

Meeting

Planning COMMITTEE A

Date and time

Wednesday 6TH SEPTEMBER, 2023

At 7.00 PM

Venue

Hendon TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ

To: Members of Planning COMMITTEE A (quorum 3)

Chair: Councillor Tim Roberts
Vice Chair: Councillor Richard Barnes

Anne Hutton
Danny Rich

Joshua Conway
David Longstaff

Substitute Members

Elliot Simberg
Laithe Jajeh

Claire Farrier

Gill Sargeant

In line with the Constitution's Public Participation and Engagement Rules, requests to submit public questions or comments must be submitted by 10AM on the third working day before the date of the committee meeting. Therefore, the deadline for this meeting is Friday 1 September 2023 at 10AM. Requests must be submitted to planning.committees@barnet.gov.uk Pakeezah.Rahman@Barnet.gov.uk

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

Andrew Charlwood – Head of Governance

Governance Service contact: planning.committees@barnet.gov.uk
Pakeezah.Rahman@Barnet.gov.uk

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

Assurance Group

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Order of Business

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1.	Minutes of the last meeting	5 - 8
2.	Absence of Members	
3.	Declaration of Members' Disclosable Pecuniary Interests and Other Interests (if any)	
4.	Report of the Monitoring Office (if any)	
5.	Addendum (if applicable)	
6.	1 Hocroft Walk London NW2 2LT - 22/1976/FUL (Childs Hill)	9 - 40
7.	222 East End Road London N2 8AX - 23/2051/HSE (East Finchley)	41 - 50
8.	31 Northfield Road Barnet EN4 9DN - 23/1417/HSE (East Barnet)	51 - 60
9.	Ground Floor Flat 77 Leicester Road London N2 9DY - 23/1399/FUL (East Finchley)	61 - 70
10.	22 Dollis Avenue London N3 1TX - 23/1251/HSE (Finchley Church End)	71 - 82
11.	Any item(s) that the Chair decides are urgent	

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Minutes of the Planning Committee A

10 July 2023

Members Present:-

Councillor Tim Roberts (Chair)
Councillor Richard Barnes (Vice-Chair)

AGENDA ITEM 1

Councillor Anne Hutton

Councillor David Longstaff

Also in attendance

Councillor Claire Farrier

Councillor Laithe Jajeh

Apologies for Absence

Councillor Danny Rich

Councillor Joshua Conway

1. MINUTES OF THE LAST MEETING

RESOLVED that the minutes of the meeting held on 05 June 2023 be agreed as a correct record.

2. ABSENCE OF MEMBERS

Apologies were received from Councillor Danny Rich who was substituted for by Councillor Claire Farrier.

Apologies were received from Councillor Joshua Conway who was substituted for by Councillor Laithe Jajeh.

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

None.

4. REPORT OF THE MONITORING OFFICE (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

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

6. BARNET ELIZABETHANS RUGBY FOOTBALL CLUB, BYNG ROAD EN5 4NP (23/1082/FUL) HIGH BARNET

The Planning Officer presented the report.

Anna Robbins addressed the Committee and spoke against the application.

Chris Strack spoke in favour of the application.

Councillor Paul Edwards addressed the Committee and spoke in favour of the application.

Jon Bradburn, the agent of the application addressed the Committee.

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

At the conclusion of the debate, the Chair moved to vote on the officer's recommendation to refuse the planning application.

The votes were recorded as follows:

For: (refusal) 2

Against: (refusal) 4

The Chair then took the decision in accordance with the constitution, to refer the application to the Strategic Planning Committee due to the potential strategic consequences for the interpretation of the Green Belt policy.

RESOLVED that the application be referred to the next Strategic Planning Committee.

**7. LAND OPPOSITE 17 HAMPTON CLOSE LONDON N11 3PR (22/5644/FUL)
FRIERN BARNET**

The Planning Officer presented the report.

Mrs Gibson and Mrs Kandy spoke against the application.

Joel Stern, the agent for the applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to refuse the application.

The votes were recorded as follows:

For: (approval) 4

Against: (approval) 2

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

8. 64A PARKHURST ROAD LONDON N11 3EL (23/0319/RCU) FRIERN BARNET

The Planning Officer presented the report.

Levent Kubilay, the applicant, addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 6

Against: (approval) 0

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

9. 170 HOLDERS HILL ROAD LONDON NW7 1LU (23/1847/HSE) FINCHLEY CHURCH END

The Planning Officer presented the report.

Tariq Mushtaq addressed the Committee and spoke against the application.

Dominic Dear, the agent for the applicant addressed the Committee.

Further to a discussion, the Chair moved to vote on the Officer's recommendation to approve the application.

The votes were recorded as follows:

For: (approval) 4

Against: (approval) 1

Councillor Hutton left the meeting momentarily and therefore did not take part in the vote.

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

10. 2 DEANS WAY EDGWARE HA8 9NL (23/1951/HSE) EDGWARE

The Planning Officer presented the report.

Haim Khalifa, the agent for the applicant, addressed the Committee.

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

For: (refusal) 3

Against: (refusal) 3

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

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

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

None.

The meeting finished at 9.59pm

Location 1 Hocroft Walk London NW2 2LT

Reference: 22/1976/FUL

Received: 12th April 2022

Accepted: 10th May 2022

Ward: Childs Hill

Expiry 5th July 2022

AGENDA ITEM 6

Case Officer: Stephen Volley

Applicant: C/O UPP Architects + Town Planners

Proposal: Demolition of the existing dwelling and erection of three storey plus accommodation in the roofspace building to provide 6no. self-contained flats with associated amenity space, car parking, cycle parking, and refuse storage (Amended Plans)

OFFICER'S RECOMMENDATION

Approve subject to S106

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

RECOMMENDATION I:

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

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

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

-A contribution of £5,996.00 towards the new provision of street trees in the immediate area.

-Meeting the Council's costs of monitoring the planning obligation

RECOMMENDATION II:

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

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

001HO-A-01-001 rev 6 - Location plan
001HO-A-01-002 rev 6 - Block Plans
001HO-A-02-001 - Existing Front Visualization
001HO-A-02-002 - Existing Rear Visualization
001HO-A-03-001 - Existing Ground Floor Plan
001HO-A-03-002 - Existing First Floor Plan
001HO-A-03-003 - Existing Roof Plan
001HO-A-05-001 - Existing Section A-A'
001HO-A-05-002 - Existing Section B-B'
001HO-A-06-001 - Existing West Elevation
001HO-A-06-002 - Existing East Elevation
001HO-A-06-003 - Existing North Elevation
001HO-A-06-004 - Existing South Elevation
001HO-A-02-101 rev 6 - Proposed Front Visualization
001HO-A-02-102 rev 6 - Proposed Rear Visualization
001HO-A-03-101 rev 6 - Proposed Ground Floor Plan
001HO-A-03-102 rev 6 - Proposed First Floor Plan
001HO-A-03-103 rev 6 - Proposed Second Floor Plan
001HO-A-03-104 rev 6 - Proposed Third Floor Plan
001HO-A-03-105 rev 6 - Proposed Roof Plan
001HO-A-05-101 rev 6 - Proposed Section A-A'
001HO-A-05-102 rev 6 - Proposed Section B-B'
001HO-A-05-104 rev 6 - Section D-D'
001HO-A-06-101 rev 6 - Proposed Elevation
001HO-A-06-102 rev 6 - Proposed Elevation
001HO-A-06-103 rev 6 - Proposed Elevation
001HO-A-06-104 rev 6 - Proposed Elevation
001HO-A-01-003 - Proposed Landscape plan dated 8th November 2022
001HO-A-01-004 - Landscaping information dated 8th November 2022

Summary of revision UPP Architects

Arboricultural Impact Assessment Method Statement & Tree Protection Plan 15th February 2022

Bat emergence survey report 31st October 2022

Preliminary Ecological Appraisal / Preliminary Roost Assessment 3rd August 2022

Parking technical note dated February 2023

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

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies D3, D4, D5 and D6 of the London Plan 2021.

- 4 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection measures shown on the approved tree protection plan (22_5837_05_60_TPP_v1) have 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.

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.

- 5 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall commence on site until a detailed tree felling / pruning specification has been submitted to and approved in writing by the Local Planning Authority.

b) All tree felling and pruning works shall be carried out in full accordance with the approved specifications under this condition and in accordance with British Standard 3998 (Recommendation for Tree Works).

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)

6 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, including details of 10 standard replacement trees, shall be submitted to and agreed in writing by the Local Planning Authority prior to the occupation of the hereby approved development.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and G7 of the London Plan 2021.

7 Prior to occupation of the development the proposed parking space and access arrangements shown on drawing no.001HO-A-03-102 Rev 6 shall be provided and maintained at all time times. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason

To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 and policy T6 of the london Plan 2021.

8 Details of cycle parking including the type of stands, gaps between stands, location and type of cycle store proposed shall be submitted to and approved in writing by the Local Planning Authority. Thereafter, before the development hereby permitted is occupied, 12 (long stay) cycle parking spaces 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 cycles 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 and policy T5 of the London Plan 2021.

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

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

- 10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent Unit 1 shall be adapted for M4(2) compliance with Unit 3, achieving M4(3) (wheelchair accessible) compliance. All other units at the lower and upper floor levels shall be adapted for M4(1) compliance within Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

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

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

to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

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

Reason: To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012), Policy SI2 of the London Plan 2021.

- 13 No flat shall be occupied until the following details have been submitted to and approved in writing by the Local Planning Authority, and have been installed in their entirety; details of privacy screens to adequately screen the private amenity areas/balconies associated with the development, The screens shall be permanently retained as such thereafter. Balcony screening shall be obscured glazed to a height of 1.7 metres.

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

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

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

- 15 The development shall be implemented and thereafter maintained in accordance with the recommendations made within the preliminary bat assessment dated June 2022 and bat emergence survey report dated October 2022

Reason: To ensure that any protected species present are not adversely affected by the development in accordance with Policy DM16 of the Development

Management Policies DPD (adopted September 2012); the Sustainable Design and Construction SPD (adopted October 2016); and Policy G6 of the London Plan 2021.

- 16 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) and the London Plan 2021.

- 17 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), and Policies D4, D5, D8 and G7 of the London Plan 2021.

- 18 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

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

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

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

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

20 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the active Electric Vehicle Charging facility to serve the proposed parking space (1no.) shall be submitted to the Local Planning Authority and approved in writing.

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 T6.1 of the London Plan 2021.

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

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

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

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (2016), and Policies GG3 and S11 of the London Plan 2021

22 The residential units hereby approved shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and for no other

purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

23 a) Prior to the first occupation of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

b) The green roof shall be implemented in accordance with the details approved under this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter. Should part of the approved green roof be removed, die, become severely damaged or diseased within five years of the completion of development, it shall be replaced in accordance with the details approved by this condition.

Reason: To ensure that the proposed development does not prejudice the enjoyment of the occupiers of their homes in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and G1 of the London Plan 2021.

