

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 24TH APRIL, 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                      Councillor Hugh Rayner                      Councillor Agnes Slocombe  
Councillor Sury Khatri                      Councillor Gill Sargeant

**Substitute Members**

Tom Davey                                      Val Duschinsky                                      Helena Hart  
Dr Devra Kay                                      Charlie O-Macauley                                      Mark Shooter  
Zakia Zubairi

In line with the Constitution's Residents and Public Participation Article 3, requests to speak at planning committees should be submitted by 10am on the third working day prior to the meeting.

**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)	
	<b>Hendon</b>	
5.	2 Southfields NW4 4ND - 17/6846/FUL	9 - 24
6.	Flat 3 43 Sunny Gardens NW4 1SL - 17/5349/FUL	25 - 40
7.	366 Watford Way NW4 4XA - 18/0289/HSE	41 - 50
	<b>Mill Hill Ward</b>	
8.	18 Birkbeck Road NW7 4AA - 17/5114/HSE	51 - 66
	<b>Edgware Ward</b>	
9.	1-6 Garages Willow Court HA8 8AG - 17/6695/FUL	67 - 82
10.	185 Edgwarebury Lane HA8 8QJ - 18/1133/HSE	83 - 96
	<b>West Hendon Ward</b>	
11.	101 Station Road NW4 4NT - 18/0227/RCU	97 - 108
	<b>Colindale</b>	
12.	24 Charcot Road - 17/7421/FUL	109 - 118

13.	Any Item(s) the Chairman decides are urgent	
14.	Addendum (if applicable)	

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## Decisions of the Hendon Area Planning Committee

13 March 2018

Members Present-

AGENDA ITEM 1

Councillor Brian Gordon (Vice-Chairman) (as Chairman)

Councillor Claire Farrier  
Councillor Hugh Rayner  
Councillor Mark Shooter  
(as substitute)

Councillor Gill Sargeant  
Councillor Agnes Slocombe

Apologies for Absence

Councillor Maureen Braun

### 1. MINUTES

**RESOVED** that the minutes of the meeting held on 26<sup>th</sup> February 2018 be approved as a correct record.

### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Maureen Braun who was substituted by Councillor Mark Shooter.

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

None.

### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

### 6. 133 BRENT STREET LONDON NW4 4DA - 17/7497/FUL

The planning officer introduced the report and addendum which related to 133 Brent Street.

An oral representation was made by the applicant representative, Joe Henry.

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

Votes were recorded as follows:

For - 5  
Against - 0  
Abstain – 1

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

**7. 1 AND 2 THE APPROACH LONDON NW4 2HT - 17/8103/FUL**

The planning officer introduced the report and addendum which related to 1 and 2 The Approach.

A representation in objection to the application was heard from Felicity Winstone and Brad Sacher.

An oral representation was made by the applicant representative Jessica Wilson.

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

Votes were recorded as follows:

For - 3  
Against – 3  
Abstain - 0

The Chairman used his casting vote to vote in favour of the application.

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

**8. 2 SOUTHFIELDS LONDON NW4 4ND - 17/6846/FUL**

Councillor Slocombe arrived during this item and as such she did not vote on the item.

The planning officer introduced the report and addendum which related to 2 Southfields.

A representation in objection to the application was heard from Nicole Davila and John Hickman.

An oral representation was made by the applicant Netanel Galer.

Following discussion of the item, Councillor Sargeant moved a motion that was seconded by Councillor Shooter to defer the item to a future meeting so that officers can confirm

- that residents were consulted about the previous planning application 17/4252/HSE
- the number of residents who objected to that application; and
- if the number of objections received should have resulted in this application coming to committee.

Votes were recorded as follows

For - 4  
Against - 1  
Abstain - 0

The Committee therefore **RESOLVED to DEFER** the application for the reasons above.

**9. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

None.

The meeting finished at 9.00 pm

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**Location**                    **2 Southfields London NW4 4ND**

**Reference:**                **17/6846/FUL**

Received: 27th October 2017

**AGENDA ITEM 5**

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

**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.

- 14 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

#### **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](http://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](mailto: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](http://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](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](http://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](mailto: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](http://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**

The current application was deferred by the committee on 13/03/18, because the committee members were concerned that the planning application ref. 17/4252/HSE that was used as a fall-back position was not correctly determined. Following questioning of residents at the previous Committee meeting, Members wished to find an explanation as to why the previous application did not generate the similar number of objections as this current planning applications. A motion was proposed, seconded and approved to defer the item to find out whether the number of objections to that application had been mis-reported and that in the absence of a Committee decision, the permission was unconstitutionally made.

On further investigation it was found that the fall back application had only 3no. objections and therefore it is considered that the application was determined correctly, in accordance with the Consitution.

As a householder application, the consultation scope was not as great as the current planning application and therefore some residents would not have been consulted on the former but just on the latter application, hence the greater number of respondents on this current planning application.

Therefore, it is safe to make a recommendation to approve the application within the report and a decision can be made within the context of the previous planning application 17/4252/HSE.

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### **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 lightd 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, it 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 roof slopes of the property have been altered and reduced in size and as such, relate to the appearance and design of the main roof slope. 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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**Location** Flat 3 43 Sunny Gardens Road London NW4 1SL

**Reference:** 17/5349/FUL

Received: 16th August 2017

Accepted: 22nd August 2017

**Ward:** Hendon

Expiry 17th October 2017

**Applicant:** Sunny Trio Limited

**Proposal:** Retrospective application for the Erection of a two storey side extension (approved under appeal reference APP/N5090/A/13/2208810 dated 03/06/2014, conversion of loft space to form further ancillary habitable floorspace for Flat 3 and installation of rooflight.

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:

Site location plan

Existing elevations drwg no. 11-002

Existing plans 43SG 10-001

Proposed ground and first floor plan drwg no. 11-001/N/D REV 1

Proposed loft and roof plan and section drwg no. 43SG 11-002/N/D REV 1

Proposed elevations drwg no. 43SG 11-003/N/D REV 1

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

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

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

- 3 The conversion of the loft space hereby permitted shall be used as a tv room/ study for purposes ancillary to and occupied in conjunction with flat 3, 43 Sunny Gardens Road and shall not at any time be occupied for purposes involving sleeping, eating and living functions.

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

**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.

## Officer's Assessment

### 1. Site Description

The application site is a two story semi-detached property, which forms 4no self-contained flats located on the south west side of Sunny Gardens Road within the ward of Hendon. The adjoining property has also been converted into flats. The northern side of the property is bounded by a pedestrian footpath which permits views of the property to the side and rear. The property has been previously extended by way of a part single/part two storey side and rear extension to facilitate the conversion of the property into 4no.self-contained flats. The property history is set out below, however, the extensions and alterations permitted by a previous appeal where not constructed in accordance with the approved plans and as a result, the side extension is higher than the approved structure in respect of the ridge height, and the eaves height. Subsequently, the roof area is of sufficient height to permit reasonable use of the loft space and in this regard, this area has been decorated and furnished accordingly and is ancillary floorspace to the flat directly below.

The property is not locally/ statutorily listed, it does not lie within a conservation area, and there are no specific restrictions on site.

### 2. Site History

Reference: H/00105/13

Address: 43 Sunny Gardens Road, London, NW4 1SL

Decision: Refused

Reason: The proposals use, by reason of the number of units proposed is likely to result in a harmful level of noise and disturbance as a result of its associated general activity, being detrimental to the residential amenities of no.41 Sunny Gardens Road. This would be contrary to policy DM 04 of the Adopted Barnet Development Management Policies 2012 and the Supplementary Planning Document: Residential Design Guidance.

Decision Date: 19th June 2013

Allowed on Appeal 3rd August 2014

Description: Conversion of existing semi-detached residential building into 4no. self-contained flats, including two storey side/ rear extension and hard and soft landscaping, following demolition of existing side extension.

### 3. Proposal

(Retrospective application for the) Erection of a two-storey side extension (allowed on appeal ref APP/N5090/A/13/2208810), and conversion of loft space to form further ancillary habitable floorspace for Flat no. 3 and installation of rooflight in the south flank roofslope to serve Flat no.3.

It should be noted that the application description has changed since the original planning application which was previously for a loft conversion with rooflight. The description has altered because the planning breaches associated with the implementation of the appeal permission have not been regularised. Namely, the increase in height of the two storey side extension including the additional eaves and ridge height. Compared to the previous approved scheme, the hipped roof form of the two-storey side element reflects an increase in height by approx. 1.0m and set down approx. 0.5m below the pitch to allow sufficient internal head room at loft level. The footprint of the scheme has not changed. The two-storey side addition is sited approx. 2.50m from the common boundary with an intervening alley and approx. 4.0m from the nearest corner of adjacent no . 45

#### 4. Public Consultation

Consultation letters were sent to 27 neighbouring properties.

7 responses have been received in objection to the development for the following reasons:

- Inaccurate plans insofar as the roof height and form to the detriment of the character and appearance of the property, local area and amenity of neighbours in terms of loss of light and outlook;
- Intended increase in occupancy level at roof level and subsequent impact on traffic and parking and congestion
- The property is higher than the existing neighbouring properties.
- The creation of a duplex flat which is what would be proposed by the creation of ancillary habitable space would further intensify the residential occupation.
- The building looks out of character and has become a giant double fronted property.
- Adding an extra floor changes the use of the residential units.
- Building a new floor while breaching conditions should not be rewarded by an approval
- The Council refused planning permission but the Inspector allowed the appeal subject to conditions, which were imposed to protect amenity, but these have been ignored.

#### 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.

##### The Mayor's London Plan 2017 (DRAFT)

'Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.'

## Barnet's Local Plan (2012)

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

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

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

## 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

The application site relates to first floor flat 3 of 43 Sunny Gardens Road and forms 1 of 4 units. The conversion of the property was facilitated by a single/two storey side/rear extension to accommodate 4 self-contained flats and allowed at appeal ref APP/N5090/A/13/2208810 on the 3rd August 2014 following planning refusal H/00105/13 on the 19th June 2013. That application was refused by the Council on the grounds that the proposed development would likely result in a harmful level of noise and disturbance arising from the general activity generated by four flats harmful to 41 Sunny Gardens Road in particular.

It would appear that the principal issue for consideration was the noise impact transfer from 43 Sunny Gardens Road to 41 Sunny Gardens Road. The Inspector was content that the imposition of sound insulation adherent to the Building Regulations would suffice. Furthermore, the retention of boundary treatment between 41 and 43 and the subdivision of the garden would be acceptable. Although this conversion to four flats is larger than similar conversions in the street is not reason to dismiss the appeal. The Inspector acknowledges that the application is for a substantial enlargement, it would not have an adverse impact on the character and appearance of the site or surroundings. Furthermore, the impact on the living conditions at 45 Sunny Gardens Road would be acceptable.

Subsequent to this permission, the development has been constructed to a larger height than that which was approved by the Planning Inspector principally by way of an increase in the eaves and ridge height. This has facilitated the ability of the developers to be able to use the loft space above flat 3 (only).

Flat 3 comprises a 1 bed 2 person self-contained unit. at first floor level and now seeks the addition of 1no. rooflight in the south flank roofslope to facilitate the conversion of the loft to serve a TV room at loft level.

The conversion of the loft would not result in any new extensions to the existing property and would solely function as a secondary, ancillary habitable floorspace for the enjoyment of future occupiers. The conversion of the loft space in itself would not compromise the character and appearance of the property or local area. Access to this space is gained only from Flat 3 and is not accessible from communal space and cannot function as a separate flat. This would require planning permission.

This application is now being considered as a retrospective planning application for the two storey side extension in order to regularise and retain the extension and its additional height. It should be noted also that the Inspector did not consider the size of the extension to be harmful nor the principle of the conversion of the flats. No conditions were imposed that implied that further enlargement was unacceptable or to restrict the manner of occupation of the flats as proposed. The Inspector does conclude in saying that it is necessary to restrict the potential intensity of residential occupation of the appeal property by limiting the occupation of each flat to single people or by people regarded as forming a single household. The condition imposed on this permission relates to the use to be C3(a) comprising use by a single person, a couple (married or otherwise) and any family member or any domestic employee or carer. This current application does not undermine this condition or intent to ensure that the occupation is not overly intensive.

The use set out on the plans shows a television room. This does not supersede principal lounge or dining space and a bedroom is shown on the lower level of the flat. A condition is imposed which prevents this from becoming principal living space such as a bedroom and in effect, the flat is a 1bed2person flat as previously described and given that the loft space is deemed to be surplus to the main living requirements of the flat, would be slightly below

the acceptable London Plan Standard but identical to that which was previously allowed at appeal in 2014.

