unlawful change of use to a day school (Use Class D1) for which formal enforcement action was taken. Given that the lawful use of the site is a C2 Use Class, there is no loss of a D use class and Policy DM13 is not relevant. This is addressed fully in paragraphs 5.4 to 5.6 of this report.

Secondly, it was outlined in the correspondence received that the OR fails to consider whether the proposal meets the definition of a care home for the purposes of Policy H13 of the London Plan. In response, the applicant has provided clarification on their operational model and note:

- All residents must sign up to a minimum care package with 4 tiers plus bespoke 'one to one' care – these depend on the individual needs of each resident.

- All care and nursing is provided by KYN's own staff. There is no opportunity to nominate another provider.
- Residents sign up to 'Terms and Conditions' and a 'Resident Contract'. These are not occupancy agreements, for example, tenancy agreements, licensing agreements, licences to occupy premises, or leasehold agreements or a freehold
- Fees are paid weekly in monthly instalments in advance of care. This Contract does not confer exclusive possession upon the Resident/Nominate Representative, nor does it create a relationship of landlord and tenant between parties. The Agreement will terminate immediately on the Resident's death. The room must be cleared within 5 days after the date of death. No residents' rooms have any self-catering facilities ie. No kitchen or laundry available within the room. This is included within the basic package.
- All KYN homes will register with CQC as nursing homes. This enables KYN to provide 'residential care', 'nursing care' and 'dementia care' in the same building. Often this is stipulated and backed by the planning Use Class designation of C2 care home for the frail elderly and is often regulated with a minimum age. KYN are unable to accommodate any resident without CQC registration.

Officers are satisfied that this provides certainty that the use falls within the definition of a care home as defined by the London Plan. Officers also consider it prudent that these details are secured by way of condition requiring a revised Operators Statement to be submitted for approval inclusive of the measures outlined above. The condition would require the property to operate in accordance with the approved details. This is included as Condition 26.

Thirdly, the letter purported that the assessment of the proposal on the character of the area within the OR was lacking. Additional assessment of the impact on the character and appearance of the area is set out in paragraphs 6.1 to 6.13 of this report.

Lastly, it was outlined that the approach taken to ecology and the likelihood of European protected species (bats) being present at the site is entirely flawed, and the requisite surveys have not been carried out. Additional surveys were undertaken on 26th September 2022 as had been requested by the Council's ecologist in the initial response to the consultation. It was also outlined in the applicant's initial ecology assessment that the 'optimum' time for surveys to be undertaken during the peak season.

Further guidance was therefore sought from the Council's Ecology officer who responded as follows:

- The Updated Preliminary Roost Appraisal (PRA) and Dusk Activity Survey Report (Syntegra, October 2022) stated that the PRA conducted on September 26th, 2022, confirmed the presence of the previously confirmed potential bat roost features on the main building which reaffirmed the classification of the building as a having low suitability. Subsequently a survey reports a single emergence survey was carried between 18:36 and ending at 20:21, under suitable conditions with light winds (4 mph), 30% cloud cover and 12oC, the end survey conditions were also suitable with 80% cloud cover, light winds (4mph) and 11oC. The conditions and time of the survey are in line BCT guidelines (Collins 2016) considering to sufficiently confirm the likely absence of bats due to the unseasonable warm summer and autumn that was experienced in 2022.

-
- Prior to the survey the consultant ecologists undertook an external survey of the building identified features of interest such as likely exit and entrance points; examples include: holes in walls, gaps in windows and doors, cracks in stonework/brickwork, hanging roof tiles, and loose eaves. The grounds around the building were searched for evidence of bats such as droppings or feeding remains. The fact that no evidence occupancy was discovered strongly supports the conclusion that the building does not support roosting bats. This classification is further justified by limitation outlined in section 2.6 of the survey report.

“Surveyors within the front and western side of the site, had timed lights that resulted in high light spill on and around the building. Lighting was not seen as a constraint for the surveyors, rather a likely deterrent for roosting bats.”

- The fact that high light spill was also present on the building indeed provides a deterrent for roosting bats as light spill onto a potential roost feature such as the slight lifts on the hanging tiles on the western aspect would be discourage bats from access or egressing any such roost.
- The consultant ecologist (Syntegra Consulting) has acknowledged within the submitted report that the bat emergence survey was undertaken outside of the optimal bat survey season (May to August inclusive) for a building with low suitability (see below):

“2.2. The updated dusk echolocation survey was undertaken during in September 2022 and is within the sub-optimal survey period stated in published guidance from the Bat Conservation Trust (Collins, 2016). The echolocation survey was undertaken when temperatures were 10oC or above, no strong winds and or no rain, which are the recommended survey parameters stated within guidance from the Bat

Conservation Trust (Collins, 2016). As such there are no limitations associated with the timing and weather conditions of the surveys.”

- However, it should also be noted that the Bat Survey for Professional Ecological Good Practice Guidelines (Collins, 2016) state regarding the timing of bat echolocation survey “An ecologist should use their professional judgment to design the most appropriate survey regime” and that “Surveys should always be proportionate to the circumstances, which can only be assessed using professional judgment”. Furthermore, the guidance regarding survey effort and timing is exactly guidance and it is down the professional judgement of the appointed ecologist as to the design and implementation of appropriate survey. Were the objections on the grounds of mitigation this would constitute a separate issue as no activities would be permitted to take place that would result in the degradation of the Favourable Conservation Status (FSC) of a confirmed bat roost.
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- In conclusion, it is my professional opinion that the bat emergence survey was designed and implemented by Syntegra Consulting in a manner proportional to the likely risk of encountering a roosting bat within the building with low suitability, sufficient survey effort had been undertaken in regards to the start and end timing of the survey in appropriate weather conditions, and sufficient awareness of the limitation associated with surveying of highly mobile and opportunistic protected species such as bats. The submitted survey data was deemed sufficient to discharge the LPA’s statutory requirement under Section 40 of the Natural Environment and Rural Communities Act 2006 and Paragraph 98 ODPM Circular 06/2005 (see below) and thereby rule out the risk of committing an offence under the Conservation of Habitat and Species Regulation 2017.

Having regard to the above, officers are fully satisfied that the methodology for the bat surveys undertaken were robust and that the conclusions drawn are fully sound.

In respect of the matters addressed above, there has been no change to previous officers recommendation to approve the application subject to conditions and a Section 106 Agreement. An additional condition is attached at Condition 26 in respect of an Operators Statement for the C2 use.

RECOMMENDATION

Recommendation 1

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 of seeking to secure the following, subject to any changes as considered necessary by the Head of Development Management:

1. Legal Professional Costs Recovery

The Council's legal and professional costs of preparing the Agreement and any other enabling arrangements will be covered by the applicant

2. Enforceability

All obligations listed to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority.

3. Indexation

All financial contributions listed to be subject to indexation.

4. Travel Plan

Plan to be secured including £10,000 monitoring fee and incentives of £150 per staff member for use on sustainable transport modes.

5. Section 184 Agreement

The provision of dropped kerbs and tactile paving at the existing entrance and an upgrade/modifications of the existing access

6. Local Employment Agreement

A Local Employment Agreement is to be entered into with the LPA in accordance with the requirements of the Employment and Skills SPD.

7. S106 Monitoring Fee

£2000

Recommendation 2

That upon completion of the agreement specified in Recommendation 1, the Service Director Planning & Building Control or Head of Strategic Planning to approve the planning

application reference 22/0228/FUL under delegated powers, subject to the conditions set out within this report.

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

Relevant Planning Policy

Introduction

Section 38(6) of the Planning and Compulsory Purchase Act (2004) requires that development proposals be determined in accordance with the development plan unless material considerations indicate otherwise. In this case, the development plan is the London Plan and the development plan documents in the Barnet Local Plan. These statutory development plan documents are the main policy basis for the consideration of this planning application.

Barnet's Local Plan is made up of a suite of documents, including the Core Strategy and Development Management Policies development plan documents. The Core Strategy and Development Management Policies documents were both adopted by the Council in September 2012.

A number of other planning documents, including national planning guidance and supplementary planning guidance and documents are also material to the determination of this application.

More detail on the policy framework relevant to the determination of this development and an appraisal of the proposal against the development plan policies of most relevance to the application is set out in subsequent sections of this report dealing with specific policy and topic areas. This is not repeated here.

The London Plan

The London Plan (2021) published 2nd March 2021 sets out the Mayor's overarching strategic planning framework from 2019 up to 2041. This document replaced the London Plan 2016.

Barnet Local Plan

The development plan documents in the Barnet Local Plan constitute the development plan in terms of local planning policy for the purposes of the Planning and Compulsory Purchase Act (2004). The relevant documents comprise the Core Strategy and Development Management Policies documents, which were both adopted in September 2012.

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 has been taken of the policies and site proposals in the draft Local Plan limited weight has been given to the draft Local Plan in the determination of this application.

National Planning Guidance:

National planning policies are set out in the National Planning Policy Framework (NPPF) (2021).

The NPPF is a key part of reforms to make the planning system less complex and more accessible. The NPPF states that the purpose of the planning system is to contribute to the achievement of sustainable development. The document includes a 'presumption in favour of sustainable development'. This is taken to mean approving applications which are considered to accord with the development plan.

The Community Infrastructure Levy Regulations 2010:

Planning obligations need to meet the requirements of the Community Infrastructure Levy Regulations 2010 (as amended) to be lawful. Were permission to be granted, obligations would be attached to mitigate the impact of development which are set out in the relevant section of this report.

PLANNING ASSESSMENT

1.0 Site Description

- 1.1 The application site is located on the north-east side of West Heath Road at the corner of Eden Close and measures approx. 0.4 hectares.
- 1.2 The site is currently occupied by a large detached building located centrally on the site with direct access from West Heath Road. The building itself rises to a maximum of 2 storeys with additional accommodation within the roof.
- 1.3 The surrounding area is characterised by large scale residential plots with dwellings that vary between 2 and 4 storeys in height.
- 1.4 The site is not located within a conservation area, nor is the building statutorily or locally listed. In that regard, it is noted that the Secretary of State for Digital, Media and Sport declined to list the property in April 2022 following consultation with Historic England. The effect of this that the property benefits from a Certificate of Immunity from listing for a period of 5 years (from April 2022).
- 1.5 There are TPO designations around the site boundaries. The site is located within Flood Zone 1 and has a PTAL rating of 3.

2.0 Proposed Development

- 2.1 Permission is sought for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space.
- 2.2 The development would provide 80 bedrooms, with 12 bedrooms on the ground floor, 21 bedrooms on the first floor, 27 bedrooms on the second floor and 20 bedrooms on the third floor along with ancillary communal space incorporating the following facilities:
 - Cinema
 - Activity Room

- Great Room & Bar
- Communal Toilets
- Private Dining Room
- Restaurant
- Grand Lobby
- Spa Bathrooms
- Household Dining/Activity Rooms
- Quiet Rooms
- Seating Areas
- Library
- Hair Salon
- Therapy Rooms
- Orangery
- Landscaped Garden

2.3 The proposed building will be centrally located within the site and access to the site would be through the existing vehicular gates from West Heath Road.

2.4 It is noted that the scheme has been amended during the course of the application to align with both officer and consultee comments. Members attention is drawn to the Design & Access Statement Addendum which highlights a reduction in the depth of the south-east elevation and the introduction of a green wall system to encourage both biodiversity net gains and significant visual/amenity improvements.

3.0 Relevant Planning History

3.1 The following planning history is relevant to the consideration of the application.

3.2 On 6 March 1974, full planning permission was granted for the erection of a staff room under application reference C04794. It is understood that, at this time, the site was in active use as a care home for the elderly.

3.3 On 24 April 1974, full planning permission was granted for the erection of a fire escape under application reference C04794A. As above, the site was in active use as a care home at this time.

3.4 On 10 November 1995, full planning permission was granted for alterations to the building elevations, front entrance ramp, fire escape staircases and general refurbishment works under application reference C04794B. The application confirmed that the site remained in active care home use at this time.

- 3.5 On 3 July 1996, a full planning application for alterations to the home, including the erection of a two-storey rear extension, was refused by the Local Planning Authority under application reference C04794C.
- 3.6 On 27 January 2017, a lawful development certificate application for the proposed internal conversion of the property and its use as a boarding school was granted by the Local Planning Authority under application reference 16/5298/192.
- 3.7 On 12 October 2020 a planning application was lodged under application reference 20/4748/FUL for the full demolition of the existing building (Use Class C2) and the construction of a new building of 7 storeys (5 above ground) to accommodate residential accommodation (Use Class C3) comprising of 45 apartments with basement car parking, associated communal areas, amenity space, refuse/recycling storage and cycle storage. The application is pending consideration.
- 3.8 On 1 August 2022, a planning application was lodged under application reference 22/3958/FUL for the demolition of existing building (Class C2) and erection of five storey (plus lower ground floor) building for use as a care home (Class C2) comprising living accommodation and ancillary communal space. The application is pending consideration.
- 3.9 On 17th January 2017, a Planning Enforcement Notice was issued on the basis that a change of use of the property to a day school (Use class D1) had taken place without permission. The following reasons were given for the serving of the notice:
1. The introduction into a previously quiet residential area of the incongruous patterns of activity associated with the school and, in particular, the increased comings and goings at either end of the school day has resulted in detriment to that character, contrary to policy CS5 of the adopted Barnet Core Strategy DPD (2012) and to policies DM01 and DM13 of the Development Management Policies DPD (2012).
 2. Traffic generated by the day school, over and above that which might reasonably be associated with any fall-back position, likely reduces the free flow of traffic on local roads. Any increase in journey generation, whether resulting from a change in travel behaviour or an increase in the size of the school, will exacerbate the situation. Furthermore, any increase will also likely lead to an unacceptable risk to local highway safety, contrary to policy CS9 of the adopted Barnet Core Strategy DPD (2012) and policies DM17 and DM13 of the Development Management Policies DPD (2012)
 3. By virtue of the noise and disturbance associated with access and egress the use of the site as a day school has a detrimental effect upon neighbours' standard of life and there exists the potential for an increase the level of general disturbance, contrary to policies DM04 and DM13 of the adopted

4.0 Consultations

- 4.1 As part of the consultation exercise, 97 letters were sent to neighbouring residents, site notices were erected adjacent to the site and a notice was published in the Barnet Press. As a result of the initial consultation exercise, a total of 75 responses were received comprising of 74 objections, 0 letters of support and 1 representation.

Summary of Neighbour Objections

- 4.2 The material planning considerations contained within the representations received from neighbouring residents can be summarised as follows:

- Overdevelopment
- Excessive height and scale
- Development out of context with surroundings
- Ecology –bat surveys
- Operator/Use Class – the credibility of the proposed operator in terms of constitution and funding capabilities
- Lack of Affordable Housing
- Tree/Landscape Impact
- Flood Impact
- Risk to road and pedestrian safety due to location close to a bend in the road
- Roof gardens not appropriate for elderly residents
- Parking impact
- Intensity of use not appropriate for residential setting
- Disruption during the construction of the development

- 4.3 The material planning objections are addressed within the main body of this report.

Responses from External Consultees

- 4.4 The following responses were received from external consultees:

- The Victorian Society – Objection received
- London and Middlesex Archaeological Society-Objection received
- Westover Hill Residents Association – Objection received
- Historic England – No archaeological requirement
- TFL – no objections subject to conditions

Responses from Internal Consultees

- 4.9 The following responses were received from external consultees:

- Steet Scene – No objections
- Environmental Health – No objection subject to conditions
- Traffic and Development – No objection subject to conditions and S106 obligations
- Travel Plans – No objection subject to S106 obligation
- Trees and Landscape – tree protection measures requested by condition

5.0 Land Use / Principle of Development

- 5.1 The existing site is occupied by a building formerly used as a care home (Use Class C2) and the proposed development seeks the retention of this use with re-development to provide a single building comprising up to 80 care beds (Use Class C2).
- 5.2 Policy CS4 of the Barnet Core Strategy states that Barnet will seek to create successful communities by creating a variety of housing related support options that maximise independence for residents including older people and people with disabilities. Policy CS 11 of the Core Strategy states that additional residential care home provision is only supported when evidence of local need can be demonstrated and that the proposal addresses the priorities of NHS Barnet or its successor bodies and the council’s Adult Social Services. A similar approach, of requiring need to be demonstrated, is set out in policy DM09 of the Barnet Development Management Policies and policy HOU 04 of the Barnet Draft Local Plan 2021.
- 5.3 The London Plan states that care home accommodation (C2) is an important element of the suite of accommodation options for older Londoners and this should be recognised by boroughs and applicants. To meet the predicted increase in demand for care home beds to 2029, London needs to provide an average of 867 new care home beds a year. The provision of Care Quality Commission rated Good or Outstanding care home beds is growing at around 3,525 bed-spaces a year in London.
- 5.4 The building was previously in the ownership of the London Borough of Camden as a Care Home (Use Class C2) known as St Margarets. The building was disposed by LB Camden and was acquired by Heathside Preparatory School. The school initially had received a Certificate of Lawful Use (LDC) for “Internal conversion and use of the existing property to provide education and boarding accommodation.”
- 5.5 The LDC (ref: 16/5298/192) was submitted on 11th August 2016 for use of the property as a boarding school (use class C2). The application was supported by a Counsel opinion (from James Strachan KC) to determine what level of boarding (as a component of the wider school use) would allow it to operate under the extant C2

planning permission and was granted on 27th January 2017, which confirmed that the use of the former care home as a boarding school fell within the same C2 Use Class and therefore did not require planning permission.

- 5.6 The LDC confirmed that a boarding school can be lawfully operated from the former St. Margret's care home but advised (by informative) that a 50:50 ratio should be maintained between attending day pupils and boarders. It was envisaged that the school would operate with approximately 128 pupils, based on 64 day pupils and 64 boarders.
- 5.7 It is officers understanding that this required ratio was unable to be achieved by the school operators and the school operated functionally as a day school.
- 5.8 Enforcement action was therefore taken against the school for 'Without planning permission, the change of use of the property to a day school (Use Class D1).' From the evidence gathered as part of the enforcement action, it was confirmed that the site was used by Heathside Preparatory School as a D1 day school (now Class F1). Any elements of boarding accommodation were not sufficient in scale, or accordant with the requisite 50/50 ratio to change the nature of the use to a boarding school. Therefore, as the day school use of the site was unlawful, the last lawful use of the property was as a care home within class C2.
- 5.9 Community or education uses are covered by Barnet policy DM13. Paragraph 14.1.2 of this policy defines community and education uses as "health centres, dentists, schools and further education, spaces for the arts, museums, libraries, community halls and other public meeting venues, theatres, cinemas, indoor and outdoor sports facilities, places of worships and some policing facilities." Given that the site was unlawfully used as a day school, the proposal cannot be considered to involve the loss of an education use. The loss of a boarding school is not considered relevant either as the building was not sufficiently used for the purposes of C2 use. From the above summary, the application therefore does not involve the loss of an education use.
- 5.10 Having regard to the need assessment which was submitted with the application, it is considered that the application will accord with the Policy CS4 and the London Plan. It should also be borne in mind that this application is for a new care home to replace the previous building whose former lawful use was as a care home, so this is not a proposal to introduce a new care home use on land not previously used for that purpose.