24 Before the building hereby permitted is first occupied the windows to be obscured as shown on drawing numbers 001HO-A-03-101 Rev 6, 001HO-A-03-102 Rev 6, 001HO-A-03-103 Rev 6 and 001HO-A-03-104 Rev 6 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).

RECOMMENDATION III:

That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30th September 2023, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

- 1 The proposed development does not include a formal undertaking to meet the costs of replacement tree planting within the immediate locality of the application site contrary to policy G7 of the London Plan (2021), Policy CS7 of the Local Plan Core Strategy (adopted September 2012), policy DM01 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

Informative(s):

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

We believe that your development is liable for CIL. The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. The London Borough of Barnet first adopted a CIL charge on 1st May 2013. A new Barnet CIL Charging Schedule applies from 1 April 2022 (<https://www.barnet.gov.uk/planning-and-building/planning/community-infrastructure-levy>) which applies a charge to all residential (including sui generis residential), hotel, retail and employment uses.

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from:

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

- 4 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.
- 5 As a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway. To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 6 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 7 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk
- 8 Any gates must open inwards and not out onto the public highway for health and safety reasons
- 9 The Air Quality reports required under the Environment Act 1995 have highlighted that this area currently experiences or is likely to experience exceedances of Government set health-based air quality standards. A list of possible options for mitigating poor air quality is as follows: 1) Use of passive or active air conditioning; 2) Use of acoustic ventilators; 3) Altering lay out so habitable rooms are sited away from source of poor air quality; 4) Non residential usage of lower floors; 5) Altering footprint by siting further away from source of poor air quality.
For developments that require an air quality report; the report should have regard to the air quality predictions and monitoring results from the most recent Review and Assessment report available from the LPA web site and Air Quality England. The report should be written in accordance with the following guidance : 1) Environmental Protection UK and IAQM Guidance: Land-Use Planning and Development Control: Planning for Air Quality, (Jan 2017); 2) Environment Act 1995 Air Quality Regulations; 3) Local Air Quality Management Technical Guidance LAQM.TG(16); 4) London Councils Air Quality and Planning Guidance (2007); 5) Mayor of London's Supplementary Planning Guidance for Sustainable Design and Construction (2014); 6) Section 6.2 of the Technical Guidance Note D1 (Dispersion) 'Guidelines on Discharge Stack Heights for Polluting Emissions' 7) The control of dust and emissions from construction and demolition, Best Practice Guidance London Councils, 2006; 8) The Control of Dust and Emissions during construction and demolition supplementary planning guidance July 2014; 9) Air Quality Neutral Planning Support Update April 2014 and 10) Guidance on the assessment of dust from demolition and construction, Institute of Air Quality Management, January 2014
Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.
- 10 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
 - o Wheel washing
 - o Dust suppression methods and kit to be used
 - o Site plan identifying location of site entrance, exit, wheel washing, hoarding,

dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.

- o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

- 11 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

- 12 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.

- 13 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, 6th Floor, 2 Bristol Avenue, Colindale, NW9 4EW.

OFFICER'S ASSESSMENT

1. Site Description

The application site has a relatively isolated position located on the west side of Hocroft Walk, a no-through road inaccessible by car onto the A41 by way of bollards. The site currently provides a two-storey detached single family property with adjoining garage on the north flank wall below which a lower-level supports living accommodation and small hardstanding at the front. The site is substantially set back from the A41 and the topography slopes down from the south to the north providing a lower ground floor level, which allows access into a comparatively large private garden area. The southern boundary is bounded by a series of trees and vegetation, which provides a soft green buffer along the A41 and screening from the congestion and traffic from the dual carriage way. The site is adjacent to a row of single storey garages to the west and a pair of semi-detached houses, nos 14 -16 Lyndale Avenue which are located at the junction with Hocroft Walk to the north.

The site is not located within a designated Conservation area, nor does it contain a listed building. There are no Tree Preservation Orders on or adjacent to the site. The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1 being an area with a low probability of flooding.

The site has a PTAL rating of 3/4, which demonstrates a moderate to good level of accessibility to public transport. The site is located within a Controlled Parking Zone (CPZ) C1 which restricts car parking from Monday to Friday between 10am and 11am.

2. Relevant Site History

Reference: 21/8261/QCD

Address: 1 Hocroft Walk, London, NW2 2LT

Decision: Pre-application advice issued

Decision Date: 4 October 2021

Description: Demolition of the existing single family dwelling and erection of a newbuild development to provide 7 self-contained residential units. In addition, we have outlined an extension and conversion scheme to which will provide 4 residential units. Both proposals provide 3 off-street parking spaces. The proposal also includes the provision of refuse storage and secure cycle storage

3. Proposal

Planning permission is sought for demolition of the existing dwelling and erection of three storey plus accommodation in the roofspace building to provide 6no. self-contained flats with associated amenity space, car parking, cycle parking, and refuse storage (as amended).

Following a number of objections from residents and consultees the following amendments and additional information has been received.

- Unit 1 becomes a 3 bedroom duplex
- Size and style of dormers have been amended to reduce bulk
- Removal of one of the dormers at the rear
- Removal of Juliette balconies and substitution with smaller dormers with just windows.
- Rear blank facade has been re-designed by the addition of central windows

- 1no. Parking space and dropped kerb
- Bike storage arrangement reconfigured
- Hedge along the boundary facing the main road
- Topography to include additional soft landscaping
- 2.5m head high on all levels
- Compliance with M4(1), M4(2) and M4(3) accessibility standards

- Parking technical note
- Landscaping Plan
- CAVAT Values to offset tree loss
- Bat emergence survey report / Ecological Appraisal

The 6 proposed self-contained flats are identified in the proposal (as amended) as:

- Unit 1 - 3 bedroom 4 person duplex apartment with a total GIA of 99.49m²
- Unit 2 - 2 bedroom 3 person apartment with a GIA of 63.87m²
- Unit 3 - 2 bedroom 3 person apartment with a GIA of 64.54m²
- Unit 4 - 1 bedroom 2 person apartment with a GIA of 50.11m²
- Unit 5 - 2 bedroom 3 person apartment with a GIA of 62.76m²
- Unit 6 - 2 bedroom 2 person apartment in the roofspace with a GIA of 64.10m²

A total of 1no. car parking space and 12no. cycle parking spaces are proposed on plot to serve all six units. Vehicular and pedestrian access will be via the existing, albeit widened, crossover onto Hocroft Walk.

The proposed development is required to remove some of the existing vegetation on site, however, landscaping and replacement tree planting will be implemented across the site. Adjacent to the entrance, there will be a large flower bed to soften the visual appearance of the development, as seen from Hocroft Walk.

4. Public Consultation

Consultation letters were sent to 36 neighbouring properties. A total of 9 responses have been received including a detailed response from a planning agent representing the owner of 16 Lyndale Avenue. The objections raised are summarised below.

- Out of character with its surroundings, overdevelopment
- Poor standard of design
- Loss of green space
- Insufficient parking
- No electric charging points
- Flooding concerns
- Illegally used as HMO
- Impact on the amenity, privacy and enjoyment of neighbouring occupiers
- Traffic congestion and haphazard parking
- Reduce the foliage and natural habitat in the area
- Noise and air pollution
- Loss of family accommodation
- The proposed landscaping is unimaginative and formulaic
- Internal living space so as barely to meet minimum standards
- stepped free access is not clear
- Outdoor space is deficient for all of the Units other than Unit 2

Following receipt of amended plans residents were re-consulted on 18th May. A total of 4 responses have been received including a further detailed response from the agent of 16 Lyndale Avenue raising the following objections:

- Inappropriate development, with reference to emerging policy requirements and recent appeal decisions
- Overdevelopment, with under provision of internal and external space.
- Does not meet the accessibility and inclusive design principles of adopted and emerging local plan policy
- Poor quality outdoor space
- Adverse impact on the character of the area - out of character
- Loss of family-sized home
- mix of dwelling types and sizes does not accord with adopted and emerging planning policy
- Gives rise to parking stress in the locality
- technical parking note / survey is not in accordance with the day to day reality i.e. school drop offs, churchgoers
- Parking restrictions along Hocroft walk will prevent overspill parking
- Additional vehicular movements will be harmful to pedestrian safety
- Emergency vehicles cannot access site
- Adverse impact on 16 Lyndale Avenue - overbearing, overlooking resulting in loss of privacy to garden and dwelling, loss of outlook, reduction of daylight and sunlight
- Emergency access does not comply with Building Regulation requirements
- Provides no biodiversity interest still less biodiversity gain or enhancement.
- Does not meet emerging policy criteria HOU03 for walking distance of a major or district town centre, provision of one larger family sized home of 74m² or more and is not located in a road that is largely characterised by large houses. Car and cycle parking provision is not met.
- Biodiversity net gain has not been met
- Impact on various species including bats, birds, mammals, vertebrates and invertebrates
- Site and surrounds subject to flooding
- HMO unauthorised use

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

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

The Mayor's London Plan 2021

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

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

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

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

D1, D2, D3, D4, D5, D6,D7, D8, D10, D11; D12; D14; H1; H3; H4; H5; H6; H7, H10; S2; S4; G5; G6; SI 2; SI 3; SI 5; SI 7; SI 12; SI 13; T1; T3; T4;T6; T6.1; HC1.

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, CS6, CS9, CS13, CS14, CS15

-Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM10, DM11, DM17

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

-S106 agreements (adopted April 2013)

-Residential Design Guidance SPD (adopted October 2016)

- Sustainable Design and Construction SPD (adopted October 2016)
- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal provides a good standard of accommodation for future occupiers;
- Whether the proposal has an Ecological, Biodiversity or Arboricultural Impact
- Highways Impacts resulting from the proposal
- Flood Risk

5.3 Assessment of proposals

Principle of development

The existing building has no particular designation and there would be no objection in principle to its demolition, subject to the provision of residential accommodation and its replacement with a high-quality building.

The proposal would comprise a flatted use to replace the existing single dwellinghouse. The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land. In this instance, weight is given to the relatively isolated siting (the existing property is the only property on this section of Hocroft Walk) and its location adjacent to A41 Hendon Way. Additionally, there are several flatted uses within the local area, This includes the adjacent building at Hocroft Court as well as properties along the length of Lyndale Avenue including Nos. 2, 4, 20, 22, Kimber House, Wendover Court and Moreland Court.

Moreover, and perhaps most importantly, there will be no net loss of a family home in this case as Unit 1, being a 3 bedroom 4 person duplex apartment with a total GIA of 91.92m² essentially replaces the existing on site provision.

Taking these factors into consideration, Officers would not object in principle to a flatted use in this location.

Impact on the character of the area

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

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

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

"Planning policies and decisions should ensure that developments:

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

The development plan for Barnet comprises the Barnet's Core Strategy DPD (2012) and Barnet's Local Plan (Development Management Policies) Development Plan Document (2012).

Policy CS5 of Barnet's Core Strategy DPD (2012) states that the Council will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high-quality design. Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states that: "Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets."