The intended rooflight would not be visible from a public vantage point given its siting on the south west roofslope adjacent to the projecting party wall with adjoining no 41 Sunny Gardens Road and would be further obscured from view upon approach from the north and south of Sunny Gardens Road by way of the projecting two storey front gables at both the application site and adjoining no 41 Sunny Gardens Road. Given the above circumstances, the development would not compromise the visual amenities of the wider streetscene or the character and appearance of the property and local area.

Neighbour concerns in respect of an amended roof ridge level of the two-storey side extension has been noted and an officer site visit confirms this inconsistency in respect of approved scheme ref H/00105/13 (appeal ref APP/N5090/A/13/2208810). Retrospective planning permission is therefore sought to regularise this aspect of the scheme. Compared to the previous approved scheme, the hipped roof form of the two-storey side element reflects an increase in height by approx. 1.0m and set down approx. 0.5m below the pitch to allow sufficient internal head room at loft level. The footprint of the scheme has not changed. The two-storey side addition is sited approx. 2.50m from the common boundary with an intervening alley and approx. 4.0m from the nearest corner of adjacent no. 45. The extension is obscured from view of adjoining no. 41 and therefore impact is neutral. There is a first-floor single aspect habitable room window on the north-east flank wall of no. 45 which serves a bedroom. The increase in the hipped roof ridge of the two-storey side addition by approx. 1.0m would not support a material difference between the appeal scheme and current scheme given the sustained hipped roof form, separation distance and modest height increase. The distances involved in respect of adjacent neighbouring properties nos 41 and 45 Sunny Gardens Roads as noted in the inspectors' report, is considered sufficient enough to offset any adverse impact upon the residential amenities of these neighbouring occupiers in terms of loss of light, outlook and privacy. Given site circumstances, an increase in the hipped roof ridge height of the two-storey side extension by approx. 1.0m is not considered to compromise the residential amenity of adjacent properties on the grounds of loss of light, outlook and privacy, particularly that of no. 45 Sunny Gardens Road.

A condition has been attached to ensure that the function of the TV room is used for ancillary purposes and no other purposes involving sleep, eating or living functions. This would ensure that the occupancy level is consistent with approved plans ref H/00105/13. This would therefore ensure the safeguard of neighbouring amenity in terms of noise and disturbance of comings and goings and additional off-street parking/congestion. Completion of works in accordance with approved plans would be equally verified by the Planning Enforcement officer for the resolution of enforcement case ref ENF/01146/17.

#### 5.4 Response to Public Consultation

Material planning concerns raised have been adequately addressed in the main body of the report.

#### 6. Equality and Diversity Issues

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

#### 7. Conclusion

Having taken all material considerations into account, it is considered that the 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 10 April 2014

**by Paul Smith BA(Hons) BSc(Hons) MRTPI**

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

**Decision date: 3 June 2014**

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**Appeal Ref: APP/N5090/A/13/2208810**

**43 Sunny Gardens Road, Hendon, London, NW4 1SL**

- 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 Mr Derren Hamilton against the decision of the Council of the London Borough of Barnet.
  - The application Ref H/00105/13, dated 7 January 2013, was refused by notice dated 19 June 2013.
  - The development proposed is two storey extension to the flank and rear of existing semi-detached two storey residential building to form 4 no. self-contained flats with associated landscape and car parking, demolition of existing single storey parts of two storey residential building.
- 

### Decision

1. The appeal is allowed and planning permission is granted for two storey extension to the flank and rear of existing semi-detached two storey residential building to form 4 no. self-contained flats with associated landscape and car parking, demolition of existing single storey parts of two storey residential building, at 43 Sunny Gardens Road, Hendon, London, NW4 1SL in accordance with the terms of the application, reference H/00105/13, dated 7 January 2013, subject to the following conditions set out in the Schedule attached to this decision.

### Application for Costs

2. An application for costs was made by Mr Derren Hamilton against the Council the London Borough of Barnet. This application is the subject of a separate Decision.

### Procedural matter

3. As part of this appeal the appellant has submitted an amended plan (drawing no 1033/02 Revision E) indicating the sound proofing of the party wall between the appeal property and No 41 Sunny Gardens Road. The Council and local residents have had the opportunity to comment on this plan and I am satisfied that these parties would not be disadvantaged by my consideration of the plan in the appeal before me.

## **Main issue**

4. The main issue in this appeal is the effect of the proposal upon the living conditions of occupants of No 41 Sunny Gardens Road in respect of noise generation and disturbance.

## **Reasons**

5. The appeal property is a two storey semi-detached dwelling which has been subdivided into three flats although only two of these flats enjoy a lawful planning use. The front door and approach path to No 43 is alongside those of No 41 separated by a dense hedge. The neighbouring property No 41 is occupied by a single family. Elsewhere on this street, flats converted from dwellings are prevalent including No 45 which comprises two flats.
6. The appeal proposal entails the demolition of part of the existing building, the erection of mainly two storey side and rear extensions and the subdivision of the resultant building into four flats. All these flats would be accessed via the existing front door and a communal hall with the two first floor flats sharing the existing stairwell and hall at its head. The main living room of each flat including their kitchens would directly align with those of the flat above or below although the kitchen of one first floor flat would extend over the main entrance and hallway and adjoin No 41. The hallways and stairs of Nos. 41 and 43 adjoin each other with two proposed bedrooms adjoining No 41 at the rear of the building on both floors.
7. In the absence of substantial evidence to the contrary, I am satisfied that the sound proofing of the party wall in accordance with Building Regulations would ensure that the level of noise transmitted from No 43 would be unlikely to cause significant disturbance to the residents of the neighbouring properties.
8. The proposed communal rear garden, if appropriately demarcated and arranged, would be of sufficient size to meet the functional needs of the occupants of the proposed flats. The erection of a tall boundary fence, as proposed, would adequately screen residents of No 41 from the activities conducted within the communal garden. I am also satisfied that the retention of the front hedge between the main entrances of Nos. 41 and 43 would be sufficient to reduce the effect of the arrival and departure associated with the appeal proposal upon No 41.
9. Other converted properties in the street of a size similar to No 43 have tended to be sub-divided into fewer numbers of flats than is proposed with the appeal proposal. Whilst it is possible that the intensity of occupation of the proposal would be greater than in comparable properties in the area this fact alone is not of sufficient weight to justify alone the rejection of the appeal proposal.
10. My attention has been drawn to an appeal decision relating to the subdivision of No 73 Sunny Gardens Road to three flats. I have been provided with a copy of this appeal decision but not of the details of the scheme to which it relates or the circumstances of its approval. This decision is insufficient for me to determine the relevance of this earlier appeal decision to the current proposal. I note however that in contrast with the appeal before me, No 73 is a mid-terrace property attached to both of its neighbours and that it proposed a tripling of the number of dwellings. In any event, I must consider the appeal before me on its own merits.

11. I conclude that the appeal proposal would not result in a harmful degree of noise and disturbance detrimental to the living conditions of occupiers of No 41 Sunny Gardens Road. Consequently, it would accord with Policy DM04 of the Adopted Barnet Development Management Policies 2012 and the Council's draft Supplementary Planning Document: Residential Design Guidelines which amongst other things combine to resist development that generates unacceptable noise levels being located close to noise sensitive uses.

*Other matters*

12. Objections have been raised by some local residents to the scale, detailing and practicality of the proposed extensions, their effect upon light to the adjoining footpath and homes, views from neighbouring properties and their monetary value. The proposal would entail a substantial enlargement of the existing building although not to the front nor would it dominate the original building. The proposed rear extension would protrude modestly beyond the rear of No 41 and overall, the proposal would not have an adverse effect upon the character and appearance of the site, the surroundings or that of neighbouring properties. The effect of development upon property values is not a planning consideration to which I can apply weight.
13. Objections have been raised to the degree of overlooking of flats in No 45 and their gardens. However, I consider that the windows and mass of the proposal would be sufficiently distant from this neighbouring property as to avoid harm being caused to the living conditions of occupiers of No 45.
14. The proposal would not provide more car parking than currently exists but it would incorporate a covered area for bicycle storage to facilitate the use of sustainable modes of transport. Further, the appeal site lies within a Controlled Parking Zone (CPZ) which applies some control upon on-street parking in the locality. Whilst, local residents state that the CPZ is ineffective and that the proposal would exacerbate current parking difficulties in the street no substantial evidence has been provided to me to support this assertion. Under these circumstances, I do not consider that the proposal would add such an additional strain upon on-street car parking provision as to justify the dismissal of this appeal. I note that the Council has not objected to the provision for car parking and bicycle storage proposed with this scheme.
15. I do not consider that the planting of trees as indicated on the submitted layout plan would exacerbate safety public or residents given the existing vegetation and lighting in and adjoining the site. The proposed tall close boarded fencing along the appeal site boundary would ensure security to occupants of the proposed development.
16. Third parties point out that the rear ground floor flat proposed would have its privacy compromised by the communal garden. At present, part of the communal garden closest to the building is reserved for the use of the ground floor flat by a wooden fence subdividing the rear garden. The appellant states that the communal use of the rear garden would not be changed from the current situation but the proposal does not show the retention of the dividing fence which ensures a private area for the ground floor flat. I agree with the Council that this point could be resolved by the imposition of a condition requiring details of the subdivision of the rear garden.

17. Although access to this garden for occupants of three of the four flats would be via the side public footpath this arrangement would be little more inconvenient to its users than were access provided within the site alongside the building.
18. From my observations and in the absence of substantial evidence to the contrary I consider that these issues raised by local residents are of insufficient magnitude as to constitute reasons for this appeal not to succeed.

### **Conclusion**

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

### **Conditions**

20. It is necessary to impose the standard implementation condition and for the avoidance of doubt and in the interests of proper planning I shall impose a condition defining the plans with which the scheme should accord.
21. However, I do not consider a condition requiring details of the proposed sound proofing of the appeal property is necessary as this issue would be addressed subsequently under Building Regulations.
22. It necessary to control the details of the proposed constructional materials of the extensions and the provision and retention of the proposed car parking, bicycle and bin storage facilities for the exclusive use of occupiers of proposal to ensure that the proposal is designed to a high standard. To protect the effect upon neighbours' living conditions, it is necessary to restrict the potential intensity of residential occupation of the appeal property by limiting the occupation of each flat to single people or by people to be regarded as forming a single household.

*Paul Smith*

INSPECTOR

## **CONDITIONS**

- 1) The development hereby permitted shall begin not later than three years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan, Drawing Nos. 1033/01 and 1033/02 Revision E dated November 2012.
- 3) No development shall take place until details of the materials to be used in the construction of the roofs and external walls of the extensions hereby permitted have been submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details.
- 4) The areas allocated for vehicular parking and the storage of bicycles on the approved plan drawing no. 1033/02 Revision E shall be provided, marked out, retained and kept available at all times for the purposes of parking vehicles and storage of bicycles respectively solely in connection with the residential occupancy of No 43 Sunny Gardens Road.
- 5) No development shall take place until details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection, shall be submitted to and approved in writing by the local planning authority. Development shall be carried out in accordance with the approved details and maintained thereafter in perpetuity.
- 6) Before the development hereby permitted is occupied details of the subdivision of the communal rear garden area shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained thereafter.
- 7) The development hereby permitted shall be occupied as self-contained residential units under Class C3(a) of the Schedule to the Town and Country Planning (Use Classes) Order 1987 and for no other purpose (including any other purposes under Class C3 or C4 of the same Order or in any provision equivalent to that Class in any statutory instrument revoking or re-enacting that Order, with or without modification).

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**Location**                    **366 Watford Way London NW4 4XA**

**Reference:**                **18/0289/HSE**

Received: 15th January 2018

Accepted: 15th January 2018

Ward:                        Hendon

Expiry 12th March 2018

Applicant:                 Mr Steven Harris

Proposal:                  Single storey rear extension

AGENDA ITEM 7

**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:

Site location plan

Drawing entitled 'Proposed' including existing/proposed plans and elevations.  
Design and Access Statement dated 10 January 2018.

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

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

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

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

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

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

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

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

**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. 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 Please note that this decision relates only to the circumstances whereby the property is in use as a single family dwelling house.

## **Officer's Assessment**

### **1. Site Description**

The site contains a two storey semi-detached dwellinghouse set within a long, narrow plot that is located on the east side of Watford Way in Hendon ward. The immediate vicinity has a suburban residential character.

The site is not within a conservation area and does not involve any listed buildings.

The property is noted to benefit from off-street parking to the front and a long garage set to the rear of the property accessed by the shared driveway with no.368 Watford Way. The host dwelling is noted to sit to a broadly even ground level to both immediate neighbouring properties.

### **2. Site History**

Reference: 17/6957/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 8 November 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Side and rear extension.