6.0 Character and Appearance

- 6.1 The existing building has been extended and altered over time with a side wing extension which mimics the design of the existing building and a more recent two-storey rear element which projects a significant distance rearward into the site. It has also been fitted with various modern window types across the building.
- 6.2 Given the considerable and insensitive alterations to the existing building it is not considered that officers could object to the demolition of the existing building. It is neither designated as a statutory or locally listed building nor located within a conservation area. English Heritage has deemed the building unsuitable for listing. Furthermore, contrary to the views of the Victorian Society it is not considered that the existing building should be accounted as a non-designated heritage asset, and even if it were, a balanced judgement would indicate that the benefits of the proposal outweigh the loss of the building.
- 6.2 Policy DM01 of the Local Plan states that all developments should seek to ensure a high standard of urban and architectural design for all new development and high-quality design, demonstrating high levels of environmental awareness of their location by way of character, scale, mass, height and pattern of surrounding buildings, spaces and streets. These aspects are considered below.

Layout

- 6.3 The proposed layout has been informed by a plot analysis which is set out in the Design and Access Statement (D&A). This calculates the existing building as occupying 20% of the site, with an average plot ratio of 30% amongst those within the surrounding immediate area, including on those immediately adjoining the site.
- 6.4 The proposed layout seeks to only slightly increase the site coverage to a level broadly commensurate with the surrounding plots and also responds to existing Tree Root Protection Areas (RPAs) whilst seeking to maintain a 9m clear separation to the existing site boundaries. The footprint was further reduced in the revised scheme and is set out in the D&A Addendum.
- 6.5 Overall, the proposed layout and footprint is supported by officers. High quality hard-surfaced and landscaping details, involving maintenance and management would be secured by condition along with details of tree protection measures.

Scale, Massing and Height

- 6.6 Scale and height is varied across the proposed development, with a significantly stepped back top floor. The proposed development seeks to concentrate massing and height towards the front / middle of the site with a maximum height of six storeys with the upper level being significantly recessed and designed in a contrasting aesthetic to offset its mass. The development would step down towards the rear of the site with the rearmost element being three storeys in height.
- 6.7 Whilst the proposed development would represent an increase in building mass and height, the height and extent of screening around the site softens the impact of built development and in any case, Officers consider that the proposed scale, massing and height can be suitably accommodated within the site. The transition and step down in height towards the rear is welcomed and responds to the surrounding context.
- 6.8 In terms of massing, the proposed building is broken up by a number of recessed and projecting sections, transition in heights and a significantly setback top floor. These elements are considered to successfully articulate the external elevations and break up and reduce the visual massing and bulk of the proposed buildings.
- 6.9 The Barnet Characterisation Study 2010 sets out inter alia that *“this character area is substantially residential.... adjacent to the West Heath, streets begin to meander in line with the topography and yet remain well-connected. Residential building plot sizes are consistent across Golders Green with standard semidetached houses. They vary elsewhere, although are generally of a standard semi-detached size except alongside West Heath where they become quite large.”*
- 6.10 The study goes on to state that *“...in areas adjacent to the West Heath, there is a greater abundance of detached housing on large plots, becoming semirural in character”*.
- 6.11 Further guidance can be drawn from appeal decision APP/N5090/A/04/1149384 at 63/67 West Heath Road. In the decision notice for that appeal, the inspector, in establishing the existing character of the area, noted inter alia that *“... there are various large residential properties, often set behind mature trees”* (paragraph 5). In going on to assess the impact of development, the inspector goes on to state that *“along this part of West Heath Road, the buildings, although of a substantial size, are extremely varied in their appearance. They range from detached houses to sizeable blocks of apartments and include both old and new properties. It is evident that no particular architectural style predominates”* (Paragraph 7).
- 6.12 In concluding on the issue of impact on character and appearance, the inspector noted that *“... the scale, massing and height of the proposed blocks broadly reflect*

that of adjoining buildings. Although the blocks would have four or five floor roof heights when viewed from the road would be similar to that of neighbouring properties” (Paragraph 8).

- 6.13 In terms of other neighbouring development, it is noted that a similar scale and design of building was approved and currently under construction at The Oren, 114-120 West Heath Road. This scheme is located to the north-east of the site and was approved under reference 16/5993/FUL. The scheme comprises six storeys, with a recessed top level and similar projecting and recessed bays. Further to the above example, on the opposite side of the road, there are two sites of Oak Lodge and Oracle Apartments which comprise five storeys.
- 6.14 In the context of these precedents, officers consider that the scheme would not be incongruous within the established context of its surroundings. Officers consider that the proposed development would sit well within its large plot which as outlined is an established feature of the locality. The site is heavily screened by mature trees which are to be retained which would also provide a good degree of screening and maintain the semi-character outlined in the Barnet Characterisation Study and at paragraph 6.10. As noted by the inspector in the decision for appeal ref APP/N5090/A/04/1149384 there is little uniformity in the properties in the surrounding context and it is clear to officers that the established character is of large properties set within large plots of varying scales and styles. As has been set out with the existing precedent, the scale of some of those existing properties are substantial and broadly similar to scale of the proposed development as would be perceived from the street. As such, officers consider that the scale and height of the development would not have a detrimental impact on the established character of the area.
- 6.15 Overall, in terms of layout, scale, massing and design, the proposed development is considered to be of a high quality and is acceptable in terms of design policies. Further details of the architectural detailing would be secured by condition.

7.0 Amenity Impact

- 7.1 Part of the ‘Sustainable development’ imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment (para 127). Barnet Development Management Policies DPD (2012) DM01 as well as the Sustainable Design and Construction SPD provide further requirements and guidance.

Privacy, Overlooking and Outlook

7.2 The Barnet Residential Design Guidance SPD states that there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

7.3 The site is surrounded by residential properties within Eden Close to the north and north-east, of which the site shares a boundary with No.8 whilst the road of Eden Close separates the site from Nos. 1 &2 and No.88 West Heath Road. To the south-east and south, the site shares boundaries with Nos 6 – 12 Westover Hills, as well as No.74 West Heath Road. In addition to the separation distances set out below, it is also worth noting that the scheme has been amended to include angled windows in order to further reduce any perceived overlooking.

The separation distances are measured to each street as follows:

- Eden Close – the scheme achieves an approx. 11-12m distance from the rear elevation to the north-eastern boundary treatment with No.8. A 20.5m window to window separation is maintained and there are significant mature and tall trees along this boundary which will prevent overlooking. This distance increases as the building form steps back. Nos 1 and 2 Eden Close are sited between 25-35m away from the proposed built form. Due to the siting and orientation of these properties, views towards these properties would be obscure and are again screened by mature trees.
- Westover Hill – measured from the south-eastern elevation, there would be in excess of 25m to the rear elevations of nos. 6 – 12. This exceeds the SPD guidance and therefore it is not considered that overlooking concerns arise. Again, there is considerable screening along this boundary.
- West Heath Road – there is 25m separation from the proposed to both the north (no.88) and south (no. 74).

7.4 Particular concern has been raised from adjoining properties regarding privacy and of the neighbouring properties. The issues of privacy have been addressed above and it is considered that there is adequate separation distance between the sites with, in many instances, oblique angles. In addition, the presence of existing mature and tall trees along the boundary would ensure that there would be no undue loss of privacy.

Daylight and Sunlight

7.5 An assessment on daylight and sunlight on neighbouring buildings has been submitted in support of the application. The report conducted an analysis on a considerable number of properties in the immediate area:

- 88 West Heath Road
- 1 Eden Close
- 8 Eden Close
- 6 -12 Westover Hill
- 74 West Heath Road / 4 Westover Hill
- 71 – 79 West Heath Road

1 Eden Close

7.6 This property is located immediately to the north of the proposed development. For daylight, the results confirm that the existing values of Vertical Sky Component (“VSC”) are below 27%. However, the BRE states that an adverse effect would only occur if the proposed value is less than 27% and less than 0.8 of the existing value. The results found that the existing windows will achieve 0.95 or 0.9 of the existing value, exceeding the BRE criteria.

88 West Heath Road

7.7 This property is located to the north-west on the opposite side of Eden Close. There are four windows which face towards the application site. The results confirm that the windows assessed would achieve 0.89, 0.88, 0.99 and 0.99 of the existing VSC value, which exceeds the BRE criteria of 0.8.

8 Eden Close

7.8 This property is located to the north-east and there are windows in the flank elevation facing the application site. The results found that the windows adjacent to the application site would achieve above 0.8 of the existing VSC value, satisfying the BRE criteria. Given the ground floor windows pass the BRE requirements, it is reasonably assumed that the 5 windows at first floor level would also pass.

6 -12 Westover Hill

- 7.9 These houses are located to the south-east and south of the proposed development, with rear windows facing the application site. All the windows measured would more than satisfy the BRE criteria.

74 West Heath Road / 4 Westover Hill

- 7.10 These properties are located immediately to the south of the site. The results confirm that there would be little change with results of 0.96 and 0.98 to the existing VSC values.

79 – 79 West Heath Road

- 7.11 These properties are located to the west of the proposed development on the opposite side of the road. Due to the distances between the site, there would be no impact in terms of daylight on these properties.

Sunlight

- 7.12 The results for the neighbouring residential properties that face within 90 degrees of south demonstrates that BRE's criteria for both annual and winter sunlight would be satisfied to all windows.
- 7.13 Overall, Officers accept the findings that the proposed development will not give rise to a significant impact upon the daylight or sunlight amenity received to these properties.

Noise and General Disturbance

- 7.14 No significant new or cumulative operational noise impacts are identified for neighbours as a consequence of the proposed development. The proposed development will make the most efficient use of the site; a use that is consistent with its historical use class and the overriding residential character of the surroundings.
- 7.15 The increased number of bedrooms would likely result in an increased number of movements to and from the site on a daily basis, however it is not considered that this increase would be so significantly above the current baseline as to result in a significantly greater impact than already exists.

8.0 Quality of Accommodation

8.1 Policy DM02 of the Local Plan seeks to ensure development provides accommodation of a suitable standard of living taking into account size of the unit, daylight, sunlight, outlook, privacy and noise and vibration.

8.2 The proposed units are all of a high quality and have been designed to exceed industry requirements. Communal areas, shared leisure facilities and generous amenity spaces would also be provided which, it is considered, would combine to ensure a high-quality living environment for the future occupants.

9.0 Sustainability

9.1 The 2021 London Plan, requires within Policy SI2 that major development be net zero-carbon. This means reducing greenhouse gas emissions in operation and minimising both annual and peak energy demand in accordance with the following energy hierarchy:

- be lean: use less energy and manage demand during operation
- clean: exploit local energy resources (such as secondary heat) and supply energy efficiently and cleanly.
- be green: maximise opportunities for renewable energy by producing, storing and using renewable energy on-site. be seen: monitor, verify and report on energy performance.”

9.2 Policy SI2 of the London Plan goes on to set out the sustainable design and construction measures required in new developments. Proposals should achieve the highest standards of sustainable design and construction and demonstrate that sustainable design standards are integral to the proposal, including its construction and operation.

9.3 Local Plan policy DM01 states that all development should demonstrate high levels of environmental awareness and contribute to climate change mitigation and adaptation. Policy DM04 requires all major developments to provide a statement which demonstrates compliance with the Mayor’s targets for reductions in carbon dioxide emissions, within the framework of the Mayor’s energy hierarchy.

9.4 The application is accompanied by an Energy Statement which sets out that the development would achieve the requisite carbon reduction targets through a combination of a fabric first design approach, photovoltaic arrays and air source heat pumps. This approach is considered acceptable and policy compliant.

10.0 Transport / Highways

10.1 Policy CS9 of the Barnet Core Strategy (Providing safe, effective and efficient travel) identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate

transport infrastructure. Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments. Other sections of Policies DM17 and CS9 seek that proposals ensure the safety of all road users and make travel safer, reduce congestion, minimise increases in road traffic, provide suitable and safe access for all users of developments, ensure roads within the borough are used appropriately, require acceptable facilities for pedestrians and cyclists and reduce the need to travel.

Parking

- 10.2 The site has a public transport accessibility level (PTAL) rating of 3 (average). This is on a scale of 1 to 6 where, 1 represents poor accessibility to public transport and 6 represents excellent access to public transport. Six bus routes (460, 82, 13, 245, 328, 260) can be accessed from stops within 6 minutes walking distance of the site. Golders Green tube station is 11 minutes walking distance from the site. The site is in a CPZ which operates Mon-Fri, 11am-12noon and there are yellow lines in the vicinity.
- 10.3 The proposal seeks to provide 80-bed care home with 11 car parking spaces including 2 disabled bays. Given the PTAL rating of the site is 3 and residents will not be driving, the spaces are primarily for staff and visitors. 40% of staff are expected to travel by car and with 15 members of staff on each shift, this would equate to 6 spaces. The remaining 5 spaces will be allocated to visitors. This is considered to be reasonable subject to s106 CPZ permit restriction for staff/residents of the development.
- 10.4 Disabled spaces are provided for visitors which is the minimum London Plan requirement for any development with parking.
- 10.5 Electric vehicle charging points are to be provided at 20% active and an additional 20% passive infrastructure for future provision.
- 10.6 The type of charging points to be installed is requested. Details of electric vehicle charging points would be secured by condition.
- 10.7 Based on London Plan standards, a minimum of 4 long (staff) and 4 short stay(visitor) cycle spaces are required. The development will provide 4 long cycle parking spaces and 5 short stay spaces. The cycle parking will be provided in secure storage external to the building and details of the provision would be secured by condition.
- 10.8 Given that no parking restrictions are proposed on site, the issue of obstructive and non-residents' parking needs to be considered. A parking management plan for the site which sets out proposals for parking enforcement and allocation of spaces is therefore required by condition.

Layout, Access and Servicing

- 10.9 The existing access to the site on West Heath Road is to be retained. This connects onto a drive which provides access to parking spaces and the turning head for deliveries and servicing vehicles. The internal driveway is wide enough to accommodate two-way traffic.
- 10.10 Swept path drawings of a car and a refuse vehicle have been provided and these show that both can enter and exit the site in forward gear. Revised details have also shown that a fire engine and a standard Barnet sized refuse truck could also safely access in accordance with a request made by the Council's Transport officers.
- 10.11 A servicing bay is provided adjacent to the main entrance to the building for use by refuse lorries and delivery vans on the site. This is acceptable. 15 deliveries are expected per day and this can be accommodated within the proposed servicing bay assuming a dwell time of 20 minutes per delivery. A servicing management plan including refuse storage/collection arrangements to include the type of storage, elevations and dimensions of the bin stores would be secured by planning condition.

Road Safety

- 10.12 An analysis of collisions shown on the accident software site CrashMap over the three year period ending 2019 has been considered. This covered the east to west arm of West Heath Road, between Platt's Lane and the north-south arm of West Heath Road.
- 10.13 The results show that there was 1 slight accident at the junction of the north south and east west arms of West Heath Road and 3 slight accidents at the junction of West Heath Road and Platt's Lane. None involved pedestrians and there is no historical evidence of any fatal accidents. In these circumstances, the section of road in question is not considered to be unduly hazardous.

Trip Generation

- 10.14 An analysis of the potential trip generation from the site has been carried out using industry standard database called TRICS. The results show that the development will generate 18 two-way vehicle movements during the AM peak (8-9am) and 12 two-way vehicle movements during PM peak. The corresponding total person trips are 27 and 30 (two-way).
- 10.15 The impact of this level of trip generation on the surrounding highway network is unlikely to be significant.
- 10.16 In conclusion, it is considered that the development would be acceptable from a transport and highways perspective subject to the conditions stated and subject to a travel plan including incentives and monitoring fees being secured through the S106 along with a S278 for necessary highway works.

11.0 Flood Risk

11.1 Policy CS13 of the Barnet Core Strategy states that “we will make Barnet a water efficient borough and minimise the potential for fluvial and surface water flooding by ensuring development does no cause harm to the water environment, water quality and drainage systems. Development should utilise Sustainable Urban Drainage Systems (SUDS) in order to reduce surface water run-off and ensure such run-off is managed as close to its source as possible subject to local geology and groundwater levels”.

11.2 The application is accompanied by a Flood Risk Assessment which sets out that the site is located within Environment Agency Flood Zone 1 and indicating a low risk of surface water flooding. Nevertheless, a requirement would be included within the landscaping condition to ensure that SUDS measures are incorporated into the landscaping scheme.

12.0 Crime Prevention / Community Safety

12.1 Development plan policies require new developments to provide a safe and secure environment for people to live and work in and reduce opportunities for crime and fear of crime.

12.2 To this end, the Metropolitan Police were consulted on the application and no objections were received. If permission were to be granted, a compliance condition would be attached to ensure that the development complied with Secured by Design standards.

13.0 Ecology

13.1 A Preliminary Ecological Appraisal supports the application and concludes that the nature of the proposed development, with additional surveys, mitigation, and precautionary measures in place, will ensure that the proposals will have no adverse impacts upon surrounding habitats, protected species, and wildlife in general. For full detail please refer to the supporting ecological reports.

13.2 Following review by the Council’s Ecology officers, it was requested that further bat surveys be undertaken. An updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) was subsequently undertaken within the roosting season and submitted for further review.

13.3 According to the submitted report “The landscape plan prepared by James Smith has ensured minimal tree loss with additional planting of boundary shrubs and trees. The landscape plan includes enhancements to the ‘woodland’ sections of the site with additional understorey planting that will provide good insect biomass for local foraging bats.” It is understood that trees T37 (oak tree – moderate suitability), T12 (false acacia - low suitability, climbing inspection) and T15 (maple – low suitability –

climbing inspection) will be retained and thus no further bat survey or inspections would be required.

