

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

TUESDAY 13TH MARCH, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF HENDON AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Maureen Braun
Vice Chairman: Councillor Brian Gordon LLB

Councillor Claire Farrier
Sury Khatri

Councillor Hugh Rayner
Councillor Gill Sargeant

Councillor Agnes Slocombe

Substitute Members

Tom Davey
Dr Devra Kay
Zakia Zubairi

Val Duschinsky
Charlie O-Macauley

Helena Hart
Mark Shooter

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 Thursday 8th March 10AM. Requests must be submitted to Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

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

Andrew Charlwood – Head of Governance

Governance Service contact: Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

Media Relations contact: Sue Cocker 020 8359 7039

ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 8
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	Hendon	
6.	133 Brent Street London NW4 4DA - 17/7497/FUL	9 - 28
7.	1 And 2 The Approach London NW4 2HT - 17/8103/FUL	29 - 52
8.	2 Southfields London NW4 4ND - 17/6846/FUL	53 - 68
9.	Any Item(s) the Chairman decides are urgent	

FACILITIES FOR PEOPLE WITH DISABILITIES

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Decisions of the Hendon Area Planning Committee

26 February 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman)

Councillor Claire Farrier
Councillor Sury Khatri
Councillor Hugh Rayner

Councillor Gill Sargeant
Councillor Agnes Slocombe

Apologies for Absence

Councillor Maureen Braun.

1. MINUTES

RESOVED that the minutes of the meeting held on 18th January 2018 be approved as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Maureen Braun.

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

Councillor Khatri declared a non-pecuniary interest in relation to item 5 on the agenda, 141-143 Dollis Road London NW7 1JX, as he had met the speaker before.

Councillor Khatri declared a non-pecuniary interest in relation to item 7 on the agenda, 42 Audley Road London NW4 3EY, as he had previously met Mr Deer.

Councillor Khatri declared a non-pecuniary interest in relation to item 4 on the agenda, 63 The Reddings London NW7 4JN, as he is the Ward Councillor for this ward.

Councillor Rayner declared a non-pecuniary interest in relation to item 6 on the agenda, 185 The Edgwarebury Lane Edgware HA8 8QJ, as he lives in close proximity to the application site.

Councillor Farrier declared a non-pecuniary interest in relation to agenda item 5 on the agenda, 141-143 Dollis Road London NW7 1JX, as she had previously spoken to one of the speakers Ms Brown.

4. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

5. 141-143 DOLLIS ROAD LONDON NW7 1JX - 17/3796/FUL - AGENDA ITEM 5

The planning officer introduced the application which related to 141-143 Dollis Road.

An oral representation was made by Mrs Jenny Brown in objection to the application.

An oral representation was made by Dr Abdul Mustafa in support of the application.

An oral representation was made by the applicants representative Mr James Waterhouse.

The Committee discussed the provision of a bell-mouth at the access and for this to be included in the section 278 Agreement works secured by the S106. Officers agreed this could be included.

Following discussion of the item, Councillor Khatri moved a motion to add a condition to the approval, that for recommendation 7 and 8 within the report as part of the s106 agreement the locality be Bittacy Hill Park. The motion was seconded By Councillor Rayner.

The Chairman moved to vote on the amended motion, which was to approve the application subject to the conditions set out in the report and the condition proposed by Councillor Khatri.

Votes were recorded as follows:

For 3

Against 3

Abstain 0

The Chairman used his casting vote to approve the application.

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report and addendum, and the additional condition of the s106.

6. 97 - 101 BRENT STREET LONDON NW4 2DY - 17/7303/FUL - AGENDA ITEM 9

The planning officer introduced the application which related to 97-101 Brent Street.

A representation was made by the applicant Mr Barry Ackerman.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse as per the reasons set out in the report.

Votes were recorded as follows:

For 4

Against 2

Abstain 0

The Committee therefore **RESOLVED to REFUSE** the application, as per the reasons set out in the report and the addendum.

7. 42 AUDLEY ROAD LONDON NW4 3EY - 17/7626/FUL - AGENDA ITEM 7

The planning officer introduced the application which related to 42 Audley Road.

An oral representation was made by Mr Michael Libman in objection to the application.

An oral representation was made by the applicants representative Dominic Deer.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was approve subject to s106.

Councillor Khatri moved a motion to add a recommendation to restrict the use of the current outbuilding to ancillary residential and to prevent it from being used as a separate dwelling. This was seconded by Councillor Slocombe. The Committee unanimously agreed to add this condition.

The Committee then voted on approval of the application, subject to the added condition.

Votes were recorded as follows:

For 5

Against 0

Abstain 1

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions voted by the Committee and as per the officer's report.

8. 45 - 47 CHURCH ROAD LONDON NW4 4EB - 17/7350/FUL - AGENDA ITEM 8

The planning officer introduced the application which related to 45-47 Church Road.

An oral representation was made by the applicant Ms Liz Fitzgerald.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve following legal agreement and as per the conditions outlined in the report.

Votes were recorded as follows:

For 6

Against 0

Abstain 0

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

9. 63 THE REDDINGS LONDON NW7 4JN - 17/7512/HSE - AGENDA ITEM 4

The planning officer introduced the application which related to 63 The Reddings.

An oral representation was made by Councillor John Hart in support of the application.

An oral representation was made by the applicant Mrs Nicole Yadid.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse application for the reasons set out in the report.

Votes were recorded as follows:

For 4

Against 2

Abstain 0

The Committee therefore **RESOLVED to REFUSE** the application as per the reasons set out in the report.

10. 185 EDGWAREBURY LANE EDGWARE HA8 8QJ - 17/7882/HSE - AGENDA ITEM 6

The planning officer introduced the application which related to 185 Edgwarebury Lane.

An oral representation was made by the applicant Ms Danielle Ovadia.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to refuse.

Votes were recorded as follows:

For 4

Against 2

Abstain 0

The Committee therefore **RESOLVED to REFUSE** the application as per the reasons set out in the report and the addendum.

11. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

12. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT

None.

The meeting finished at 9.35 pm

Location **133 Brent Street London NW4 4DA**

Reference: **17/7497/FUL**

Received: 27th November 2017

Accepted: 29th November 2017

Ward: Hendon

Expiry 24th January 2018

Applicant: Twinsectra Ltd

Proposal: Erection of 5 storey building with basement to provide commercial floorspace (A2 - Professional and Financial Services) at ground floor and basement level and 9no self-contained flats on the level above. Provision of basement car parking and cycle provision. Associated landscaping.

AGENDA ITEM 6

Recommendation: Approve subject to conditions

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

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

OS Map 1:150

200 (Proposed Basement Level)

201 P01 (Proposed Ground Floor Plan)

202 P02 (Proposed First and Second Floors)

203 P03 (Proposed Third and Fourth Floors)

204 P02 (Proposed Roof Level)

210 P03 (Proposed Brent Street and Rear Elevations)

211 P03 (Proposed North and South Elevations)

215 P02 (Proposed Sections)

230 P02 (Net Internal Areas)

231 (Gross External Areas)

232 (Gross Internal Areas)

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) Prior to the construction of the building, 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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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 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 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 5 Prior to the first occupation of the development hereby approved, a Car Parking Management Plan detailing the following shall be submitted to and approved in writing by the Local Planning Authority:
- i. location and layout of car parking spaces;
 - ii. The allocation of car parking spaces;
 - iii. Onsite parking controls;
 - iv. The method of enforcement of unauthorised parking;
 - v. Locations of disabled parking spaces;
 - vi. Locations of active and passive Electric Vehicle Charging Points and the monitoring of Electrical Vehicle Charging Points, including when additional spaces are required to be brought into operation. The Car Parking Management Plan shall thereafter be implemented in accordance with the approved details immediately following the first occupation of the development hereby approved.