Reference: 17/7009/192

Address: 366 Watford Way, London, NW4 4XA

Decision: Lawful

Decision Date: 14 November 2017

Description: Roof extension involving hip to gable, rear dormer window, 1no. rooflight to front and new gable window to side elevation to facilitate a loft conversion

Reference: 17/7379/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 20 December 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres

Reason: Insufficient information provided by applicant.

Reference: 18/0152/PNH

Address: 366 Watford Way, London, NW4 4XA

Decision: Prior Approval Required and Refused

Decision Date: 25 January 2018

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.85 metres and maximum height of 3 metres.

Reason: Side and rear extension.

### **3. Proposal**

The application seeks permission to construct a single storey rear extension.

The proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

#### **4. Consultation**

##### **Public**

Consultation letters were sent to 2 neighbouring properties.

2 representations were received comprising 2 objections. The representations can be summarised as follows:-

- The proposed extension will be built on the shared drive between the two properties.
- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.
- Concerns about impact on neighbouring natural light to garden and habitable room,
- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property.
- Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking
- Concern about increase in insurance costs and reduction in house price value for neighbours
- Concern about the potential future use as a HMO
- Concern about breaches of a party wall in the roofspace

##### **Internal**

Highways: The proposed single storey extension at the rear of the property is not expected to have a detrimental impact on the public highway.

I therefore have no objections on highways grounds.

#### 4.2 Committee call-in

Councillor Braun called the item in to Committee. The stated planning reason for call-in given is the detrimental impact to the amenity of neighbouring occupiers, specifically the attached property no.364.

#### **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, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (adopted October 2016)

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

overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **Impact to the character and appearance of the existing building, the street scene and the wider locality**

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The proposed extension would project 3.5 metres from the rear wall following the demolition of original bay window and a half-width projection. The proposal would extend by the full width of the host dwelling, with a flat roof design standing at an eaves height of 2.85 metres and a maximum height of 3.1 metres.

In the case of semi-detached properties, the adopted Residential Design Guidance SPD (2016) recommends a maximum depth of 3.5m from the rear wall for single-storey rear extensions. The depth of the proposed rear addition would therefore comply with this guidance and the proposed design would be considered a subordinate and proportionate addition to the host dwelling. Therefore the impact to the character and appearance of the existing dwelling would not be considered harmful.

There are a number of single storey rear extensions along Watford Way, including at no.362 with permission (ref H/00562/11 dated 23.03.2011), with similar development at no 360, 338, 340 and 342 which are more than 4 years old and immune from enforcement action by the passage of time, all located along this part of the road. These extensions influence the character and appearance of the area and the proposed extension at 366 Watford Way would not be out of keeping or incongruous within this immediate locality.

The proposal is therefore considered acceptable in terms of impact to character and appearance, and compliant with Policy DM01 in this respect.

### **Impact to amenities of neighbouring occupiers**

It is imperative that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

The host site and its immediate neighbouring properties were noted to be set at a broadly even ground level at site visit.

As discussed, the proposal complies with the depth ordinarily acceptable under the adopted SPD and which is considered to adequately protect the amenities of neighbouring occupiers. As such, the proposal would be considered to have adequate regard to the amenity of neighbouring occupiers to no.364 and not result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

In respect of the non-attached neighbour at no.368, this is noted to be separated by a distance of some 2.5 metres between flank walls. Moreover, this site is noted to have an original garage located along the common boundary which would provide screening from the visual impact of the bulk of this proposal. Given the degree of separation, siting of the proposal and material considerations on this neighbouring site, no detrimental impact would be considered to result.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

#### **5.4 Response to Public Consultation**

Material planning considerations have been considered in the body of the report.

- The proposed extension will be built on the shared drive between the two properties.  
Officer comment: The proposal has been internally consulted with a Highways engineer. No objection was raised as the the proposal is not expected to have a detrimental impact on the public highway.

- The property is alleged to be currently let out as multiple occupancy (without planning or HMO licence, and consent would encourage the proliferation of more unauthorised HMOs on the Watford Way.

Officer comment: The present application is for a householder planning application. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concerns about impact on neighbouring natural light to garden and habitable room.

Officer comment: The proposal is considered to be proportionate and subordinate addition to the house, the depth and height of which are considered to be acceptable in terms of impact to the amenity of neighbouring occupiers based on guidance contained in the adopted Residential Design Guide SPD (2016).

- Concern about security as the flat roof of the extension could be used for unauthorised access to the attached property; Concern the roof of the extension would be used as a balcony or terrace and loss of privacy through overlooking

Officer comment: In common with any application for a flat-roof design single-storey rear extension, a condition is recommended to be attached to restrict the use of the roof for purposes other than maintenance and makes clear that balcony use is prohibited. The use of a roof in this way would be liable to enforcement action.

- Concern about increase in insurance costs and reduction in house price value for neighbours

Officer comment: These matters are not material planning considerations.

- Concern about the potential future use as a HMO

Officer comment: The above assessment is in relation to the use of the property as a single-family dwelling and no part of the application references established use as a HMO. An informative is attached to clarify that any consent relates to the use of the property as a single family dwelling.

- Concern about breaches of a party wall in the roofspace

Officer comment: Party wall and boundary disputes are civil matters and are not material considerations for this decision.

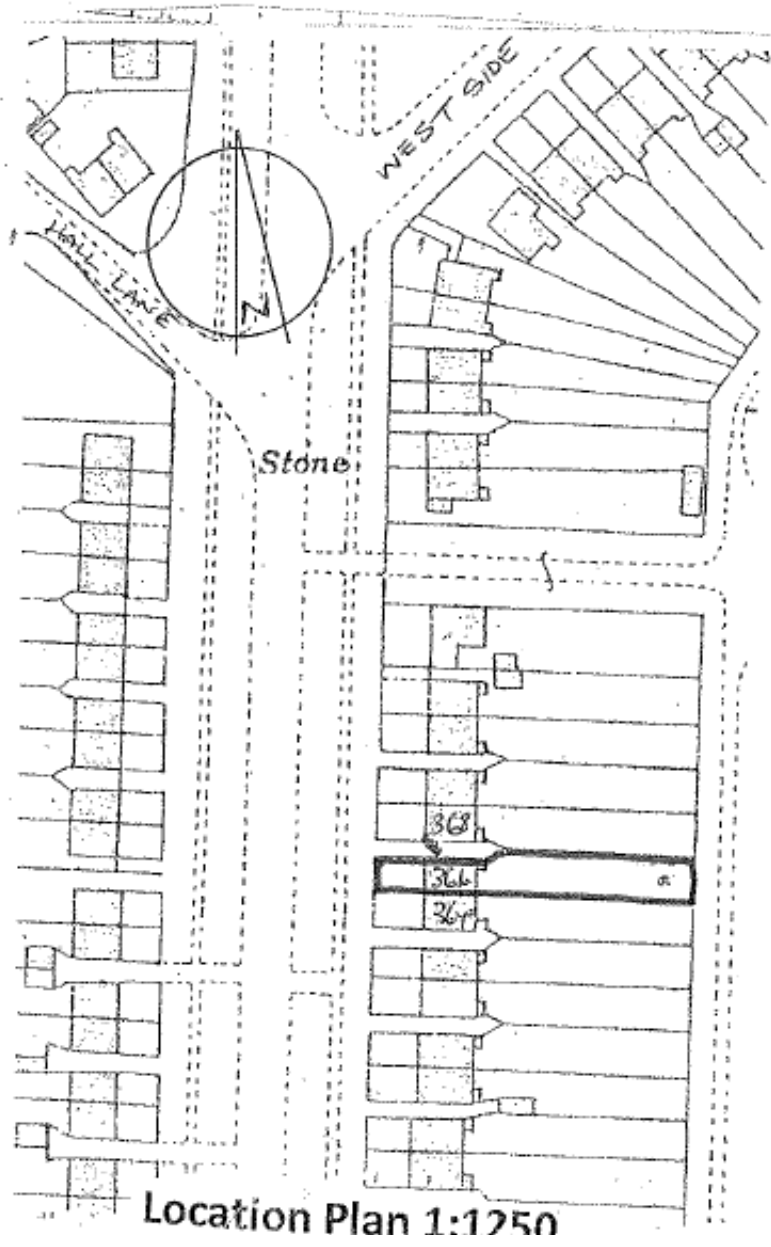
## **6. Equality and Diversity Issues**

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 Plan 1:1250

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**Location**                    **18 Birkbeck Road London NW7 4AA**

**Reference:**                **17/5114/HSE**

Received: 7th August 2017

Accepted: 10th August 2017

Ward:                        Mill Hill

Expiry 5th October 2017

Applicant:                Mr M Hirst

Proposal:                    Two storey rear extension. Roof extension involving enlargement of rear dormer window with juliette balcony. Alterations to front gable window. Changes to fenestration. (AMENDED DESCRIPTION)

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:

6201-PL-101  
6201-PL-102 A  
6201-PL-103  
6201-PL-104  
6201-PL-106 B  
6201-PL-107 A  
6201-PL-108 A  
6201-PL-109-A

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

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

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

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

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

- 4 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation(s), of the extension(s) hereby approved, facing No. 14/16 and 20 Birkbeck Road.

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

- 5 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).

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

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

- 7 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).

- 8 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No.14/16 Birkbeck Road shall be glazed with obscure glass only

and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

**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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The site property is a two-storey detached single family dwellinghouse located to the west of Birkbeck Road; a residential road which lies within the ward of Mill Hill. The host dwelling previously existed as no.2 self-contained flats granted under a Lawful Development Certificate of Existing Use. However, the property was granted to convert back into a single family dwelling which also permitted the enlargement of the existing rear dormer and a single storey rear extension under a Lawful Development Certificate, ref. 17/2841/192 in June 2017.

The surrounding street scene benefits from a varied characteristic of terraced properties, semi-detached and detached properties. The area is predominantly residential in character with flats and single family dwellinghouses located along the streetscene.

The property is not listed and does not fall within a designated conservation area.

### **2. Site History**

Reference: 15/02994/HSE

Address: 18 Birkbeck Road, London, NW7 4AA

Decision: Approved subject to conditions

Decision Date: 29 July 2015

Description: Single storey rear extension including a rooflight.

Reference: 17/2841/192

Address: 18 Birkbeck Road, London, NW7 4AA

Decision: Lawful

Decision Date: 10 July 2017

Description: Conversion of existing 2 self-contained flats back into a single dwelling house involving enlargement of existing rear dormer and single storey rear extension. Internal alterations

### **3. Proposal**

The application seeks planning permission for a two-storey rear extension; a roof extension involving enlargement of rear dormer window; alterations to front gable window and alterations to the fenestration.

At ground floor level, the rear extension would have a depth of 4 metres x a width of 5.3 metres and a maximum height of 3.2 metres. This part of the proposal would benefit from a flat roof.

At first floor level, the rear extension would measure a depth of 2.6 metres x a width of 5.3 metres. The eaves height would be 5.5 metres with a maximum roof height of 7 metres. The roof to the rear extension would be set down 1.7 metres from the main roof.

The rear dormer window would measure a width of 4.6 metres, a height of 2.2 metres and a depth of 3 metres.

The alterations to the front gable window would involve increasing the height of the gable pitch and depth of the gable window. It would measure a maximum height of 7.65 metres, a width of 2.5 metres and a maximum depth of 3 metres.

The alterations to fenestration would involve the existing windows to be replaced with white UPVC casements; a new front door and the removal of a window and door to the ground floor side elevation to be infilled with render.

It is worth noting that the hardstanding and juliette balcony have been removed from the proposals. The juliette balcony has been removed to accommodate a crown roof to the two storey rear extension.

The property also benefits from a Lawful Development which granted a dormer, similar to the proposed as Lawful under ref. 17/2841/192.

#### **4. Public Consultation**

Consultation letters were sent to 12 neighbouring properties. 13 responses have been received in the form of 13 letters of objections. These can be summarised as below:

- Overdevelopment of the property and garden space
- Incongruous form of development
- Overbearing bulk, scale and volume of the proposed extensions
- Overlooking on to neighbouring properties
- Overshadowing and sense of enclosure on neighbouring properties
- Loss of neighbouring privacy, light and visual open space
- The proposed heights and depths of the extension with the additional balcony
- Impact of juliette balcony
- Overhang of the side wall of the extension
- Existing boundary treatment
- Parking issues
- Impact of the proposed hardstanding
- Loss of pedestrian right of way/Impact on pavement
- Waste/refuse facilities
- Protected street tree
- Noise pollution
- Potential for a future HMO
- Proposals impacting the spirit of the community
- Loss of gardens to hardstandings
- Enjoyment of neighbouring patios and gardens lost
- Construction issues
- Potential security issues from trespass
- Neighbouring relations with applicant
- Enroachment on to neighbouring boundaries

#### **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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, 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, CS5.
- Relevant Development Management Policies: DM01, DM02.