- 13.4 Subsequent to the additional bat surveys, the Council's Ecology officer had no objection to the scheme subject to conditions which are attached accordingly. In light of the above, the proposed development is considered to align with the NPPF and development plan aim of enhancing the natural environment.

14.0 Arboricultural Impact

- 14.1 There are 48 trees on the site/ immediately adjacent to it. The trees are primarily located towards the periphery of the site and mostly are judged to be of moderate to low quality specimens. There are TPO designations to the north-east, south-east and west.
- 14.2 The Arboricultural Impact Assessment submitted with the application concludes that there would be, at most, a low impact on the resource: a small portion of the trees will be removed or pruned to facilitate construction. This Assessment responded to comments from the Council's Arboricultural officer in relation to the previously submitted residential scheme.
- 14.3 The trees located towards the edges of the site would be largely retained and as such the screening they provide would not be appreciably diminished which is considered acceptable in line with previous direction from the Council's Arboricultural officer. A condition is attached requiring the submission of a detailed planting plan and tree protection measures.

15.0 Affordable Housing

- 15.1 The application is for care home purposes, within the C2 Use Class of The Town and Country Planning Use Classes Order.
- 15.2 Policy H13 of the London Plan states that specialist older persons housing should deliver affordable housing. However, it is confirmed in the supporting text that this does not apply to accommodation that is considered to be care home provision, specifically where personal care and accommodation are provided together as a package with no clear separation between the two. As this application proposes 'care home' accommodation, the London Plan requirement for affordable housing is not engaged, and provision of affordable housing for a care home is not required by other planning policies.

16.0 Conclusion and Planning Balance

- 16.1 After an assessment of the proposed development, officers consider that the development is acceptable having regard to the relevant local and national policies. The proposed development would provide high quality care home development, having an acceptable impact on the character and appearance of the site and wider locality. The proposed building form and layout ensures there is no significant harm

on the amenities of neighbouring properties and the highways impact is considered to be acceptable. The impact on trees is considered to be acceptable.

16.2 The proposed benefits of the scheme are:

- Provision of 80 care home bedrooms along with ancillary communal space contributing towards local and London wide targets
- S106 contributions towards travel plan including incentives
- The economic benefits of the scheme as set out in the Planning Statement
- CIL contributions to improve local infrastructure

16.3 In addition to compliance with development plan policies, it is considered that the package of public benefits is of importance and attracts positive weight in the decision making.

16.4 Section 38(6) of the Planning and Compulsory Purchase Act 2004 requires the Council to determine any application in accordance with the statutory development plan unless material considerations indicate otherwise. All relevant policies contained within the development plan, as well as other relevant guidance and material considerations, have been carefully considered and taken into account by the Local Planning Authority. It is concluded that the proposed development overall accords with the relevant development plan policies, and in addition that there are material planning considerations which justify the grant of planning permission. Accordingly, subject to the satisfactory completion of the Section 106 Agreement and the conditions stated, approval of the application is recommended.

17.0 RECOMMENDATION: TO GRANT PLANNING PERMISSION SUBJECT TO CONDITIONS AND SUBJECT TO THE SATISFACTORY COMPLETION OF A SECTION 106 AGREEMENT.

CONDITIONS

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

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

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

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

3. a) Before the relevant part of the works are begun, 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 (other than demolition works) 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).

5. a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

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

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

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

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

7. 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).

8. a) Prior to the occupation of the hereby approved development, details of a Landscape Management Plan for all landscaped areas for a minimum period of 25 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

Reason: To ensure a satisfactory appearance to the development 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).

9. a) No development (other than demolition works) shall take place until details of foundations have been submitted and approved before works on the proposed building commence. The foundation design must take account of trees growing proximity to the development and will seek to minimise any harm to the root system. BS5837:2012 Trees in relation to design, demolition and construction-recommendations clause 7.5 provides acceptable guidance on foundations.

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

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

10. Prior to the first occupation of the development at least 2 x Vincent Pro Bat Box, 2 x 2F Schwedler Bat box (or similar), 2 x Manthrope Swift Box, and 2F Schwegler Nest Box (or similar); shall be installed on the newly constructed building and/or retained trees nearby, and at least 2 x purpose built insect hotels and 2 x purpose built log piles shall be installed near areas of retained or planted boundary treatments in accordance with the approved Updated Preliminary Roost Assessment with Dusk Activity Survey Report (Syntegra Consulting, September 2022) and Preliminary Ecological Appraisal report (Syntegra Consulting, January 2022, Version C), and submitted landscape design plans.

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.

11. Prior to the commencement of works details of a Sensitive Lighting Strategy shall be submitted and approved by the local planning authority. Any artificial lighting scheme designed for project; including during the operational phase, 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.

Reason - 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

12. Prior to the commencement of works details of an Invasive Species Management Plan A detailed plan showing the location of invasive species (Schedule 9 listed species Wildlife and Countryside Act 1980 (as amended) and Species of Concern under the London Invasive Species Initiative. In accordance with best practice and as directed by Ecological Mitigation Strategy these species shall treated or prevented from spreading out with the site.

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 and 2021 Environment Act 2021

13. Prior to the commencement of works, a detailed Precautionary Method Statement for Reptile, Stag Beetle, and mammals (Hedgehog and badgers) is required to be submitted and approved by the Local Planning Authority. The document will need to outline the potential risk of encountering the species present, the required work methods, and what to do in the event that any of these species are encountered during the proposed works as outlined with the submitted and approved Preliminary Ecological Appraisal (Syngerta Consultancy, June 2022).

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 and 2021 Environment Act 2021.

14. Prior to first occupation of the development, a Car Parking Management Scheme shall be submitted to and agreed in writing by the Local Planning Authority. The RCPMS shall include a plan identifying the disabled parking spaces to be delivered clearly marked with a British Standard disabled symbol and disabled parking shall be retained for the use of disabled persons and their vehicles and for no other purpose unless agreed in writing with the Local Planning Authority.

Reason: To ensure that parking is provided and managed in line with Barnet Council standards in the interests of highway and pedestrian safety and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012. To ensure and promote easier access for disabled persons to the approved building 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.

15. Prior to occupation of the development hereby approved the cycle parking spaces shall be provided in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of 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.

16. 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 Policy T7 of the London Plan 2021.

17. . 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.

18. 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.

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

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

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

20. a) 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.

b) 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 and piling has the potential to significantly impact / cause failure of local underground sewerage utility infrastructure.

21. Development shall not begin until a Surface Water Drainage Strategy for the development have been submitted to and approved in writing by London Borough of Barnet planning authority. The scheme shall subsequently be implemented in accordance with the approved details before development is completed.

Reasons: To ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 and DM04 of the Barnet Local Plan

22. 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 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).

23. a) Prior to carrying out above grade works of the approved building, details shall be submitted to and approved, in writing, by the Local Planning Authority to demonstrate that such building or such parts of a building can achieve full 'Secured by Design' Accreditation.

b) Prior to the first occupation of each residential building a 'Secured by Design' accreditation shall be obtained for the building.

The development shall only be carried out in accordance with the approved details.

Reason: To protect the amenity of the area in accordance with Policies DM01 and DM04 of the Barnet Development Management Policies (adopted) September 2012.

24. Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the development 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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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 and the Mayors Housing SPG.

25. 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).

26. Notwithstanding the details of the application, hereby approved, a revised Operator Statement in respect of the Care Home use (Use Class C2) shall be submitted to and approved in writing by the Local Planning Authority prior to the first occupation of the development. The Care Home use (Use Class C2) shall thereafter operate solely in accordance with the approved details.

Reason: To ensure compliance with Policy H13 of the London Plan.



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Location

**Former Site of Public Convenience, Junction of Great North Road,
London, EN5 1ET**

AGENDA ITEM 7

Reference:

	Received:	20.05.2022
22/2716/FUL	Accepted:	20.05.2022
Ward: Barnet Vale	Expiry	15.07.2022

Applicant:

CONNECTIONS
LTD

Proposal:

Demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping

Recommendation: Approve subject to conditions

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

1: 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.

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

-Drawing numbers: 1809-E01-00; 1809-E02-00 Rev 1; 1809-E03-00 Rev P1; 1809-E03-00 Rev p1

-Proposed: 1809-P02-00; 1809-P02-01; 1809-P03-03 Rev P3; 1809-P03-01 Rev P4; 1809-P03-02 Rev P3; 1809-P03-00 Rev 4

-Planning and Heritage Statement by Apcar Smith Planning dated May 2022

- Design and Access Statement by Vivendi Architects dated 30 July 2021

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

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

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

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

4. a) No development 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.

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).

6. a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been 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 has been 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.

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

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

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

8. Notwithstanding the provisions of Schedule 3 of the Town and Country Planning (Control of Advertisement) Regulations 2007, as amended, no advertisement displays or structures shall be displayed inside the building or on the external elevations of the building without prior consent in writing from the Local Planning Authority.

Reasons: To ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety, in accordance with policies D1, D4 & T4 of the London Plan (2021); and policies DM17 & DM17 of the Development Management Document (2012).

9. The opening hours for the internet café and coffee shop shall not be permitted outside these following hours:

- o 6.30-23.00 Monday-Friday
- o 8.00-22.00 on Saturday, Sunday and Bank holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with policies D14 of the London Plan (2021) & DM04 of the Development Management Document (2012).

10. 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).

11.a) No development or site works (other than demolition works) shall take place on site until a Delivery and Servicing Management Plan for the proposed use has been submitted to and approved in writing by the Local Planning Authority.

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).

12. Before the building hereby permitted is first occupied the proposed opaque glazing of height of 800mm at first floor levels windows as shown on the elevations drawing no's 1809-P03-00 Rev P4; 1809-P03-01 Rev P4; 1809-P03-02 Rev P3; 1809-P03-03 Rev P3 shall be permanently glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut.

Reasons: To ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety, in accordance with policies D1, D4 & T4 of the London Plan (2021); and policies DM17 & DM17 of the Development Management Document (2012).

Informatives

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. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
3. 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.

4. Your attention is drawn to the need to provide facilities for the disabled, as set out in Building Regulation Part M Access & Facilities for Disabled Persons. A copy of Part M is available via the Planning Portal at <http://www.planningportal.gov.uk/buildingregulations/>.
5. 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.

6. Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
7. 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.

8. 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.
9. 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.
10. Any gates must open inwards and not out onto the public highway for health and safety reasons.
11. 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.
12. 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.

13. The applicant is reminded that this permission is granted based on the existing plans and elevations submitted as part of this application. If any other developments are subsequently carried out at the property, whether by grant of planning permission or as 'permitted development', then the development the subject of this permission may no longer be lawful and a fresh application may be required.

Officers Assessment

Site Description

The site is located on a triangular-shaped traffic island at the junction of Station Road and the Great North Road. The site is accessed from pedestrian crossings from both roads.

The site contains an existing single-storey building formerly in use as public conveniences. It is understood that the building is currently vacant.

The traffic island is at the edge of a commercial area with the Everyman Cinema (Grade II Listed Building) is almost directly opposite to the west and, to the north of that, the Queen's Arms public house and a petrol filling station. To the south/south east are shops on both sides of the Great North Road continuing around the junction with Station Road. These are identified in the Local Plan as local frontages. To the north/northeast is residential development. Barnet fire station is in close proximity on the northern side of Station Road.

The site is not within or in proximity to any Conservation Area.

The site has a PTAL rating of 4 (on a scale of 1 being extremely poor and 6 being excellent) which means it has very good access to public transport.

Site History

Ref: N14408A/05

Description of development: Demolition of existing building and erection of a two-storey building to provide an internet cafe.

Decision: Approved subject to Section 106 Agreement and legal agreement

Decision date: 02 Nov 2005

Ref no: N14408/04

Description of development: Demolition of existing building and erection of two-storey building to provide florist and internet cafe.

Decision: Refused

Decision date: Fri 24 Dec 2004

Proposal

The proposal is for the demolition of the existing single storey building and erection of a two storey building for use as internet cafe/coffee bar with provision of outdoor seating. Associated cycle parking, refuse and recycling store and associated landscaping.

The proposal café falls within use class E of the Use Class Order, and the opening hours would be 6.30-23.00 Monday to Friday; 8.00-22.00 on Saturdays; Sundays and bank holidays.

The application site area is approximately 70sqm. The GIA area of the existing building to be demolished onsite is 14sqm, and the proposed two storey building would be approximately 50sqm GIA.

At ground floor level, the proposal includes a coffee bar; 4 x no cycle Sheffield stands; seating areas; high level planter to boundary wall; and covered and secure refuse and recycling facilities (directly north and west of the site boundary).

The proposal includes an Internet Café on first floor level.

Public Consultation

Consultation letters were sent to 72 neighbouring properties on 23rd May 2022, and re-consultation letters were sent on 09th September 2022.

The Local Planning Authority received 6 letters of objection, which are summarised as follows:

- Overlooking to properties at Homestead Court.
- The proposed land use would encourage anti-social behaviour. crime and present safety concerns
- Loss of daylight to properties at Homestead Court
- The proposed refuse and recycling facilities, to service the café would attract pests to the area and eventually into Homestead Court.
- Congestion
- Increased pressure on car parking.
- Inadequate cycle storage to accommodate the land use.
- The proposed seating area would cause a distraction for vehicles turning from the main road onto East Barnet Road.
- A Heritage Impact Assessment has not been submitted to the Local Planning Authority which considers the impact the proposal would have on the setting and views of the Grade II Listed cinema.
- Arrangements for increased numbers of pedestrians, cyclists and vehicles delivering goods or collecting waste are unclear.
- No provision for an accessible WC or vertical circulation is made for disabled users.
- The proposal does not provide details on environmental standards for energy conservation, ventilation and air quality.
- All the surfaces appear to be hard, thereby losing all the greenery (bar a tiny hedge) and rainwater absorption. This would increase pressure on the drainage network and should be rethought
- The proposed IT cabling, kit and the design of the upper floor has not been discussed within the applicant's submission documents.
- Parts of the exterior of the building may be used for advertising.
- Negative and dominating impact on the setting of the Grade II listed art deco cinema, and aesthetics of rows of traditional town centre buildings with unusually thriving shops on both side of the road that define the area and compliment the Grade II art deco cinema.
- Pedestrian movements would be increased by this proposal, which could compromise highway safety.

- The large expanse of glass and its proximity to the seating areas would make the latter unusable in even moderate sunlight.
- Sustainability - The extent and orientation of glazing would also load the environmental impact and carbon footprint of the structure by relying on excessive heating in winter and cooling in summer in what is already a high energy consumption facility.
- The proposal lacks facilities for staff and users with disabilities in particular with respect to equal access to the primary facilities on the first floor.

All planning matters raised within the representations received from local residents are available to view on the Council's website. These objections have been considered and addressed as part of the decision-making process. All representations have been summarised in the Officers report.

Planning Considerations

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

The NPPF states that 'good design is a key aspect of sustainable development, 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.

The relevant London Plan (2021) policies are as follow:

- Policy D1 London's form, character and capacity for growth
- Policy D2 Infrastructure requirements for sustainable densities
- Policy D4 Delivering good design
- Policy D5 Inclusive design
- Policy D11 Safety, security and resilience in emergency
- D12 Fire Safety
- D14 Noise
- T2 Healthy Streets
- T4 Assessing and mitigating transport impacts
- T5 Cycling
- T6 Car parking
- T6.1 Residential parking
- M1 Monitoring
- SD6 Town Centres and high streets
- SD7 Town Centres- development principles and development plan documents
- SD8 Town Centre Network
- SD9 Town Centres- local partnership and implementation
- SD10 Strategic and local regeneration

Barnet's Local Plan (2012)}

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development

- CS NPPF
- CS1 Barnet's place shaping strategy
- CS5 Protecting and enhancing Barnets character to create high quality places
- CS6 Promoting Barnet's town centre
- CS7 Enhancing and protecting Barnet's open spaces
- CS10 Enhancing inclusive, integrated community facilities
- CS14 Dealing with own waste

Management Policies Development Plan Documents. Both were adopted in September 2012.

- DM01 Protecting Barnet's character and amenity
- DM02 Development Standards
- DM03 Accessibility and Inclusive Design
- DM04 Environment considerations for development

DM06 Barnet's heritage and conservation
DM11 Development principles for Barnet's town centres
DM12 Maintaining our local centres
DM17 Travel impact and parking standards

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.

Main issues for consideration

The main issues for consideration in this case are:

- The principle of the proposed land use onsite
- 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.
- Environmental impacts (noise and air pollution)
- Impact on the local highway
- Energy and Sustainability

The principle of the proposed land use onsite

The proposed development involves the demolition of the existing single-storey building. Given that the existing building is vacant and there is no designation on the building, Officers do not object to its demolition.

Planning permission was previously consented on the site for a two-storey building with a similar internet café use. Although this consent was never implemented, the principle of an internet café and coffee shop has already been established onsite.

The site is not located within a designated Town Centre, and the proposal would not detract from the vitality and vibrancy of the nearby local parades.

The proposal would make provision for 2 full time staff and 4 park time staff, which is welcomed by Officers.

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

High quality design underpins the sustainable development imperative of the NPPF and policies D1, D5, D6, D7 and D8 of the London Plan (2021). Policy CS5 of Barnet's Core Strategy (2012) seeks to 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 development proposals

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

The Councils adopted 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.

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

The proposed height, scale and bulk is considered to be appropriate for the site and would have a positive contribution to the character of the streetscene and the local area. It is considered that the proposed development would be of high quality in terms of design and would greatly improve the existing appearance of the site, by comparison.

The siting of the development and footprint onsite is respectful of the site's constraints and context. The proposed height, scale, bulk and massing and appearance is considered to be acceptable and would improve the appearance of the site; and would be respectful of the character of the streetscene and area.

The proposed contemporary design approach to the site is welcome. The materials to the elevation treatment include powder coated cladding; glazing to the shopfront; sliding glazing entrance doors, railing to the front of the building which adds to the overall design quality and visual interest of the building. Moreover the proposed materials are energy efficient and sustainable.

The proposed high-level planter for screening to soften the visual impact to the front elevation.

Notwithstanding, no development other than demolition works shall take place until full details of the materials (including specifications) 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. This is to safeguard the character and visual amenities of the site and wider area and would be secured by way of a planning condition.

Whether harm would be caused to the setting of the Grade II Listed Everyman Building

Policies DM06 and CS6 of the Local Plan (2012) and HC1 of the London Plan (2021) seek to ensure that development does not compromise the setting of listed buildings; Conservation Areas and other heritage assets.