Reason: To ensure that parking is provided and managed in line with the council's standards in the interests of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

- 7 Prior to occupation of the development, details of the refuse collection arrangements shall be submitted to and agreed by the Local Planning Authority.

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

- 8 Prior to occupation of the development full details of the electric vehicle charging points to be installed in the development shall have been submitted to and approved in writing by the Local Planning Authority. These details shall include provision for not less than 10% of the approved retail parking spaces to be provided with active electric vehicle charging facilities and 10% passive electrical charging facility. The development shall be implemented in full accordance with the approved details prior to first occupation and thereafter be maintained as such.

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 6.13 of the London Plan.

- 9 Prior to the commencement of basement works, a drawing showing the details of the gradient for the proposed vehicular access ramp to the basement and the access to the parking area from public highway shall be submitted to and approved by in writing by the Local Planning Authority. The gradient shall not exceed 1:10 otherwise the

gradient would need to be constructed in accordance with the guidelines in IStructE Design recommendations for multi-storey and underground car parks.

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

- 10 Prior to occupation of the development the proposed parking spaces within the parking area as shown in Drawing no. P17-394-200 submitted with the planning application and the access to the parking area from public highway shall be provided and the access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 11 a) No development other than site preparatory works shall take place until a scheme of proposed noise mitigation measures against externally generated traffic noise/mixed use 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 first occupation of the development and retained as such thereafter.

Reason: To ensure the amenities of occupiers are not prejudiced by traffic noise/mixed use 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 7.15 of the London Plan 2016.

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

This sound insulation shall ensure that the levels of noise generated from the A2 use; as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and 7.15 of the London Plan 2016.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2016.

- 14 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 5.21 of the London Plan 2015.

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

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

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

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

16 a) Prior to the occupation of the development, details of the proposed green roof have been submitted to and approved in writing by the Local Planning Authority.

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

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

18 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

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

19 The northern proposed area of flat roof 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).

20 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).

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

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

22 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 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

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

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

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

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

25 The ground floor and basement premises shall be used for A1 (Shops) or A2 (Professional and Financial Services) and for no other purpose (including any other purpose in Class A of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

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

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

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

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

- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will

be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

- 5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.
- 6 The 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 30dB(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.

- 7 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');

2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);

3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;

5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;

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

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

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

Officer's Assessment

1. Site Description

The application site is located on the western side of Brent Street, just north of the junction with Brampton Grove, within the Brent Street Town Centre. The site is 'L' shaped in form and consists of areas of hardstanding and overgrown vegetation. The site is boarded up along Brent Street and there is a vehicular access into the site from Brampton Grove.

As the site is located within the town centre, there is a variety of retail, commercial and residential uses within the surrounding area.

2. Site History

Reference: W08536H/06

Address: 133 Brent Street London NW4 4DA

Decision: Approved following legal agreement

Decision Date: 21.09.2006

Description: Construction of five storey building plus basement, to provide commercial floorspace at ground floor level and a total of 9 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536G/05

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 20.01.2006

Description: Erection of part two, part three, part four, part five-storey building plus basement level, to provide office floorspace at ground level and a total of 12 self-contained flats. Provision of off-street parking (in basement) accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536F/04

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 13.10.2004

Description: Erection of five-storey block plus basement level to provide health club at basement/ground levels and 13no. self-contained flats on the upper floors. Provision of off-street parking accessed from Brampton Grove.

Appeal Reference Number: APP/N5090/A/04/1166078

Appeal Decision: Dismissed

Appeal Decision Date: 18/01/2006

Reference: W08536E/03

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 02.07.2003

Description: Erection of four-storey block to provide 9no. self-contained flats and a health club at ground floor and basement level, provision of 13no. underground car-parking spaces accessed from Brampton Grove and associated changes to landscaping.

Reference: W08536C/02

Address: 133 Brent Street London NW4 4DA

Decision: Refused

Decision Date: 19.03.2003

Description: Redevelopment of site to provide residential flats. (OUTLINE)

3. Proposal

The application seeks consent for the construction of a five storey building plus basement to provide a mixed use scheme comprising of a commercial A2 use (572.3sq.m) in the basement and ground floor and 9no. self-contained flats on the upper floors. The fifth floor would be recessed from the front, side and rear elevations. The 9no. residential units would comprise of 2 x 1-bed, 3 x 2-bed, 2 x 3-bed and 2 x 4-bed units.

The proposal includes a basement accessed from Brampton Grove which provides 13 off-street parking spaces. Amenity space is provided in the form a communal garden and the rear facing units have individual private balconies. The proposal also includes the provision of cycle storage, refuse and recycling storage.

The proposal has been amended during the course of the application including:

- Revision of window arrangement and detailing to front and rear elevations;
- Removal of front elevation balconies;
- White render finish to southern element of the proposed fifth floor;
- Extension of glazing on fifth floor;
- Provision of outdoor communal garden for use of residential properties instead of A2 use only; and
- Addition of green roof and hedging along northern flat roof on the first floor level.

4. Public Consultation

This application has been called in at the request Cllr Braun due to the concern regarding the proposed height and bulk.

Consultation letters were sent to 143 neighbouring properties.
1 response has been received, comprising 1 letter of objection.

The objections received can be summarised as follows:

- Car access is going to be through Lodge Road where the traffic situation is extremely difficult. The Plans should be amended so that the car access is through Brent Street rather than Lodge Road.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS6, CS9, CS13, CS14, CS15.

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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;
- Provision of adequate accommodation for future occupiers;
- Highways safety and parking; and
- Other considerations.

5.3 Assessment of proposals

The application site has been subject to a number of previous applications for the construction of a mixed use development. The application reference W08536F/04 of which sought permission for the erection of a five storey building plus basement level to provide a health club at basement/ground levels and 13no. self-contained flats on the upper floors including the provision of off-street parking accessed from Brompton Grove. This application

was refused in 2004 by reason of its size, siting, height, design, insufficient off-street parking and the lack of formal undertaking in relation to educational costs. Subsequently, an appeal reference APPN5090/A/05/1166078 was lodged and dismissed in 2006. The inspector found that the proposal would preserve the character and appearance of the street scene and provide adequate car parking. However, the appeal was dismissed due to the proposed concerns relating to the impact on the neighbouring residents and future occupiers. An application reference W08536H/06 was later approved by the Council for the Construction of five storey building plus basement for a mixed use scheme which was considered to overcome the previous reasons for refusal.

Character and appearance of the site, street scene and surrounding area

The character and appearance of Brent Street is varied with buildings displaying different architectural styles, including detailed design, height and bulk, abutting one another. There is no distinctive character other than the extensive use of brick and regular window arrangement.

The site is located within the Brent Street Town Centre and as such the principal of a mixed use scheme is considered to be acceptable. While the proposal would be higher than its immediate neighbours of the Post Office and Churchill House, it is considered that the proposal would not be detrimental to the character and appearance of the street scene. The proposed fifth floor would be recessed and predominately glazed in order to help reduce its bulk and massing and is considered to appear as a subordinate addition. Although an element of southern section of the fifth floor would not be stepped in, it has been given a white rendered finish to help reduce its visual bulk. It would also be set back approximately 8.5m from the front elevation 6m from the rear elevation and so it is not considered to be highly visible from the streetscene. A contemporary building is not considered to be unacceptable and the use of brick as the predominate external material and reconstituted stone on the ground floor level would complement the adjacent buildings along the street scene. Amendments have been sought to the external appearance of the proposed building to remove the front balconies and improved window arrangements and detailing which is now considered to better reflect the characteristics of the street scene.