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semidetached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which



can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

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

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 in this case are considered to be covered under two main areas:

- 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**

#### **Rear Extension**

The proposed two-storey rear extension is not found to unduly harm the character of the dwelling or the surrounding area. The rear extension over both storeys would not be immediately viewable from the street scene.

A single storey rear extension currently exists at the property at a depth of approximately 2.7 metres which the proposed single storey rear extension would extend an additional 1.3 metres from at full width of the property. A depth of 4 metres at ground floor would be considered acceptable under the Residential Design Guidance SPD for a detached property. The proposed ground floor element of the two-storey rear extension would develop the property by 48% of its original depth and as such, would not be found to overdevelop the existing property. It is not considered that the proposed depth of the single storey rear extension would be considered to unduly harm the existing appearance of the dwelling due to its sympathetic depth to the existing property. It is also worth noting that this depth for a proposed ground floor rear extension would be acceptable under permitted development and the property benefits from a Lawful Development Certificate for this aspect of the proposal, ref. 17/2841/192.

At the first floor, a depth of 2.6 metres is proposed at full width of the property. Under the Residential Design Guidance SPD, a maximum depth of 3 metres is considered acceptable where enough space exists between the properties. The dwelling is detached and therefore, benefits from space between the properties which properties of other typologies would fail to benefit from. Furthermore, the depth of the proposed rear extension at first floor level would be considered a subordinate depth to not overdevelop the rear of the property or appear bulky and incongruous in relation to the existing dwelling. The original property benefitted from a depth of approximately 8.2 metres. As such, the proposed depth of the

first floor element of the two-storey rear extension would increase the depth of the dwellinghouse by 31% which would be considered to be sympathetic to the original property. The proposed crown roof would be sympathetic to the design of the existing roof slope and its set down of greater than 0.5 metres would be considered to comply with the Residential Design Guidance and ensure the proposed two-storey rear extension remains sympathetic. The proposals would not be found to result on unduly harm on the existing property and site.

The site also benefits from approximately 114 square metres of rear amenity space. The proposed two-storey rear extension would measure 21.2 square metres of ground area. Therefore, it is not considered that the rear extension would have a detrimental impact on the appearance of the property or the amenity space for existing and future occupiers.

Extending to the rear of the property is also characteristic of the general locality; the neighbouring flats of No. 14 and 16 Birkbeck Road appear to benefit from a two-storey rear extension, with a flat roof and balcony. Whilst this two-storey rear extension fails to benefit from planning permission, it has existed at the property for over 4 years and therefore would be a lawful extension which would hold some material weight in assessing this application. No. 24 Birkbeck Road also benefits from a two-storey rear extension as part of the permission granted to turn the site from one two-storey property to 2no. semi-detached dwellinghouse granted under ref. H/05915/13 which from satellite imagery has been implemented. As such, it would not be considered out of character of the surrounding area for a two-storey rear extension at the host site. The proposed rear extension would not be found to have a detrimental impact on the character of Birkbeck Road.

### **Rear Dormer Window**

The proposed roof enlargement encompassing a rear dormer window would not be found to have a detrimental impact on the appearance of the property or surrounding area. Whilst it is acknowledged that the proposed dormer window would be larger than half the width of the original roof, as outlined in the Residential Design Guidance SPD, the proposed dormer would be set down from the ridge by approximately 0.6 metres and set in from the eaves by approximately 0.3 metres. Furthermore, the site benefits from a Lawful Development Certificate for the rear dormer window granted under ref. 17/2841/192. The measurements vary slightly from those granted under the Certificate however, the dormer would be considered permitted with a volume of 15.18 cubic metres whilst the proposed crown roof would measure 13 cubic metres. Cumulatively, the proposed development to the roof space would fall under the 50 cubic metres to be considered permitted development. Other properties along Birkbeck Road also benefit from rear dormer windows including No. 22 Birkbeck Road located a property away from the host site and No. 21 and 23 Birkbeck Road.

It is acknowledged that the additional rear extension, proposed under this application, would conflict with the proposed dormer window and therefore, the fall back of permitted development would no longer exist. However, the conflict of the dormer and the proposed crown roof of the two-storey rear extension would not be considered to result in a detrimental harm to warrant refusal. This is due to the property of No. 24 and 24A benefitting from a two-storey rear extension additional to large rear dormers to the main roof slope of both semi-detached properties. This was approved under ref. H/05915/13 and was not considered to have a detrimental impact on the neighbouring properties or surrounding area. As such, based on the approval at this property allowing similar changes to the main roof space, it would not be considered that the proposals would have a detrimental impact on the appearance and character of the host property and surrounding area of Birkbeck Road.

### **Front Gable Window**

The proposed additional depth and height of the front gable window would be subordinate in their increase with a 0.5 metres increase in the height and a 0.6 metre increase in the depth. These changes would not be considered to have a detrimental impact on the appearance and character of the existing property or the surrounding area.

### **Alterations to fenestration**

The alterations to fenestration on all elevations including changes to the windows and doors would be sympathetic in their change and as such, would not be considered to have a detrimental impact on the appearance or character of the property or surrounding area.

In summary, the proposed extensions and to the rear and alterations to the front of the property would not be considered to result in unduly harm on the appearance or character of the existing property and surrounding area.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

### **Rear Extension**

It is not felt that a detrimental impact would result on the neighbouring properties of the 2no. flats of No. 14/16 Birkbeck Road or No. 20 as a result of the two-storey rear extension and rear dormer window proposed.

At single storey, the proposed extension at a depth of 4 metres would extend the full depth, at a distance of approximately 1 metre from the closest flank wall, of No. 20 Birkbeck Road who fail to benefit from a rear extension on their site. The proposed rear extension at first floor element would meet the shared common boundary between the host site and this neighbouring property. However, a depth of 4 metres would not be considered to result in a loss of light, outlook or a sense of enclosure or overbearing on this neighbouring property. A depth of 4 metres would be considered acceptable under the Residential Design Guidance SPD for a detached property to not detrimentally impact neighbouring amenity. It is also not considered that this part of the proposal would result in overshadowing to the rear of the building and rear amenity space of this property. Furthermore, the proposed ground floor element would not be considered to result in a loss of privacy with no windows located to the side elevations to result in any overlooking to this neighbouring site.

At first floor level, the proposed two-storey rear extension would extend 2.6 metres past the rear wall of this neighbouring property to meet the shared common boundary and exist at a distance of approximately 1 metre from the closest flank wall. This depth would be considered acceptable under the Residential Design Guidance SPD which states that proposed two-storey rear extensions should not extend more than 3 metres in depth when there is a distance of less than 2 metres to the neighbouring boundary. This subordinate depth would not be considered to appear bulky to result in a sense of overshadowing on the neighbouring property or rear amenity space, nor would it result in a loss of light or outlook to the closet habitable first floor window to the rear elevation at No. 20. Furthermore, the proposed depth would not be found to result in a loss of light or outlook to the neighbouring property nor would it be found to result in a sense of enclosure or overbearing. The proposed

depth and height, set down 1.7 metres from the main roof, would ensure the proposed extension is subordinate to not unduly harm the amenities of this neighbouring property.

The proposed ground floor aspect would exist at a distance of 1 metre from the common boundary shared with No. 14/16 and 2.6 metres from the closest flank wall of this property. Due to the two-storey rear extension in situ at this neighbouring property, the ground floor part of the two-storey rear extension would only extend approximately 1.1 metres past the most rearward wall of this neighbouring property. Extending past the rear wall at this subordinate depth would not be considered to result in a loss of light, outlook or a sense of enclosure, overbearing or overshadowing on this neighbouring property and would be compliant with the Residential Design Guidance SPD to protect the amenity of adjoining occupiers.

At first floor level, the proposed two-storey rear extension would extend no further rearward than the two-storey rear extension existing at the neighbouring property of No.14/16 which exists as 2no. flats. As such, the proposals would not be found to result in any impact on this property through a loss of light, outlook or privacy or a sense of enclosure, overbearing or overshadowing.

### **Rear Dormer Window**

It is worth noting that the amendments to the application resulted in a loss of the Juliette balcony to accommodate a smaller window and the crown roof of the two-storey rear extension.

It is not found that the proposed rear dormer window would result in a loss of amenity to either neighbouring occupiers of No. 14/16 or 20 Birkbeck Road. The proposed dormer, with a subordinate sized window located above, where the crown roof of the two-storey rear extension would meet the dormer, would not be of a size to result in potential overlooking or loss of privacy to the rear amenity space of either neighbouring occupiers. Furthermore, the proposed rear dormer window would not be of substantial bulk or scale to result in an overbearing impact on either neighbouring occupiers. As such, the proposals would result in an acceptable impact on both adjoining occupiers.

### **Front Gable Window**

The alterations to the front gable window would be subordinate in their change and would not be found to result in a detrimental impact on the neighbouring amenities of No. 14/16 or 20 Birkbeck. It is not found that the changes would appear overbearing or result in a loss of light or outlook to the adjoining occupiers.

### **Alterations to fenestration**

The alterations to fenestration would not be found to have a detrimental impact on the amenity of neighbouring occupiers.

In summary, it would not be considered that the proposed two-storey rear extension; rear dormer window and alterations to the front gable window would result in a detrimental impact on the amenities of the occupiers adjoining the application site.

## **5.4 Response to Public Consultation**

### **Overdevelopment of the property and garden space**

Concerns were raised that the proposed development would result in gross overdevelopment of the rear garden space. The amenity space to the rear of the property has been calculated and it was addressed in the main body of the report that sufficient amenity space would exist to not overdevelop the application site. It has been addressed in the main body of the report that the application would not be considered to overdevelop the existing property.

### **Incongruous form of development**

Concerns were raised the proposed extensions would be an incongruous form of development in relation to the original footprint of the property. This was addressed in the main body of the report and was not found to be an incongruous form of development to be of detriment to the appearance of the property or surrounding area.

### **Overbearing bulk, scale and volume of the proposed extensions**

The consultation period raised the issue that the 2.6 metre depth of the first floor extension with a maximum height of over 8 metres and the 6 metre depth at ground floor would appear overbearing and bulky in its volume. However, throughout the lifetime of the application, amendments were received with a reduction in depth of the ground floor aspect of the two-storey rear extension and to remove the proposed privacy screening which reduced the maximum height of the proposal to 7 metres. The amended depth of 4 metres with the first floor element above was not considered to appear to have significant bulk or scale to appear overbearing on the neighbouring properties.

### **Overlooking on to neighbouring properties**

Concerns were highlighted that overlooking could result as the proposed development could result in compressed living and overdevelopment that would overlook neighbouring properties. As addressed in the main body of the report, it was not found that overlooking could occur on to neighbouring properties.

### **Overriding the Lawful Development Certificate**

Amendments were received throughout the lifetime of the application which reduced the ground floor rear extension to the depth granted lawful under the ref. 17/2841/192.

### **Overshadowing and sense of enclosure on neighbouring properties**

Concerns were raised regarding potential overshadowing and sense of enclosure on neighbouring properties. It has been addressed in the main body of the report that the proposals would not be found to result in a detrimental level of overshadowing and sense of enclosure on the adjoining occupiers.

### **Loss of neighbouring privacy, light and visual open space**

Concerns were raised that the proposed extensions would 'box' in the neighbouring properties which would reduce neighbouring visual open space and light. However, upon assessment from the case officer, it was not found that the proposed extensions would detrimentally affect the light received to the neighbouring properties.

It was also an issue from the consultation that the proposed development at the application site would result in a loss of light to ruin the enjoyment of the patio and garden at neighbouring properties. As addressed in the main body of the report, it would not be considered that the proposals would result in a detrimental loss of light to the rear amenity space of the adjoining occupiers.

Concerns also highlighted how the privacy screening to the upper terrace could impinge the privacy of neighbouring properties. However, the amended plans received have removed the proposed privacy screens. The removal of these will ensure the protection of neighbouring amenities.

### **The proposed heights and depths of the extension with the additional balcony**

The originally proposed balcony has been removed from the plans and as such, would no longer be a concern to this application.

### **Visual impact of Juliette balcony/privacy screen**

The originally proposed Juliette balcony has been removed from the plans and as such, would no longer be a concern to this application.

### **Overhang of the side wall of the extension/ Enroachment on to neighbouring boundaries**

From the amended plans submitted, it is not apparent that the proposed side wall of the extension would overhang on to the boundary of neighbouring properties. Furthermore, the plans submitted show the proposals within the red line of the site boundary.