The NPPF defines "setting" as: "The surroundings in which a heritage asset is experienced. Its extent is not fixed and may change as the asset and its surroundings evolve. Elements of a setting may make a positive or negative contribution to the significance of an asset; may affect the ability to appreciate that significance or may be neutral. As such, when assessing any application

for development which may affect the setting of a heritage asset, local planning authorities may need to consider the implications of cumulative change".

The Everyman cinema, is a grade II Listed Building, located opposite the site, approximately 45 metres from the proposed building between the listed building and the application site is the Great North Road itself and the service road that runs in front of the parade of shops to the southeast and continues in front of the cinema, the adjacent public house to the northwest and the petrol station beyond that.

As a result of these wide stretches of roadway between the two sites and the cars parked both sides of the service road between the listed building and the application site, it is not considered that there is any visible link between the two sites. The proposed development would be both lower and of smaller footprint than the previous planning permission with that clearly having previously been considered to be acceptable in terms of its impact on the setting of the heritage asset. The current proposal would have even less of an impact. It would not obscure any long views of the heritage asset with it not being considered that it would have any more of an impact on the setting than does the existing building that it would be replacing. The proposal would therefore not lead to or result in substantial development or substantial harm to the listed building or its setting. LBB Conservation Officer has reviewed the application and confirm the proposal would not have a detrimental impact on the setting of the Everyman cinema.

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

Amenities of Neighbouring and Future Residents Part of the 'Sustainable development' imperative of the NPPF 2019 is pursuing improvements to amenity through the design of the built environment. Policies CS5, DM01, DM02 and DM04 of the Barnet Development Management Policies DPD seeks to manage the impact of new developments to ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

Given the height, scale and distance of the development to properties on the opposite site of the road, the proposal would not result in the loss of daylight and sunlight to nearby residential properties, including those at Homestead Court.

Privacy

The Residential Design Guidance SPD advises that in new residential development privacy can be safeguarded by achieving minimum window to window or window to balcony distances between buildings 21m between facing habitable room windows, and 10.5m to a neighbouring gardens. These distances relate particularly to typical two-storey development, where first floor windows can overlook neighbouring properties.

The Mayor of London's Housing Design Quality Standards SPD stipulates that "guidance for privacy has been concerned with achieving visual separation between dwellings by setting minimum distances between back-to-back homes (typically 18-21m). However, this is a crude measure, and adhering rigidly to these distances can limit the variety of urban spaces and housing types in the city, and unnecessarily lowers density".

The proposed development is located more than 21 metres to the nearest residential development at Homestead Court and would therefore not result in the loss of privacy to these units.

The proposal incorporates opaque glazing for the lower 800mm at first floor level to ensure that there are no views from the ground upwards to beneath the tables/desks at first floor level.

Environmental impacts (noise and air pollution)

Policies D14 of the London Plan (2021) and policy DM04 of the Development Management DPD (adopted September 2012) seeks to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

LBB Environmental Health have reviewed the proposal and confirm they do not raise any objections subject to the following three conditions:

1. Prior to the commencement of development, a Demolition and Construction Management Plan shall be submitted to and approved by the Local Planning Authority in the interest of highway safety, noise, and air quality.
2. An Assessment of the impact of the noise from ventilation and extraction plant on development shall be submitted to and approved in writing prior to the occupation (prior to use) of the development. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.
3. A compliance condition would be attached which requires the level of noise emitted from the 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. This is to ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties.

The full wording of these conditions is included with the conditions.

Impact on the local highway

The site has a PTAL rating of 4, (on a scale of 1-6, 1 being extremely poor and 6 being excellent) which means that it has good access to public transport.

The applicant is not proposing to make provision for any off-street car parking. The site lies within a PTAL 4 zone, which means that there is above average public transport accessibility to and from the site.

Car Parking

There is no policy requirement to make provision for car parking for the proposed development.

The proposal does not make provision for on or off streetcar parking, which is considered acceptable.

Cycle facilities

Policy T5 of the London Plan (2021) stipulates that cycle parking spaces for proposed new development, including café uses. The proposed makes provision for 4 x no cycle storage spaces in a safe and secure location to the northwest within the site boundary, which is considered acceptable to accommodate the development. .

Refuse and recycling storage facilities

Policy S1 8 of the London Plan (2021) and policies DM01; DM02 and DM17 of the Development Management Document seek to ensure that all new development makes adequate provision for refuse and recycling facilities in appropriate locations.

The proposal makes provision for covered and secure refuse and recycling storage within the north eastern corner of the site boundary. The existing refuse/recycling collection will be maintained as existing along Station Road and collected by the local authority's waste management division."

LBB Highways team have advised that the proposed refuse and recycling storage location is deemed acceptable on highways grounds. The refuse collection areas would be located within 10 meters of the Public Highway on collection days, which is acceptable in highways terms.

Response to Public Consultation

All planning matters raised have been considered and addressed as part of the assessment and decision-making process for this planning application.

The objections and concerns raised from residents and the local community have been considered within the evaluation above, and all representations received from residents were fully considered in the assessment of the application.

The proposal would not result in an over intensification of the use onsite and would not compromise the amenity of local nearby properties.

The proposal is of high design quality and would have a positive impact on the streetscene and character of the area. The proposed powder coated cladding and glazing are both energy efficient and sustainable.

The proposal would not have a negative impact on the setting of the Everyman Cinema, a grade II Listed Building.

It is considered that concerns related to traffic disturbance, noise and air pollution would be sufficiently mitigated against by way of planning conditions as set out within the report.

With reference to concerns relating to noise disturbance specifically relating to the structure of the building, sound insulation is a matter adequately addressed by the Building Regulations.

The proposal makes provision for an accessible w/c at ground floor level, which is considered sufficient for the proposed use.

The proposal would not result exacerbate existing congestion. Staff and patrons of the internet café and coffee shop would travel either by public transport; cycle or walking, and the proposal would not have a detrimental impact on the highway.

Dust and Air Pollution- The applicant would be required to submit a Demolition, Construction and Logistic Management Plan to be approved in writing by the Local Planning Authority, prior to the commencement of works onsite. This would include details of sustainable and efficient means of suppressing dust, including the adequate containment of stored or accumulated materials so as to prevent it becoming airborne at any time and giving use to nuisance. Moreover, details of all noise mitigation measures from the operational plant and processors during the demolition and Construction process are required for approval, in the interest of high safety, noise and air quality.

Advertisement displays- There are no advertisement displays proposed to the elevations of the building. Notwithstanding, a compliance planning condition would be attached which require that no advertisement displays, or structures shall be added to the elevations of the building at any time. This is to ensure the proposal would not be harmful to the character and visual amenities of the area, and in the interest of highway safety.

Anti social behaviour: There is no evidence to suggest that the proposal would promote or result in instances of anti-social behaviour and crime onsite, or in the local area. The hours of opening would be conditioned. The café would not be open past 11pm on any night. Moreover, given that the site (a traffic island) is highly visible, the proposal has sufficient natural surveillance which should act as a deterrent for anti-social behaviour.

Insufficient information on Delivery and Servicing for the proposed use: Prior to commencement of works (excluding demolition) onsite, the applicant shall submit a Delivery and Servicing Management Plan to be approved by the Local Planning Authority, in consultation with the Local Highway Authority. This will be secured by way of a planning condition, in the interest of highways safety.

Poor sunlight to outdoor seating area: The outdoor seating area would not receive adequate sunlight. It is not considered to be the case, well designed, and given that the development is only 2 stories in height, the outdoor area would not be overshadowed.

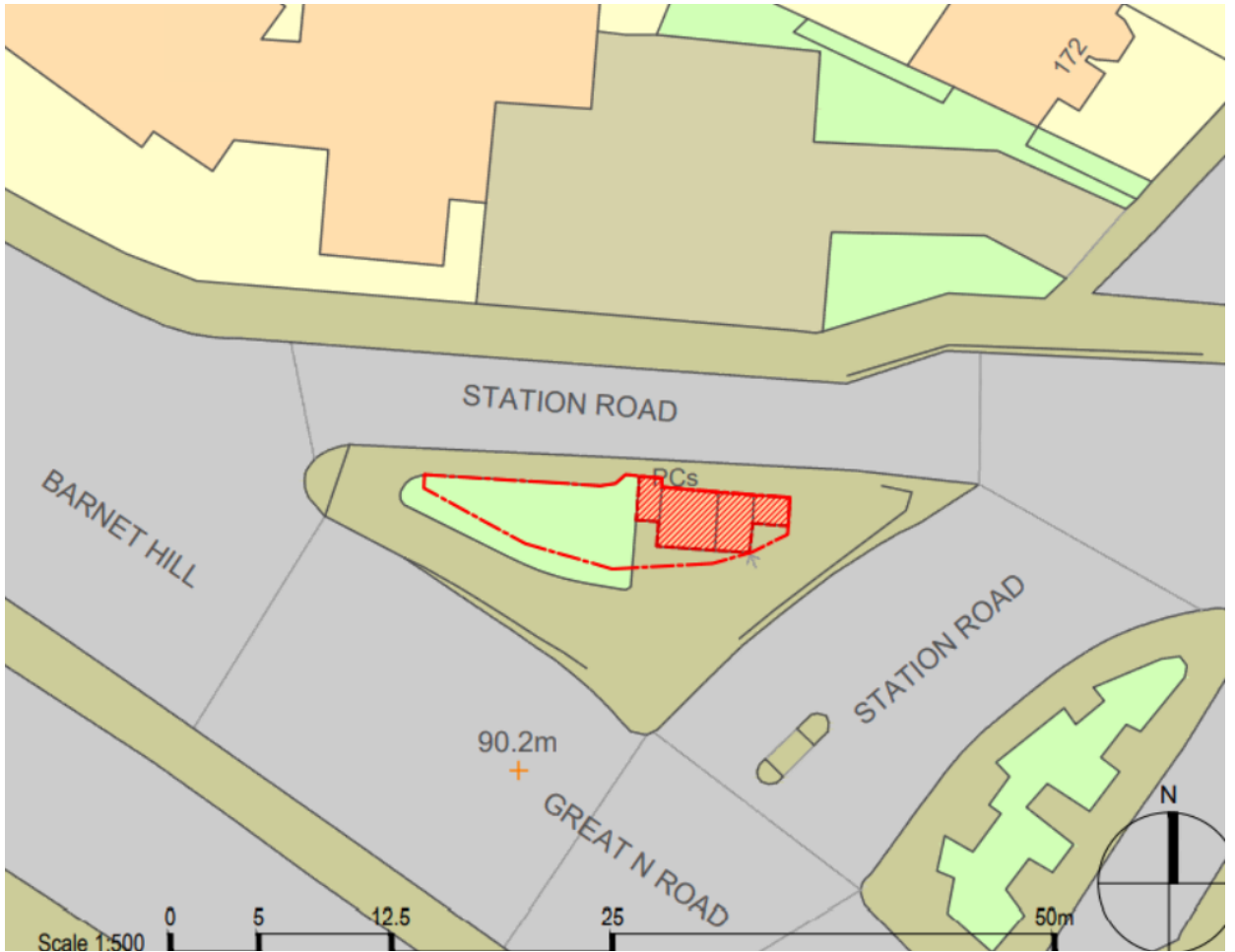
Equality and Diversity Issues

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.

Conclusion

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

Site Location Plan



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Location **Caton 100 Totteridge Lane London N20 8JG**

Reference: **22/2589/HSE** Received: 16th May 2022 **AGENDA ITEM 8**
Accepted: 17th May 2022

Ward: Totteridge & Woodside Expiry 12th July 2022

Case Officer: **Will Collier**

Applicant: Mr Andrew Rooney

Proposal: Two storey front extension including alterations to the existing front porch and conversion of the existing garage into habitable room, insertion of window to replace the garage door. Two storey rear extension. Roof extension involving rear dormer window and 2no. side facing rooflights

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Proposed Elevations, AHUB2112001-9
Proposed Floor Plans (2-1), HUB2112001-7
Proposed Floor Plans (2-2), AHUB2112001-8
Proposed Sections, AHUB2112001-10
Proposed Location Plan, AHUB2112001-2

Existing Location Plan, AHUB2112001-1
Existing Floor Plan 1-2, AHUB2112001-3
Existing Floor Plan 1-1, AHUB2112001-4

Existing Elevations, AHUB2112001-5
Existing Sections, AHUB2112001-6

Flood Risk Assessment by EAL Consult dated 2nd 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 Before the building hereby permitted is first occupied the proposed first and second floor windows in the side (east) elevation facing No. 98 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).

- 4 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).

- 5 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).

- 6 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection measures shown on 'ARBORICULTURAL IMPACT ASSESSMENT AT 100 TOTTERIDGE LANE, TOTTERIDGE' (by A.T. Coombes Associates Ltd) approved have been erected around existing trees on site. The protection specified in

'Appendix 4 - Tree Protection Plan' 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.

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 G7 of the London Plan 2021.

- 7 The development shall be carried out in accordance with the approved flood risk assessment by EAL Consult dated 2 November 2022.

Reason: In the interest of mitigating flood risk and surface water runoff in compliance with Policy DM04 of the Barnet Development Management Policies DPD (2012) and Policies SI12 and SI13 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.

OFFICER'S ASSESSMENT

1. Site Description

The application site comprises a detached two storey dwellinghouse with large rear garden at the end of a short row of houses on the northern side of Totteridge Lane.

The site is not within a conservation area and is not within an area covered by an Article 4 direction.

2. Site History

Reference: 20/6287/HSE

Address: Caton, 100 Totteridge Lane, London, N20 8JG

Decision: Withdrawn

Decision Date: 24 Feb 2022

Description: Part single part two storey front and rear extension. Roof extension involving rear and side dormer window, 2no front facing rooflights. Conversion of garage into habitable room. Replacement of windows on all elevations

Reference: 20/5395/PNH

Address: Caton, 100 Totteridge Lane

Decision: Prior approval required and refused

Decision Date: 22 December 2020

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 3.09 metres.

Reasons for refusal:

1. Amenity - The proposed single storey rear extension would, by reason of its size, siting and rearward projection, be overbearing and visually obtrusive and is considered to have an adverse impact on the visual and residential amenities of the neighbouring occupiers at No. 98 Totteridge Lane, including a loss of outlook and an increased sense of enclosure contrary to policies CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Development Management Plan DPD (2012) and the Barnet Residential Design Guidance SPD (2016).

2. Inaccurate info - Prior approval is hereby refused under Condition A.4(3) of Part 1 of Schedule 2 of the General Permitted Development Order 2015 given that the applicant has provided insufficient, inaccurate or inconsistent information to enable the authority to establish whether the proposed development complies with, the conditions, limitations or restrictions applicable to development permitted by Class A.

3. Proposal

Two storey front extension including alterations to the existing front porch and conversion of the existing garage into habitable room, insertion of window to replace the garage door. Two storey rear extension. Roof extension involving rear dormer window and 2no. side facing rooflights: -

The proposed ground floor extension is 4 metres deep spanning the full width of the house, about 3.1 metres high with flat roof.

The proposed first and second floor rear extension is 2 metres deep across the full width of the house with a dormer in the rear roof space.

This extension would change the roof design to form a crown roof matching the existing ridge height of the house.

The first floor front extension is over the existing footprint which forms the front of the crown roof and matches the highest part of the original property. The existing front bay would also be removed by squaring off the footprint of the front projecting two storey element.

The proposed porch is 1.4 metres deep with pitched roof in line with the front projecting element of the building. The porch would also have a subordinate front projecting gabled element which would project 0.6 metres beyond existing front of the house.

The following amendments have been made during the application:

- o Reduction to the depth of the two storey rear extension from 2.5m to 2m.
- o Reduction to the depth of ground floor rear extension from 4.5m to 4m.
- o Removal of rear gable over rear extension, with hip roof and rear dormer instead.

It is noted that previous application was refused for a single storey rear extension under the prior approval process but this has no bearing on this application. The prior approval proposed an 8m deep extension the single storey rear under this application would be 4m deep.

4. Public Consultation

Consultation letters were sent to 23 neighbouring properties.

14 objections received:

- o Previous applications were unacceptable.
- o Overbearing
- o Loss of light to neighbouring properties on West Hill Way and No. 98.
- o Single storey rear extension exceeds depth limit.
- o 6M deep apex extension blocks light to No. 98.
- o Upper extension should be limited to a proportion of the rear.
- o Front extension with canopy is excessive.
- o Loss of privacy.
- o Top-heavy
- o North rear window should not be protruding.
- o Damage to trees on boundary.
- o Drainage
- o Should be rear hip and dormer.

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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 (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.

5.3 Assessment of proposals

The main considerations in assessing the application are:

- Impact on character
- Impact on neighbours
- Impact on trees
- Flood Risk

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

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

The Council's Barnet Residential Design Guide states:

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

"Two storey rear extensions need to ensure they do not lead to:

- o loss of light to, and outlook from, windows and glazed doors positioned close to the extension
- o unacceptable sense of enclosure to house and garden
- o overbearing impact
- o harm to the character or appearance of the property and area.

In assessing this proposal, it is noted that the property is at the end of a short row of four detached properties (Nos. 94, 96, 98 and 100) on the northern side of Totteridge Lane, and the spacings between the properties are narrow. The tight spacings between the properties originally led to concerns about the scheme in terms of the impact on immediate neighbouring property, No. 98. Indeed, a previous prior approval was refused, due to the excessive depth of the rear extension and a subsequent planning application was withdrawn due to the size and scale of the rear extensions/dormer.

In this current proposal, however, it is considered that the amendments during the course of the application as listed already in the report have overcome such concerns. An assessment of the various components of the proposal is provided below.]

Rear Extensions:

The rear extensions comprise single storey and first/second floor rear extension. The depths of these extensions have been amended, now compliant with the Residential Design Guide (RDG) depth limitations. The ground floor is reduced to 4 metres in depth and the upper levels reduced to 2 metres depth, well within the limits of the RDG. The scale of such extensions is thus considered subordinate and in keeping with the appearance of the original house with no adverse impact on the character of the area.

It is also noted there is a rear extension at No. 96 which extends approximately 1.7 metres beyond the rear of No. 98.

Roof Design:

The proposal would introduce a crown roof which would be hipped at the rear over the rear extensions with a rear dormer. The depth of the crown area of the roof has been reduced from 7.8 metres to 4 metres, by omitting the rear gable and introducing a hipped roof at the back. In the context of the area where there are other crown roofs on properties nearby such as at No. 96 and at Nos 75/77 across Totteridge Lane, this would be acceptable. Furthermore, the rear amended hipped roof over the rear extension and dormer are considered of acceptable scale and design. The dormer in particular is set well within the roof space away from the ridge and eaves and therefore is compliant with the RDG in terms of scale and proportions.