There is a degree of separation between the proposal and Churchill House to the north and in order to help soften the proposed depth and massing, it has been agreed to insert a green roof and hedging along the northern flat roof element at first floor level.

Overall, the proposed development would develop an existing void in the streetscape and is considered to have an acceptable impact on the character and appearance of the site and Brent Street.

Impact on amenity of neighbouring residents

In terms of buildings surrounding the site, the Post Office lies to the south, detached houses along Brampton Grove to the west, a three storey residential block (Homemead) lies to the north-west and Churchill House, a commercial building lies to the north.

There would be a distance of approximately 25m from the proposed rear balconies to the rear boundary line. This would meet the Council's overlooking guidance as set out in the Residential Design Guidance SPD (2016). As such the proposed development is not considered to have a detrimental impact on the amenity of the residential properties to the west along Brampton Grove. Homemead to the north-west is a three storey residential building comprises of 8no. flats. The proposed windows along the northern elevation are

high level and as such there would be no windows which would directly face onto Homestead. Previous concerns were raised in relation to the impact from the proposed rear balconies. This is considered to be suitably mitigated by the installation of 1.8m privacy screens along the northern side of the balconies.

Overall the proposed development is not considered to detrimentally reduce the amenity of neighbouring occupiers and further details relating to the privacy screen and green roof will be sought via condition.

Provision of adequate accommodation for future occupiers

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. The London Plan and the Barnet's Sustainable Design and Construction SPD (2016) sets out the minimum space requirements for residential units. The scheme would provide the following units:

Unit 1 - 3B6P101.7sq.m
Unit 2 - 2B4P75.9sq.m
Unit 3 - 1B2P53.1sq.m
Unit 4 - 3B6P101.7sq.m
Unit 5 - 2B4P75.9sq.m
Unit 6 - 1B2P53.1sq.m
Unit 7 - 4B8P164sq.m
Unit 8 - 4B7P 125.2sq.m
Unit 9 - 2B4P 91.2sq.m

The proposal would provide a range unit types and sizes, including 4 family sized units. Following a review of the internal floor plans, all the proposed units are deemed to meet the minimum internal space standards. The majority of units would be dual aspect but it is considered that all units would have acceptable levels of outlook and received adequate levels of daylight and sunlight.

Barnet's Local Plan expects that sufficient and functional space should be provided for all new homes and flats wherever possible. The Sustainable Design and Construction SPD advises that 5sq.m should be provided per habitable room for flats. It is noted that amenity space is proposed to be provided through a large communal garden and the majority of units would benefit from private individual balconies.

Highways safety and parking

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

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

For 1 bedroom units 0.0 to 1.0 space per unit
For 2 and 3 bedroom units 1.0 to 1.5 spaces per unit
For 4 bedroom units 1.5 to 2.0 spaces per unit

The proposal would provide 2 x 1-bed, 3 x 2-bed, 2 x 3-bed and 2 x 4-bed units. The proposal would have the following parking requirements:

2 x 1bd	0.0 - 1.0	0.0 - 2.0
3 x 2bd	1.0 - 1.5	3.0 - 4.5
2 x 3bd	1.0 - 1.5	2.0 - 3.0
2 x 4bd	1.5 - 2.0	1.5 - 4.0

The proposal would be expected to provide between 6.5 and 13.5 spaces. The Council's Traffic and Development service has reviewed the proposal and comments that the site has a PTAL level of 3 and comments that 11 spaces would be acceptable. The proposal provides 14 car parking spaces which would meet the requirements of DM17 with the remaining spaces being reserved for the commercial use. The Highways Officer has raised no objection to the proposal subject to a number of conditions being attached to the planning consent.

5.4 Response to Public Consultation

The letter of representation raises an issue of the proposed access into the site from Lodge Road. However, the proposed access is from Brampton Grove and not Lodge Road. As such there will be no change to Lodge Road conditions.

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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Appeal Decision

Site visit made on 11 May 2015

by Michael Boniface MSc MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 18 June 2015

**Appeal Ref: APP/N5090/W/15/3004638
1 & 2 The Approach, London, NW4 2HT**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Create REIT Ltd against the decision of the Council of the London Borough of Barnet.
 - The application Ref H/03122/14, dated 6 June 2014, was refused by notice dated 6 November 2014.
 - The development proposed is demolition of the existing building and erection of a building to provide 6no self contained flats. Associated parking and works.
-

Decision

1. The appeal is dismissed.

Preliminary Matter

2. I have used the description of development contained in the appeal forms and the Council's decision rather than the planning application forms as this more accurately describes the proposal.

Main Issue

3. The main issue is the effect of the development on the character and appearance of the area.

Reasons

4. The site comprises a pair of semi-detached dwellings which are two storeys in height although No 1 includes accommodation within the roof. The buildings stand on a prominent corner location at the junction between Brent Road, The Approach and West Avenue. Brent Road is a busy arterial route accommodating a range of residential and commercial uses and buildings of varied size and scale. A Large block of flats stands adjacent to the site on Brent Road known as Alexander Court. West Avenue is distinctly residential in character and far more consistent in the size, scale and design of properties which are predominantly two storeys and semi-detached. The Approach is a small section of road linking Brent Road and West Avenue. Whilst the buildings front The Approach, they are seen in the context of the streets either side.
5. Although the orientation of the existing buildings is such that they are highly visible from Brent Road, I do not agree with the appellant that they are primarily seen in the context of this street. To my mind, their scale, design, materials and residential appearance are all far more akin to the residential

streetscene in West Avenue. As such, The Approach appears as a continuation of this residential street despite the change in orientation that addresses the corner.

6. The proposed development, despite being lower in height than the existing dwellings, would be far greater in terms of scale and massing, incorporating a much wider frontage that would wrap around the site and infill the current gap with properties on West Avenue. Whilst this larger scale, mass and bulk reflects that of other buildings on Brent Road, it would be in stark contrast with the residential scale and character that I have described on The Approach and West Avenue. This would remove the visual signalling provided by the existing properties that suggest to highway users that they are entering a residential area, instead seeking to draw the larger buildings of Brent Road off of their existing linear path and into the residential side streets. The modern design of the building would further exacerbate the visual anomaly created by the development in an otherwise uniformly designed residential area. I conclude that the development would become a prominent, visually dominating and incongruous addition to the street.
7. As such, the development would harm the character and appearance of the area. This would be in conflict with Policy CS5 of Barnet's Local Plan (Core Strategy) (2012) which requires high quality design that respects local context and distinctiveness; Policy DM01 of Barnet's Local Plan (Development Management Policies) (2012) which requires proposals to preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets; the detailed design advice contained in the Council's Residential Design Guidance Supplementary Planning Document (2013); and the design objectives contained within the National Planning Policy Framework (the Framework).
8. I note the planning permissions¹ granted by the Council nearby at 12 Goodyers Gardens but these involve a single dwelling rather than flats and would stand amongst other dwellings of much greater scale than those adjacent the appeal site. Furthermore, the site is less prominent than the appeal site, being located at the end of a cul-de-sac. As such, I do not consider these schemes are comparable to the appeal proposal before me.
9. I have had regard to the presumption in favour of sustainable development advocated by the Framework but the development would not fulfil important environmental objectives and cannot be considered to represent sustainable development, taking the policies of the Framework together as a whole.
10. Although the development would deliver a range of benefits including the provision of additional dwellings and the re-use of a brownfield site, these matters do not outweigh the significant harm that I have identified with regard to the main issue.
11. In light of the above, and having considered all other matters, the appeal is dismissed.