### **Existing boundary treatment**

Concerns were raised that the existing boundary fence to the rear of the property that separates the application site with neighbouring occupiers. Whilst no new boundary treatment is proposed as part of the application, a condition could be attached to the decision to ensure details are received for future boundary treatment to protect the amenity of neighbouring properties.

The boundary treatment existing between the host site and neighbouring sites to the front of the property was also raised. However, the previously proposed hardstanding has now been removed from this application. As such, any front boundary treatment would not be a material consideration relating to this application.

### **Parking issues**

A number of parking issues were raised from the consultation period. This included a lack of clarity regarding the provision or impact of car access and parking on the site and the impact of parking on the amenity of the street scene. As the hardstanding is no longer part of the proposals and the property will remain in use as a single family dwellinghouse, it is not found that additional parking issues would result from the proposals.

The parking issues relating from other properties located on the street scene were raised as a concern however, any parking problems resulting from neighbouring properties would not be a material consideration in the assessment of this application.

## **Impact of the proposed hardstanding**

A number of concerns were raised from the consultation period about the impact of the proposed hardstanding resulting in a loss of on-street parking from a dropped kerb which would add additional strain on the parking of the street and result in the loss of a right of way for pedestrians. Furthermore, the issues of dangerous driving and use of the pavement by cars causing safety concerns for children, elderly residents and pedestrians also arose from public consultation. However, the hardstanding is no longer part of the proposed development under this application and as such, no impact on parking in the surrounding area should result.

## **Waste/refuse facilities**

Issues were raised about the lacking provision for waste and refuse facilities on site which could attract vermin and pose a health hazard. However, it would not be found that evidence of refuse and recycling facilities would be necessary to this application. Any concerns regarding vermin should be directed to Environmental Health.

## **Protected street tree**

As changes are no longer being made to the hardstanding and all extensions will be to the rear of the property, the protected street tree would no longer be a concern to this application.

## **Noise pollution**

Noise pollution was raised as an issue during the consultation period. The proposed balcony has been removed from the plans and as such, this would prevent the occupiers using this space. Furthermore, the proposed two-storey rear extension and rear dormer window would not be considered to result in additional noise from the property. As of 29th May 2016, the London Borough of Barnet's Planning Authority executed a borough-wide Article 4 Direction making it a mandatory requirement to obtain planning permission anywhere within Barnet to convert a dwelling house (Use Class C3) to a small HMO (Use Class C4) where between 3 and 6 unrelated people share basic amenities (e.g. such as a kitchen or bathroom).

## **Potential for a future HMO**

Under these proposals, the applicant is not applying for a change of use of the property to a HMO. Should the applicant wish to convert the property into a HMO, then a full planning application would need to be submitted to the council to be assessed.

## **Proposals impacting the spirit of the community**

Concerns were raised about the proposals resulting in a loss of community spirit in the area. This was particularly in relation to the hardstanding which has now been removed from the plans. This would not be considered a material consideration in the assessment of this planning application.

## **Loss of gardens to hardstandings**

Concerns were also raised by consultees that there is a loss of gardens to be replaced with hardstandings in the area which can impact the absorption of CO<sub>2</sub> and the health of the local area. The hardstanding is no longer part of the proposed development under this

application and therefore, no loss of the garden should result from these approvals, if approved at committee.

### **Impact on water use and sewage/roof drainage**

The impact on water use and sewage in the surrounding area would not be a material consideration in the assessment of this application.

Concerns were also raised highlighting that no drainage has been indicated on the plans for the roof of the two-storey rear extension. This would not be a material consideration in the assessment of this planning application.

### **Loss of views**

Concerns were raised about the loss of views from neighbouring bedrooms due to the proposed extensions. However, the loss of views would not be considered a material consideration in the assessment of this application.

### **Construction issues**

Issues raising from the construction of the proposed two-storey rear extension and rear dormer window such as the erection of scaffolding; the degradation of the boundary fence from construction works and dust and dirt from the work would not be considered a material consideration in assessing this application. Noise from the works could be controlled with a planning condition to prevent works during certain hours.

### **Potential security issues from trespassing**

Issues were raised about the risk to security of neighbouring sites from the changes to boundary treatment and during the period of construction works. However, these issues would not be a material consideration and any security risks from trespassing would need to be reported to the local police

### **Neighbouring relations with applicant**

The relation of the applicant with neighbouring occupiers would not be considered a material consideration nor would a Party Wall Agreement. This would be considered a civil dispute.

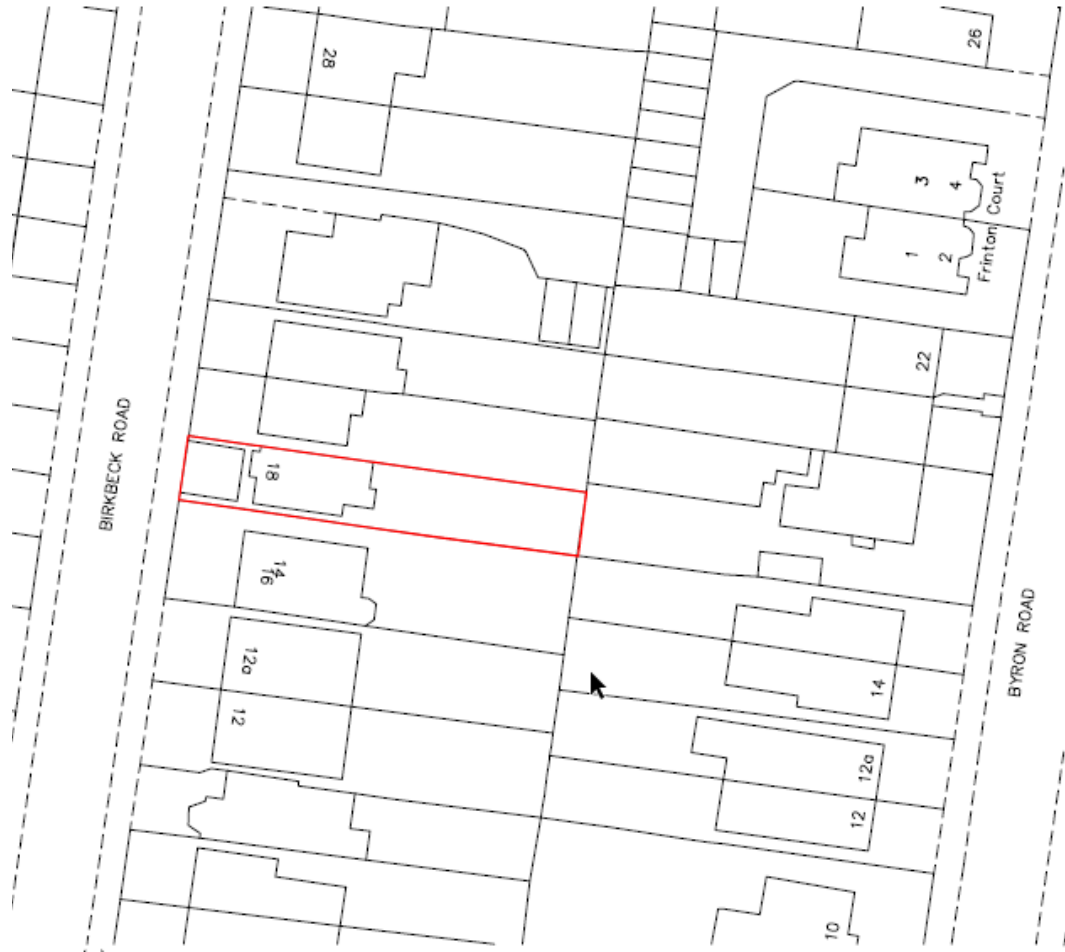
## **6. Equality and Diversity Issues**

The proposals do not conflict with either Barnet Council's Equalities Policy or the commitments set in our 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, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL, subject to conditions.





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**Location** 1-6 Garages Willow Court Edgware HA8 8AG

**Reference:** 17/6695/FUL

Received: 23rd October 2017

Accepted: 25th October 2017

**Ward:** Edgware

Expiry 20th December 2017

**Applicant:** Mr Movahed Jamshidi

**Proposal:** Demolition of existing garages and erection of two storey dwelling with accommodation in the roof space to accommodate 2no.self-contained units. Provision of 2no parking spaces and refuse and recycling storage

AGENDA ITEM 9

**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, existing plan and elevation drwg no 101 Rev 00

Proposed elevations site plan drwg no. 201 Rev 02

Proposed first and second floor plan drwg no. 103 Rev 02

Proposed ground floor plan drwg no. 102 Rev 02

Design and access statement dated October 2017

Planning statement dated October 2014

Biodiversity report by K F Geotechnical Consulting Geotechnical Engineers dated 18.02.2016

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 2015.

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the front elevation facing nos. 3-4 Willow Court shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

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

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

- 7 a) Before the development hereby permitted is first occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 8 Facilities for the storage of cycles, refuse and recyclables shall be provided prior to the first occupation of the new dwelling and maintained permanently 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).

- 9 Notwithstanding the approved plans, before the development hereby permitted is first occupied or the use first commences, a new parking layout plan for one vehicle only demonstrating a revised turning and parking space to allow vehicle access in and out of the application site in forward gear only for the occupiers of the new dwelling should be submitted to and approved in writing by the Local Planning Authority. The parking space 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 parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 10 Prior to occupation of the development the vehicular access shall allow for 2.4 meter by 2.4 meter pedestrian visibility splays to the left and to the right of the access from 2m setback from the back of footway and shall thereafter be maintained free of any visibility obstructions including Fencing of planting of shrubs to provide clear visibility between heights of 0.6 meter and 1 meter above the level of the adjoining highway.

Reason: 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.

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

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

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of 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.

Reason

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

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

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

- 13 Prior to the first occupation of the 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.

- 14 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](http://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](mailto: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](http://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](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](http://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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

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

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

Please Note: A maximum width of a crossover allowed from a public highway is 4.8 meters.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

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

## **Officer's Assessment**

### **1. Site Description**

The application site relates to a garage court, which previously consisted of 6 private garages, located in the south-eastern corner of Willow Court. The immediate area has been redeveloped since the last application ref 14/07929/FUL. To the north west of the application site is 2no.storey maisonettes at nos. 3 and 4 Willow Court. To the north east of the application site is 2 - 4no storey purpose-built self-contained flats on Amias Drive known as Cornbrook Court. To the south of the application site is a 4no. storey block of self-contained flats on Stonegrove known as Aldenham Court and to the west of the application site is 2 storey. maisonettes at nos 5 -8 Willow Court.

The site is accessed from Stonegrove (A5). A drive through McDonalds restaurant is situated to the north. 1 Willow Court is a doctor's surgery. The car park serving Willow Court, also serves the surgery. A number of trees at the periphery of the site have been removed.

Given that a previous planning permission is still extant, work has commenced on that planning permission and as a result, construction has commenced upto and including the damp proof course level.

### **2. Site History**

Reference: 14/07929/FUL

Address: 1-6 Garages, Willow Court, Edgware, HA8 8AG

Decision: Approved subject to conditions

Decision Date: 04 April 2015

Description: Demolition of existing garages and erection of two storey dwelling with accommodation in the roof space to accommodate 2no. self-contained units

Reference: H/00658/13

Address: 1-6 Garages, Willow Court, Edgware, HA8 8AG

Decision: Approved following legal agreement

Decision Date: 24 April 2013

Description: Demolition of existing garages followed by erection of two storey single family dwelling including rooms in roofspace

Reference: H/03888/12

Address: 1-6 Garages, Willow Court, Edgware, HA8 8AG

Decision: Refused

Reason: The proposed dwelling by reason of its excessive size, bulk, depth and proximity would result in an overbearing impact and an overshadowing on the rear gardens of neighbouring properties on either side of the proposal having a detrimental impact on the amenity space. As such the proposal is considered unacceptable and fails to comply with Policy CS1 and CS5 of the Barnet Core Strategy (October 2012), Policy DM01 of the Barnet Development Management Policies (October 2012) and the Council's draft SPD 'Residential Design Standards' (October 2012).

The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development, contrary to Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Health Facilities, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, and Policies CS10, CS11 and CS15 of the Local Plan Core Strategy (Adopted September 2012).

Decision Date: 19 December 2012

Description: Erection of two-storey single family dwelling, following demolition of existing garages.