Front extensions:

The proposed front extension is at ground floor level, 1.5 metres deep, squaring off the footprint of the house with lean-to roof, in line with the existing projecting ground floor bay (lounge). There is also a small open section of porch that projects a further 1.1 metres with a small front gable. Given the extension is at ground floor only and that the house is set well back from the highway, this aspect of the proposal is considered to have no significant impact on the dwelling or character of the area and maintains the existing front projecting element above ground level.

The external materials would include a combination of brickwork and rendering to match the existing building which is considered suitable to the locality.

Thus, overall, the scale, and massing of the development after amendments is considered subordinate in scale and to respect the character of the area.

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

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

Impact on No. 98

No. 98 is the nearest neighbouring property, immediately east of the site, a detached property with rear wall in line with the rear wall of No. 100. The gap between the flank walls of Nos. 100 and 98 at first floor level is approximately 3 metres. The amendments to the proposal have reduced the rear depth of the upper extension to 2 metres and removed the rear gable, well within the limits of the RDG. It is considered this reduction to the depth and the change in roof formation to hipped roof with rear dormer has sufficiently downsized the massing of the scheme such that it would not have an overbearing impact on No. 98, nor cause adverse loss of light.

The proposed new windows at first floor and above in the side (east facing) elevation should be obscure glazed to ensure no overlooking to No. 98.

The rear dormer and fenestration in the rear elevation are considered to be compliant with the RDG in terms of scale and proportions and thus would not result in adverse overlooking to this property.

Impact on neighbouring properties on West Hill Way:

Nos. 2, 4 and 6 are the nearest properties west of the site and have a separation gap of about 15 metres from the application site. No. 100 is angled slightly away from the rear boundaries of these properties such that the rear extension would not come closer to these neighbouring properties, ensuring they would not be adversely affected in terms of loss of light or outlook. Furthermore, there are no windows on the west side elevation facing these properties. The rear dormer and fenestration in the rear elevation are not considered to result in adverse overlooking.

Objections have raised concerns about loss of light to these neighbouring properties. It is considered however that these properties have a sufficient separation distance. Furthermore, the amended version of the proposal has reduced the bulk and massing of the extensions, and thus it is assessed there would be no adverse loss of light to neighbouring properties.

- Impact on trees.

The Council's tree officer has confirmed no objections subject to conditions:

The arboricultural survey and tree protection plan is based on approximate positions of

adjacent trees. Based on a desktop assessments, the locations of affected trees / RPAs appear to be broadly accurate.

There are no trees requiring removal to facilitate development. There is a tree (G1 (laurel) situated immediately to the west of the property which will require crown pruning to facilitate development. Pruning of hedging to boundary lines is common practice and there is no objection on arboricultural grounds to this aspect of the proposal.

The proposal seeks to extend the total footprint of the building and patio towards the rear garden (northwards) by 4m.

There are 2 prominent trees (sycamore and willow T1) situated in the neighbouring garden to the west. There is a distance of around 4.5m between the edge of the existing building and the crown of T1, meaning there is likely to be encroachment into the RPA. This is acknowledged within the arboricultural survey:

"The new extension will encroach slightly into the RPA of T1 (willow) and G1 (laurel)".

The patio will be installed using no-dig methodology, thereby reducing risk to T1. There is no objection on arboricultural grounds to this aspect of the proposal.

The proposal refers to "pre-emptive root pruning" to facilitate the development. Any incursion into the RPA of T1 for installation of the rear extension appears to be marginal. There is no objection on arboricultural grounds to this aspect of the proposal.

No objections subject to conditions.

- Flood Risk.

The site has been identified to be within an area of high risk for surface water runoff. As such the applicant has been requested to submit a flood risk assessment (FRA) to meet the requirements of the NPPF. The mitigation proposed in the report is considered acceptable and a condition is recommended to ensure compliance with the FRA.

5.4 Response to Public Consultation

The material considerations raised in objections have been addressed in the report.

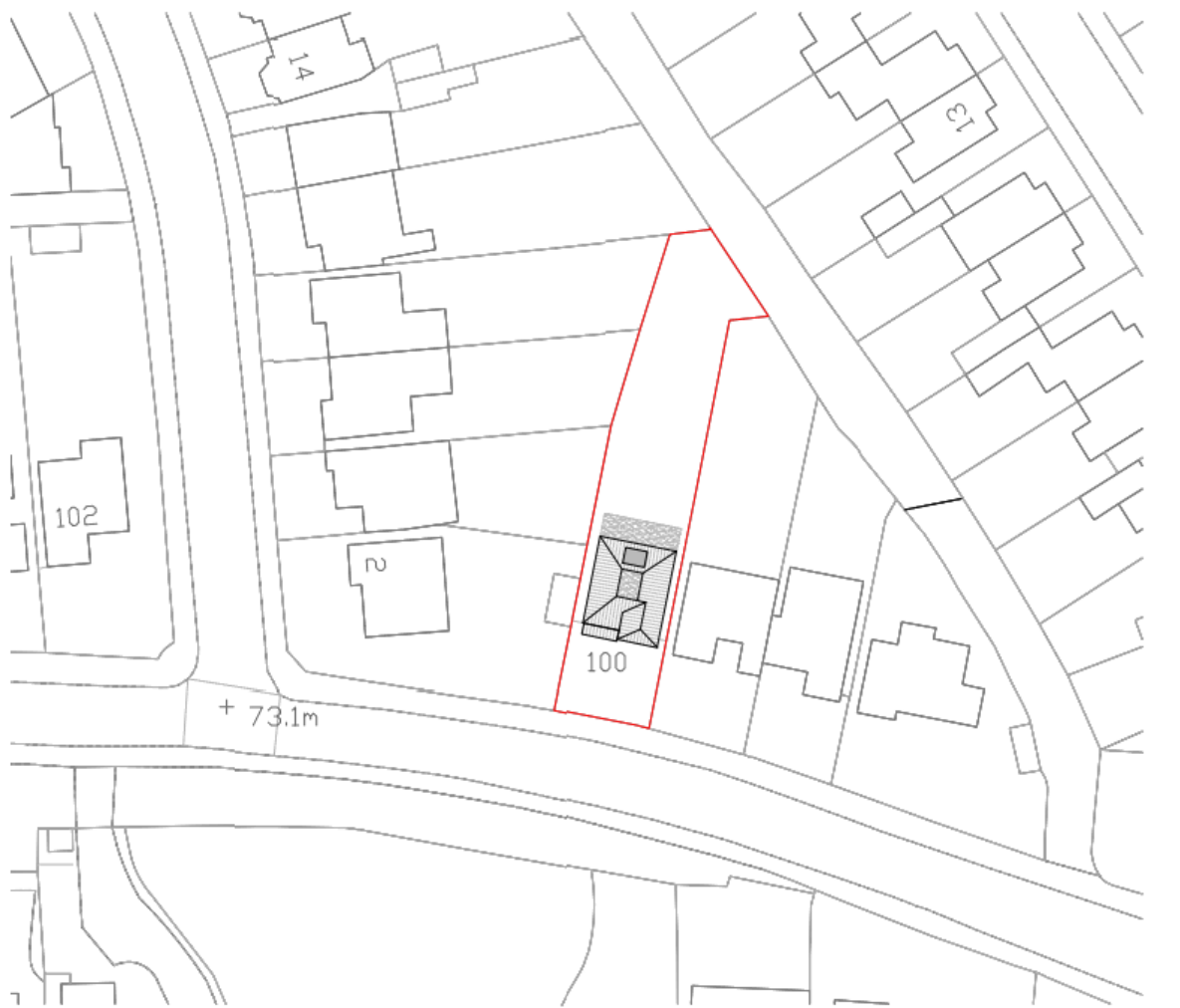
6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposal has been amended to reduce the massing and bulk of the rear extensions, such that overall the proposal would be acceptable, having no adverse visual impact or adverse impact on neighbours. The proposal is thus recommended for approval subject to conditions.

Site Location Plan



1:500 Site Location Plan
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P04	Updated to Suit Planners Comments	22.09.01
P03	Roof Changed to Suit Planners Comments	22.08.05
P02	Dwelling Updated on Site	22.07.05
P01	Issued for Approval	22.03.17

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Location 40 Corringham Road London NW11 7BU

Reference: 21/6722/HSE Received: 22nd December 2021
Accepted: 22nd December 2021

Ward: Childs Hill Expiry 16th February 2022

Case Officer: Emily Bell

Applicant: Mr & Mrs Levinson

Proposal: Formation of basement level with associated front lightwell

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:
 - 2334-100
 - 2334-101
 - 2334-102
 - 2334-103
 - 2334-200.1 REV B
 - 2334.200.1 REV C
 - 2334-201.1 REV A
 - 2334-202.1 REV A
 - 2334-300
 - 2334-500
 - 2334-501Design and Access Statement + Heritage Statement dated 22.12.21
Delta MS500 Specifications

Delta MS20 Specifications
Delta Dual Sump V3 Installation Instructions and Technical Details
Delta Foul Retrofit Sump V3 Installation Instructions and Technical Details
Basement Impact Assessment REV 1 Nov 2022 by CGL REF CGE/16902 REV 1
Flood Risk Assessment and Sustainable Drainage Strategy Report REF 2355-FRA-
DS-1-B REV B Issue Date 16 Nov 2022
PPS Specifications
2355-220801-PDG dated 1/8/22

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

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

- 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) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

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

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

7 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).

- 8 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 shown on drawing 2334-300 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.

- 9 The development hereby approved shall be implemented in accordance with the mitigation and management proposals, including monitoring strategy, as detailed within Basement Impact Assessment REV 1 Nov 2022 by CGL REF CGE/16902 REV 1 and Flood Risk Assessment and Sustainable Drainage Strategy Report REF 2355-FRA-DS-1-B REV B Issue.

Reason: To minimise the risk of flooding and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), and the Sustainable Design and Construction SPD (adopted October 2016).

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

OFFICER'S ASSESSMENT

1. Site Description

The application site is located at 40 Corringham Road, NW11 7BU, consisting of a two storey semi-detached property with front and rear amenity space. The property has been previously extended via a roof extension and a part single, part two storey rear extension. The area surrounding the site is predominantly residential consisting of similar two storey semi-detached properties. The site is not located within a conservation area, however, Hampstead Garden Suburb conservation area is in close proximity.

2. Site History

Reference: F/01736/13

Address: 40 Corringham Road, London, NW11 7BU

Decision: Approved subject to conditions

Decision Date: 1 July 2013

Description: Part single, part two storey rear extension with 6no. rooflights including a terrace with metal balustrade and steps. Extension to roof including a rear dormer window and a total of 4no. rooflights to side and front elevations to facilitate a loft conversion.

Reference: F/00043/13

Address: 40 Corringham Road, London, NW11 7BU

Decision: Approved subject to conditions

Decision Date: 11 February 2013

Description: Extension to roof including rear dormer window and four roof lights to side and front elevations to facilitate a loft conversion. Part single, part two storey rear extension.

3. Proposal

Formation of basement level with associated front lightwell.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties. 24 letters of objection have been received, summarised below:

- o Potential to increase flood risk
- o Impact on Oak Tree
- o Parking - it appears that off street parking currently in use will not exist post completion
- o Construction time - Project is scheduled to take 12 months during which time there will be a significant number of trucks etc
- o What risks are there to adjoining properties
- o Ingress into neighbouring buildings
- o Illumination of the lightwell. The proposed lightwell will be the only lightwell in the street
- o Establishment of building principle

- o There is no indication as to how the building will be used in the future. Surrounding roads have suffered as a result of flats being constructed
- o The excavation proposed will increase daily traffic of heavy vehicles for an entire year or more
- o Density of living accommodation more than surrounding houses
- o Inadequate light to basement through one lightwell
- o Overlooking from patio
- o Disruption during lengthy building works
- o 29 Middleton Road not consulted
- o No site notice posted along the street
- o Regard should be made to the impact on neighbouring locally listed buildings
- o Not clear within the plans what the intended use of the basement is
- o The new patio will be extending this house to more than 50% of its original garden. Hence it is against Barnet Guidelines
- o Out of character
- o Insufficient light to the basement from the front lightwell for the use of the habitable rooms
- o Regard should be made to the impact on neighbouring locally listed buildings

An assessment of the ground water and surface water conditions (Review of basement planning application at 40 Corringham Road, REF 30668R1 by H Fraser Consulting Ltd was submitted as an objection on behalf of neighbours.

The application was withdrawn by officers from the Planning Committee A agenda on 8th June 2022, to allow further consideration of the issues raised concerning possible flood risk.

A Basement Impact Assessment and associated documents have subsequently been submitted and assessed by the Council's Surface Water Management Team. They raise no objection.

Neighbours have been re-consulted to provide an opportunity for comments to be made on the further information provided.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

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

The Residential Design Guidance states that the council will normally allow single floor basement extensions which do not project further than 3 metres from the rear wall of a house. Although the basement would extend further than this in this case, it would project no further in depth than the existing raised patio. The existing property benefits from an existing basement store room under the raised patio with door access from the rear garden. The proposed basement would sliding doors to the rear with access to the rear garden. Given the existing situation on site, the introduction of the new basement, which will be concealed beneath the existing house, is not considered to have a significant impact on the character and design of the house and local area.

There are examples of other properties which have been granted basement extensions within the immediate area, namely the adjoining semi-detached property at no. 42 as well as at no.46 Corringham Road. Whilst the design of the proposed basement allows for the lower ground floor to be visible in the rear elevation, the extension utilises the existing levels created by the raised patio and would result in a similar appearance to no. 42

Corringham Road.

1no lightwell is proposed to the front elevation. This would measure approximately 0.8 metres in depth and 2 metres in width. The Residential Design Guidance states that lightwells at the front need to appear as discreet interventions that do not harm the frontage of a building. The lightwell would be set back from the street within the site by approximately 6 metres and the grille design of the front lightwell sits flush with the natural ground level and ensures that the lightwell reads as a discreet addition. Throughout the lifetime of the application, a planting edge was added to further create a visual buffer to screen the proposed lightwell from the street.

The plans indicate that the basement rooms would be used as ancillary functions to the family dwelling above including a gym, utility and games room.

The basement extension would include some alterations to the raised patio to the rear. As existing the patio extends to a depth of 4.7 metres and is splayed away from the boundary with no. 38 Corringham Road. The proposed patio would extend to the same depth but would extend in width adjacent to this common boundary. This is considered to have an acceptable impact on the character and appearance of the host dwelling, in particular given the existing patio on site.

There is a large oak tree to the back of the rear garden. The tree is approximately 20 metres from the construction zone and is not considered to be impacted by the development. Nevertheless, a tree protection plan has been submitted in order to ensure its protection.

- 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 basement extension is considered to have an acceptable impact on the amenities of neighbouring occupiers with regard to light and outlook as it would be contained below the existing footprint of the house and the raised patio to the rear.

An existing patio at the host property extends approximately 4.7 metres in depth adjacent to the neighbouring property at no. 42 Corringham Road. There is no extension in depth of the patio proposed along this boundary. The existing patio extends approximately 4.7 metres in depth and is splayed away from the detached neighbouring property at no. 38 Corringham Road. The proposal includes the extension of the patio in width to run parallel with the boundary with no. 38 Corringham Road. The finished floor level of the ground floor and thus the height of the patio will be the same as existing with access from the ground floor level. The construction of the basement will involve the cutting down of land within the garden immediately to the rear of the patio and basement to allow for sufficient head height within the basement rooms.

In order to protect the privacy of neighbouring occupiers, details of privacy screens to be erected along the depth of the patio will be requested by way of a condition.

Flooding

Barnet's Residential Design Guidance states that neighbouring ground water conditions

should not be adversely affected by proposed basement development. The application site is located within flood zone 1 and therefore has low probability of flooding. A postcode check for the application site also confirms that surface water flood risk is 'low risk' for the site although the properties behind along Middleton Road are at high risk of surface water flooding.

Following receipt of objections relating to increased risk of flooding, the applicant has submitted a Basement Impact Assessment, Flood Risk Assessment, and information on a basement pump system. These documents include detailed analysis of groundwater flow, topography, trees, neighbouring infrastructure, drainage, flood risk and potential ground movements associated with basement development. The documents also outline mitigation and management proposals for the implementation of the proposed basement.

The Council's Surface Water Management Team have reviewed the submitted information and raise no objections to the proposed basement with regards to flooding. A condition will be added in the event of approval to ensure that the mitigation and management proposals detailed within the impact assessment reports are carried out.

5.4 Response to Public Consultation

- o Potential to increase flood risk

The property is located within Flood Zone 1 and as such there are no concerns regarding risk of flooding. A postcode check for the application site also confirms that surface water flood risk is 'low risk'. The applicant has provided additional information on flood risk, as detailed within the main body of the report, which has been reviewed by the council's specialist officers. No objections have been raised.

- o Impact on Oak Tree

A tree protection plan has been submitted which is considered appropriate to protect the oak tree.

- o Parking

No reduction in off-street parking capacity at the site is proposed.

- o Construction time

The impact of construction work is not a material planning consideration

- o Risks to adjoining properties
- o Risk of subsidence

Issues relating to the above are not planning but Building Control matters. Therefore, relevant departments should be contacted for any issues. Such matters are addressed by other legislation (building regulations and Party Wall).

- o Illumination of the lightwell. The proposed lightwell will be the only lightwell in the street

The design of the lightwell and associated landscape screening is considered to have an acceptable impact. This is discussed within the main body of the report.

- o Establishment of building principle

Each application will be assessed on its own merits. It is noted that there are other approvals already granted in the immediate area for basement extensions.

- o Density of living accommodation more than surrounding houses
- o Not clear within the plans what the intended use of the basement is

The plans indicate the intended use of the basement is to be ancillary to the single family dwelling house. A condition would be attached in order to secure this. In terms of the density of living accommodation, given that the basement would be concealed beneath the existing house and patio, it is not considered to have any adverse impact on the character of the wider area.

- o Inadequate light to basement through one lightwell

The proposed lightwell and windows to the rear are considered acceptable given the proposed ancillary use.

- o Overlooking from patio

This issue has been addressed within the main body of the report and a condition will be attached to any approval requiring details of privacy screens to be submitted and approved in writing to the council.

- o No site notice
- o Not contacted by the council to notify of the application (no. 29 Middleton Road)

Records indicate that a consultation letter was sent to no. 29 Middleton Road to notify the occupiers of the application. All relevant consultations were undertaken. A site notice is not needed in this instance given the sites siting outside a conservation area and not being listed.