Michael Boniface

INSPECTOR

¹ H/05091/10 and H/03853/11

Appeal Decision

Site visit made on 6 February 2017

by Helen Cassini BSc(Hons) DipTP MRTPI

an Inspector appointed by the Secretary of State for Communities and Local Government

Decision date: 06 March 2017

Appeal Ref: APP/N5090/W/16/3160450

1 The Approach, Hendon, London NW4 2HT

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
 - The appeal is made by Create REIT against the decision of the Council of the London Borough of Barnet.
 - The application Ref 16/4460/FUL, dated 6 July 2016, was refused by notice dated 15 September 2016.
 - The development proposed is the demolition of the existing 2no.semi-detached dwellings and erection of a building to provide 6no. self-contained flats with associated car and cycle parking.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue is the effect of the proposal on the character and appearance of the surrounding area.

Reasons

3. The appeal site consists of a pair of substantial two-storey semi-detached dwellings, located in a prominent position at the junction of Brent Street, The Approach and West Avenue. From observations made during my site visit The Approach and West Avenue are predominantly residential in nature, and although the architectural style of dwellings has some variance, dwellings are mainly of a two-storey or two and a half storeys, semi-detached design. In contrast, Brent Street is a busy road, comprising of a number of flatted developments and commercial uses. The appeal site is visible from Brent Street, however due to the design and scale, I consider that The Approach is viewed as a continuation of the residential character of West Avenue.
4. I am mindful of the fact that the site has been the subject of a previous refusal for planning permission¹ and a subsequent dismissal at appeal². Following pre-application discussions with the Council³, I acknowledge that the appellant has amended the proposal with the aim of addressing the reasons for refusal of the initial scheme.

¹ Council reference H/03122/14

² Appeal reference APP/N5090/W/15/3004638

³ Council reference 16/8128/ENQ

5. The amendments made to the proposal before me have been made with the aim of reducing bulk and overall scale. I consider that the design of the development to appear as three separate wings has resulted in a moderate reduction in terms of scale and bulk.
6. With particular reference to the siting of the projecting wing adjacent to 2 West Avenue, the wing would appear to generally follow the existing building line. As such, whilst I accept that this wing would be visible on the southern approach, I do not consider that its location would result in it appearing as an overly dominant feature within the street scene.
7. With regard to the relationship with the dwelling at 2 West Avenue, due to the reduction in height and subsequent bulk of this wing, the introduction of features such as a chimney and a dormer window and the use of sympathetic materials, I find that the side wing would generally reflect the existing residential character of the street scene. Within the evidence submitted by the Council, it is considered that further amendments should be made to this wing in terms of height and design features. As the majority of dwellings on West Avenue are at least two-storey, in my opinion a single storey wing with a cat-slide roof in this location would represent a discordant feature within the street scene.
8. I have had regard to the concern raised by the Council in relation to the width of the ridge on the front elevation, in particular that the increase in height of the two outer sections has resulted in the bulk and massing being exacerbated at roof level. As previously stated, the majority of dwellings on West Avenue are either two or two and a half storeys. However, the height of the buildings varying significantly on Brent Street and on West Street there are dwellings with development within the roof. As such, I do not find that this aspect of the design would appear in stark contrast to the existing residential character.
9. In relation to the connecting section of the building between the side wing adjacent to 2 West Avenue and the main building, the appellant contends that the glazed staircase section has been incorporated following the previous Inspector's comments with relation to the initial proposal infilling of the existing gap, which exists between the appeal site and 2 West Avenue. This design feature would emphasise the separation between the main front elevation and the wing on West Avenue. Notwithstanding this, the glazing would be a highly visible feature on the approach from the south. Accordingly, despite its set back location, I consider that the connecting section would not appear subtle in nature and would represent an incongruous design which would fail to connect with the existing character of the street scene.
10. Although the roof at the rear of the proposal is hipped, the pitch of the roof does not reflect the design of the front of the proposal. I acknowledge that given the scale of the proposal, it is not possible to view the proposal in its entirety from any one view point within the public realm. The architectural designs of buildings on Brent Street are significantly varied in contrast to those on West Avenue. Notwithstanding this, in contrast to the front elevation, I find that the pitch would represent a significantly bulky design feature when viewed from Brent Street. Furthermore, the glazed stairwell would project significantly further forward into the garden space than the rest of the rear of the proposal. Despite the lack of uniformity in terms of design on Brent Street, I find that the glazed section would represent a highly visible and alien feature.

11. Due to the mixed residential character of the area, the council accepts that the principle of flatted development on the appeal site is acceptable. Despite the amendments made in relation to the bulk and scale of the proposal, the harm I have identified in relation to the effect of the glazed stairwell and pitch of the rear roof on the character and appearance of the surrounding area is decisive. Accordingly, the proposal fails to comply with the design objectives of Policy CS5 of the London Borough of Barnet Local Plan Core Strategy: Development Plan Document 2012, Policy DM01 of the London Borough of Barnet Development Management Policies: Development Plan Document 2012 and Policies 3.5, 7.4 and 7.6 of The London Plan 2016. The proposal would also run contrary to the National Planning Policy Framework's (the Framework) core planning principle of seeking to secure high quality design.
12. I have also had regard to the presumption in favour of sustainable development. The Framework sets out three dimensions to sustainable development, being economic, social and environmental, which should be jointly and simultaneously sought. I accept that in terms of the economic strand the potential use of local construction companies would contribute to the local economy, albeit to a limited extent.
13. There is no doubt in my mind that the dwelling is located within a sustainable location, with relatively good access to services and facilities required to meet daily living needs. In addition, the proposal would contribute to the Boroughs housing targets. Nevertheless, as a result of the harm I have identified in terms of character and appearance, the proposal would not fulfil the environmental strand of sustainable development. Therefore the proposal cannot be considered to represent sustainable development.

Conclusion

14. For the reasons given above, and having regard to all other matters raised, I conclude that the appeal should be dismissed.

Helen Cassini

INSPECTOR

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Location **1 And 2 The Approach London NW4 2HT**

Reference: **17/8103/FUL**

Received: 21st December 2017

Accepted: 2nd January 2018

Ward: Hendon

Expiry 27th February 2018

Applicant: C/O Agent

Proposal: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Recommendation: Approve subject to conditions

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

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

Location Plan as Existing Drawing No 20302-00
Site Plan as Existing Drawing No 20302-01
Rear Elevation as Existing Drawing No 20302-09 Rev C
South Side Elevation as Existing Drawing No 20302-13
Front Elevation as Existing Drawing No 20302-08 Rev D
North Side Elevation as Existing Drawing No 20302-14

Site Plan Drawing No P01 Rev B
Block Plan Drawing No P11 Rev A
Front Elevation as Proposed Drawing No P06 Rev B
Rear Elevation as Proposed Drawing No P07 Rev B
Basement Floor Plan as Proposed Drawing No P02 Rev C
First Floor Plan as Proposed Drawing No P04 Rev B
Ground Floor Plan as Proposed Drawing No P03 Rev B
Second Floor Plan as Proposed Drawing No P05 Rev B
Left Hand Elevation as Proposed Drawing No P09 Rev B
Right Hand Elevation as Proposed Drawing No P08 Rev B
View from Front Drawing No P10 Rev B
Views from Brent Street and Golders Rise Drawing No P13 Rev A

Approach from Brent Street Drawing No P14 Rev A

Sunlight/Daylight Assessment (Prepared by Point 2 Surveyors)

Design and Access Statement (Prepared by Freeson and Tee Chartered Surveyors)

Received 21 December 2017

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 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 a) Before the development hereby permitted is first occupied, details of the enclosures and screened facilities for the storage of recycling containers, wheeled refuse bins and any 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. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

Reason: In the interests of highway safety 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 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

7 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

8 Before the development hereby permitted is first occupied or the use first commences the parking spaces and cycle spaces shown on Drawing No. P02 Rev C shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

9 Before the development hereby permitted is first occupied, details of the signaliser/traffic light system shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the details approved.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

10 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated on Drawing No P03 Rev B before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

11 a) The site shall not be brought into use or first occupied until details of the box hedge as indicated on Drawing No P03 Rev B have been submitted to and approved in writing by the Local Planning Authority.