Barnet's Local Plan Supplementary Planning Document: Residential Design Guidance (2016) emphasises that development needs to recognise local patterns of development. This includes the perimeter block structure, which is characterised by the fronts of buildings facing onto the street and private spaces located at the rear, providing a clear distinction between public and private space.

Although the proposed building at a maximum of three storeys plus roof would be slightly larger than those adjacent, the change in ground levels is such that it would have the appearance of a two-storey building (plus roof) from the A41. With exception to the Cherry Tree fronting the application site alongside the A41, the existing trees will be removed and replaced by Broadleaf hedging and lavender peony and rambling rose planting. This will assist in softening the appearance of the dwelling within the public domain. A new fence, to replace the existing boundary enclosures, including the red brick wall fronting the A41 will also assist in this regard.

The contemporary design approach is welcomed as it will contribute to the mixed urban typology and grain of the area. Following the demolition of the existing building with a gross internal floor area of 149.68sqm, the additional floor area proposed equating to 275.61sqm is not considered so significant to warrant concerns for overdevelopment of

this site. Indeed, the building appears to sit comfortably within its plot without appearing cramped or contrived. The open space and landscaping features surrounding the building will help to soften its scale and massing.

It is noted that many properties on Hocroft Walk, albeit to the south of Hendon Way, have large crown roof forms. Given this, and the variety of built form within the immediate vicinity of the site, a crown roof design would not necessarily be out of keeping with the area. Notwithstanding this, the proposal as originally submitted displayed an excessively bulky and prominent roof level, which has now been addressed through clear separation between the two crown roofs and a reduction of the parapet lip proposed on the main crown roof. In addition, a dormer window has been removed at the rear with the remaining dormers reduced in scale, including the removal of a Juliet balcony. Further minor adjustments have also been made to the roofs to make them appear proportionate with one another.

Regarding levels, it is noted that there is a significant fall from south to north. As such, it is understood that the lower ground floor level to the northern side can be achieved with minimal additional excavation or harm to the visual amenity of the area.

The materiality has been demonstrated in the form of visual snap shots and involves similar mixed red brickwork, grey slate roof tiles and stone clad lintels, which provides a visually attractive contrast, form of articulation and detailing across the building. Grey coloured, permeable block paving of the front hardstanding is to be used to enable natural surface water drainage.

To provide some level of natural surveillance onto the Hocroft Court garages opposite and along the pedestrianised section of the A41, windows serving ensembles have been inserted at ground, first and second storey level. A skylight is also proposed at roof level. These features will also assist in animating the façade, which is an otherwise blank elevation.

Overall, the development provides a well-designed scheme that responds positively to the character and appearance of the area, whilst enabling an efficient redevelopment of a previously developed site. The proposal is policy compliant in terms of achieving high quality inclusive design and would bring forward much needed family housing in a sustainable location.

Impact on the amenities of neighbours

Section 12 of the National Planning Policy Framework (2021) sets out guidance for 'achieving well-designed places'. This includes in Paragraph 130 of the Framework states that planning policies and decision should ensure that development "...create places that are safe, inclusive and accessible and which promote health and well-being, with a high standard of amenity for existing and future users..." (part f)

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

Policy CS5 of the LB Barnet; Local Plan (Core Strategy) DPD (2012) and Policy DM04 of the LB Barnet; Local Plan (Development Management Policies) DPD (2012) seek to protect and enhance Barnet's character and identify the environmental considerations for development. Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

Barnet's Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016) sets out guidance.

Overlooking:

New residential development is to be afforded a degree of privacy for future and neighbouring occupiers using minimum distances between habitable windows and gardens. The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. In addition, new development should ensure that there is no material loss of visual amenity including a sense of enclosure.

Given the siting on the corner of the A41 Hendon Way and Hocroft Walk the potential for any direct impact on residential amenity is limited to no.16 Lyndale Avenue located at the rear of the application site. The owner / occupier has raised (amongst other matters) loss of amenity objections. The further objections received from owner / occupiers in Lyndale Avenue and Church Walk are dealt with in other sections of this report. Hocroft Court, comprising flatted development on all levels, is located directly adjacent to the application site along Hendon Way. The proposed side elevation facing this building includes obscured windows to non habitable rooms only (ensuites), and therefore no further assessment is required.

Main windows facing 16 Lyndale Avenue

The separation distance with the rear facing windows of 16 Lyndale Avenue is approximately 30 metres and thus exceeds the minimum 21 metre distance for directly facing windows. At a distance of 10.5 metres from the rear garden of this neighbouring property the main windows serving the living areas of units 2, 3, 5 and 6 are policy compliant without the need for obscured glazing. It is noted that Juliet balconies are proposed at the upper floor levels suggesting that the windows can be opened fully, particularly during the summer months. However, this arrangement is considered acceptable given the acceptable separation distance and the fact that mature tree screening within the ownership of the neighbour exists along the common boundary. Additional tree planting along this boundary as shown on the proposed landscaping plan (001HO-A-01-003) will further mitigate against direct overlooking of this neighbouring property.

Secondary Windows facing 16 Lyndale Avenue

Due to the tapered nature of the rear boundary the secondary windows serving all dining areas, and the bedroom of unit 1, fall short of the minimum 10.5 metre standard with the neighbours garden. To address this issue all windows are to be obscured glazed and permanently shut to prevent direct overlooking of the neighbours garden. A planning condition can be imposed to ensure that the windows remain obscured glazed and non openable through the lifetime of the development.

Loss of daylight / sunlight:

As noted above, the separation distance with the rear facing windows of 16 Lyndale Avenue is approximately 30 metres and thus the amount of internal daylight / sunlight currently enjoyed by the occupiers of no.16 Lyndale Avenue will not be affected by this proposal.

The rear garden to this neighbouring property is south facing so potential for loss of sunlight exists. In the Officer's view, this potential loss has been mitigated against through the design of the roof (crown roof) and the lowering of the height of the building towards the common boundary. Although some potential exists for overshadowing of the rear most part of the neighbours garden during early to mid-morning periods the impact will be minimal as the mature vegetation and trees that currently occupy the rear part of the garden, cast their own shadows.

Noise and Disturbance:

Section 2.14 of The Sustainable Design and Construction SPD identifies noise as having a significant effect on the quality of life and seeks mitigation measures to manage and minimise potential impact.

This is a previously developed site, that in the Officers view provides a suitable noise buffer between the busy Hendon Way A41 and the residential dwellings in Lyndale Avenue. The redevelopment of the site with a three storey building will continue to mitigate against noise. Although the level of activity on site will be increased through the provision of 6 residential units the additional noise and disturbance this creates to the immediate neighbours will be negligible when set against the ambient noise of traffic movements along the A41. Tree Planting and the inclusion of a high level fence along the side and rear boundaries of the application site will mitigate against noise and disturbance from the communal garden and external stairwell.

Environmental health Officers have been consulted and raise no objections to the proposal, subject to conditions including a Demolition and Construction Management and Logistics Plan.

Conclusion:

For all the above reasons the amenities of neighbouring occupiers, particularly at no. 16 Lyndale Avenue, will not be prejudiced by overlooking, daylight / sunlight loss or noise and disturbance in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

The amenities of future occupiers

London space standards contained in the London Plan (2021) and Section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (GIA) space requirements for residential units. A bedroom measuring 11.5m² and above is calculated as a two-person room.

Internal Space Standards:

The proposed units are measured as follows:

Unit 1 - 3 bed 4 person (duplex) 99.49m² / 84m² required
Unit 2 - 2 bed 3 person 63.87m² / 61m² required
Unit 3 - 2 bed 3 person 64.54m² / 61m² required
Unit 4 - 1 bed 2 person 50.11m² / 50m² required
Unit 5 - 2 bed 3 person 62.76m² / 61m² required
Unit 6 - 2 bed 3 person 64.10m² / 61m² required

All proposed units exceed the minimum internal space standards stated above.

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

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

With exception to the single bedroom of Unit 1 measuring 7.18m² all proposed bedrooms meet the above standards. The minor under provision noted is considered by Officers to be acceptable in this case as it allows the entire unit to meet building regulations M4(2) and M4(3) accessibility.

Floor to ceiling height:

Policy D6 of the London Plan (2021) states that a minimum ceiling height of 2.5 metres is required for at least 75% of the gross internal area of each dwelling.

Following receipt of amended plans an appropriate ceiling height of 2.5metres has been achieved across the development in full compliance with the above standard.

Light/outlook:

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

Units 1, 2, 3, 5, and 6 are dual aspect thereby enjoying an acceptable level of daylight / sunlight provision. Unit 4 is served by a roof light and two large dormer windows facing Hocroft Walk. To avoid direct overlooking within the prescribed 10.5m it has been necessary to apply opaque glazing to windows serving a main habitable room on each level facing the rear garden of no.16 Lyndale Avenue. However, these are considered by Officers to be secondary windows only with the open planned arrangement of the living space benefitting from a main window with sufficient outlook and daylight.

For the above reasons all units will enjoy an acceptable level of daylight and outlook from habitable rooms.

Private Outdoor Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for flats, 5m² of usable amenity space should be provided per habitable room. Any room at 20m² or above is calculated as two habitable rooms.

Para. 2.3.1 of the SPD sets out the options for outdoor amenity space -'For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable'.

Paragraph 8.2 of the Residential Design Guidance SPD (2016) states that:
'Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

The proposed development includes the provision of both communal and private external amenity space.

-Unit 1 (ground and 1st floor duplex) comprises private amenity space in the form of a garden measuring 12.7m² / 25 m² required.

-Unit 2 (1st floor) comprises private amenity space in the form of a garden measuring 71.1m² / 20m² required

Unit 3 (1st floor) comprises a balcony fronting Hendon Way measuring 7.2m² / 20m² required

-Unit 4 (2nd floor) no private amenity space proposed / 20m² required

-Unit 5 (2nd floor) comprises a balcony fronting Hendon Way measuring 7.2m² / 20m² required

-Unit 6 (3rd floor) does not provide private amenity space / 20m² required

The above calculations suggests that all units, with exception to unit 2 on the ground floor, do not meet minimum standards for private amenity space as required in the Sustainable Design & Construction SPD, however, this is offset in the main by a communal area proposed to the rear of the application site providing an area of 60.1m². Officers acknowledge that when applying mathematical exactitude, a deficit of 17.8m² exists across the entire development (excluding unit 2) but this is considered marginal, being offset by the provision of public open space in easy walking distance of the application site off Hocroft Road. Officers consider that on balance the communal and private amenity space being proposed is acceptable.

Accessibility - Building regulations M4(2) and M4(3) compliance:

Policy D7 of the 2021 London Plan states that residential development must ensure that: 1) at least 10 per cent of dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(3) 'wheelchair user dwellings'; 2) all other dwellings (which are created via works to which Part M volume 1 of the Building Regulations applies) meet Building Regulation requirement M4(2) 'accessible and adaptable dwellings'.