- o The new patio will be extending this house to more than 50% of its original garden. Hence it is against Barnet Guidelines

The guidance states that not more than 50% of the amenity space (garden or front court yard) should be removed. The proposal would ensure a remaining garden depth of over 20 metres which is considered to provide an acceptable private amenity space for the occupiers.

- o The excavation proposed will increase daily traffic of heavy vehicles

A condition requiring a Demolition and Construction Management Plan will be added to any approval. This will require information regarding details of construction vehicles, provision of storage/delivery areas, methods to be used to control the emission of dust, noise and vibration arising from construction works and noise mitigation measures to be submitted to the planning authority before any site works take place

- o Regard should be made to the impact on neighbouring locally listed buildings

The proposed plans are not considered to impact on the character of the locally listed

buildings within the surrounding area.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 69 Engel Park London NW7 2HN

Reference: 22/0880/HSE

Received: 21st February 2022

Accepted: 3rd March 2022

Ward: Mill Hill

Expiry: 28th April 2022

AGENDA ITEM 10

Case Officer: Radhika Bedi

Applicant: Mr Mehidi Soleimanzadeh

Proposal: New front porch

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

Site Location Plan

Drg No NOV21_69ER_01 - Existing Plans, Section and Elevations

Drg No FEB22_69EP_02 - Proposed Plans, Section 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) shall match those used in the existing building(s).

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

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. 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 This application does not purport to consider or grant consent for any other existing or proposed development on site beyond the scope of the development description

OFFICER'S ASSESSMENT

1. Site Description

This application site relates to a two-storey semi-detached dwelling located at 69 Engel Park. The dwelling is not listed and it does not fall within a designated conservation area. There are no protected trees within the application site. A pre-existing, unauthorised front porch extension at this site has been demolished pursuant to Enforcement Notice ENF/1218/21. This proposal therefore requests permission for a proposed front porch extension of a smaller scale and nature.

2. Site History

Reference: 17/0478/192

Address: 69 Engel Park, London, NW7 2HN

Decision: Lawful

Decision Date: 15 March 2017

Description: Extension to roof including hip to gable end, rear dormer window and 1no roof light to front elevation

Reference: 17/0519/PNH

Address: 69 Engel Park, London, NW7 2HN

Decision: Prior Approval Not Required

Decision Date: 3 March 2017

Description: Single storey rear extension with a proposed depth of 3 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/3270/PNH

Address: 69 Engel Park, London, NW7 2HN

Decision: Prior Approval Required and Approved

Decision Date: 15 June 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 17/6060/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Refused

Decision Date: 22 November 2017

Description: Conversion of existing dwelling into 2no self-contained flats and erection of first floor rear extension (AMENDED DESCRIPTION)

Reference: 20/3915/191

Address: 69 Engel Park, London, NW7 2HN

Decision: Unlawful

Decision Date: 3 March 2021

Description: Existing outbuilding and covered area

Reference: 21/0491/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Application Returned

Decision Date: No Decision Made.

Description: Conversion of single family dwelling into 2 flats

Reference: 21/2125/191

Address: 69 Engel Park, London, NW7 2HN

Decision: Unlawful

Decision Date: 11 June 2021

Description: Erection of a rear outbuilding with a covered area

Reference: 21/3392/FUL

Address: 69 Engel Park, London, NW7 2HN

Decision: Application Returned

Decision Date: No Decision Made.

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

Reference: 21/5521/RCU

Address: 69 Engel Park, London, NW7 2HN

Decision: Pending Decision

Decision Date: No Decision Made.

Description: Erection of a rear outbuilding (Retrospective Application)

Reference: 21/6186/RCU

Address: 69 Engel Park, London, NW7 2HN

Decision: Refused

Decision Date: 2 February 2022

Description: New front porch (Retrospective) Installation of wheelchair lift

Reason for refusal

The proposed single storey front porch extension, by reason of its design, siting, size and excessive forward projection, results in an disproportionate and unsympathetic form of development, incongruous to the established pattern of development and detrimental to the character and appearance of the host property, street scene and wider locality, contrary to Policy D3 of the London Plan (2021), Policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016)

3. Proposal

The proposal relates to a front porch extension. The proposed single storey front porch extension projects forward by 1.5m, is 2.2m wide and 2.5m in height to the eaves, with 3.3m maximum height.

4. Public Consultation

Consultation letters were sent to 10 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Overbearing, harm to local character, excessive scale
- Incorrect plans, existing ENF notice

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities...being clear about design expectations, and how these will be tested, is essential for achieving this'. The NPPF retains a presumption in favour of sustainable

development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are

characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- 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

It is noted that the site photographs that have been used to make an assessment of this application were provided by the case officer.

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

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

The previously refused scheme was a large-scale front extension which harmed the characteristic bay window element on the front elevation. This was considered unacceptable to detract from this character element of the dwelling. In addition, Barnets RDG SPD (2016) outlines that front porches or extensions should not interfere with any architectural features of the dwelling.

The proposed scheme differs to the previous refusal by a significant reduction in the dominance and scale of the front porch and separating it from the feature bay window. As

such, this is considered to be a more sympathetic design to the existing character of the house and its bay window feature, without any significant alteration to principal elevation of the dwelling. The door is to be re-located in place of the diamond lantern light.

Given the above, and that front porch extensions are common within the street scene, the proposal is acceptable with regard to its character and appearance. This proposal has also been reduced suitably in comparison to the previously refused planning application, 21/6186/RCU.

It is also worth noting that this site was referred to the planning enforcement team, in regards to the previous front porch extension and an outbuilding, with an enforcement notice being served onto the property. The notice has been complied with as the front porch extension was demolished.

- 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 policies D3 and 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.

As a result of the siting and reduced scale it is not considered that the revised porch would result in undue loss of outlook, light, or privacy such as to cause an adverse impact on the visual or residential amenities of neighbouring occupiers.

5.4 Response to Public Consultation

Key planning considerations have been addressed within the report.

6. Equality and Diversity Issues

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

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 **259 West Hendon Broadway London NW9 7DJ**

Reference: **22/2697/RCU** Received: 20th May 2022 **AGENDA ITEM 11**
Accepted: 22nd June 2022

Ward: West Hendon Expiry: 17th August 2022

Case Officer: **Zakera Matin**

Applicant: Mr Sayed Ahmad Tabatabaei

Proposal: Sub-division of shop to form new takeaway (Sui Generis); Single storey rear infill extension; Removal of external seating area to rear; External flue. (RETROSPECTIVE APPLICATION)

OFFICER'S RECOMMENDATION

Approve subject to conditions

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

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

001, 002, 003, 004, 005, 006
Noise Impact Assessment: VA4373.220922.NIA
Odour Assessment: VA4373.220923.DOA
Odour Control (High Level of Odour Control)
Specification for Aylesbury Site: REF Extraction Canopy

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

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

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

2004.

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

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

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

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

- 5 The premises shall only be open for customers between the following hours:

0800 - 2100 Mondays - Sundays.

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 the London Plan 2021.

- 6 a) Notwithstanding the approved plans, no development other than demolition works shall take place until a detailed assessment for the kitchen extraction unit, which assesses the likely impacts of odour and smoke on the neighbouring properties is carried out by an approved consultant. This fully detailed assessment shall indicate the measures to be used to control and minimise odour and smoke to address its findings and should include some or all of the following: grease filters, carbon filters, odour neutralization and electrostatic precipitators (ESP). The equipment shall be installed using anti-vibration mounts. It should clearly show the scheme in a scale diagram and shall be submitted to and approved in writing by the Local Planning Authority

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

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced by odour and smoke in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy (adopted 2012) and Policies D13 and D14 of the London Plan 2021.

- 7 The ventilation and extraction plant shall be implemented in full accordance with approved document Specification for Aylesbury Site: REF Extraction Canopy and permanently retained as such

Reason: To ensure that the amenities of the neighbouring occupiers are not prejudiced by noise and vibration in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012), Policy CS14 of the Local Plan Core Strategy (adopted 2012) and Policies D13 and D14 of the London Plan (2021)

- 8 The rear garden shall not be used at any time as an amenity or sitting out area serving the take way.

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).

- 9 The existing unauthorised structure providing a seating area in the rear garden shall be demolished and the constituent materials permanently removed from the premises within three months of the date of this approval

In the event that the seating area is not removed within three months, the use hereby approved shall be ceased within one further month.

Reason: To safeguard the character and appearance of the host property and surrounding area and ensure that the amenities of the occupiers of adjoining properties are not prejudiced, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012) and Policies D3 and D14 of the London Plan 2021.

- 10 a) Before the development hereby permitted is first brought into use, details of 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 The applicant is advised to engage a qualified kitchen extraction consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory smoke and odour control. Please note that:
 - Flue(s) must be 1.5 m* above eaves or any open able windows in the vicinity (within 20 metres of the flue) if there are sensitive premises in the vicinity. The final discharge must be vertically upwards. There should be no hat or cowl on the top of the flue. If flues are to be attached to neighbouring noise/vibration sensitive premises they must incorporate anti-vibration mounts, flexible couplings and silencers. *If the flue is in a Conservation area then this height may be reduced to 1m above eaves.
 - 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: DEFRA Guidance on the Control of Odour and Noise from Commercial Kitchen Exhaust Systems (DEFRA, January 2005); DEFRA Odour Guidance for Local Authorities (DEFRA, March 2010). 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.

OFFICER'S ASSESSMENT

1. Site Description

The site relates to a three storey end of terraced property at 259 West Hendon Broadway which features shop at ground floor and residential accommodation upstairs. There is existing single storey structure comprising sitting area in the rear garden which would be removed.

Residential properties at Nos 5 and 6 Ramsey Close are located at the rear of the site. There is vacant land on south. No.261 West Hendon Broadway - a mid-terraced property - is sited to the north of the site.

The street is commercial in nature with mixed use. The site is not located in conservation

area and the building is not listed.

2. Site History

Reference: ENF/1385/21

Nature: Erection of a ground floor rear extension and external seating area without planning permission

Decision: Under consideration

3. Proposal

Sub-division of shop to form new takeaway (sui generis). Single storey rear infill extension, Removal of external seating area to rear. External flue. (RETROSPECTIVE APPLICATION)

The rear infill extension has a depth of 1.7m and sited between existing single storey rear projections. It has a width of 7.5m. It features a flat roof with 2.8m maximum height. The rear elevation features 2 windows and a door in the middle.

The rear elevation features a flue extract.

The single storey structure comprising sitting area in the rear garden would be removed.

4. Public Consultation

Consultation letters were sent to 77 neighbouring properties.

6 objections received as below:

- The construction materials are a probable risk of fire
- Impact on sewage
- Objection on the rear sitting area, which is detrimental to neighbouring amenity
- Amenity impact of the external flue to neighbouring and upstairs residents
- No emergency access from the rear of the building
- Concern regarding waste
- Noise and disturbance for neighbours

5. Planning Considerations

5.1 Policy Context

Revised National Planning Policy Framework and National Planning Practice Guidance

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

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

more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan. The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM12, 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 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

Sustainable Design and Construction SPD (adopted 2016)

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.

5.3 Assessment of proposals

During the course of the application, the proposal has been amended by removing the single storey structure with rear sitting area, increasing the height of the flue and additional specifications.

Principle of the development

It has been proposed to sub-divide existing shop to form new takeaway pizza outlet and keep half of the shop as existing shop. The subdivided pizza shop would feature a kitchen and external flue at rear. The single storey structure with outdoor sitting area would be removed.

It is noted that the site is located along a commercial street which features retail and other commercial use at ground floor and residential use and office use at upstairs.

The site is not located within a Primary Retail Frontage.

Policy DM12 states that,

The council will protect existing local centres, parades and isolated shops unless it can be demonstrated that:

- there will be no significant reduction of shopping facilities as a result; and
- that alternative facilities that are similarly accessible by walking, cycling or public transport exist to meet the needs of the area.

The current use falls under use class E, "for the display or retail sale of goods, other than hot food, principally to visiting members of the public."

The proposal would result in a net loss of Class E floorspace, however it would not reduce the number of viable Class E premises as such. The proposal would not result in a significant reduction in shopping facilities, as the site is in close proximity to alternative shopping facilities and the proposed use falls within the former Class A5 - sui generis under the 2020 Amendment to the Use Classes Order. As such, it is considered that the proposal would comply with Policy DM12.

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

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed take away pizza shop would be located in an existing subdivided shop in a commercial street and not considered to be detrimental to the character of the area and street.

The proposal includes a rear infill extension which has a depth of 1.7m and is sited between existing single storey rear projections. It has a width of 7.5m. It features a flat roof with 2.8m maximum height. The rear elevation features 2no windows and a door in the middle. The material would match the existing. This element is considered to be a modest and proportionate extension at the rear and would respect the character of the building and the area.

The rear elevation features a flue extract. The proposed external flue would not be visible from the street and is not atypical of commercial premises elsewhere on West Hendon Broadway. The top of the extract would be 1.5m above the eaves of the building. The principle of the kitchen extract system is considered to be acceptable, and installation would be satisfactorily achieved with limited impact to the character and appearance of the application site, street scene and wider area.

The single storey structure with siting area in the rear garden would be removed and the use by customers restricted by way of condition.

Overall, the proposal is not considered to have any detrimental impact on the character of the area and street scene.

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

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

It further mentions that, "Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the wellbeing of the boroughs residents."

The proposed single storey rear extension would be an infill extension at the rear and would not extend beyond the existing side projections. Because of the modest depth of 1.7m and maximum height of 2.8 with flat roof, this element of the proposal is not considered to have any detrimental impact on neighbouring amenity.

The existing ground floor is currently used as shop. The proposed subdivision to provide a take away pizza shop at this location which is commercial in nature and situated on a busy thoroughfare, is not considered to cause unacceptable additional noise and disturbance for residential occupiers above the shop and at the rear - in particular with the use of the rear

amenity area restricted by way of condition.

The proposal includes a kitchen flue and extract at the rear. The Environmental Health officer has been consulted regarding the details of the kitchen extract and noise and odour impact. The officer assessed the submitted drawings and noise and odour report and requested amendment to increase the height of kitchen flue 1.5 m above the eaves of the building to mitigate any detrimental impact for neighbours.

The officer commented that the submitted odour assessment makes appropriate suggestions for mitigation regarding the level of risk identified. The applicant is requested to provide further odour abatement by way of condition in the event of an approval.

Subject to condition, it is considered that, the proposed extract system would not have any detrimental impact on the amenities of residential flats above in terms of noise, odour and outlook and would comply with Barnet Local plan.

5.4 Response to Public Consultation

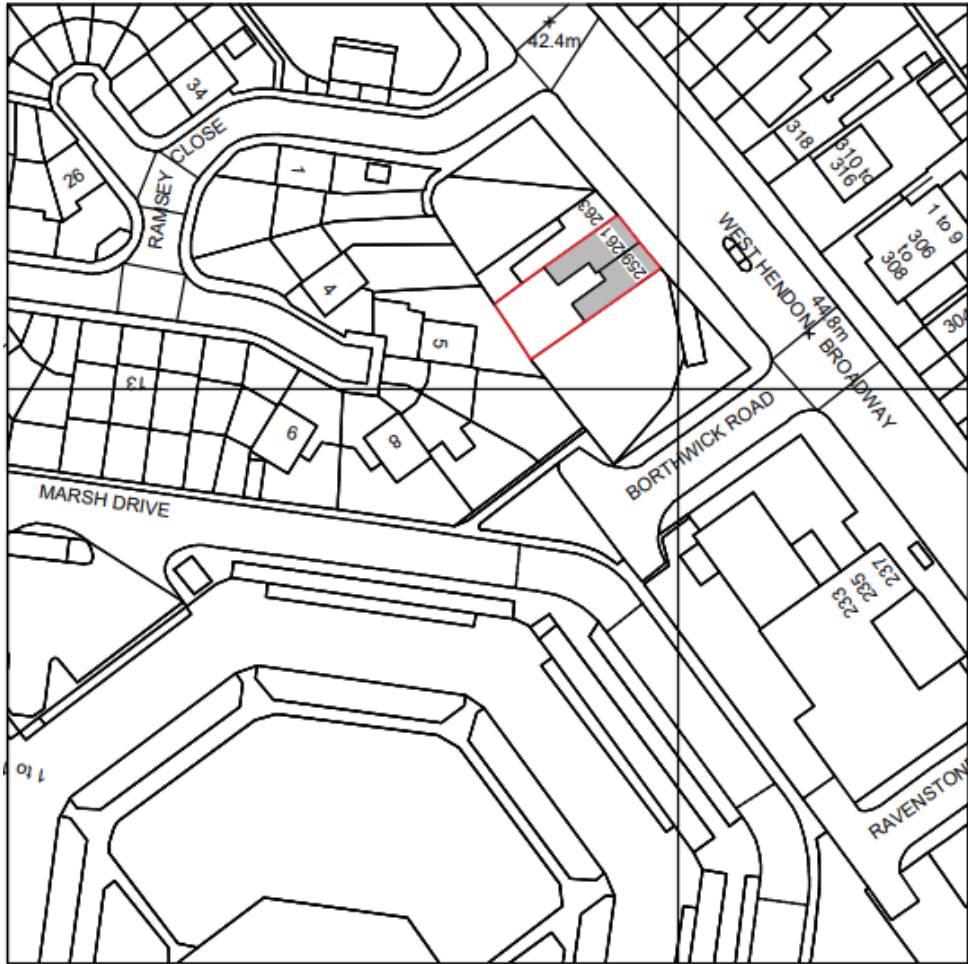
- Outdoor siting area and structure would be removed
- The flue height amended to mitigate any detrimental impact on neighbouring occupiers.
- Impact on sewage is not a material planning consideration and would be dealt with at Building Control stage

6. Equality and Diversity Issues

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set out in the Equality Scheme and 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 nearby occupiers . This application is therefore recommended for APPROVAL



Location 51 Boyne Avenue London NW4 2JL

Reference: 22/5572/HSE

Received: 18th November 2022

Accepted: 18th November 2022

Ward: Hendon

Expiry 13th January 2023

AGENDA ITEM 12

Case Officer: Basya Markovits

Applicant: Mr Sam Epstein

Proposal: Erection of first floor side extension, roof extension with rear dormer window and 1no. front rooflight

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 By reason of its size, design and siting, the proposed roof extension would result in an incongruous form of development, appearing bulky, prominent and out of scale with the host dwellinghouse, and at odds with the established pattern of development in the surrounding area, contrary to policy CS5 of the Barnet Local Plan (Core Strategy) adopted 2012, policy DM01 of the Barnet Local Plan (Development Management Policies) DPD adopted 2012 and the Residential Design Guidance SPD adopted 2016.