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

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

- 12 The layout of the residential units as indicated on the hereby approved plans shall be implemented and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 15 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 20 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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.

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a payment under Barnet CIL.

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.

Relief or Exemption from CIL:

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

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

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

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

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

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

- 4 The applicant is advised the scheme does not appear to comply with part B5 of the building regulations.
The London Fire Brigade strongly recommends that sprinklers are considered for new developments.

Officer's Assessment

1. Site Description

The application site is a pair of semi-detached houses on the prominent corner of The Approach, Brent Street and West Avenue within the Hendon ward. To the east of the site lies no. 2 West Avenue which is a two storey residential dwelling and to the south lies Ambassador Court, a part two storey part three storey apartment building.

The north - eastern side of the site features a flat roofed, single storey, detached garage. The buildings are not listed nor does the site lie within a Conservation Area.

The site is within an area of Special Archaeological Significance.

2. Site History

Reference: H/03122/14

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 06 November 2014

Description: Demolition of existing building and erection of a building to provide 6no. self-contained flats. Associated parking and works.

Reasons for refusal: 1.The proposal by virtue of its scale, siting and design would result in the property forming a dominant addition to the application site and street frontage, to the detriment of the character and appearance of the site and surrounding area, particularly the frontage of West Avenue/ The Approach.

Appeal Decision: Appeal dismissed on bulk, scale and design of the proposed development.

Reference: 16/4460/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 15 September 2016

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reasons for refusal: The proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach.

Appeal Decision: Appeal Dismissed on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

Reference: W08953B/04

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 20 December 2004

Description: Part single, part two-storey rear extension.

Reasons for refusal: The proposal would by reason of its size, design and prominent siting be unduly obtrusive, and detrimental to the character of area, the streetscene and the residential and visual amenities of neighbouring occupiers contrary to Policies G1, G18, T1.1 and H6.1 of the Barnet Adopted Unitary Development Plan (1991), policies GBEnv1,

GBEnv2, D1, D2, D3, D5, D7 and H16 of the Barnet Revised Deposit Draft Unitary Development Plan (2001) and Design Guidance Note 5: Extensions to Houses.

Appeal Decision: Appeal Dismissed

Reference: W08953A/02

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 10.10.2002

Description: Single storey rear extension, loft conversion and extensions including front and rear dormers, addition of window in front floor rear elevation.

Reasons for refusal: The proposed extensions, by reason of their size, design and siting would appear unduly obtrusive and would be detrimental to the appearance of the property and the visual and residential amenities of the surrounding area contrary to policies T1.1 and H6.1 of the Barnet unitary Development Plan (adopted 1991) and policies D2, D3, D4, D7 and H27 of the Revised Deposit Draft Unitary Development Plan (11/1/01).

Reference: W08953C/05

Address: 1 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 25 July 2005

Description: Single storey rear extension.

3. Proposal

The application proposes the demolition of the existing pair of semi-detached properties and the erection of a new building which would feature six flats. At the front, due to the curved nature of the road, the building is divided by two projecting wings with bay windows, and at the side closest to no.2 West Avenue is a further projecting wing. The entrance section is set back and has a traditional styled porch.

The proposed building is two storeys with a basement level and roof level accommodation. The proposed building would feature hipped roofs and would measure approximately 9.09 metres tall, between 10.7m deep (at the boundary with no 2 West Avenue) and 11.1m deep (at the boundary with Brent Street) , and has a width of approximately 23 metres.

The proposed development features dormer windows and chimneys. The dormers measure approximately 2.1 metres in height, 1.3 metres in width and have dual pitched roofs.

The indicative materials proposed are brickwork, rendered masonry walls, traditional sash windows, and red clay tiled roof.

To the rear of the site is a 110.5m² communal garden. Flats 1 and 2 have separate terrace areas of approximately 15m² within the front garden. The site is enclosed with a timber fencing to the rear and a low-height brick wall at the front.

The proposal would provide a basement which would accommodate 6 car parking spaces, a waiting area, 12 cycle parking spaces and refuse storage facilities.

The proposal seeks to accommodate 6no flats comprised of 3 x 1 bed, 1 x 2 bed and 2 x 3 bed.

4. Public Consultation

Consultation letters were sent to 72 neighbouring properties.

15 responses have been received, comprising 14 letters of objection and 1 representation.

The objections received can be summarised as follows:

- o The development is going to impact on parking stress already evident in the area. The proposal has provided parking at the lowest end of the required range but will not account for additional car ownership
- o The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.
- o The development is out of character with the area
- o Detrimental impact on neighbouring properties and rights to light and air.
- o The site is in an area of Special Archaeological Significance and Historic England may wish to recommend an archaeological condition.
- o This area is not suitable for flatted development
- o Disturbance to neighbours as a result of noise, dust and pollution and construction
- o There is no precedent of a building of this scale and appearance in this road.
- o Removal of 4 large trees
- o This has been refused previously
- o Dental practice sited opposite would be substantially affected by construction of development
- o The previous application and appeal were misled with an incorrect light report
- o The development will increase the risk of flooding.

A site notice was also erected on the 11 January 2018.

The London Fire and Emergency Planning Authority were consulted on the proposal. The Fire Authority is not satisfied with the proposal for fire-fighting access as compliance with part B5 of the Building Regulations is not shown. The Authority strongly recommend the use of sprinklers.

Highways were consulted on the proposal and raised no objection subject to conditions.

Historic England were consulted and raised no objection.

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 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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 Local Plan Core Strategy DPD (Adopted 2012) Policies: CS NPPF, CS1, CS4, CS5, CS15.

- Relevant Local Plan Development Management DPD (Adopted 2012) Policies: DM01, DM02, DM03, DM04, DM08 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether the development provides a satisfactory living accommodation for future occupiers.
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Principle of Development

The application site currently features two residential dwelling houses. The proposal would involve the demolition of the existing dwellings and the erection of a residential flatted development providing six units. The area surrounding the application site features some flatted development. The principle of C3 residential flats on the site is therefore considered acceptable, subject to the considerations below.

For the interest of clarity, the proposal follows two similar refused schemes. H/03122/14 was dismissed at appeal. The application was dismissed by the inspector on grounds that the bulk, scale and design of the proposed development would be detrimental to the character

of the area. 16/4460/FUL was dismissed at appeal on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

There was no objection to the principle of development previously and there are no new material considerations that change this assessment.

Impact on the character of the area

The proposed development follows on from two previously refused applications for similar schemes on the site. The applicant has also engaged with the LPA in pre-application advice to address the previous concerns that have been raised.

The most recent refused scheme was 16/4460/FUL which was also dismissed by the Planning Inspector. In refusing the scheme, the LPA stated 'the proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach. The proposal would therefore be contrary to the National Planning Policy Framework 2012, London Plan (2016) Policies 3.5, 7.4, 7.6, Policy CS5 of Barnet's Core Strategy 2012, Policy DM01 of the Development Management Policies DPD 2012 and the council's Residential Design Guidance Supplementary Planning Document 2013.'

Although the application was dismissed at appeal, the inspector was clear that only two aspects of the development were unsuitable; the glazing to the rear staircase and the pitch of the roof at the rear. The inspector did not raise objection to the two storey wing adjacent to 2 West Avenue and considered that "the introduction of features such as a chimney and a dormer window and the use of sympathetic materials, ... [and] the side wing would generally reflect the existing residential character of the street scene" (para.7).