Due to the topography of the site with the land falling sharply away from the road frontage(s) it has proved difficult to achieve full compliance with the objectives of London Plan Policy D7 (Accessible housing). In such exceptional circumstances supporting text to policy D7 provides certain flexibility for small-scale infill development of blocks of four storeys or less, which is the case with this proposal. It states that *'dwellings above or below ground floor level would be required to satisfy the mandatory building regulations requirements of M4(1) via the Building Control process. M4(2) and M4(3) dwellings should still be required for ground floor units'*. In this case, Unit 1 on the ground floor has been adapted for M4(2) compliance with Unit 3, also on the ground floor, achieving both M4(2) and M4(3) (wheelchair accessible) compliance. All other units at the lower and upper floor levels can satisfy the mandatory building regulations requirements of M4(1).

On balance, these measures are considered by Officers to be acceptable for this site. A Planning condition is imposed to ensure full compliance with these standards at ground

floor level.

Conclusion:

Based on the above, it is considered that the proposed development would provide an acceptable standard of accommodation for future occupiers.

Ecological, Biodiversity and Arboricultural Impact

Paragraph 170 of the NPPF states that Planning policies and decisions should contribute to and enhance the natural and local environment.

London Plan policy G7 states that Development proposals should ensure that, wherever possible, existing trees of value are retained. If planning permission is granted that necessitates the removal of trees there should be adequate replacement based on the existing value of the benefits of the trees.

Policy DM01 of the Adopted Barnet Development Management Policies will be required to include hard and soft landscaping that contributes positively to biodiversity and adequately protects existing trees and their root systems. The policy continues to set out that trees should be safeguarded and that when protected trees are to be felled, they will require replanting with a suitable size and species of tree. Core Strategy Policy CS7 seeks to maintain and improve the greening of the environment through the protection of trees.

Ecology

It is established under Defra circular 08/2006 that the presence of a protected species is a material consideration within the planning decision process and that Planning Authorities have a duty to protect ecology and biodiversity.

The application site is within vicinity to Hampstead heath Site of Special Scientific Interest (SSSI) Approx. 0.7km and as such has high potential to be used by as foraging and commuting routes for a range of protected species. As the proposed plans require the demolition of buildings and land take of habitats for the proposed dwellings, a Preliminary Ecological Appraisal (PEA) and a Preliminary Roost Assessment (PRA) have been undertaken with the survey evidence indicating that the building is highly unlikely to support roosting bats. Due to the element of uncertainty a bat emergence survey and return survey was commissioned at the request of the Ecological Officer. The methodology outlined in the reports for sufficiently minimising the risk to roosting bats has been reviewed and considered acceptable to Officers.

Biodiversity

The proposal is for a replacement building occupying a similar footprint within the application site. On this basis, a Biodiversity Net gain Assessment is deemed disproportionate and thus not required.

The enhancement measures (nest and roost boxes) recommended with the submitted Preliminary Ecology Appraisal (Ecoassistance, August 2022) are considered sufficient to provide a net benefit to biodiversity. To comply with the objectives of Local plan DM16, a pre commencement condition has been imposed to ensure a 10% biodiversity net gain using an appropriate Defra Biodiversity Metric.

Trees / Landscaping

The proposal does not necessitate level changes which would be detrimental to trees on or off site, however, to facilitate the new building with a larger footprint being closer to the site boundaries a total of 12no small trees and shrubs have been designated for removal, ranging between 4m and 9m in height (cat B and C). The Arboricultural officer has been consulted and raises no objection to the removal of these trees as they merit no special protection via a TPO. This recommendation has been made subject to adequate replacement planting incorporating native species of higher ecological merit, which has been achieved in part at the rear of the site as depicted on the proposed landscaping plan numbered 001HO-A-01-003. To help soften the impact of the development both lawn and hedgerow planting is also proposed along the boundaries. Such measures are to be secured by a planning condition. The inclusion of 2no flat roofs provides an opportunity to incorporate biodiverse green roof space, which are secured by planning condition. As this proposal does not constitute major development the London Plan Urban Greening factors (UGF) contained in policy G5 do not apply.

To offset the tree value lost (i.e. to reach the equivalent value of those trees lost) in accordance with the objectives of London Plan policy G7, CAVAT values have also been provided. This relates to the existing trees fronting the A41 and Hocroft Walk, which includes a variety of mature and semi mature trees such as Gum, Elder, Broadleaf and Laurel. The CAVAT values have been assessed by the Councils Trees and Woodlands manager and considered proportionate subject to a S106 agreement to secure the financial contribution agreed at £5,996.00. This in lieu contribution will provide on street planting and open spaces within close proximity to the application site.

Conclusion:

Subject to a S106 agreement to offset the loss of existing trees and a suite of planning conditions to enhance landscaping measures and to mitigate against potential impact on Ecology & Biodiversity, Officers consider the application to be acceptable.

Highway Impacts

Paragraph 111 of the National Planning Policy Framework (2021) states:

"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual cumulative impacts on the road network would be severe."

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

The applicant is proposing to demolish the existing dwelling and constructing a new 3 storey building to accommodate 1x 1bed 4 x 2bed and 1 x 3bed self-contained units, with the provision of 1x off-street car parking space (as amended). The site is located within Controlled Parking Zone (CPZ) C1 which restricts car parking from Monday to Friday between 10am and 11am. Formal parking spaces are located across the western side of Hocroft Walk itself with formal parking spaces located across either side of Lyndale Avenue for permit holders only. The site lies within a PTAL 3/4 zone which means that there is above average public transport accessibility to and from the site. The site is served by a bus stops located on Hendon Way, Cricklewood Lane and Finchley Road. In addition,

the site is located a reasonable walk distance to Cricklewood Station, Golders Green station and West Hampstead Station.

Access

The proposed 4.2m wide vehicular access is deemed acceptable on highways grounds. The applicant is advised that an application must be made to the Highways Development control team prior to the occupation of the proposed units and prior to the commencement of any works on the public highway.

Parking

The site lies within a PTAL 3/4 zone which means that there is above average public transport accessibility to and from the site. In line with requirements set out on Policy DM17 of the Barnet Local Plan, the required off-street car parking provision for this proposal is 6/7 spaces. The provision of 1 x off street car parking space therefore represents an under-provision of 5/6. However, the applicant has provided the results of a Car Parking Survey carried out in line with the Lambeth Methodology on Wednesday 19th January and Thursday 20th January 2022. The results demonstrate that there is currently a 66% parking stress on surrounding streets. The under provision of 5/6 would potentially bring on-street car parking stress to 76%. As the parking stress threshold is set at 85%-90%, Highway Officers accept that there is sufficient space for 5/6 parking spaces to be accommodated on-street.

Notwithstanding the above, Table 10.3 of London Plan policy T6.01 states that new residential development should not exceed a maximum level of up to 0.5 - 0.75 spaces per dwelling for 1, 2 and 3 bed units within an outer London location with a PTAL of 4. With a 'maximum' standard of 4.5 spaces for this proposal the 1no. space proposed complies with London Plan parking standards. Where this is conflict between policy standards, section 38 subsection (5) of the planning and compulsory purchase Act states that - 'If to any extent a policy contained in a development plan for an area conflicts with another policy in the development plan the conflict must be resolved in favour of the policy which is contained in the last document to become part of the development plan'. The London Plan is the latest document having been adopted in 2021 and thus the parking standards are to be afforded full weight in the determination of this application.

Taking the above factors into consideration it is not expected that potential overspill of parking arising from the proposed development will cause any material impact on the existing and surrounding local highway network. In any event, the proposal complies with London Plan 'maximum' parking standards.

Cycle

A total of 12 cycle stands enclosed within a covered store at the front of the application site are proposed which far exceed the minimum standard set at 2no spaces.

Refuse

Covered and secure bin storage is to be located at the front of the application site at ground floor level and within 10m of the public footway. The street scene collections team have been consulted and consider the waste collection strategy to be acceptable.

Conclusion:

Highway officers have been consulted and reconsulted following receipt of amended drawings to provide 1no. car parking space. Subject to a suite of highway related planning conditions to secure the above-mentioned provisions, officers raise no objection on highway grounds.

Flood Risk

The Environment Agency's (EA) flood zone map identifies the entirety of the site within Flood Zone 1. The site is therefore in an area with a low probability of flooding, with no further assessment required.

5.4 Response to Public Consultation

Local residents have expressed a wide range of concerns, which have been fully considered in the main body of this report. More detailed objections relating to the overdeveloped nature of the proposal are not supported due to the acceptable scale and massing of the development and the appropriate ratio of built form to open space. Although it is accepted that a number of design elements were poorly conceived (as originally submitted) however, these have been fully addressed through detailed amendments as identified in section 3 above, with the Councils Urban Design Officers supporting the proposal, as amended. Potential adverse impacts on 16 Lyndale Avenue have been carefully considered with potential overlooking issues addressed through amended elevational drawings and a suite of planning conditions, including the requirement for obscure glazing, non openable windows and tree planting along the rear boundary.

Officers consider that the quantity and quality of both internal and external space complies with the guidance and minimum standards of both the local plans and London Plan (being the most up to date policy framework for assessing living standards). Whilst it is accepted that the London Plan 'encourages' applicants to exceed minimum space standards this advice does not in itself justify a refusal of planning permission when minimum standards have been met. Each application must be considered on its own merits and in this instance the application site also benefits from public open space located nearby off Hocroft Road. On balance, the proposal provides an acceptable standard of accommodation for future occupiers. Through the submission of a recent appeal decision it has been argued that public space cannot be relied on to offset on site provision but the case referred to sought consent for 86 residential units within the London Borough of Brent. There are no similarities to draw on in this case.

The potential impact to existing parking and traffic movements has also been raised as an objection with the suggestion that the traffic survey ignores the 'day to day reality which local residents experience'. The survey data has been compiled using the Lambeth Methodology, with a clear indication that the stress level of 76% would fall well below the parking stress threshold set at 85%- 90% for this location. Officers take the view that this margin provides an acceptable buffer for the day to day reality that residents experience. Notwithstanding this, the provision of 1no. off street car parking space for this proposal complies with the maximum parking standards set out in the London Plan. It is also suggested that fire and rescue service vehicles cannot access the site, however, it should be noted that this is a previously developed residential site that in the event of a fire has two way access for emergency vehicles. In any event Building control approval for fire service access would need to be sought prior to commencement of development.

Objections to the proposed landscaping and biodiversity measures have also been raised, suggesting that such measures do not go far enough to protect the character and appearance of the area or existing ecology, including bats. In the officers view such measures have been fully addressed, including landscaping features along the site boundaries, new tree planting (including an in lieu contribution for off site provision to offset loss) and green roofs. A condition has been imposed to secure a net biodiversity gain of at least 10% and survey evidence indicates that the building is highly unlikely to support roosting bats. The recommendations made within the preliminary bat assessment are also to be secured by a Planning condition.