Informative(s):

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

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

- 2 The plans accompanying this application are:

- 4D-238A E 01 Existing floor plans
- 4D-238A P 01 Proposed floor plans
- 4D-238A E 02 Existing loft and roof plans
- 4D-238A P 02 Existing loft and roof plans
- 4D-238A E 03 Existing front and rear elevations
- 4D-238A P 03 Proposed front and rear elevations
- 4D-238A E 04 Existing side elevations
- 4D-238A P 04 Proposed side elevations
- 4D-238A E 05 Existing sections
- 4D-238A P 05 Proposed sections
- 4D-238A E 06 Existing front isometric view
- 4D-238A P 06 Proposed front isometric view
- 4D-238A E 07 Existing rear isometric view
- 4D-238A P 07 Proposed rear isometric view
- 4D-238A E 00 Block and location plans

OFFICER'S ASSESSMENT

The application has been referred to committee by Councillor Conway for the following reason:

"I have viewed the site from all surrounding roads and having studied the application and

looked at the surrounding homes & the extension works they have all carried out, I do not understand why the officers would be looking to refuse.

There is no harm to neighbour's amenities and the extension blends in nicely with the surrounding homes and all homes which back on to Boyne Avenue. There have also not been any objections from neighbours.

1. Site Description

The application site, containing a two storey, semidetached dwelling house with front and rear amenity space and off-street parking, is located at 51 Boyne Avenue, London NW4 2JL, within the Hendon ward. The dwelling is located on uphill terrain with the rear amenity space sited higher than the front.

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 trees under Tree Preservation Orders.

2. Site History

Reference: 22/2506/HSE

Address: 51 Boyne Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 29.07.2022

Description: First floor side and rear extension. Roof extension involving rear dormer window.

Reference: W07814

Address: 51 Boyne Avenue London NW4

Decision: Approved subject to conditions

Decision Date: 17.10.1985

Description: Single-storey rear extension

3. Proposal

Planning permission is sought for:

- Erection of first floor side extension, roof extension with rear dormer window and 1no. front rooflight.

The proposed first floor side extension will sit forward of an existing first floor side extension, towards the front elevation of the dwelling and will measure 2.8 metres in width, 3.8 metres in depth and have a ridge height of 7.8 metres. Due to the uphill terrain, the proposed extension will have a maximum eaves height of 5.8 metres. The proposed first floor side extension will be set back from the front line of the dwelling by 1.00 metres and will be 0.8 metres from the adjoining boundary with No.49 Boyne Avenue. It will have a pitched roof with the ridge set below that of the main roof by 0.8 metres.

The roof extension will include a hip-to-gable extension to the main roof and a rear dormer. The ridge of the main roof will be extended by 3.7 metres with a base width of 9.4 metres and a height of 3.0 metres. The rear dormer will measure 5.2 metres in width, 2.1 metres in height and 3.5 metres in depth.

4. Public Consultation

Consultation letters were sent to 13 neighbouring properties.
No replies 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 current iteration of the National Planning Policy Framework (NPPF) was published on 20th July 2021. This is a key part of the Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

The London Plan (2021)

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

Barnet's Local Plan (2012)

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

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

Barnet's Draft Local Plan

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

(England) Regulations 2021 (as amended).

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact on Character

Any proposed 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 Barnet Local Plan), D3 (London Plan). DM01 helps to protect Barnet's Character and amenity stating that development

should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

First floor side extension

Clause 14.15 of the residential design guidance states that side extensions should not be more than half the width of the original house. In addition, the setting back of the front wall of side extensions from the front building line can help to reduce the visual impact on the street scene. First floor side extensions should normally be set back 1 metre from the front main wall of the existing house.

14.16 further states that pitched roofs help extensions fit in with the street and may be required for single storey extensions. Pitched roofs, following the same pitch as the existing roof, will normally be needed for two storey extensions and should be set down at least 0.5 metre from the ridge of the main roof.

14.17 states that in order to reduce the visual impact of two storey or first floor side extensions, there should normally be a minimum gap of 2 metres between the flank walls of properties at first floor level (i.e. a minimum gap of 1m between the boundary and the extension at first floor level for most two storey extensions).

The proposed first floor side extension will have a width less than half the width of the original house and will have its ridge more than 0.5 metres lower than the main roof ridge of the dwelling. It will be sited 0.8 metres from the adjoining boundary with No. 49 and will be set off from the front line of the house by 1.0 metre. The proposed first floor side extension is therefore seen as a subordinate addition to the main house and, as several examples of first floor extensions are found in the street, it is in keeping with the surrounding area.

It is noted that a similar side extension was approved as part of application 22/2506/HSE in July 2022.

Roof extension

Rear dormer

The Residential Design Guidance SPD (2016) states that dormer windows should normally be subordinate features of the roof and should not occupy more than half the width or the depth of the roof slope. In this case, the proposed enlargement of the rear dormer does not comply with Barnet's Residential Design Guidance SPD, which recommends that dormers do not exceed half the width and depth of the existing roofline.

Paragraph 14.33 of the Barnet's RDG states the dormer extension should be set in at least 1 metre from the party wall, flank wall or chimney stack. The rear dormer does not comply with this as it is set in by only 0.4 metres.

The dormer exceeds the SPD guidance and is clearly a dominant feature, adding considerable bulk to the roof. At this scaling, the development cannot be considered subordinate to the main dwellinghouse. Furthermore, the dormer fails to maintain an adequate amount of roof slope both above and below the development and would be considered a prominent and overly dominant addition to the host property.

Hip-to-gable

The residential design guidance (paragraph 14.35) states that when assessing hip-to-

gable extensions the following criteria should be taken into account:

- o The gable should not unbalance a pair of semi-detached houses or a short terrace
- o The gable should not reduce the degree of visual separation between houses or glimpsed views from the street
- o The gable should not form an overbearing wall facing a street, neighbouring garden or other public place
- o The gable should not appear out of character within the streetscape

In this case, the attached neighbouring property does not benefit from a two-storey side extension or a hip-to-gable extension and therefore the cumulative impact of the proposal would unbalance the semi-detached pair. Boyne Avenue is characterised by pairs of semi-detached properties with hipped roofs and short terraces with hipped roof ends. Although hip-to-gable extensions can be implemented under permitted development, planning permission for these is not normally granted where they are out of character with the prevailing roofscape, except in cases where they are so prevalent that the character of the area has been irremediably altered.

This is not considered to be the case in this instance as, although there are several permitted development type hip-to-gable extensions seen in the street, the properties on this section of Boyne Avenue, including both pairs of semi-detached properties on either side of the application site and the properties opposite, retain their original hipped-roof design.

It is noted that there are some examples of hip-to-gable extensions to the rear of the application site, on Finchley Lane. However, as these do not form part of the street scene on Boyne Avenue they are of minor relevance to this character assessment.

Overall, it is considered that the proposed roof extension would have an unacceptable impact on the character of the host property, its attached pair and the surrounding area. The proposal is therefore found not to accord with Policy DM01 of Barnet's Local Plan and the Residential Design Guidance SPD.

It is noted that the application site benefits from a recent planning approval (Ref, 22/2506/HSE) which includes a roof extension that retains the original hipped-style roof with a more modest rear dormer. That application as originally submitted proposed a hip-to-gable extension identical to the one in this scheme but was amended during the lifetime of the application to achieve approval as it was considered unacceptable by officers in its original form.

Impact on neighbouring Amenity

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy D3 and D6 (of the 2021 London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Impact on No.49:

The proposed side extension is sited marginally closer than the advised distance of 1.0 metres from the adjoining boundary to this neighbour. However, the host dwelling already benefits from a first-floor side extension and the proposed work would not encroach any further than the flank wall of this existing side element. Due to an intervening garage at this neighbour, the proposed first floor side extension is spaced well over the advised 2.0 metres from the flank wall of this neighbour and is therefore not seen to appear

overbearing to this neighbour. There are no first floor windows in the side elevation. It is seen to have an acceptable impact on the amenity of this neighbour.

Impact on No. 53:

The proposed side extension is not visible from this property and is not considered to have any harmful impact on this neighbour.

The roof extension would not have any negative impact on the amenity of either neighbouring property. Overall, the proposal is not considered to adversely impact on the amenity of any neighbouring properties.

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 proposal does not comply with the Adopted Barnet Local Plan policies and guidance and would not be in keeping with the character and appearance of the host property and surrounding area. This application is therefore recommended for REFUSAL.

8. List of Conditions in the event of an Appeal - Without Prejudice

Approved Drawings

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

- 4D-238A E 01 Existing floor plans
- 4D-238A P 01 Proposed floor plans
- 4D-238A E 02 Existing loft and roof plans
- 4D-238A P 02 Existing loft and roof plans
- 4D-238A E 03 Existing front and rear elevations
- 4D-238A P 03 Proposed front and rear elevations
- 4D-238A E 04 Existing side elevations
- 4D-238A P 04 Proposed side elevations
- 4D-238A E 05 Existing sections
- 4D-238A P 05 Proposed sections
- 4D-238A E 06 Existing front isometric view
- 4D-238A P 06 Proposed front isometric view
- 4D-238A E 07 Existing rear isometric view
- 4D-238A P 07 Proposed rear isometric view
- 4D-238A E 00 Block and location plans

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).

Standard Time Limit

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.

Materials to match

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).

No windows

Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the flank elevation(s), of the extension(s) hereby approved, facing 49 Boyne Avenue.

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



Location 23 Ravenshurst Avenue London NW4 4EE

Reference: 21/0746/FUL

Received: 11th February 2021

Accepted: 12th February 2021

Ward: Hendon

Expiry: 9th April 2021

AGENDA ITEM 13

Case Officer: Mansoor Cohen

Applicant: Jewish Marriage Counsel

Proposal:

Roof extension involving side dormer windows. Providing a House in Multiple Occupation (HMO) at ground floor for 8no. people. Office and counselling rooms at first floor. Associated cycle store and refuse/recycling area

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 development would result in the reduction of employment floorspace in an edge of town centre location. The applicant has failed to provide evidence in relation to a marketing campaign to demonstrate that there has been no interest expressed in the unit for its existing or alternative business use in the short, medium and long term. In the absence of this information, the proposed development would result in the loss of employment generating floorspace which could adversely impact the vitality and viability of the Brent Street Town Centre contrary to Policy DM14 of the Local Plan Development Management Policies DPD (2012); Policies CS1 and CS NPPF of the Local Plan Core Strategy (2012) and Policy E6 of the London Plan (2021).
- 2 The proposed change of use to an HMO has failed to evidence an identified need for this type of accommodation and would introduce a use that is incongruous to the established character of the area which is characterised predominantly by single family dwelling houses to the detriment of the character and amenity of the locality. The proposed development would therefore be contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 and DM09 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

- 3 The proposed 6no. dormers by reason of their excessive number, size, massing, siting and design, would fail to appear as a subordinate, proportionate or sympathetic addition to the existing building, 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)
- 4 The proposed change of use to an 8no person HMO, in combination with the proposed office/counselling use, would harmfully increase noise, disturbance and disruption to neighbouring residents through associated increased coming and goings and general activity amounting to an over-intensive use of the site detrimental to the residential amenities of neighbouring occupiers. The proposal would therefore be contrary to Policies CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM02 and DM09 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted 2016) and the Sustainable Design and Construction SPD (adopted 2016).
- 5 The proposed HMO would provide a substandard level of living accommodation for future occupiers, by way of poor outlook and light, in particular for Units 01, 04 and 06 and a lack of any outdoor amenity space for all units, contrary to Policies D3 and D6 of the London Plan (2021), Policies DM01 and DM02 of the Local Plan Development Management Policies 2012; the Barnet Residential Design Guidance SPD (Adopted October 2016) and the Barnet Sustainable Design and Construction Supplementary Planning Document (Adopted October 2016).
- 6 The proposal would provide insufficient off-street parking provision and in the absence of a legal agreement to amend the traffic order or a current parking survey to demonstrate that there is sufficient on street parking capacity for the potential parking overspill, the development when combined with an inflated occupancy level and low PTAL score would result in a heightened level of parking pressure and congestion, to the detriment of highway and pedestrian safety and the free-flow of traffic, contrary to Policies T4, T6 and T6.1 of the London Plan (2021), Policy CS9 of the Local Plan Core Strategy (2012), and Policy DM17 of the Local Plan Development Management Policies DPD (2012)

Informative(s):

- 1 The plans accompanying this application are:

U-J11495-A-1.1 Rev 1
U-J11495-A-2.1 Rev 1
U-J11495-A-2.2 Rev 1
U-J11495-A-3.1 Rev 1

U-J11495-A-4.1 Rev 1
U-J11495-A-4.2 Rev 1
U-J11495-A-5.1 Rev 1
U-J11495-A-6.1 Rev 1
U-J11495-A-6.2 Rev 1
U-J11495-A-7.1 Rev 1
U-J11495-A-8.1 Rev 1
U-J11495-A-8.2 Rev 1
U-J11495-A-9.1 Rev 1
Planning Statement by UPP

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

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

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

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 is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail.

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

also available from the Planning Portal website.

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

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

Relief or Exemption from CIL

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

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

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

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

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

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

OFFICER'S ASSESSMENT

The application has been called in at the request of Cllr J Conway on the following grounds:

"The site is close to Middlesex University with many students preferring to live in semi-private accommodation, away from student dormitories as well as those who cannot afford private flat shares. Therefore, HMO accommodation is the ideal solution. Given its location, the site is ideally located for such purposes.

Similarly, Policy DM09 states that new HMOs will be encouraged where they meet an identified need, can demonstrate that they will not harm character and amenities and are easily accessible by public transport, walking and cycling. The site is located in extremely close proximity to the Brent Street Town Centre. Whilst the site has a PTAL of 2, there are 5 different bus routes within 200 metres of the site, providing excellent public transport links. Given its proximity to the town centre, it is easily accessible by walking and public transport.

HMO accommodation is more temporary by nature and residents are less likely to be concerned about their immediate surroundings than those in flats, which tend to provide more permanent family accommodation. As such, HMO accommodation is viewed as more compatible with the propose office/counselling services above than the provision of flats as residents will be based in their rooms/communal areas to the rear and will not be focused on visitors to the charity. As HMOs tend to be occupied by students, it is more likely that they will be in lectures during the day, thereby maintaining privacy for the charity and its client"

1. Site Description

The application site consists of a single storey building with dual pitched roof. The building perimeter is treated with 2m high palisade metal fencing all the way around.

Ravenhurst Avenue meets Somerset Road and the building is accessed through a link to West View which abuts the head of Egerton Gardens in close proximity to the site.

Ravenhurst Avenue is predominantly made up of large rows of terrace town houses that present double vertical bays to the street scene, it has a strong architectural rhythm. There is more of a mix on Somerset Road where Georgian bay dwellings and a late 20th century infill of terrace houses sit opposite one another.

The site does not include a listed building and is not in a conservation area.

2. Site History

Reference: W04765
Address: Shree Swaminarayan Temple Somerset Road NW4
Proposal: Erection of a second floor
Decision: Refused 18 Dec 1974

Reference: W04765A
Address: Former Shree Swaminarayan Temple Somerset Road NW4
Proposal: Change of use from a place of worship to a marriage counselling centre
Decision: Approved subject to conditions 19 Oct 1983

Reference: W04765B
Address: 23 Ravenshurst Avenue London NW4
Proposal: Retention of covered way.
Decision: Approved 07 Dec 1984

Reference: W04765C
Address: 23 Ravenshurst Avenue London NW4
Proposal: Side roof extensions, alterations to elevations, new entrance and covered way to side elevation.
Decision: Approved subject to conditions 16 Jun 1997

3. Proposal

The applicant seeks planning permission for a change of use of the existing ground floor offices to be used as an 8 person 8 bedroom HMO and the provision of office and counselling rooms at loft level providing a GIA of 135sqm. to facilitate the use of the loft level the proposal incorporates the installation of 6no. dormers to the dual pitched roof.

The building currently functions as an office with a floorspace of 200m². There is an existing small lean-to element extending from the south elevation which would be utilised for the provision of cycle spaces and bin storage.

4. Public Consultation

Consultation letters were sent to 59 neighbouring properties. 1no letter of objection was received stating the following:

'We object to the side dormer windows in the proposed roof extension that would overlook our garden. It would destroy the privacy of our garden'.

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, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM09, 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)

-A small House in Multiple Occupation (HMO) is a dwelling in which three to six unrelated people (separate householders; unrelated to each other) share communal facilities such as bathrooms, kitchens and living rooms. From 29 May 2016 an article 4 Direction was introduced to remove the permitted development rights to convert a dwelling house (Use Class C4) into a small HMO (Use Class C4). Larger HMO are properties occupied by more

than 6 unrelated individuals who share basic amenities such as a kitchen or bathroom facilities. They are classified as 'sui generis' (a use like no other) and always require planning permission. Policy DM09 of the Local Plan explains Barnet's policy on Houses in Multiple Occupation. HMO's may require licensing under the Housing Act and Environmental Health Act.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle for the loss of office space
- Whether the principle of conversion to an HMO is acceptable
- The effect of the proposed development on the character and appearance of the surrounding area;
- The effect on the living conditions of neighbouring properties
- The effect on the living conditions of future occupants of the proposed HMO in terms of standard of accommodation
- Highways and Parking.

5.3 Assessment of proposals

Loss of Office Space

Policy DM14 of the Development Management Policies Document is concerned with 'New and Existing Employment Space' Part iii of this policy states:

"Office space (Class B1) should be retained in town centres and edge of centre locations. Loss of office space (Class B1) will only be permitted in town centres and edge of centre locations where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of active marketing has been undertaken. Where this can be demonstrated the proposal will be expected to provide appropriate mixed use re-development which provides some re-provision of employment use, residential and community use".

Part iv of Policy DM14 states:

"Proposals to redevelop or reuse an existing employment space which reduces the levels of employment use and impacts negatively on the local economy will be resisted".