With regards to the connection between the side wing adjacent to no.2 West Avenue and the main building, the amount of glazing to the staircase at the front was deemed to be highly visible and the Inspector agreed with the Council in the view that it would "would represent an incongruous design which would fail to connect with the existing character of the street scene" (para. 9). The previously glazed element at the front has been removed and replaced with a solid material to match the palette of the rest of the building. This is accepted and welcomed, satisfying the previous objection raised by the Inspector.

The rooflight at the front adjacent to the two storey wing has also been reduced to reflect a hierarchy in the fenestration. The roof light to the living room of flat 6 has been reduced in size to approximately 980H x 780W to match other rooflights. All rooflights have been changed to thinner frames and a shallower profile, with a black/grey finish and central glazing bars.

The remaining concern noted by the inspector was to the rear roof pitch. The Inspector accepted that "given the scale of the proposal, it is not possible to view the proposal in its entirety from any one view point within the public realm". However the Inspector considered "that the pitch would represent a significantly bulky design feature when viewed from Brent Street". This feature was glazed also and the Inspector noted that "despite the lack of uniformity in terms of design on Brent Street... the glazed section would represent a highly visible and alien feature" (para. 10).

The siting of the lift core at the rear was discussed in pre-application discussions, taking into account the inspectors comments and including the required height/ associated pitch to allow for the lift overrun. The core of the building was scrutinised due to the incorporation of an elevator which naturally requires space. After careful consideration and brief testing, it was agreed that the core placement is optimum; the core also allows for a better internal configuration which makes vertical circulation for residents easier.

Concerns have been raised previously with the steeper angle of the roof at the rear of the building. It is accepted that on the drawings, the disparity between the roof pitches appear more incongruous, however the applicant has provided visualisations from the approach on Brent Street towards The Approach which indicated that there would be limited visibility of the steep roof. Given the positioning of the building, the additional bulk at roof level due to the steeper roof would be considered to have limited visual impact on the character, and it is not considered that this is sufficient to warrant refusal of the application. It is therefore considered that the amendments at the rear have addressed the previous objection.

The applicant has provided some indicative materials. The proposed materials should be carefully considered to ensure that the building makes a positive contribution, particularly in this prominent location. While the indicative materials suggested are considered appropriate, final review of the materials will be subject to a condition. This will provide for greater scrutiny of the materials to ensure these are of a high quality.

There are no protected trees on the site and therefore the removal of vegetation on the site would not itself warrant refusal of the application.

The proposed application has been amended since the last refused scheme to include a pitched roof at the front and rear, and removal of the curtain glazing facades and replacement with fenestration to match the style of the rest of the building. These changes are considered to overcome the appeal Inspectors reasons for refusal. Given the changes made and in light of the Inspectors comments to the previous scheme at the site, the proposal is not considered to be detriment of the character and appearance of the streetscene, site and surrounding area.

Impact on Neighbouring Occupiers

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 states that all development should represent

high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed development would result in the north - eastern section of the building being located in closer proximity to the two storey neighbouring property at 2 West Avenue. There are several windows in the side elevation of the neighbouring property which look onto the north - eastern side of the site. The first floor element of the proposal that would be located in proximity to the north - eastern boundary of the site, would be set away from the adjoining boundary by approximately 1.3 metres and would be 2.9 metres away from the adjoining neighbouring property at 2 West Avenue. Whilst it is acknowledged that the building would be sited closer to the boundary, and the scale of the building would be noticeable from the neighbours garden (particularly at no.2 West Avenue) given the change in ground levels towards the rear of the West Avenue, the building line would reflect that of no.2 West Avenue, and it is not considered to that the impact would be demonstrable to warrant refusal. The applicant has demonstrated through the submission of a Daylight and Sunlight report, that the development would not have an adverse impact on neighbouring properties access to light, and in this regards, there is no objection by officers.

The LPA and Inspector, in considering the previous scheme, have not raised any concerns for the amenity of neighbouring occupiers. It is not considered there are any new circumstances which have arisen or changes to the scheme that would alter the previous assessment.

Based on these considerations, the proposal is not considered to impact adversely on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

Impact on Future Occupiers

All new residential development is expected to meet minimum space standards as outlined in Table 3.3 of the London Plan (MALP 2016). All the units would comply with the minimum standards.

In addition, all new residential units are expected to benefit from suitable outlook, privacy and outdoor amenity space. The proposal would generally provide suitable outlook to all the units. The proposal is considered to be acceptable with regards to the stacking of the units.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. For flats, options include provision of communal gardens around buildings or on roofs or as balconies; in this case the latter would be unsuitable as it would result in direct overlooking. The communal garden at the rear would provide 110.5sqm of outdoor space and there would be two private terraces for the ground floor flats at the front, enclosed by boxed hedging. The combined provision of outdoor amenity space would be in excess of the minimum requirement (130sqm) and as such would be suitable. It is recommended that a condition is added requiring details of the box hedging to ensure sufficient levels of privacy are maintain for the ground floor units.

The London Fire Brigade have been consulted on this scheme and have advised the proposal is not satisfactory as it does not show compliance with the Building regulations. These matters are not a planning consideration but an informative will be included advising of the requirements for fire safety.

Highways

The Council's Highways officers were consulted on the scheme.

The application site has a PTAL rating of 3 and the council's parking standards guidance would indicate that there should be the provision of 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In principle, the parking provision is considered to be acceptable.

It is recommended that a condition should be attached recommending details of the traffic signaliser.

The proposal is in accordance with Policy 6.9 of the London Plan requiring the provision of 2 cycle spaces per dwelling for any units of 2 or more bedrooms, and 1 cycle space for studios and 1 bed units.

There is therefore no objection on highways grounds.

Refuse and Recycling

The plans indicate that refuse storage would be provided in the proposed basement. In the event of approval, conditions could be attached requiring full details of the refuse store to be submitted to and agreed by the local planning authority.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 20% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached in the event planning permission is granted to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

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

5.4 Response to Public Consultation

"Flooding"- The site does not fall within a flood risk zone and therefore this is not considered to be a justified reason for refusal.

Archaeological significance- Historic England were consulted and raised no objection. No conditions were sought.

All other planning objections are considered to have been addressed in the report above.