Further objections and observations raised in relation to alternative uses of the site for wildlife conservation are not before the Council for determination. The Government website for assessing long term flood risk states that there are no flood warnings or alerts in this area. A condition has been imposed to ensure that the units hereby approved shall be used as self-contained residential units only.

On a final point it should be noted that the application has been determined in accordance with the development plan, which currently comprises the Barnet's Local Plan. This 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. A number of objections raised in relation to housing mix, residential conversions and the redevelopment of larger homes rely on the aims and objectives of emerging local plan policies on the basis that the submission draft of the new local plan has completed the public consultation process. However, as The Local Plan 2012 remains the statutory development plan for Barnet until such stage as the replacement plan is 'adopted', this application should be determined in accordance with the 2012 Local Plan. The suggestion that the emerging policies should be afforded 'substantial weight' is therefore not accepted by officers.

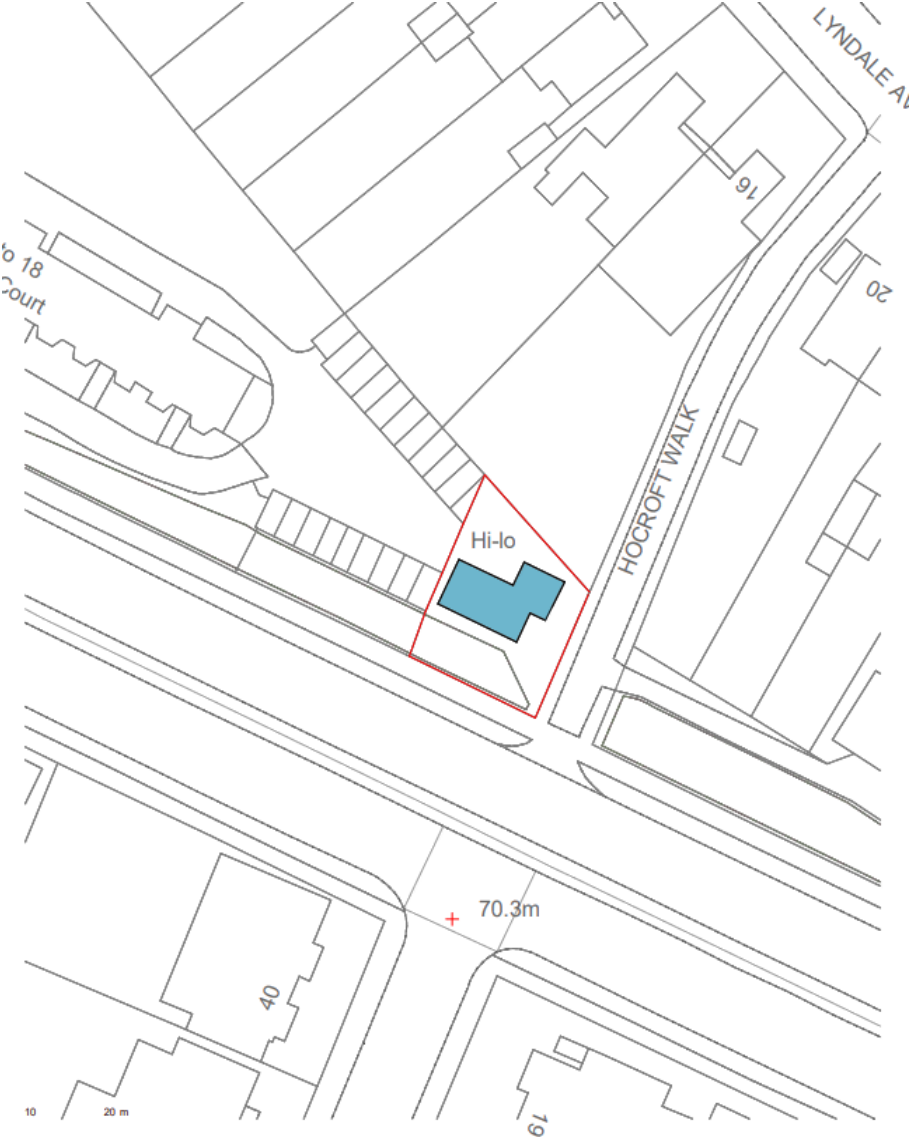
6. Equality and Diversity Issues

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 a S106 agreement to offset the loss of existing trees and a suite of planning conditions to enhance the development and mitigate against potential harm, this application is recommended for APPROVAL.

Location Plan:



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Location **222 East End Road London N2 8AX**

Reference: **23/2051/HSE**

Received: 11th May 2023

Accepted: 25th May 2023

Ward: East Finchley

Expiry 20th July 2023

AGENDA ITEM 7

Case Officer: **Kate Foster**

Applicant: Yamina Bheekhun

Proposal: Single storey side and rear infill extension with 5no. rooflights and new access steps to rear

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:

B181171-01-1100 Rev A, B181171-01-3100 Rev A, B181171-01-3000 Rev A, Site Location Plan, Planning Fire Safety Strategy (dated May 2023).

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

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

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

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

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

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

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors shall be placed at any time on the western elevation(s), of the extension hereby approved, facing no. 220 .

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).

Informative(s):

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

OFFICER'S ASSESSMENT

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

I would like to call this application in to a planning committee for decision, due to the harm the proposed extension may cause to the amenity of the neighbours at 224 East End Road.

1. Site Description

The application site contains a two-storey, semi-detached dwellinghouse, situated at 222 East End Road, London, N2 8AX, within the East Finchley ward.

The surrounding area is predominantly residential comprising of a mixture of semi-detached, terraced and detached properties of a similar architectural style and scaling. Properties along the southern side of East End Road typically benefit from two-storey front facing bay windows and front gable features. Dwellinghouses also have two-storey outriggers to the rear, within the private rear amenity space. The host site has off-street parking within the forecourt of the property.

The site is not locally/statutorily listed, nor is it located within a conservation area. There are no TPOs on site or in the surrounding proximity of the property.

2. Site History

Reference: 23/2052/192

Address: 222 East End Road London N2 8AX

Decision: Lawful

Decision Date: 06 July 2023

Description: Roof extension including side and rear wraparound dormer windows with juliette balcony, 2no. flat rooflights and 3no. front facing rooflights

3. Proposal

The planning application seeks permission for:

Single storey side and rear infill extension with 5no. rooflights and new access steps to rear.

The proposal would appear as a wrap-around extension extending 3.50 metres in depth beyond the rear building line, extending a full depth of 8.40 metres diagonal along the boundary with no. 222 East End Road. The proposed extension would have a lean-to roof along the boundary with no. 224 with an eaves height of 3.00 metres, the rest of the extension would have a flat roof with a maximum height of 3.85 metres.

Due to the natural sloping of the garden, new access steps will be provided to the rear of extension measuring a height of 0.46 metres, a width of 4.64 metres and a depth of 0.87 metres.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties. 4no objections were received from 3no contributors.

The objection comments can be summarised as follows:

- Loss of sunlight to neighbouring property no. 222
- Loss of outlook
- Sense of enclosure
- Noise nuisance
- Impact on neighbouring property value
- Quality of life/ neighbouring occupiers' ability to enjoy their rear amenity space.

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 -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).

According to the Residential Design Guidance, proposed extensions should be consistent with the form, scale and architectural style of the original building. Further, extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The Residential Design Guidance (14.21) stipulates that the depth of a single storey rear extension normally considered acceptable for semi-detached properties is 3.50 metres. The proposed extension would not protrude beyond the rear building line of the existing outrigger, and as such would have a depth of 3.50 metres, which is compliant with the SPD 2016. The side extension element of the proposal would extend a length of 8.40 metres along the diagonal boundary with no. 220, however this extension would be set 0.79 metres from this neighbouring boundary and would not protrude beyond the rear building line of the existing outrigger. Furthermore, according to the SPD (14.15), side extensions should not be more than half the width of the original house, the ground floor side element, measuring a width of 2.80 metres, would not exceed the 3.35 metre limit in relation to the original house width, and thus would be compliant.

The proposed side extension would protrude 1.63 metres in height above the lowest point of the existing side garage extension which has a pitched roof, and as such would be visible from the front elevation of the dwellinghouse. However, it is worth noting that this element would be set back 4.74 metres, behind the existing garage, from the front building line. In addition to this, whilst a parapet wall with a maximum height of 3.85 metres will extend along the western flank wall, the side extension would have a pitched roof design, sloping up from an eaves height of 2.83 metres. This would therefore soften the visual impact of the proposal on the street scene of East End Road. Given that the proposal is sufficiently set back, it is not considered that the proposal would be harmful to the character of the surrounding area.

A review of aerial imagery and historic planning records indicate that numerous properties along East End Road benefit from single storey rear and/or side extensions, including no. 230, and no. 257 and 259 directly opposite, as such the proposal would be in keeping with existing development in the area, adhering with policy DM01.

Officers therefore consider that the proposal would not be detrimental to the established character and appearance of the existing dwelling and the general locality would not be affected, as such, this proposal is recommended for approval on the grounds of character.

- 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.

The Residential Design Guidance (14.22) states that single storey rear extensions to the original house need to ensure that the depth and/or height of the extension does not cause a significant sense of enclosure, or loss of outlook from, or light to, principal windows of habitable rooms of neighbouring properties.

No. 224 East End Road is the adjacent neighbouring property located to the east of the host site, this neighbouring dwelling is split into a ground and first floor flat. During the public consultation period of this application, objections were received from this neighbouring property regarding the amenity impact of the proposal, with a particular focus on loss light and outlook, a sense of enclosure, impact on property value, and the neighbouring occupier's ability to enjoy their rear amenity space. The proposed extension would extend 3.50 metres beyond the rear building line, within the recommended depth as set by the SPD 2016. In addition to this, the proposal incorporates a sloping roof element, which extends along the shared boundary with no. 224 with an eaves height of 3.00 metres (a relative height of just 2.5m from the cill level of the door in the rear of No 224 with regard to the plans), and a maximum height of 3.85 metres, to reduce any amenity impact. As a result of this, officers do not consider that the proposal would appear unduly overbearing or result in an unacceptable increase to the sense of enclosure experienced from within.

It should also be noted that - as a single dwellinghouse - 3m of the proposed 3.5m could otherwise be built pursuant to permitted development rights.

Furthermore, given that the host site benefits from an existing two storey rear outrigger which is set 2.36 metres from the shared boundary, it is considered unlikely that the proposal would result in any further significant overshadowing or loss of outlook in comparison to the existing situation with the rear outrigger. Though the greater proximity is acknowledged, a large part would be read against the backdrop of the two storey outrigger.

The neighbouring property also benefits from approximately 105 square metres of rear amenity space, as such the proposed 3.50 metre deep extension would not be considered to detrimentally impact the amenity of the main rear garden space beyond the existing outrigger. Therefore, given that the depth of the proposed extension is policy compliant, and incorporates a lean-to roof, officers deem that the proposal would not unduly harm the amenity of the neighbouring occupiers at no. 224.