### **3. Proposal**

The application seeks permission for the demolition of the existing garages followed by the erection of 2no. x 3no. storey 2no bed self-contained residential units; the new dwellings would be set in approx. 2.0m from the boundary with nos.29-31 Amias Drive, set in approx. 2.40m from the boundary with nos. 5-8 Willow Court, set approx. 3.9m rear of the boundary with nos. 1-3 Willow Court and set approx. 3.70m forward of the boundary with 1-22 Aldenham Court;

Ground floor unit 1 2no.bed 3no.person over 1no. storey 66.2m<sup>2</sup> (Min.61m<sup>2</sup>);

Frist floor and loft unit 2no.bed 4no. person over 2no. storeys 101.2m<sup>2</sup> (Min.79m<sup>2</sup>);

Communal rear garden provision approx. 83m<sup>2</sup>; parking provision (2); refuse (6) & cycle provision (4)

### **4. Public Consultation**

Consultation letters were sent to 83 neighbouring properties.

9 responses have been received in objection to the development

The objections received can be summarised as follows:

- Negative impact on natural light.
- Cramped form of development.
- Impact on traffic congestion, site accessibility, parking provision and highway safety

### **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 July 2011

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, CS8, CS11, CS12, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM08, 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 would provide suitable amenity for future occupiers;
- Impact on Highways;
- Sustainability

### **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

It should be noted that this application has been submitted following a previous planning approval ref 14/07929/FUL, as detailed in the history section above. The site circumstances and Development Plan policies have not changed since the determination of the previous planning applications. As such, it is necessary to assess whether the changes made since the previously approved scheme introduce any concerns.

The scheme granted under planning application ref 14/07929/FUL sought a 2no storey detached property to serve 2no. self-contained flats with communal amenity and parking provision. The ground floor flat intended to serve a 2no.bed 4no.person self-contained unit over 1no.storey and the first and loft floor intended to a serve 2bed 3person self-contained unit over 2no. storeys. Similar to the present scheme, the dwelling was set back approx. 4m from the common boundary with maisonettes nos 1-3 Willow Court to allow for parking at the front, set in 2.0m from the north east common boundary with nos.29-31 Amias Drive, approx. 3.70m from the south east common boundary with nos. 1-22 Aldenham Court and approx. 2.10m from the south west common boundary with maisonettes nos 5-8 Willow Court. The dwelling covered an area of approx. 81m<sup>2</sup> and measured a max. height of 8.4m, approx. 5.7m high to the eaves.

The current scheme would feature an end gable roof form with habitable loft space, 2no. cantilever front bay windows at first floor level, a flat roof single storey rear element approx. 3.0m max. height across the width of the property, cover an area of approx. 80m<sup>2</sup> and measure a max. height of approx. 8.7m. It would serve 2no. x 3no. storey 2no bed, self-contained residential units, include communal outdoor amenity space, parking provision and services i.e. refuse and cycle storage. The GF unit 1 would accommodate 1no. single and 1no. double bedroom able of accommodating a max. capacity of 3no. persons and the FF/LF unit 2 would accommodate 2no. double bedrooms able of accommodating a max. of 4no. persons. The changes between the previous application ref 14/07929/FUL and the current scheme are notably negligible.

The height difference of approx. 300mm compared to the previous, most recent scheme ref 14/07929/FUL would therefore be considered negligible in this instance. Compared to the previous scheme, the dwellings would be similarly orientated, be set back approx. 3.9m from the common boundary with maisonettes nos 1-3 Willow Court to allow for parking at the front, set in 2.0m from the north east common boundary with nos.29-31 Amias Drive, approx. 3.70m from the south east common boundary with nos. 1-22 Aldenham Court and approx. 2.10m from the south west common boundary with maisonettes nos 5-8 Willow Court.

The new dwellings would be clad in yellow mixed stock brick, include powder coated aluminium double glazed windows, zinc clad front canopy and projecting lower bay window and include plain concrete roof tiles at roof level. Side access to separate rear garden areas of each unit would be facilitated by way of 2.0m high slated fence panel on the common boundary with Cornbrook Court and nos. 5-8 Willow Court. The scheme would include the provision of 2no secure cycle storage at the rear of each unit and the provision of 3no. refuse bins at the front.

Since the most recent planning approval ref 14/07929/FUL, the immediate area has been substantially developed by way of 2 -4 storey block of flats on Amias Drive to the north west and 4 storey block of flats at Aldenham Court to the south west of the application site. A site visit to the application site revealed the area to the front of the garages to be the subject of local waste and fly-tipping. The intended scheme would be discreetly sited in the furthest corner of the cul-de-sac. It is considered that the overall appearance, mass and bulk of the building could be satisfactorily accommodated within the site without undue detriment to the character and appearance of the area.

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

Compared to planning approval ref 14/07929/FUL, the new dwellings would be sited in the same position and orientation in respect of adjoining neighbouring properties. It would be set back approx. 3.90m from the common boundary with maisonettes nos 1-3 Willow Court to allow for parking at the front, set in 2.0m from the north east common boundary with nos.29-31 Amias Drive, approx. 3.70m from the south east common boundary with nos. 1-22 Aldenham Court and approx. 2.10m from the south west common boundary with maisonettes nos 5-8 Willow Court.

The front elevation of the pair of dwellings would directly face onto the flank of no.3 and 4 Willow Court. The flank elevation serves no. 4 Willow Court and features a front door with a habitable window above. Intended front facing window openings at ground level would serve a living room and bedroom no.1. Front facing window openings at first floor level would serve a kitchen/dining, lounge and skylights in the front roofslope would serve the bedrooms in the loftspace and landing above. Although the development would be set back approx. 3.9m from the common boundary with maisonettes nos 1- 4 Willow Court, it would be set back approx. 11m from the nearest edge of this block of properties. Given the above site

circumstances, a condition has been attached to ensure that openings in the front elevation are obscurely glazed and non-opening below 1.7 above internal floor level. The light and outlook to habitable rooms would not be unduly prejudiced.

Whilst the development would be visible from the rear of nos 5 -8 Willow Court, in view of the distance from the boundary and the siting of the neighbouring maisonettes, it is considered that the development as proposed would not unduly detract from the visual and residential amenities, including loss of light, currently enjoyed by the occupiers of no's 5 -8 Willow Court.

Nos 29-31 Amias Drive backs and onto the application site with habitable windows in the rear elevation at ground and first floor level. The development would be set in approx. 2.0m from the common boundary with this adjoining property and approx. 12m from the rear elevation of nos 29-31 Amias Drive. In view of the distance from the boundary and the siting of block, it is considered that the development as proposed would not unduly detract from the visual and residential amenities, including loss of light, currently enjoyed by the occupiers nos 29-31 Amias Drive.

The development would not consist of any flank windows and therefore would not give rise to a loss of privacy, particularly nos 29-31 Amias Drive and nos 5-8 Willow Court.

The development would be sited approx. 17m away from the nearest rear edge of Aldenham Court. There is a parking area at the rear of Aldenham Court intended for occupiers of the block which the development would directly face. In view of the distance from the boundary and the siting of block, it is considered that the development as proposed would not unduly detract from the visual and residential amenities, including loss of light, currently enjoyed by the occupiers of Aldenham Court.

The development results in the demolition of existing garages to support a level of residential accommodation. In context of the application site and given the increased occupancy level of a maximum of 7 persons over the whole site, is not considered to justify that the additional accommodation would cause demonstrable harm to the acoustic privacy of neighbours to warrant refusal on this ground.

#### Whether the development would provide suitable amenity for future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (MALP 2016).

Ground floor unit 1 2no.bed 3no.person over 1no. storey 66.2m<sup>2</sup> (Min.61m<sup>2</sup>);

Frist floor and loft unit 2no.bed 4no. person over 2no. storeys 101.2m<sup>2</sup> (Min.79m<sup>2</sup>);

Both units would exceed above the minimum unit size requirements set out in the Technical Housing Standards 2015, London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and provide adequate storage space by way of a store cupboard below the stairs at ground level approx. 2.0m<sup>2</sup>. Internal headroom of 2.4m across more than 75% of the GIA per unit would be considered in excess of the minimum recommendation as per the Sustainable Design Guide 2016. The development would therefore satisfy the minimum standard of accommodation for the intended occupancy levels.

The Sustainable Design and Construction SPD advocate that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that for houses, amenity space should be provided in the form of individual rear gardens; for houses with up to four habitable rooms, 40sqm should be provided. The proposed development would

provide a communal amenity space in excess of this standard and provide suitable outlook and daylight for all habitable rooms.

It is considered that suitable amenity would be provided for future occupiers which far exceeds the minimum requirements.

#### Traffic and highways

The PTAL for the site is 2 and therefore sited in an area characterised by low level accessibility and connectivity.

The site is not within a Controlled Parking Zone (CPZ).

#### Proposal

Demolition of existing garages and erection of two storey dwelling with accommodation in the roof space to accommodate 2no.self-contained units. Provision of (2) parking spaces and (6)refuse and (4) cycle storage.

For areas with low PTAL (generally PTALS's 0-1) higher levels of parking provision should be considered to address overspill parking pressures.

The site is within walking distance of local amenities and there are direct bus routes that link the site to nearby Town Centre locations. The Council's Highways Team have been consulted, reviewed submitted plans and consider that the development is not expected to have a detrimental impact on the public highway. As stated in the previously approved application, whilst the development would result in the loss of six garages, the application site is entirely within the ownership of the applicant, accordingly no objection is raised to their loss by the Highways Group.

However, having visited the site it is noted that parking provision on Willow Court is currently strained as a result of visiting patients of the Doctor's Surgery. As a result, residents and visitors park informally on the access road when all bays are occupied, which results in a considerable obstruction on the kerb and equally the footpath and increased risk to road safety of passers-by, whether they are drivers, cyclists or pedestrians.

The space at the front of the development is limited. The minimum car parking space provision for 1no. domestic car is 2.4m width x 4.8m depth. The space at the front would fail to provide an adequate depth and clear visibility splay for more than 1no. parked car and therefore only 1no. car parking space could be accommodated horizontally relative to the front elevation of the development within the site and allow safe access and exit in and out of the site in forward gear onto the access road. The provision of 2 parked cars at the front would result in cars having to unsafely reverse out of the space onto the access road given existing parking conditions on Willow Court, would not be safe, practical nor convenient for car users. A condition has therefore been attached to satisfy DM17 of the DMP 2012.

#### Cycle parking

To comply with the London Plan 2016, 2 cycle spaces per unit must be provided. Drawing 102 Rev 02 indicates the provision of secure cycle parking for the provision of 2 bicycles per unit has been provided at the rear garden amenity and is therefore compliant with the London Plan 2016.

#### Refuse Collection Arrangements

Drawing 102 Rev 02 indicates the provision of 3 refuse bins per unit in the front forecourt area and on the common boundary with nos 29-31 Amias Drive Amias Drive and 5 -8 Willow Court. Refuse collection points should be located within 10 meters of the Public Highway.

Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. An informative has been attached to this effect.

#### 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). An operational condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, a condition would be attached in the event planning permission is granted to ensure a minimum of 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations as per the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements.

In terms of water consumption, an operational 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**

Comments of objections addressed in appraisal above.

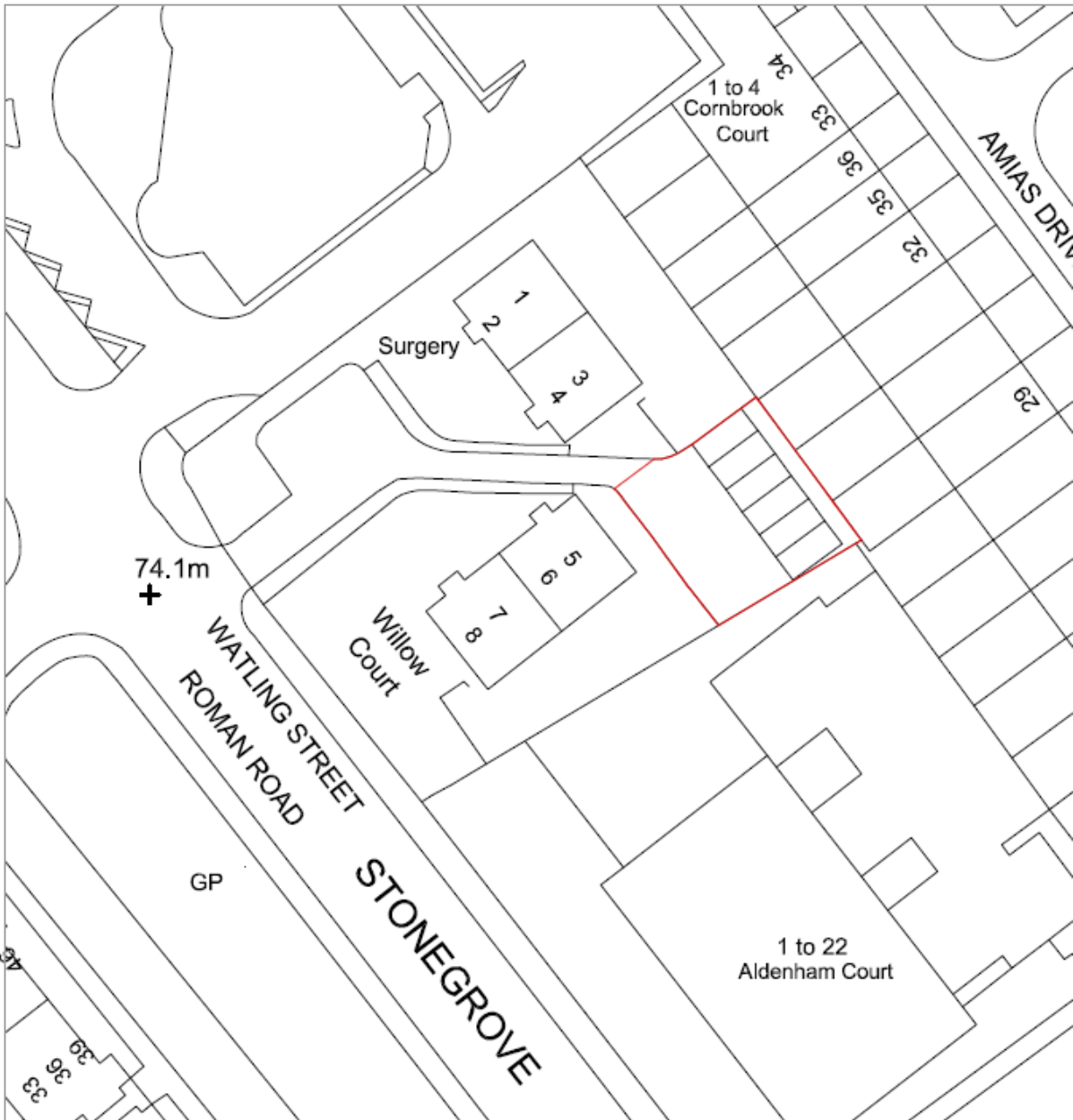
#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.