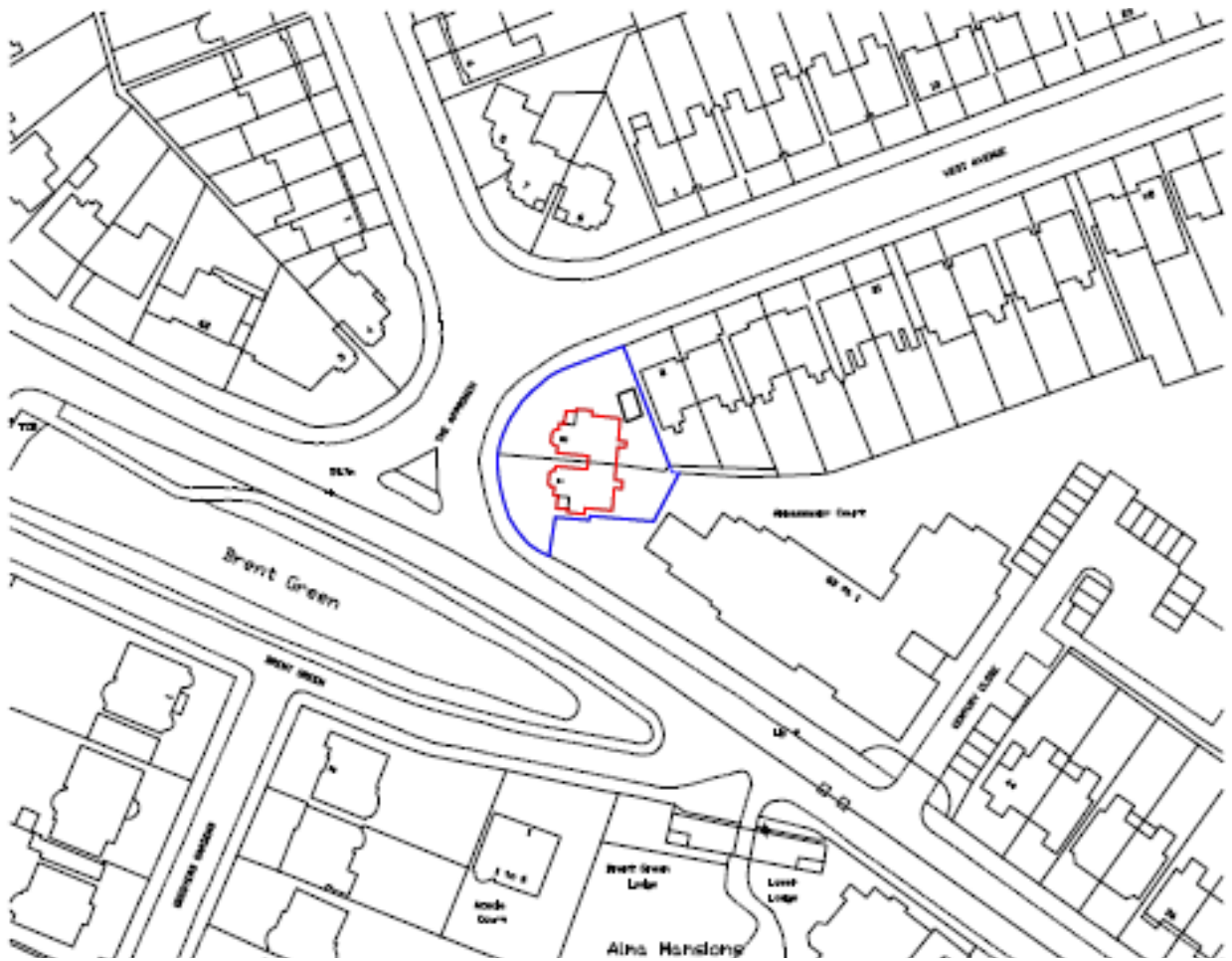
The concern raised by the Fire Authority is noted but is a Building Control matter and is not for consideration in this planning application. An informative will be added to advise the applicant of the requirements of the London Fire Authority.

6. Equality and Diversity Issues

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

7. Conclusion

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



Location **2 Southfields London NW4 4ND**

Reference: **17/6846/FUL**

Received: 27th October 2017

Accepted: 2nd November 2017

Ward: Hendon

Expiry 28th December 2017

Applicant: Mr Netanel Galer

Proposal: Demolition and erection of 1no detached single dwelling house including part single, part two-storey rear projection and projections at roof level including 2no side dormer to both sides and a single storey rear extension

AGENDA ITEM 8

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drg.no.01 a, (Site Location Plan), Drg.no.01, Drg.no.03, Drg.no.04a, Drg.no.05a and Drg.no.06a.

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 at 2 Southfields.

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD

(adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

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

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

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

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

- 6 a) 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 for the residential use, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 8 a) A 'Demolition & Construction Method Statement' shall be submitted to and approved in writing by, the Local Planning Authority within 1 month of the date of permission.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policy 5.21 of the London Plan (2016).

- 9 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).

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

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

- 11 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority within 1 month of the date of this permission.

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

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

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

- 12 Before the development hereby permitted is occupied, the existing parking shall be retained in accordance with the submitted planning application. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 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 adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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.

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at

https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

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

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

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

- 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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The site previously comprised a two storey detached single dwelling, located on Southfields, close to its junction with Watford Way. Southfields is a residential road which lies within the Hendon ward.

The site received planning consents for various works which has been listed in the site history below. During the implementation of these consents, the building collapsed except for small sections of the wall and a recently constructed larger householder extension. Construction has continued on the site in respect of the anticipated planning permission and the building has been rebuilt at the ground floor level to respect previous planning permissions.

The property previously standing on this site was a detached building standing apart from the predominant local typology of semi detached properties. It had previously been extended at the roof level and prior to demolition had two front gables reflective of local character.

The previous house was not a Local or Statutorily Listed Building and the site is not within a Conservation Area.

2. Site History

Reference: 16/8183/HSE

Address: 2 Southfields, London, NW4 4ND

Decision: Approved subject to conditions

Decision Date: 22 February 2017

Description: Two-storey front extension to provide new bay windows, repositioning of existing bay windows and alteration to front porch following conversion of garage into habitable room. Part single, part two-storey rear extension (Amended scheme incorporating reduction to the extension).

Reference: 16/8184/HSE

Address: 2 Southfields, London, NW4 4ND

Decision: Withdrawn

Decision Date: 17 February 2017

Description: Part single, part two-storey front extension, alterations to front entrance and balcony to first floor level. Part single, part two-storey rear extension with rooms in roof space and balcony at first floor level. Extension to roof including new crown roof and 2no dormer windows to both sides

Reference: 17/1152/192

Address: 2 Southfields, London, NW4 4ND

Decision: Unlawful

Decision Date: 24 March 2017

Description: Roof extension involving new crown roof, 3no rear and 2no side dormer windows

Reference: 17/2277/PNH

Address: 2 Southfields, London, NW4 4ND

Decision: Prior Approval Required and Refused

Decision Date: 3 May 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 17/2883/PNH

Address: 2 Southfields, London, NW4 4ND

Decision: Prior Approval Not Required

Decision Date: 7 June 2017

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 17/4252/HSE

Address: 2 Southfields, London, NW4 4ND

Decision: Approved subject to conditions

Decision Date: 29 August 2017

Description: Two storey rear extension with new patio area. New hardstanding to front to create off street parking. Two storey front extension involving demolition of existing garage. Roof extension involving 2no dormer windows to both sides and rear elevations and 2no rear rooflights

Reference: 17/5969/FUL

Address: 2 Southfields, London, NW4 4ND

Decision: Withdrawn

Decision Date: 27 October 2017

Description: Conversion for single dwelling house to 3no self-contained flats. Two-storey front extensions incorporating bay windows at ground and first floor level. Part single, part two-storey rear extension with 2no roof light to rear elevations. Extension to roof including 2no rear dormer windows, 2no dormer windows to both side elevations.

3. Proposal

The application proposes to regularise the demolition of the existing detached house and the erection of 1no detached single dwelling house.

Officers visiting the site have noted that the site is in a demolition state and works to the site have already begun.

Through negotiations the applicant has submitted the current application for the "Demolition and erection of 1no detached single dwelling house including part single, part two-storey rear projection and projections at roof level including 2no side dormer to both sides and a single storey rear extension."

It should be noted that the ultimate proposal is similar to that consented under 17/4252/HSE . The decision was made on 29 August 2017. This permission was for the Two storey rear extension with new patio area. New hardstanding to front to create off street parking. Two storey front extension involving demolition of existing garage. Roof extension involving 2no dormer windows to both sides and rear elevations and 2no rear rooflights. This is the last lawful position.

An application for a larger householder extension under prior approval was granted and constructed. This had a depth of 8m. This remained standing at the time of demolition. However, in the absence of a dwelling house, interpretation of the General Permitted Development Order indicates that without the rear wall of a dwelling house being in existence, this structure could not any longer benefit from permitted development rights, would have to be considered alongside the policies of the Development Plan and would fail to protect the amenity of neighbouring properties or appear subordinate to the dwelling

house. As a result, amended plans indicate that this has been reduced to 4m depth to accord with the SPD.