The Residential Design Guidance (14.20) states that side extensions should ensure that the visual and residential amenities of neighbouring properties are not significantly affected. The proposed side extension would extend a length of 8.20 metres along the boundary with neighbouring property no. 220 East End Road, located to the west of the host site. However, the proposal would be set in 0.79 metres from this neighbouring boundary and would only protrude 3 metres in depth beyond the rear building line of no. 220 - although 2.26 metres of this depth is occupied by an existing shed at no.220 which extends along the shared boundary. As such it is not deemed that the proposal would appear unduly overbearing or result in any significant loss of light to this neighbouring property, notwithstanding the height and greater proximity that existing. Given that no side windows would be inserted on the flank wall of the proposed extension facing no. 220, officers also do not consider that the proposal would result in any loss of privacy or overlooking, therefore there would be no amenity impact.

Therefore, the proposal would not be considered to cause any undue adverse impact to neighbouring amenities in terms of appearing overbearing or causing significant levels of loss of light or outlook.

5.4 Response to Public Consultation

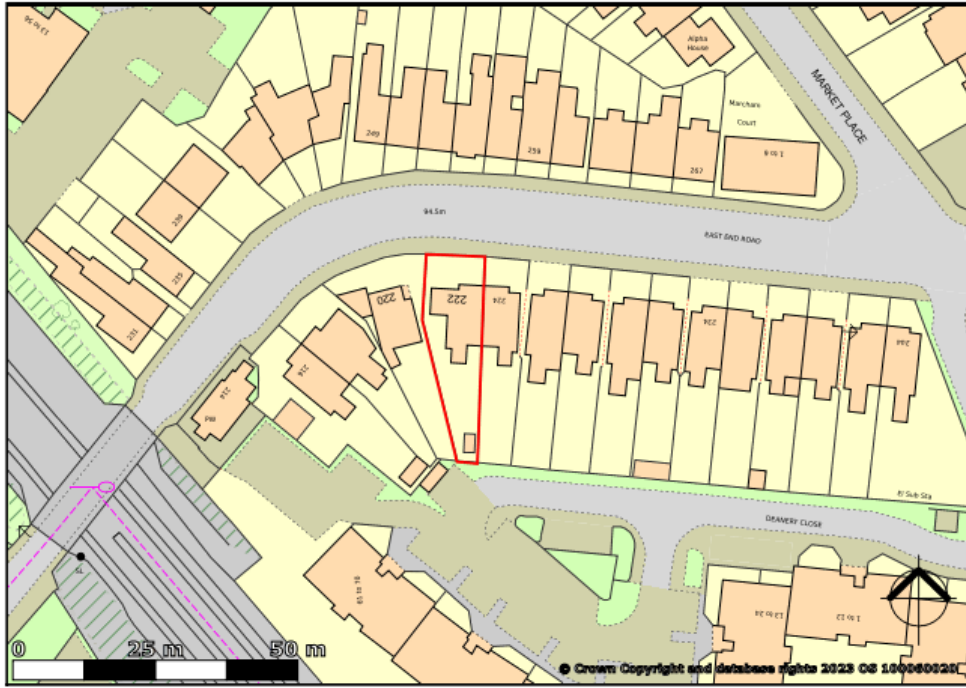
The planning considerations regarding neighbouring amenity have been addressed in section 5.3.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location 31 Northfield Road Barnet EN4 9DN

Reference: 23/1417/HSE

Received: 31st March 2023

Accepted: 31st March 2023

Ward: East Barnet

Expiry 26th May 2023

AGENDA ITEM 8

Case Officer: Asha Chhabhaiya

Applicant: Mr Tudor Bratu

Proposal: First floor side and rear extension. Installation of external insulation with grey render

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:

NR31-03-1002 Existing Elevations

NR31-03-1001 Existing plans

NR31-03-1003A Proposed Plans Rev A

NR31-03-1004 Proposed Elevations

NR31-03-1005 Existing and Proposed Block plans

NR31-04-1006

licatatherm Thermal insulation systems Brochure for LicataTherm Graphite EWI

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 outlined within this application.

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 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 first floor sideelevation(s), of the extension(s) hereby approved, facing Nos 33 and 29 Northfield Road.

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).

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No 33 Northfield Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

Informative(s):

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

OFFICER'S ASSESSMENT

Committee call-in

The application has been called in to committee by Cllr Radford for the following reason:
The plans do not allow for adequate light or privacy for neighbours.

1. Site Description

The application site contains a two-storey semi-detached dwellinghouse, located on the south side of Northfield Road, within the ward of East Barnet

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

The property currently benefits from a single storey wraparound side/rear extension. There is parking to the forecourt of the site, and amenity space to the rear.

The application site does not lie within a conservation area or contain a locally or statutory listed building. There are no protected trees on site, or on adjacent land.

2. Relevant Planning History

Planning

Reference: 18/4972/192

Address: 31 Northfield Road, Barnet, EN4 9DN

Decision: Lawful

Decision Date: 31 August 2018

Description: Extension to roof including hip to gable, 1no rear dormer window and 1no gable window and 2no rooflights to front roofslope

Reference: 18/4980/HSE

Address: 31 Northfield Road, Barnet, EN4 9DN

Decision: Approved subject to conditions

Decision Date: 4 October 2018

Description: Single storey wraparound extension including front porch, side and rear extensions, following demolition of existing outbuilding

Reference: 22/0781/HSE

Address: 31 Northfield Road, Barnet, EN4 9DN

Decision: Approved subject to conditions

Decision Date: 13 April 2022

Description: First floor side and rear extension (AMENDED PLANS)

Enforcement

N/A

3. Proposal

The application seeks permission for a first-floor side/rear extension at 31 Northfield Road.

The proposed first floor side extension would have a width of 1.28m, extend 9.5m alongside the depth of the original property, and beyond to the rear at a depth of 3m. The rear extension would measure a width of 3.7m.

These are the same dimension as the approved scheme 22/0781/HSE.

The amended render proposed is light grey white and the insulation will increase the walls by 0.75mm.

The wraparound side extension would support a hipped crown roof, with fenestration proposed to the side and rear elevation.

The proposed materials will be similar to that of those existing throughout.

4. Public Consultation

Consultation letters were sent to 6 neighbouring properties.

1 response have been received, comprising 8 letters of objection, 1 letters of support and 1 letters of comment. 1 Request to speak at committee

The objections received can be summarised as follows:

- labour don't adhere to standards.
- blocking light
- Destroy views,
- Loss of privacy
- Construction noise
- Outbuilding
- Value of my home
- Will become a terraced house
- Block sunlight
- Noise and dust
- Impact on my driveway and parking
- Out of character
- Creates a precedent

- Foundations

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

Policy DM01 states that all development should represent high quality design and should

be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Design and Visual Amenity

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D4 and D5 of the London Plan 2021.

The proposed extension remains unchanged since the previous permission, there are no material planning considerations which would result in a different recommendation.

The proposed first floor wraparound side/rear extension is considered to comply with the recommendations of the Residential Design Guidance. The front of the side extension is set back 1m from the front building line, its width is no more than half that of the main dwellinghouse and would support a hipped tiled roof that reflects and relates sympathetically to the main house.

The proposal has ensured that a 1m gap is maintained from the common boundary and as such, the proposed scheme is not anticipated to give rise to any adverse terracing effect.

The proposed rear extension does not exceed a depth of 3m and has been reduced in width to no more than half of the main dwellinghouse; as such it now reads as a proportionate and subordinate addition.

Following a site visit officers note that there are some examples of first floor side extensions in the locality, including No 70 Northfield Road. The scale of the proposed extension is also considered modest and in and of itself is not expected to dramatically alter the prevailing character of the locality. As such, officers are satisfied that the proposed scheme would be not give rise to harm to the character of, and be in keeping with, the existing pattern of development in the surrounding area.

Since permission was granted for the extension, the proposal now includes the installation of external insulation and grey render for the ground floor of the building whilst the first floor will be built to be finished with the same external insulation render. The insulation will wrap around the side/rear and front elevation.

The proposed insulation will be:

Insulation with -0.75mm and render to the front, side and back of the house with grey render finish (insulation which is considered acceptable and in character with the immediate area.

It is considered that the proposal as a whole would not cause a detrimental impact to the character of the host building or the street scene, as it is a minor projection from the existing elevations. Considering the modest thickness of the insulation, the projection would not cause detrimental harm to the appearance of the dwelling or its relationship to the adjoining property or rest of the streetscene.

Around window openings, the windowsills would be extended to overlap onto the proposed wall insulation. The agent has confirmed that the colour which is different to the existing brown brick façade. However, there are already examples of dwellings within close vicinity to the dwelling that have rendered facades. Thus, the dwelling will not appear as incongruous with surrounding development.

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

Residential Amenity

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 proposal 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.

The proposed side extension would be situated 1m from the common boundary with neighbouring No 33, and the wraparound rear extension would not exceed the depth of 3m, as per stipulated in the Residential Design Guidance. Neighbouring No 33 sits at a lower level than the applicant site, and a 3m deep first floor rear extension could have the potential to cause an overbearing amenity impact. However, officers note that No 33 benefits from a substantial garage outbuilding, adjoining the common boundary, which serves to distance the occupiers of No 33 from any impact arising from the bulk of the first-floor extension. As such, despite the level changes, on the balance of matters the first floor rear extension is not expected to give rise to an unacceptable amenity impact.

The proposed side elevation fenestration will be conditioned to be obscure glazed to ensure no harmful overlooking or loss of privacy is incurred as a result of the development.

The proposed installation of external wall insulation to the building is not considered to lead to any adverse impacts on the neighbouring amenities.

In assessment, officers are satisfied that the development is not considered to prejudice the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy; therefore, in this regard, it is in compliance with Policy DM01 of Barnet's Development Management Policies DPD.

5.4 Response to Public Consultation

Builders won't adhere to standards this is not a planning related matter. Building regulations and the health and safety executive cover issues of construction works.

blocking light, Destroy views, Loss of privacy, Will become a terraced house, Block sunlight, Out of character, Creates a precedent The main planning considerations have

been addressed within the body of the report. The proposed extension complies with the Council's design guidance, having been scaled and appropriately distanced from the neighbouring boundary so as to ensure that no unduly onerous amenity impact will be incurred. The proposed extension has previously been consented and considered as acceptable in terms of impact on neighbouring amenities.

Construction noise, Noise and dust This would fall under environmental health if the works are causing a statutory nuisance.

Impact on driveway and parking This is a civil matter which is not covered by the planning legislation

Value of my home, Foundations These are not planning consideration therefore not reviewed as part of this application.

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



Location Plan Scale 1:1250

Location **Ground Floor Flat 77 Leicester Road London N2 9DY**

Reference: **23/1399/FUL** Received: 30th March 2023
Accepted: 4th April 2023 **AGENDA ITEM 9**

Ward: East Finchley Expiry 30th May 2023

Case Officer: **Kate Foster**

Applicant: Mr Harpal Bhohi

Proposal: Single storey side and rear extension to existing rear outrigger

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, BR2625 03 (Block Plans), Site Location Plan

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

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

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

- 3 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 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 on the eastern and western elevation(s), of the extension(s) hereby approved, facing Durham Road and no. 75 Leicester Road.