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**Location**                    **185 Edgwarebury Lane Edgware HA8 8QJ**

**Reference:**                **18/1133/HSE**

Received: 20th February 2018

Accepted: 23rd February 2018

Ward:                        Edgware

Expiry 20th April 2018

Applicant:                Mrs Oren Ovadia

Proposal:                 Single storey rear extension

AGENDA ITEM 10

**Recommendation:** Refuse

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 proposed extension by reason of its bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the original dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).
  
- 2     The proposed single storey rear extension by reason of its siting, size, rearward projection and relationship with the neighbouring property, would result in visually obtrusive form of development detrimental to the visual amenities of neighbouring occupants at no.183 Edgwarebury Lane. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted October 2016).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

- 2 The plans accompanying this application are:
  - Site location plan
  - DM3345/1 Existing ground floor,
  - DM3345/2 Existing first floor,
  - DM/3345/3 Existing rear elevation, existing roof plan
  - DM/3345/4 Existing side elevation,
  - DM/3345/5 Existing section,
  - DM3345/2.1 Amended proposed first floor plan, (Received 12/3/18).
  - DM3345/3.1 Amended proposed rear elevation and roof plan, (Received 12/3/18).

DM3345/4.1 Amended side elevations. (Received 12/3/18).

Planning statement (untitled, undated) received 16 March 2018

Statement 'Analysis of 177-271 Edgwarebury lane HA8' received 26 March 2018

Photos and photomontages

## **Officer's Assessment**

### **1. Site Description**

This site is occupied by a two-storey detached property, and is located on the west side of Edwarebury Lane in Edware. The area is predominantly residential and characterised by detached properties in a suburban setting. The site is not within a conservation area and does not contain any listed buildings.

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008.

In terms of ground level, properties along Edware Lane are noted step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189. Neighbours to both sides are noted to benefit from proportionate and subordinate rear extensions.

The present application follows a recent application for a single storey rear addition to the existing extensions (Ref 17/7882/HSE) which the committee resolved to refuse. This was sited towards the common boundary with no.183 Edwarebury Lane. The refused proposal would have been smaller in size, having the dimensions 4 metres depth by 4.8 metres width of 4.8 metres. The reasons for refusal were:

"1 The proposed extension by reason of its bulk, size and scale result in an incongruous form of development which would fail to appear subordinate, proportionate or sympathetic to the original dwelling house, to the detriment to the character and appearance of the host property and surrounding area. In this regard, the proposal is considered unacceptable and fails to comply with policy DM01 of the Development Management Policies DPD, Policies CS1 and CS5 of the Barnet Core Strategy and the Barnet Adopted Residential Design Guidance SPD (April 2013).

2 The proposed single storey rear extension by reason of its siting, size, rearward projection and relationship with the neighbouring property, would result in visually obtrusive form of development detrimental to the visual amenities of neighbouring occupants at no.183 Edwarebury Lane. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted October 2016)."

### **2. Site History**

#### **2.1 Host site**

Reference: 17/7882/HSE

Decision: Refused

Decision Date:

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 3 metres

Reference: 17/7968/PNH

Address: 185 Edwarebury Lane, Edware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 22 December 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 3 metres

Reasons for refusal: Proposed single storey rear extension would extend beyond a side wall and would be over half the width of the original house. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a block plan showing the existing extensions that benefits the host property as required.

Reference: 17/7669/PNH

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Prior Approval Required and Refused

Decision Date: 8 December 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 3 metres

Reasons for refusal: 1) The proposed single storey rear extension would extend beyond an extended side wall at first floor and would be over half the width of the original house, therefore forming a side and rear extension. The proposals would therefore not be lawful under Class A, A.1 (j).

2) The application does not contain a site location plan showing the proposed development in relation to the adjoining properties.

Reference: W16123A/08

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 28 April 2008

Description: Amendment to planning permission reference W16123/07 dated 16-01-08 for two storey side extension and part single, part two storey rear extension (amendment to include increase in size of extensions).

Reference: W16123/07

Address: 185 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 16 January 2008

Description: Two storey side extension. Part single, part two storey rear extension.

## **2.2 No.183 Edgwarebury Lane Site History**

Reference: W12274C/04

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 08 February 2005

Description: Formation of side and rear dormer windows to facilitate loft conversion.

Reference: W12274B/02

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 25 April 2002

Description: Single storey rear extension.

Reference: W12274A/01

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 6 September 2001

Description: Two storey side extension and single storey front and rear extension.

Officer note: Two storey side extension and single storey front and rear extensions appear to be built out. The single storey rear measures approximately 3.5 metres from the original rear wall at this dwelling.

Reference: W12274/00

Address: 183 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 26 September 2000

Description: Demolition of side extension and construction of two-storey side and single-storey front and rear extensions.

### **2.3 No.189 Edgwarebury Lane Site History**

Reference: H/01707/09

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Approved subject to conditions

Decision Date: 23 December 2009

Description: Ground floor side and rear extension. First floor side and rear extension. Alterations to roof including extension to ridge line and rear dormer windows.

Officer note: this permission was not implemented.

Reference: H/00498/08

Address: 189 Edgwarebury Lane, Edgware, HA8 8QJ

Decision: Refused

Decision Date: 22 May 2008

Description: Two storey side and rear extension, and loft conversion involving raising height of roof with rear dormer and side roof lights.

### **3. Proposal**

The application seeks permission to erect a single storey rear extension. The proposal would adjoin an existing two storey side extension and part single, part two storey rear extension.

The proposal would extend from the extended rear wall by a depth of 4 metres. It would have a width of 9 metres. The proposed addition would stand to an eaves height of 2.6 metres and a maximum height of 3.1 metres. The proposal would be set in 0.5 metres from the northern common boundary with no.189. The proposal would be sited approximately 1.5 metres away from the common boundary with no.183.

### **4. Consultation**

#### Public consultation

Consultation letters were sent to 2 neighbouring properties.

1 representation was received. This comprised one letter of support from a neighbouring occupier.

The representation did not indicate a wish to speak at committee.

#### Committee call-in

Councillor Brian Gordon called the item in to Committee. The stated planning reason for call-in was that in the view of the Councillor that the proposed development would be compliant with the relevant adopted Local Plan policies and Supplementary Planning Document: Residential Planning Guidance and would not generate harm to residential amenity.

## **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.

#### Draft Mayor's London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

#### Barnet's Local Plan (2012)



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

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

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

### 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.

### **Context of the site and surroundings**

Neighbouring properties to either side are noted to benefit from rear extensions which are considered proportionate and subordinate.

The neighbour to the north at no.189 is a detached property and noted to benefit from a rear conservatory. This neighbour is built up to the common boundary with the host dwelling.

The neighbouring detached property to the south, no.183, is noted to be previously extended with a two storey side extension and single storey front and rear extension (ref W12274A/01 dated 03.08.2001). An additional consent was later granted for a single storey rear extension (ref W12274B/02 dated 25.04.2002), although aerial photography and LPA maps indicate the total ground floor extension as built projects around 3.5 metres in depth from the original rear wall. This neighbouring property also benefits from side and rear dormer windows (ref W12274C/04 dated 08.02.2005). This extension differs in that it extends from the original rear wall and therefore the impact of its bulk and siting would be considered acceptable, whereas the present proposal seeks to extend from the in-situ extension and beyond the depth ordinarily considered acceptable. Other additions to this property are to the side and to the front and, with benefit of planning consent, have been assessed as acceptable in impact to the character and appearance of property.

### **Planning consents referred to in the planning statement**

The application includes a planning statement which asserts that the proposal is in-keeping with the character of the area. Most examples were large extensions but were acceptable in their particular site circumstances which differed materially to that of the host site. It gives examples of extensions along Edgwarebury Lane which are addressed in turn:

#### 198 and 200 Edgwarebury Lane

At no.198, the maximum depth of the rear extension was of 11 metres along the boundary with no.200. It is noted that no.200 had previously extended the original house rearwards subsuming an original garage along this common boundary. Later, no.200 extended the rear of what had been the original garage by way of low profile conservatory structure to a depth of 3 metres. Therefore no.198 had a material consideration of the extended garage which made their large extension acceptable, also noting that there was no impact to the other adjacent neighbour at no.196. This differs from the present proposal because the host dwelling has no existing structures to take into consideration as material to an acceptable depth, nor to screen or mitigating the impact of a larger extension.

#### 199 Edgwarebury Lane

This property was originally L-shaped and the extensions in-filled this shape and then extended rearwards by approx. 5.5 metres from the building line (W04440 and W04440A). The original house had a depth of 9 metres, the extensions took it to a maximum depth of 15 metres.

There was a material consideration on site as the neighbouring property benefits from an original garage. A deeper extension would be acceptable along the common boundary at this side, with the garage mitigating the impact of the extension. This differs from the current proposal in this way.

#### 209 Edgwarebury Lane

Although a first floor rear was approved through ref. W01809B, this did not extend beyond the rear building line. Under ref W01809C, this property extended beyond the original rear building line at ground floor level. Therefore, the single storey extension from the original rear wall measures approximately 5.5 metres in total.

#### 221 Edgwarebury Lane

There were part single, part two storey front and rear extensions approved as part of the reference H/01625/08. This was a 2008 decision that is noted has not been built out. The permission has now expired. This consent is therefore not material to this assessment.

#### 239 Edgwarebury Lane

This property benefits from a part single, part two storey side and rear extension under ref W10140A.

A further single storey extension was approved as part of ref H03969/09. This extension had a depth of 2.8 metres, which measures in total an approx. depth of 5.5 metres from original rear wall. This did not double the depth of the original house as the present proposal would, so differs in this way.

#### 245 Edgwarebury Lane

The property benefits from a single storey rear conservatory as part of W12376/00. It is noted that this is a single storey rear extension which does not adjoin to a two storey extension as the present proposal does. The built extension measures approximately 5.5 metres from the original rear wall.

#### 247 Edgwarebury Lane

The single storey rear extension under ref W09804A/00 was approved. The built extension measures approximately 3.7 metres from the original rear wall. Originally the depth of the house was circa 12 metres, this was extended to 14.7 metres approx. This is again not a doubling of the depth of the original house and is materially different from the present proposal.

#### 261 Edgwarebury Lane

A 'ground floor front extension and new front porch. Part single, part two storey side / rear extension and first floor side extension. Two storey bay feature at front roof with a rear dormer to facilitate a loft conversion' was approved under (H/04208/08).

This permission amended ref W06247/B, however, the size of the extensions to the front, rear and side remained the same. The permitted extension at the rear was for an infill measuring 5 m width by 5.95 metres depth. It is noted that the maximum depth of the original house was not extended as the rear extension was an in-fill. This is materially different from the present proposal which seeks to extend by 7.5 metres and near double the depth of the original house.