4. Public Consultation

56 consultation letters were sent to neighbouring properties.
12 objections have been received as at 01 March 2018.

The objections received can be summarised as follows:

- Concern over the possibility to convert into a multiple dwelling, HMO or tenanted rooms
- The building is out of character with the street
- The development will put pressure on the parking and other infrastructure
- The development will give rise to noise and disturbance to neighbouring occupiers
- The development will increase overcrowding and diminished privacy in the area
- The development constitute overdevelopment of the site
- The proposed development sets an unfavourable precedent
- The proposed development will occupy almost the entire site, leaving a very small area of garden
- The proposal drawings do not indicate the alignment of the property
- The proposed development will result in overlooking and loss of privacy from the dormer and other windows
- The development caused considerable damage to the paving

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 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM08, DM17.

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

Assessment:

The applicant proposes to rebuild the previously consented building allowed under 17/4252/HSE. Therefore, the acceptability of the overall character and appearance of the ultimate building has already been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make the character and appearance of the building unacceptable.

For completeness, the previous appraisal is cited below:

"Although the general streetscene is fairly uniform in character, its should be noted that the rear of the properties have been extensively extended and therefore no uniform building footprint is present on Southfields, furthermore, the host building at No. 2 Southfields is the largest property on the road with one of the widest plots of land.

Notwithstanding the site specific circumstances of the case, following a site visit officers requested amendments be made to the proposal in order to maintain some degree of uniformity within the streetscene and subordination within the building itself. The amendments are discussed below.

The proposal would result in the original form to be maintained despite the presence of a rather large and disproportionate roof extension at the neighbouring property at No. 4 Southfields. There would be no substantial increase in pitch angles of the roof and upon request the agent had removed the 2no rear dormers and instead would result in the addition of 2no rooflights in the rear elevation. It is considered that the amendments to the rear elevation would not appear 'top heavy' or contribute to a bulky roof form rather it would relate to the general character of the building but more importantly the streetscene.

The 2no dormer windows to the side roofslopes of the property have been altered and reduced in size and as such, relate to the appearance and design of the main roofslope. In addition the 2no side dormer windows would be obscure glazed windows in the flank elevations of both roof slopes and as such, would not give rise to loss of privacy or overlooking to the detriment of the amenity of adjoining occupiers. Upon careful consideration, the proposed 2no side dormer windows are considered on balance acceptable, and appear sympathetic to the appearance of the main house and character of the area.

The front elevation results in a vertical emphasis, with respect to the front elevation of the property; formation of two bay windows to the front elevation relate more sympathetically to the streetscene and are deemed to form an attractive and positive feature on the front of the building itself".

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

Assessment:

The applicant proposes to rebuild the previously consented building allowed under 17/4252/HSE. Therefore, the acceptability of the impacts on the living conditions of neighbouring residents from the ultimate building has already been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make the character and appearance of the building unacceptable.

For completeness, the previous appraisal is cited below:

"In regards to the rear extensions, paragraph 14.21 of the Residential Design Guidance SPD (2013) states that the depth of a ground floor rear extension normally deemed acceptable for a detached property is 4 metres and paragraph 14.23 of the RDG SPD (2013) states that two storey rear extensions which are closer than two metres to a neighbouring boundary and project more than 3 metres in depth are not normally considered acceptable.

The amended scheme proposes a ground floor rear extension which would project a depth of 4.3metres from the rear main wall of the property amended drawing no 04a. While the single story rear extension marginally deviates from the RDG, guidance it is considered to relate to the size, scale, design of the host property and given its large plot, the extension is considered to respect the main house, general locality and character of the area.

The first floor rear extension would be sited 2 metres away from both neighbouring boundaries, and would project a depth of 3 metres from the rear main wall of the property. The roof over the first floor extension has been significantly reduced in height during negotiations. It would accommodate for four bedrooms at first and second floor levels and bathrooms on each floor, and on balance is considered acceptable.

To the west, the properties along Watford Way back onto the application site. Although the extension is of an adequate distance from habitable rooms, it was advised that the roof of the extension be reduced in height to ensure it does not appear as an obtrusive or overbearing form of development when viewed from the gardens of the properties on Watford Way. To the east, the neighbouring property at No. 4 Southfields is located at an angle away from the application site and is sited 3.7 metres from the boundary at its closest point (separated by a single storey garage). It was observed on site that there are 2 no. ground floor windows in the flank elevation facing the application property at No. 4, which both appeared to be obscure glazed, and a side door. The two first floor side windows also appeared to be obscure glazed. For the above reasons it is not considered it would impact the amenity of these occupiers to an unacceptable level.

As mentioned at the beginning of this report, the streetscene on Southfields is fairly uniform and amendments were sought during the application process to maintain subordination and uniformity. As amended, the proposal is deemed to contribute positively to the streetscene on this road whilst allowing for extensions to the rear within the guidelines of the LPA's Design Guidance to achieve subservience. The proposal, for the reasons highlighted above, is not considered to detrimentally impact upon the visual or residential amenities of neighbouring occupiers to a degree which would warrant refusal of the application".

It is therefore considered that the proposed development is acceptable in terms of the impact the scale and appearance the development will have on the visual character and appearance of the area, as well the impact on the amenity of neighbouring occupiers.

5.4 Response to Public Consultation

- Concern over the possibility to convert into a multiple dwelling, HMO or tenanted rooms

This application is to rebuild the dwelling into a single family dwelling house. The submitted plans do not indicate that the property will be converted into multiple dwelling, HMO or tenanted rooms. Conversion of the property into multiple dwelling or HMO's would require a separate planning application.

- The building is out of character with the street
The principle of this development, including its architectural character, has previously and recently been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make this unacceptable.

- The development will put pressure on the parking and other infrastructure

The property will be used as a single family dwelling house and will not be used as multiple occupation. The site benefits from of street parking for 3 cars which is considered to be adequate for a single dwelling house and therefore it is envisaged that there will be no further pressure on the existing parking or existing infrastructure.

- The development will give rise to noise and disturbance to neighbouring occupiers
Two additional conditions have been added over and above the previous consent 17/4252/HSE to require the applicant to submit a Construction Method Statement and a condition to restrict construction hours to 8:00-18:00 M-F, 8:00-13:00 Saturday, and not on Sundays or Public Holidays. This will allow Council additional control over this issue to mitigate potential impacts.

- The development will increase overcrowding and diminished privacy in the area
The application is to erect a single dwelling house and not for multiple occupation. It is therefore not envisaged that approving this scheme will increase overcrowding and diminish privacy in the area.

- The development constitute overdevelopment of the site
The principle of this development, including its architectural character, has previously and recently been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make this unacceptable.

- The proposed development will result in overlooking and loss of privacy from the dormer and other windows
The principle of this development, including its impacts on neighbouring amenity, has previously and recently been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make this unacceptable.

- The proposed development sets an unfavourable precedent
The principle of this development has previously and recently been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make this unacceptable.

- The proposed development will occupy almost the entire site, leaving a very small area of garden
The principle of this development has previously and recently been established by 17/4252/HSE. Since this decision was made on 29 August 2017 no policy or material considerations have emerged that would make this unacceptable.

- The proposal drawings do not indicate the alignment of the property
The drawing titled "Proposed Floor Plans, Ground and First Floor" by Great Plans, Dwg No. 04a does show the front and rear boundaries. This document is publically available.

6. Equality and Diversity Issues

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

7. Conclusion

Whilst the applicant received consent for a number of works, the applicant had not implemented any of the approved works. In the process of carrying out works to the site, the

building collapsed and ultimately led to its full demolition. The applicant now proposes to build the development exactly as consented by 17/4252/HSE. Given the applicant proposes to rebuild this extant consent it is recommended that the development is consented subject to the conditions contained herein.



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