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).

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 contains a ground floor flat within a two-storey end of terrace property, situated at Ground Floor Flat, 77 Leicester Road, London, N2 9DY, within the East Finchley ward.

The surrounding area is predominantly residential consisting of terraced and semi-detached properties of a similar architectural style, which appear to have been built at the same time in a similar manner with key characteristics including two-storey front bay windows and gables features; properties also benefit from two-storey outriggers to the rear. The rear amenity space at no. 77 is sub-divided between the ground floor and first floor flat (although the occupiers of the first floor flat have leased their rear amenity space to no. 14 Durham Road). Extending along the eastern boundary of the host site is a gated alleyway, which provides access to the rear amenity spaces of properties along Durham Road. The host site does not benefit from off-street parking.

The site is located on Flood zone 1 (low probability of flooding from rivers), although it is an area defined as a medium risk for surface water flooding.

The site is not located within a conservation area and is not listed, nor are there any TPOs located on-site, or within the surrounding vicinity.

2. Relevant Site History

Planning History

Reference: F/00721/12

Address: Ground Floor Flat, 77 Leicester Road, London, N2 9DY
Decision: Refused
Decision Date: 25 June 2012
Description: Single storey rear and side extension.
Appeal Decision: Allowed
Appeal Decision Date: 18 March 2013

Reference: F/02055/11
Address: Ground Floor Flat, 77 Leicester Road, London, N2 9DY
Decision: Refused
Decision Date: 13 July 2011
Description: Single storey rear and side extension.
Appeal Decision: Appeal Dismissed
Appeal Decision Date: 20 December 2011

3.Proposal

This proposal seeks that the following works benefit from planning permission:

Single storey side and rear extension to existing rear outrigger.

The single storey side and rear extension would have a proposed depth of 3.00 metres from the rear building line, with a proposed width of 1.30 metres from the flank wall of the existing outrigger, following the removal of the existing side bay window. The proposal would have a pitched roof design with an eaves height of 2.58 metres, and a maximum height of 3.30 metres.

During the lifetime of the application, the plans have been amended to correct inaccuracies. These amendments include correctly showing the sub-division of the amenity space on the site location plan, the removal of a first-floor window from the existing plans, the correction of measurements, and the insertion of scale bars.

4. Public Consultation

Consultation letters were sent to 16 neighbouring properties. 6no objection comments were received from 6no consultees.

The objection comments can be summarised as follows:

- Loss of light to neighbouring property
- Increase in surface water flooding
- Amenity impact on host site - loss of light, sense of enclosure, compromise rear amenity space standards
- Out of character with surrounding area
- Overlooking/ loss of privacy to properties along Durham Road
- Overbearing/ bulky
- Building work impact upon communal pathway
- Inaccuracies in the plans
- No details of materials

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. Policy DM04 states that development should demonstrate compliance with the London Plan water hierarchy for run off especially in areas identified as prone to flooding from surface water run off.

Barnet's Local Plan (Reg 22) 2021

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

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Amenity space for future occupiers
- Surface water flooding

5.3 Assessment of proposals

Background Information

Initial permission ref. F/02055/11 was refused at appeal ref. APP/N5090/A/11/2160176/NWF in September 2011 for a single storey side and rear extension. Subsequently in March 2013, previous permission ref. F/00721/12 was granted at appeal ref. APP/N5090/A/12/2181909, allowing a single storey rear and side extension of the same scale and design as this current proposal. Whilst this previous permission has lapsed, the circumstances surrounding the site have not altered in the intervening period, thus the inspector's decision can be considered when assessing this application.

Following a review of aerial imagery and a site visit, officers are satisfied that the proposal represents an accurate representation of the site boundary, the development would be within the curtilage of the dwelling, therefore for the purposes of assessing this application, the information is deemed to be accurate.

- 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).

According to the Residential Design Guidance, proposed extensions should be consistent with the form, scale and architectural style of the original building. Further, extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant.

The proposed single storey side and rear extension would extend 3.00 metres in depth from the rear building line and 1.30 metres in width from the flank wall of the existing outrigger, set in 1.38 metres from the alleyway along the eastern boundary. This is compliant with the SPD 2016, which states that the depth of a single storey rear extension normally considered acceptable for terraced properties is 3 metres. Furthermore, the Residential Design Guidance (14.15) stipulates that side extensions should not be more than half the width of the original house, the proposed side extension would not exceed the 2.97 metre limit in relation to the original dwellinghouse, and as such would be acceptable.

The plans also confirm that the proposed extension would utilise brickwork and roof tiles to match those of the existing dwelling. Similarly, the sloping pitched roof design would reflect the roof form of the original outrigger feature, with the scale and proportions of the extension considered a subservient addition in relation to the existing dwelling and attached neighbouring properties.

Upon review of aerial imagery and historic planning records, it is noted that numerous properties along Leicester Road benefit from side and rear extensions, including no. 72, 74, 80 and 82 located directly opposite on the northern side of Leicester Road, permission has also recently been approved for a side and rear extension to the existing rear outrigger at no. 69 Leicester Road (ref. 23/1903/HSE). As such, the proposal would be in keeping with development in the surrounding area.

Officers therefore consider that the proposal would not be detrimental to the established character and appearance of the existing dwelling and the general locality would not be affected, as such, this proposal is recommended for approval on the grounds of character.

- 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.

No. 75 Leicester Road is the adjacent neighbouring property located directly to the west of the host site. The proposed extension would extend 3.00 metres in depth beyond the rear building line, to the east, of this neighbouring property. It is worth noting that the previous appeal decision for application ref. F/00721/12 acknowledged that whilst the side wall of the proposed extension would be visible when viewed from the ground floor rear facing (habitable window), there would be a good separation between the two features. In addition to this, it noted that the height and length of the proposed extension would be modest, complying with recommended depth of 3.00 metres for terraced properties (14.21). Given the southerly rear aspect enjoyed by the occupiers of no.75, the inspector did not consider that the extension would appear overbearing nor result in an undue loss of light to the residents of no.75. As the proposal is of the exact same scale and design as the previous

appeal decision, the inspector's comments are deemed sufficient in concluding that the proposal would result in no detrimental amenity impact to the adjacent neighbouring occupiers at no. 75.

The host site's eastern boundary extends along the communal pathway which provides access to the rear amenity spaces of properties along Durham Road. Concern has arisen regarding the impact of the proposed extension on the outlook from, as well as a loss of privacy and light to the living spaces and gardens of dwellinghouses along Durham Road. As previously mentioned, the rear amenity spaces of Durham Road are separated from the application site by a side pathway, the side extension would be set in a minimum of 1.38 metres from this eastern boundary. Following a site visit, it is noted that existing shrubbery exists along this boundary, both within the curtilage of the host site and along the rear boundaries of Durham Road. The proposal would not involve the insertion of any first-floor windows that would overlook the amenity spaces of Durham Road. As with the current proposal, previous appeal decision (ref. F/00721/12) stated that the extension is single storey with a hipped roof pitching away from the Durham Road gardens. It concluded that in such circumstances the proposed extension would not unacceptably intrude into the outlook from these gardens, nor would it limit the amount of light within these amenity spaces. The windows to the side at ground floor level would face onto the boundary and would not increase levels of overlooking towards gardens on Durham Road. Furthermore, with the proposed distance from the common boundary, it is not considered that the proposal would unacceptably harm the visual amenity of these neighbours. Officers therefore do not consider that the proposed extension would result in any harmful amenity impact to the neighbouring occupiers along Durham Road.

Therefore, in terms of appearing overbearing or causing significant levels of loss of light or outlook, the proposed extension would not have a significant impact. Thus, officers consider the proposal to be acceptable in regard to amenity.

Amenity Space for existing and future occupiers of the unit

Following the proposed single storey rear extension, approximately 40.97m² of amenity space would be retained, albeit these calculations include the narrower side space. The proposal would therefore not compromise the 20m² of outdoor amenity space required for the 4no habitable rooms (including the kitchen/living area) at the host site.

In the previous appeal decision ref. F/00721/12, the inspector acknowledged that generous rear gardens are not a characterising feature of the locality. In paragraph 12 of the appeal decision, the Inspector states:

"The existing flat currently accommodates one bedroom. The proposed extension would allow for the increase in the number of bedrooms to two. This would make the flat more attractive as accommodation for a small family. The remaining garden space available once the extension had been built would be in the order of 40 square metres, a figure previously used by the Council as a minimum standard for the provision of garden space for flats. In this case the amount of garden space available to the residents of No.77A would be limited, although there would be sufficient space to provide an area for sitting out and some play space. However, generous rear gardens are not a characterising feature of the locality. In addition, this is a dense urban area which, as I saw at my site visit, does include green spaces. Taking all of these factors into account I am satisfied that there would be sufficient space available for the enjoyment of the resident of No.77A in accordance with the relevant development plan policies and SPD."

Taking these factors into account, the inspector was satisfied that there would be sufficient space available for the enjoyment of residents of No77A in accordance with the relevant development plan policies and SPD at the time. As noted, the provision of garden space would continue to comply with the current standards and as such, it is considered that provision of amenity space would be acceptable.

Surface Water Flooding

The application site is located within Flood zone 1 (low probability of flooding from rivers) although it is situated in an area defined as having a moderate risk of surface water flooding. The previous appeal decision ref. F/00721/12 did not raise any objection, with the inspector stating that "in these cases other than anecdotal evidence, no firm cases have been submitted to persuade me that the appeal proposal would unacceptably exacerbate existing circumstances causing harm to these identified matters". The circumstances have not changed from this previous decision with the proposed extension incorporating a small addition; thus, the proposal would not be considered to result in a significant increase in surface water flooding to justify refusal on these grounds.

5.4 Response to Public Consultation

The inaccuracies in the plans have been amended throughout the lifetime of this application as mentioned in the proposal section. Regarding the building works impact on the shared pathway, this is a civil matter. The material planning considerations have been addressed in the above section 5.3.

6. Equality and Diversity Issues

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

7. Conclusion

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

Site Location Plan

77a, Leicester Road, East Finchley, London, Barnet, N2 9DY



Site Plan (also called a Block Plan) shows area bounded by: 527465.04, 189629.65 527555.04, 189719.65 (at a scale of 1:500). OSGridRef: TQ27518967. The representation of a road, track or path is no evidence of a right of way. The representation of features as lines is no evidence of a property boundary.