The proposal is located at the edge of the Brent Street Town Centre and despite the policy referring to Class B1 (which is now E) the sentiment of the policy is still relevant in that any loss of such a use in this location needs to be justified. The applicant has not provided any supporting justification to show that an office use is no longer viable for the building. Despite some office/counselling rooms being proposed upstairs there is a reduction in floor space (from 200sqm to 135sqm). The applicant has failed to demonstrate that the ground floor of this building is no longer suitable for office use (or another use within class E) as no information of marketing the space or time spent vacant has been received. The proposal is therefore contrary to policy DM14 on this basis.

Principle of HMO

Policy DM09 of the Development Management Policies Document is concerned with Specialist housing - Houses in Multiple Occupation, student accommodation and housing choice for older people. It states:

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

The applicant has not provided any information in relation to the need for an HMO in this location. The policy is explicit in that all proposals for new HMOs should be accompanied by such justification. Reference to being in proximity to a Town Centre and/or Middlesex University does not equate to an identified need, particularly when provision of additional student accommodation for the University has been accounted for through the 'Hendon Hub' applications. The proposal is therefore considered to be contrary to policy DM09 in principle terms and the applicant has failed to demonstrate that there is a need for such tenure in the locality.

Impact on the character and appearance of the site and wider area

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

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance SPD (October 2016) provides more detailed residential design guidance. In respect of dormer roof extensions, guidance 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'.

The primary external alterations to the building relate to the addition of 3no. dormers to each side of the dual pitched roof. Each dormer individually would exceed half that height of the existing roofslope and in cumulation the dormers would exceed more than half the width of each roofslope, thereby wholly failing to comply with guidance. The additions of the dormers would add considerable bulk and mass to the building and would virtually engulf both sides of the roof slope. This results in an overly dominant top heavy development harmful to the character and appearance of the building, streetscene and locality. It is also highlighted that unlike some dwellings would feature sizeable rear dormers, the orientation of the building in relation to the street scenes from Ravenshurst Avenue, Somerset Road and Egerton Gardens would mean the development would be readily visible and visually obtrusive.

In respect of the proposed HMO use, the site is located within a predominantly residential area. A search through the council's records indicates that there are no HMO's within close proximity of the application site. Whilst there are few flats in the area, the intensification of use is different from an HMO unit. The introduction of an HMO unit at this particular confined location is considered to create an increase in footfall and the intensification of use will have a harmful impact on the character of the wider street scene as a result of the

proposed HMO use.

The level of activity resulting from groups of unconnected people, as would be the case with HMOs, would be likely to result in differing patterns of usage and behaviour as compared with residents living as single households who could be expected to share a lifestyle. In particular, there is likely to be more frequent comings and goings of residents and visitors and greater potential for increased noise and disturbance to local residents, the use of the limited garden/outside area and parking on the surrounding road network. Furthermore, in this instance, given that the premises are not being used for residential accommodation, there would be an uplift to the existing/occupancy level from 0 to 8 rooms, and considerable increase in activity when considered with the non-residential use.

The introduction of an HMO unit at this particular confined location is considered to create an increase in footfall and intensification of use, that will have a harmful impact on the character of the area and amenities of neighbouring occupiers.

Impact on the living conditions of neighbouring occupiers

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.

Policy DM01 is explicit in that HMOs '...will not have a harmful impact on the character and amenities of the surrounding area'.

An objection has been received stating that the side dormer windows would lead to overlooking. One dormer proposed on the eastern roof pitch would allow for views across the rear amenity of number 4 Somerset Road. However, it is considered that given the use is office/counselling rooms and that there is an ability to obscure windows which could be conditioned in the event of an approval, this relationship would be acceptable.

In respect of the increased intensification of the site by way of the office use and 8 person HMO, as detailed earlier, it is considered that in this confined location surrounding residential dwellings, the proposed use as an HMO would result in an over intensification of the site that would manifest itself in increased comings and goings of residents and associated noise and disturbance detrimental to the residential amenities of neighbouring occupiers. This would be particularly more pronounced given the lack of any dedicated outdoor amenity space for occupiers of the HMO.

The proposal is thus found to have an unacceptable impact on the residential amenities of neighbouring occupiers.

Impact on the Amenities of future occupiers

In terms of amenity for future occupants Barnet has adopted Standards for Houses in Multiple Occupation. For single room lettings where kitchen is separate floor area must be 10m² (8.5m²) (for 1 persons max) all rooms would satisfy this requirement.

Kitchens are to have a floor area of no less than 6m² again the kitchen would exceed this, a communal lounge space is also proposed.

The Sustainable Design and Construction SPD considers in part outdoor amenity space. It states:

'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. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable.'

This application does not propose any outdoor amenity, nor is there any justification as to why this is appropriate. The proposal is a large HMO (Sui Generis) and the limited availability for outdoor space would result in an unacceptable level of amenity for future occupiers of the rooms. Further to this, it is noted that a number of rooms would have windows sited in close proximity to the neighbouring flank wall providing an unacceptable level of outlook or light intake for future occupiers which cumulatively results in a poor standard of living conditions for future occupiers of the HMO. In so the proposal is contrary to the Sustainable Design and Construction SPD and Policy DM01 of the Development Management Policies Document.

Highway Impacts

The site is located at the corner of Ravenshurst Avenue and Somerset Road. It fronts onto a residential road, lies in an area with a PTAL rating of 2 (low), on a scale of 1a to 6b, where 1a is worst and 6b is excellent accessibility to public transport. However, there are 4 bus route (240, 326, 143, 183) which can be reached from stops with 3-5 minutes walking distance of the site.

The proposal to provide a 8 bedroom HMO on the ground floor and office/counselling rooms on the first floor will attract a maximum parking provision of 0-8 car parking spaces for the HMO and for the 93sqm of B1(office) 1 parking space is required. No parking provision is proposed and Highways consider this acceptable subject to a s106 agreement with the Council to deny occupants of the development the right to purchase CPZ permits.

Given that the application is not recommended for approval, no legal agreement has been formed and so the lack of this undertaking is a reason for refusal.

Cycle parking:

Based on published London Plan, 8 cycle parking spaces are required for the 8bed HMO and 1 long stay and 1 short stay space for the 93sqm of office space. The proposed ground floor plan indicates 10 cycle parking spaces in two separate compartments which is acceptable. Further details can be addressed through a condition.

Refuse/recycling:

An integral area for bin storage is shown on the drawings at the rear of the building, this is acceptable in principle and further details could be secured through a condition.

5.4 Response to Public Consultation

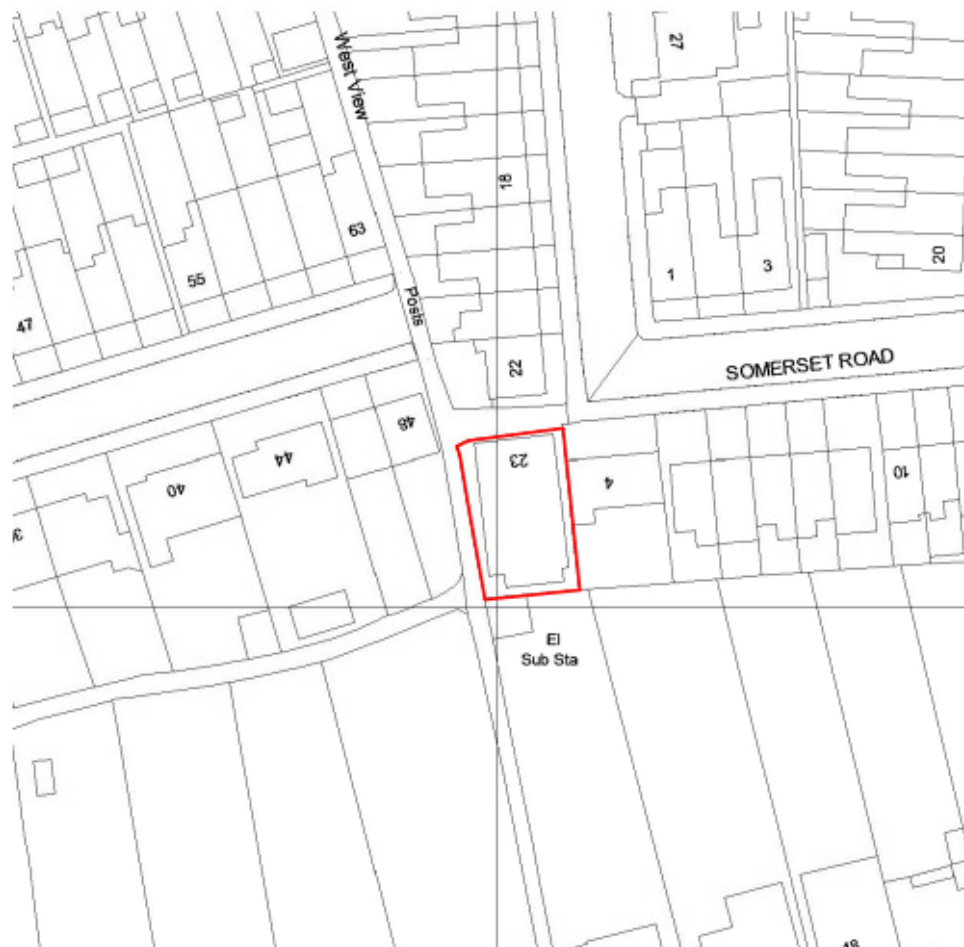
Addressed in the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would in principle be unacceptable and would adversely impact the character and residential amenities of the area. The proposed HMO would also provide a sub-standard level of living accommodation for future occupiers. The application is therefore recommended for REFUSAL



Location **5 Marlborough Avenue Edgware HA8 8UH**

Reference: **22/2437/HSE**

Received: 6th May 2022

AGENDA ITEM 14

Accepted: 6th May 2022

Ward: Edgwarebury

Expiry: 1st July 2022

Case Officer: **Anestis Skoupras**

Applicant: Mr Patcas

Proposal: Alterations and retention of rear extension

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 rear extension, by virtue of its width, height, scale, design, and siting, would result in an unduly, bulky and disproportionate addition, detrimental to the character and appearance of the host property, incongruous to the established development pattern of the surrounding area, contrary to Policy D3 of the London Plan 2021, Policies CS1 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan: Development Management Policies DPD (2012), and the Residential Design Guidance SPD (2016).
- 2 The rear extension, by virtue of its height, design and siting, constitutes an overbearing addition, resulting in an undue loss of outlook and increased sense of enclosure to the rear habitable rooms and garden of No.7 Marlborough Avenue, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D3 of the London Plan 2021, Policies CS1 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the Local Plan: Development Management Policies DPD (2012), and the Residential Design Guidance SPD (2016).

- 3 The rear extension, by virtue of its height, design and siting, results in an enhanced perspective into the rear garden of No.3 Marlborough Avenue and consequent loss of privacy, to the detriment of the residential amenity of neighbouring occupiers, contrary to Policy D3 of the London Plan 2021, Policies CS1 and CS5 of the Local Plan: Core Strategy DPD (2012), Policy DM01 of the 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:

Pre-existing Plans: EX-P001, EX-P002, EX-P003, EX-P004, EX-E001, X-E002, EX-S001, dated January 2021.

As built plans: PR01, PR02, PR03, PR04, PR05, PR06, dated January 2022

Proposed plans: 112A P01, 112A P02, 112A P03, 112A P04, 112A P05, 112A P06, dated 01.04.2022

OFFICER'S ASSESSMENT

This application has been called before the Committee by Cllr Gurung for the following reason:

I am happy to call in this planning application before the planning committee for them to consider the special circumstances of the needs of the applicant's son and understand this is a material planning consideration.

1. Site Description

The application site is located at 5 Marlborough Avenue, consisting of a semi-detached dwellinghouse. The area surrounding the site is predominantly residential. The site is located within the Hale ward.

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

2. Site History

Reference: 22/0545/HSE

Address: 5 Marlborough Avenue, Edgware, HA8 8UH

Decision: Refuse

Decision Date: 26 April 2022

Description: Retention of rear extension (Amended Description)

Reference: 21/0618/HSE

Address: 5 Marlborough Avenue, Edgware, HA8 8UH

Decision: Approved subject to conditions

Decision Date: 15 July 2021

Description: Single storey rear extension

Reference: W12869/02

Address: 5 Marlborough Avenue, Edgware, HA8 8UH

Decision: Lawful

Decision Date: 24 June 2002

Description: Loft conversion including hip to gable and rear dormer window extensions.

Reference: ENF/1342/21

Address: 5 Marlborough Avenue, Edgware, HA8 8UH

Decision: Notice Served

Date Issued: 25 May 2022

Description: Without planning permission, the erection of a rear extension

3. Proposal

The application seeks permission for a single storey rear extension (Part retrospective application).

A single storey ground floor garage was situated on the application site. The garage would be 6m in depth, 2.8m in width and with an overall height of 3.25m. A shed with an additional depth of 2m was situated beyond this garage.

A planning permission ref. 21/0618/HSE was granted on 15th of July 2021 for the demolition of the garage and shed and its replacement with a single storey ground floor extension which would adjoin the existing rear elevation line, extending 7.495m deep into the rear garden at a width of 2.746m with a height of 3m. The extension would be finished with a flat roof and matching materials.

A planning application ref. 22/0545/HSE was refused on 26th of April 2022. The proposal was for the retention of the rear extension as built, which would extend 9.6m into the rear garden at a width of 4.52m. In the agent's planning statement, it was noted that the extension exceeded the development consented under permission ref.21/0618/HSE by 1.5m in depth and 1m in width. In the officer's delegated report, it has been noted that the proposed plans for the application were 2m deeper and 1.8m wider with an increase of 1.4m compared to the approved decision ref.21/0618/HSE. As a result of excavation/discrepancy, this would amount to a roof height c.0.3m higher relative to the boundary than that previously approved.

There is a drop in ground levels at the rear of structure and low-level storage room underneath the end section of the structure.

It is noted that during the course of all the above-mentioned planning applications, the reference point for the ground level height is height of the ground adjacent to the building. In this instance, it sits 50cm lower than the internal ground floor height.

The current proposal seeks permission for a single storey ground floor extension which has a depth of 6.73m into the rear garden at a width of 4.52m. The height of the extension is the same with the previously refused application. The planning statement accompanying this application states that the current application would introduce a depth as originally approved with the only difference that this proposal would be wider. It is noted that the measurements on the proposed plans show a proposed depth which is c.0.8m than the approved one under application ref. 21/0618/HSE.

It is noted that the submitted plans show discrepancies between the existing site location plan and the proposed plans, in terms of the location of existing site boundary line. This will not, however, materially change the current application. The site ownership goes across half the shared side access. It has been designed as closer to the application site and this would not impact the current proposal.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

1 objection has been received, summarised as follows:

- The new wall coming off the garage has been build over party [wall] by 4 inches.
- No party wall agreement made

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

Barnet's Local Plan (2012)

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

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

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

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

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

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the 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 extension is replacing a pre-existing garage situated beyond the rear of the dwelling along the common boundary shared with No.7. The garage measured 6.00 metres in depth, 2.80 metres in width and an overall maximum height of 3.25 metres. Beyond the

garage, there is a shed occupying an additional 2.00 metres, but at a lower level. The proposed single storey rear extension would adjoin to the existing rear extension and has a depth of 6.73m metres from the original rear wall of the dwellinghouse, 4.52m metres in width and 4.4 metres in maximum height, and eaves height with a flat roof of 4.00 metres.

The depth of the proposed extension, when considered in isolation, would not comply with the abovementioned policy guidance. However, the previously approved application ref. 21/0618/HSE did not raise objections to, or refuse planning permission, on the basis of the depth (7.495m) of the ground floor extension. It is therefore, unnecessary to re-evaluate this aspect of the proposal as the current application has been designed with a lesser depth (6.73m).

As per the refused scheme however, the increase in the maximum height of c0.3m together with the proposed width, results in the rear extension appearing disproportionate, bulky and markedly incongruous for the character of the area.

The existing context of the built form and relationship with adjoining neighbours are material considerations in this instance, as they were in the previous applications.

It is considered that by way of the position and footprint of the existing garage, although with a lesser depth than that approved, the large increase in the footprint and volume of the extension and situation along the boundary with the neighbour at No. 7 would cause undue impact, appearing disproportionate with regard to the host property and markedly incongruous with the surrounding area.

The proposed reduction in depth is not therefore considered to overcome the reason for refusal on character grounds set out under 22/0545/HSE.

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

It is important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policies D3 and 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.

Barnet's Residential Design SPD provides clear guidance with regard to what is expected from new developments to ensure that the amenity of neighbouring occupants is not harmfully impacted. With regard to this application, the key concern is whether the proposed openings would result in any degree of overlooking to neighbouring sites and if overshadowing, loss of outlook and loss of light would occur as a result of the development.

As with the existing garage, the proposed extension would be situated along the common boundary shared with No.7. The proposed extension would cause an increase in height by c.0.3m from that previously accepted. Although the depth of the extension is by 0.8m less than that approved previously, this increase in height, and the proximity of the extension to neighbouring property at no.7, would continue to result in an unacceptably negative impact on amenity - in the form of an undue sense of enclosure and loss of outlook. It is noted that the ridge height of the original garage exceeded the maximum height of the new structure however, the reduced depth, lesser height adjacent to the boundary and separation from the main dwelling are considered to have been mitigating factors and render the current development incomparable.

The rear extension is located 3.13 metres from the shared boundary with No. 3. However, the proposed windows which will be looking onto No. 3 will result in overlooking of the property due to the height of the internal ground level being raised from that of the approved scheme, together with an increase in the size of windows and doors relative to the previous approval. The greater proximity to the boundary fence consequently enables a more pervasive line of sight than as approved.

5.4 Response to Public Consultation

Neighbouring property occupiers express concern related to the party wall works, which would result in the proposed extension to be built over this neighbouring site by 4inches.

Case officer response: Although the proposed plans do not show that any part of the extension would extend beyond the party wall, this is not a planning material consideration but a matter which must be dealt with within the provisions of the Party Wall Act 1967. An informative will be attached at the decision notice in case of an approval.

6. Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
- (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
- (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.

(3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.

(4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- Age;
- Disability
- Gender reassignment
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

It is submitted that the proposal relates to the needs of a family member who would fall within a protected group (disability) and it is acknowledged that the proposals would benefit them by providing additional space to facilitate their emotional self-regulation. Testimonial evidence as to the clinical circumstances has been provided.

This need has been taken into account however, it is not considered that the proposal as submitted represents the only, or most appropriate way to realise or apportion the space required to meet this preference. On that basis, it is not considered that sufficient weight can be prescribed to the personal circumstances such as to outweigh the harm to character and amenity - as identified in the preceding appraisal.

The recommendation therefore 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 not have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for REFUSAL.