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Location 22 Dollis Avenue London N3 1TX

Reference: 23/1251/HSE

Received: 22nd March 2023

Accepted: 23rd March 2023

Ward: Finchley Church End

Expiry 18th May 2023

AGENDA ITEM 10

Case Officer: Asha Chhabhaiya

Applicant: Mr and Mrs Lewis and Natalie Blitz

Proposal: Two storey rear extension with new patio area. Addition of side windows and rooflights to ground floor. New front porch. Alterations to the garage roof and insertion of rooflights. Roof extension involving side and rear dormer windows, front, side and rear facing rooflights. Front metal railings to replace the existing front brick wall, modification to the roof at the rear of the pool structure with a rooflight. New decking to pool building

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:

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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 Before the building hereby permitted is first occupied the proposed windows in the side elevations facing No.20 and No 24 Dollis Avenue shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations of the extensions hereby approved, facing either No.20 or No 24 Dollis 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).

Informative(s):

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

OFFICER'S ASSESSMENT

1. Site Description

The application site is at present comprised of a large detached dwelling located on the northern side of Dollis Avenue within the Finchley Church End Ward. The property is not listed nor do they lie within a conservation area.

Although the area is predominantly characterised by single family dwellings, there are examples of flatted developments in the immediate vicinity, including to the north at the development known as The Lintons (no.26 Dollis Avenue) and directly opposite at the development known as Primrose Court.

The property benefit from off-street parking and a large forecourt. The property is two storeys in height with accommodation in the roof space. No.22 Dollis Avenue benefits from a large single storey outbuilding connected to the main dwelling along the boundary with no.20 Dollis Avenue.

There are changes in the ground levels with the existing dwellings lying at a higher level than the highway.

There are numerous trees on the site and adjacent land however none are covered by a Tree Preservation Order.

2. Relevant Planning History

Reference: 17/1363/FUL

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 9 November 2017

Description: Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

Reference: 18/4405/FUL

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 29 October 2018

Description: Demolition of existing buildings. Erection of two-storey building comprising of 9no residential apartments with rooms in roof space and basement level. Parking for 15no cars at basement level, cycle parking for 20no cycles and refuse storage. Associated new fencing, landscaping, and amenity space

Reference: F/00153/13

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Approved subject to conditions

Decision Date: 19 March 2013

Description: Extension to roof including two side dormer windows to facilitate a loft conversion. First floor side extension.

Reference: F/02469/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 3 September 2008

Description: Erection of ground floor side and rear extension and rear first floor extension. Extension and alteration to existing roof including new rear balcony, front dormer and solar panels.

Reference: F/04503/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Lawful

Decision Date: 19 January 2009

Description: Erection of ground floor side and rear extension and first floor rear extension. Alterations to roof including side dormers.

Reference: F/04042/08

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Withdrawn

Decision Date: 19 November 2008

Description: Erection of ground floor side and rear extension and rear first floor extension. Extension and alteration to existing roof including side dormers.

Reference: C10607A/05

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 12 December 2005

Description: Alteration to roof including gable end to front elevation and dormer window to side to extend existing loft conversion. Part single, part two-storey rear extension. Two-storey side extension. First floor side extension.

Enforcement

Reference: ENF/00450/04/C

Address: 22 Dollis Avenue, London, N3 1TX

Decision: Refused

Decision Date: 07.05.2004

Description: Structure in Rear Garden

3. Proposal

The application seeks permission for a "Two storey rear extension with new patio area. Addition of side windows and rooflights to ground floor. New front porch. Alterations to the garage roof and insertion of rooflights. Roof extension involving side and rear dormer windows, front, side and rear facing rooflights. Front metal railings to replace the existing front brick wall, modification to the roof at the rear of the pool structure with a rooflight. New decking to pool building"

The ground floor extension would extend across the full width of the property, to provide a large link to the outbuilding. The extension would have a depth of 3.2m along the boundary with No.24 and 4.6m to infill the area between the outbuilding and dwelling. The first-floor elevation would match the depth of the ground floor with the exception of 2.6m depth along the boundary with No.20 set 2.2m off the boundary.

Porch

1.5m in depth

2.7m in width

2.3m in eaves

3.3m in maximum height

The loft development includes

Dormer facing No.20

2.1m in height

1.7m in depth

3.8m in width

Dormer facing No. 24

2.1m in height

2.6m in depth

3.7m in width

Rear dormer

2m in depth

2.8m in width

2m in height

The new roof over the rear end of the outbuilding measures 6m in depth, 6.1m in width and 2m in height to form a crown roof.

The proposed materials will be similar to that of those existing throughout.

4. Public Consultation

Consultation letters were sent to 4 neighbouring properties.

5no responses have been received

-Side dormer will be facing neighbouring property 20 Dollis avenue/habitable room

-Overlooking

- The Architect Surveys do not make a true representation
- Side window should be fitted with permanently obscured glass.
- Air conditioning units on the side of the house
- Loss of privacy
- There is loss of light or overshadowing of adjoining properties.
- There is sense of enclosure or overbearing impact on adjoining properties.
- There is loss of garden, landscaping or open space.
- The extension is NOT subordinate to the original house
The extension does not respect the original building and is overly-dominant
The height of the extension is higher than the existing building.
- unacceptable sense of enclosure to house and garden
- overbearing impact.
- Harm to the character or appearance of the property and area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2021

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

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

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

Barnet's Local Plan (2012)

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

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

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

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

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

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Design and Visual Amenity

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01 which states that all proposals should preserve and enhance the local character of the area, as well as policies CS05 (both of the Barnet Local Plan), D3 and D4 of the London Plan 2021.

Officers note that the surrounding properties and locality consists principally of detached properties of varying style and form, many of which have undergone alterations and enlargements. As such, the development proposed would in principle be considered acceptable and in keeping with the prevailing character of the area.

The Residential Design Guidance SPD 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.

Rear extensions:

In regard to rear extensions the Residential Design Guidance SPD stipulates that the depth normally considered acceptable for single storey rear extensions on detached properties is 4 metres. 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. Flat roofs on two storey rear extensions are not normally acceptable because they do not relate sympathetically to the house.

The proposed ground floor rear and wraparound side extension is considered to be acceptable in principle. Though in parts the depth of the extension would exceed the RDG's recommend maximum of 4m for a detached property, officers note that this relates to the enlargement of the existing infill extension between the outbuilding and main property. In this regard the proposed bulk, scale and massing of the extension would not give rise to harm to the character of the main dwellinghouse relative to the existing situation.

The proposal includes a 2.4m deep rear low-level patio and decking outside the outbuilding. Based on a review of aerial imagery and site photos provided it is apparent that neighbouring properties benefit from significant rear hardstanding. Given this context, the proposed patio would be an acceptable addition to the pattern of development in the locality.

The scale of the proposed first floor rear extension complies in some regards with the Councils Residential Design Guidance. It is set off 2.2m from the common boundary from no.20, 2.4m between flank walls of No.24. This feature would extension across 12.9m in width. Though this is considerably more than half that of the original dwellinghouse, officers note that there are a number of first floor rear extension of comparable width. In this site-specific context, the scale of the proposed development is considered to be acceptable.

Porch:

With regards to the proposed front element, the front porch will see a continuance of design of the existing house. It is considered proportionate and is an acceptable part of the proposal - both in character and appearance terms. Likewise, due to the size, siting and design, the proposed front element is not considered to have a harmful impact.

Roof extension and alterations involving crown roof, side, and rear dormers, and rooflights:

The new crown roof extension will have the same height as the existing. Although this is contrary to the expectations of the SPD, the immediate opposite neighbouring property at No. 19 have a crown roof, and there are other examples along the streetscape with crown roof designs, therefore the proposed crown roof would not be out of character with the area.

The proposed side and rear dormers are of a modest width, height, and depth, in line with paragraph 4.33, and will subsequently appear as modest additions on the roof slope. It is noted that other properties within Dollis Avenue benefit from side and rear dormers, namely no.'s 24, and 23. Thus, the proposed dormer would not be out of character within the surrounding vicinity.

The rooflights will not add towards the bulk of the extension and are therefore acceptable.

Roof over rear end of outbuilding:

The new roof over rear end of will not been seen from the street scene, although representing a not inconsiderable volume to be added to the existing outbuilding, it would address a discordant and unsympathetic juxtaposition with the rest of the outbuilding. As such, it is not found that the proposed development would result in demonstrable harm to the character of the are and host dwelling to which it relates.

Residential Amenity

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 proposal 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.

20 Dollis Avenue:

Regarding the impact on 20 Dollis Avenue, the rear elevation of the proposed rear extension would come as far as the rear elevation of 20 Dollis Avenue. It would therefore not create any undue loss of outlook, sense of enclosure, loss of daylight or sunlight or be overbearing to rear facing rooms or the garden.

There is a window at the first-floor level facing the host property and this appears to serve a habitable room/bedroom. However, this window is some 4.6m away from the proposed development which will extend only 2.6m further to the rear elevation. The room is also apparently served by a further window in the rear elevation, to which the existing outlook would be unaffected. It is also situated south-east of the host property and so not considered likely to be materially impacted in respect of sunlight. Due to these points, it is found that it will have an on balance acceptable impact and would not result in issue that would warrant a refusal.

There are no proposed side wall openings in the proposed and therefore would not cause any loss of privacy or overlooking. The proposal is 2.2m from the boundary line, given the size and siting of both, this is not considered to cause any undue loss of amenity.

The changes to the rear part of the roof of the outbuilding are not considered to make the impact of the extensive range building unacceptably more onerous than the existing situation.

24 Dollis Avenue:

Regarding the impact on 24 Dollis Avenue, the distance of 2.3 metres from the boundary of the proposed rear extension, and its overall depth when viewed from 24 Dollis Avenue is not considered to create any undue loss of outlook, sense of enclosure, loss of daylight or sunlight or be overbearing for no 24 Dollis Avenue. With no proposed side windows there will be no loss of privacy for no 24 Dollis Avenue.

Dormers

It is not found that the roof extension involving a new crown roof, 2 no. side and 1no. rear dormer, and rooflights would have a detrimental impact on the amenities of the neighbouring properties, subject to a condition to require the obscuration and restricted opening of windows in the side dormers.

Porch

The proposed front element would not lead to a sense of enclosure or overlooking on neighbouring amenities and is considered to have an acceptable impact on neighbouring amenities.

5.4 Response to Public Consultation

Side dormer will be facing neighbouring property 20 Dollis avenue/habitable room, Overlooking, There is loss of light or overshadowing of adjoining properties, overbearing impact This window will be 4.6m away from the proposed development which will extend just 2.6m from the host property rear elevation. Due to these point, it is found that it will have an acceptable impact and would not result in issue that would warrant a refusal.

The Architect Surveys do not make a true representation The plans provided are suitable for this application.

Side window should be fitted with permanently obscured glass, Loss of privacy this has been conditioned

Air conditioning units on the side of the house This can be permitted development, this was not part of this application.

There is loss of garden, landscaping or open space The host property benefits from a large rear garden. Therefore, it is found that a suitable rear garden space will be retained.

The extension is NOT subordinate to the original house, overly dominant, The height of the extension is higher than the existing building addressed above

Unacceptable sense of enclosure to house and garden, overbearing impact, Harm to the character or appearance of the property and area. Address above

6. Equality and Diversity Issues

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

7. Conclusion

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



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