#### 265 Edgwarebury Lane

The original property with an attached garage to the rear was built out under (W1619A). The garage was extended to the side by 2.4m width by 0.8m depth and converted into habitable room under ref W1619D. The original rear wall of the garage extended by way of single storey rear conservatory measuring 3m width by 2.1 metres depth under W01619E. Therefore this permission differs from the present proposal because the extensions were only 2.1 metres depth from the original house.

#### Other applications

The consents referred to at no.233, no.253, no.263 and no.269 Edgwarebury Lane relate to the demolition of existing an house and construction of a new dwelling. Therefore the depth of the approved dwelling would have no need to relate to the proportions of those original houses.

Similarly, a statement submitted by the applicant referring to the depths of properties compared to their plots along Edgwarebury Lane gives no regard to the circumstances under which the properties have been permitted to extend as each application is assessed on its merits.

### Conclusion

It is concluded that whilst the planning statement illustrates how Edgwarebury Lane is to a degree characterised by larger rear extensions, these are not consistent with the scale and design of the present proposal.

### **Impact to the character and appearance of the existing building, the street scene and the wider locality**

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

The host dwelling is noted to already benefit from a two storey side extension and part single, part two storey rear extension, with consent ref W16123A/08 dated 28 April 2008. The in-situ extension projects a maximum depth of 3.5 metres from the original rear wall by a width of 9 metres.

This application seeks permission for a rear extension which would adjoin the in-situ two storey side extension and part single, part two storey rear extension. The proposed addition to the rear would project a further depth of 4 metres, measure 9 metres in width and with a flat roof to an eaves 2.7 and have a maximum height of 3.1 metres. Therefore the total depth of the projection at ground floor would be 7.5 metres from the original rear wall.

At paragraph 14.3, the adopted Residential Design Guide SPD (2016) states that "there is a limit to how much most houses can be extended. The cumulative effect of extensions and their impact on the appearance of an area should also be taken into account. This means that proposed additions, which meet all the guidelines included in this SPD, may still be considered unacceptable and be refused planning permission."

At paragraph 14.8, the SPD clarifies that it is the original building which is the basis of assessment with regard to extension of dwellinghouses. It states that "proposed extensions should be consistent with the form, scale and architectural style of the original building, particularly where it is a period or suburban property." In terms of scale, the guidance reiterates that "the extension should normally be subordinate to the original house" and that "the extension should respect the original building and should not be overly-dominant." The adopted SPD further states that a rear extension is usually acceptable at a depth of 4 metres for a detached property.

In this case, the property has previously been extended and the addition would amount to a total projection of 7.5 metres from the original rear wall. The proposed projection is near double the acceptable depth of the SPD guidance. The original dwelling had a depth of approximately 8.5 metres, whereas with the addition of the proposal the ground floor depth would amount to a maximum of 15.5 metres, which is not considered to be subordinate or proportionate to the original size and scale of the host dwelling. In terms of bulk, the proposed addition of a 4 metre addition to the extended rear wall, at a height of 3.1 metres

fails would appear prominent when viewed from the surrounding rear garden areas and it is considered unsympathetic to the layout of the original dwellinghouse.

The property was originally sited forward of its southern neighbour at no.183 and the proposed extension would have a cumulative project approximately 2.5 metres beyond the rear wall at this neighbouring property. Therefore it is considered that the cumulative effect of extensions to the host dwelling as a result of the proposal would be incongruous with character and appearance of the original house and the surrounding area. It is considered that, when taken together with the previous extensions, a projection to this depth would not accord with the original form and scale of the host dwelling.

For the reasons discussed above, the proposal is considered to be at odds with the objectives of the relevant planning policy DM01, failing to relate appropriately to the sites context and to respect the character of the area. In addition the proposal is considered to be contrary to the guidance contained in the adopted SPD, the Residential Design Guide (2016) in terms of depth of the rear extension.

### **Impact on the living conditions of neighbouring residents**

Any scheme for this site should address the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

In terms of ground level, properties along Edgware Lane are noted to step up in relation to each other towards the north, with the host site sitting higher than no.183 and lower than no.189.

In respect of no.189 (north), the proposal would be set away from the common boundary by 0.5 metres. It is therefore not considered that the proposal would give rise to any harmful amenity impact in terms of loss of light to windows of habitable rooms, nor increased sense of overbearing or enclosure to these neighbouring occupiers.

In respect of no.183, the proposal would project 4 metres from the extended rear wall of the host dwelling, resulting in an exposed flank wall depth of 2.5 metres, sited approximately 1.5 metres from the common boundary with no.183. This would maintain the separation distance of some 2.6 metres between the established flank walls of the dwellings, consequently this would not be considered to lead to unacceptable loss of light to habitable rooms there

Whilst the proposed exposed flank depth would appear to be technically acceptable in terms of the Residential Design Guide 2016, it is noted that this assumes the relationship is between two unextended properties. It is therefore considered that the added bulk of the proposed would be unacceptable in terms of its impact to the visual amenities of neighbouring occupiers at no.183. It is further noted that this property sits at a lower ground level than the host dwelling. It is considered the proposal would appear overbearing when viewed from the neighbouring garden and would contribute to reduced outlook to windows of habitable rooms there.

It is considered that the revised proposal would lead to harm to the amenity of neighbouring occupiers at no.183. The proposal is not considered to have adequate regard to all neighbouring occupiers and to not comply with Policy DM01 in this respect.

## **5.4 Response to Public Consultation**

The public consultation response comprised one letter of support.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the surrounding garden areas and the locality. In addition, there would be an adverse impact on the visual amenity of neighbouring occupiers at no.183 Edgwarebury Lane. This application is therefore recommended for refusal.

## **8. Without prejudice -- Conditions in the event that an appeal will be allowed**

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

Site location plan

DM3345/1 Existing ground floor,  
DM3345/2 Existing first floor,  
DM/3345/3 Existing rear elevation, existing roof plan  
DM/3345/4 Existing side elevation,  
DM/3345/5 Existing section,

DM3345/2.1 Amended proposed first floor plan, (Received 12/3/18).  
DM3345/3.1 Amended proposed rear elevation and roof plan, (Received 12/3/18).  
DM3345/4.1 Amended side elevations. (Received 12/3/18).

Planning statement (untitled, undated) received 16 March 2018  
Statement 'Analysis of 177-271 Edgwarebury lane HA8' received 26 March 2018  
Photos and photomontages

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

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

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

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

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

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

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





**Location**                    **101 Station Road London NW4 4NT**

**Reference:**                **18/0227/RCU**

Received: 11th January 2018

Accepted: 24th January 2018

Ward:                        West Hendon

Expiry 21st March 2018

Applicant:                 Mr S Kershaw

Proposal:                  Single storey side and rear extension (Retrospective application)

AGENDA ITEM 11

**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 maintained in accordance with the following approved plans:

7950 SLP - Site location plan  
7950/350 Rev. C - Proposed plans applications and section  
101STA/L100/15;  
101STA/PL300/15;  
101STA/PL301/15;  
101STA/PL302/15;  
101STA/PL100/15;  
101STA/PL101/15/A;  
101STA/PL102/15/A.

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 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).

**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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The site contains a semi-detached dwellinghouse converted to 4 no self contained flats. The property occupies an oblong shaped site set to the west side of Station Road, West Hendon ward. The site is not within a conservation area and does not involve any listed buildings.

The property is noted to have previously been extended at the side, rear and roof level with the addition of a side and rear dormer window.

Properties step down in ground level along Station Road, the host dwelling is noted to sit higher in level than neighbour to the south no.99, and to a broadly even ground level with its attached neighbour no.103.

The present application was initially invited by the Planning Enforcement team following complaint of the single storey rear extension built without planning permission.

### **2. Site History**

Reference: 15/00533/FUL

Address: 101 Station Road, London, NW4 4NT

Decision: Approved subject to conditions

Decision Date: 7 April 2015

Description: Single storey side extension and conversion of a single family dwelling into 4 no. self contained flats, provision of off-street parking

Reference: 16/1346/FUL

Address: 101 Station Road, London, NW4 4NT

Decision: Refused

Decision Date: 5 May 2016

Description: Single storey rear extension including extension of existing rear patio. Increase of single storey rear extension height.

Reference: 16/6573/CON

Address: 101 Station Road, London, NW4 4NT

Decision: Approved

Decision Date: 20 October 2016

Description: Submission of details of condition 6 (Subdivision) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: 17/6306/CON

Address: 101 Station Road, London, NW4 4NT

Decision: Approved

Decision Date: 15 November 2017

Description: Submission of details of condition 7 (Refuse/Recycling) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: 17/7264/RCU

Address: 101 Station Road, London, NW4 4NT

Decision: Withdrawn

Decision Date: 5 January 2018

Description: Single rear extension with raised terrace, railings and access steps to garden level to ground floor flat. (Retrospective Application)

Reference: 18/0067/CON  
Address: 101 Station Road, London, NW4 4NT  
Decision: Approved  
Decision Date: 25 January 2018  
Description: Submission of details of condition 4 (Sound Insulation) pursuant to planning permission 15/00533/FUL dated 01/04/15

Reference: H/00869/14  
Address: 101 Station Road, London, NW4 4NT  
Decision: Refused  
Decision Date: 29 July 2014  
Description: Single storey side extension and conversion of existing single family dwelling into 4no. self contained flats, including alterations to side fenestration, hard and soft landscaping, cycle store and refuse facilities.

Reference: W14473C/07  
Address: 101 Station Road, London, NW4 4NT  
Decision: Unlawful  
Decision Date: 22 June 2007  
Description: Loft conversion (incorporating roof extensions).

Reference: W14473B/06  
Address: 101 Station Road, London, NW4 4NT  
Decision: Refused  
Decision Date: 6 December 2006  
Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473A/06  
Address: 101 Station Road, London, NW4 4NT  
Decision: Refused  
Decision Date: 16 August 2006  
Description: Conversion of property into 3 No. self-contained flats including two storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: W14473/06  
Address: 101 Station Road, London, NW4 4NT  
Decision: Withdrawn  
Decision Date: 14 July 2006  
Description: Conversion of property into 4no. self-contained flats including two-storey side extension, loft conversion including rear facing dormer window and off-street parking.

Reference: H/01777/09  
Address: 101 Station Road, London, NW4 4NT  
Decision: Unlawful  
Decision Date: 14 July 2009  
Description: Single storey rear extension.

Reference: H/01794/09  
Address: 101 Station Road, London, NW4 4NT  
Decision: Lawful  
Decision Date: 6 November 2009  
Description: Retention of rear / side dormer roof extension and loft conversion.

Reference: H/03530/09  
Address: 101 Station Road, London, NW4 4NT  
Decision: Approved subject to conditions  
Decision Date: 20 November 2009  
Description: Single storey rear extension.

### **3. Proposal**

The application seeks permission to retain a single storey rear extension and side extension, which were both constructed as later additions to in-situ extensions which benefit from planning consent.

The rear addition projects a depth of 0.8 metres by a width 2.8 metres, with an eaves height of 2.5 metres and a maximum height of 2.7 metres above ground level. This is sited to adjoin the extension at the original outrigger.

The side addition projects a depth of 0.8 metres by a width of 1.9 metres, with an eaves height of 2.6 metres and maximum height of 3.2 metres above ground level. This addition is sited to the rear of a long side extension towards the common boundary with no.99 Station Road.

Both additions benefit from a flat roof design.

### **4. Public Consultation**

Consultation letters were sent to 14 neighbouring properties.

10 representations were received within the consultation period, comprising 1 comment and 9 objections.

The representations can be summarised as follows:-

- Substantial works have been carried out without permission
- The extensions block light to neighbouring properties and habitable rooms
- Loss of privacy and direct overlooking
- Increase in noise at the rear of property
- Extensions project beyond the building line leading to loss of outlook
- Extensions are higher than should be permitted
- A rear extension has already been refused in 2016
- The property is overdeveloped and out of keeping with the surrounding area
- Previous approved plans were not adhered to
- Patio could be used as a foundation for later, further extension to property

The representations are discussed in section 5.4.

## **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 Government's reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

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

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

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

#### Supplementary Planning Documents

##### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be

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

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

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **Impact to the character and appearance of the existing building, the street scene and the wider locality**

Any scheme for this site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of the development plan policies including DM01, and CS05 of the Barnet Local Plan (2012) and policies 7.4 and 7.6 of the London Plan (2016).

#### Single storey rear extension

It is noted that the property has been previously extended at the rear, per ref H/03530/09 dated 20 November 2009 which approved the in-fill extension between the original outrigger projection and the attached neighbour at 103 Station Road. The plans for this consent indicate at the point of this application, the outrigger had already been extended by 2.2 metres in depth by 3 metres width. By the passage of 4 years time, it is accepted that this structure is immune from enforcement action.

The proposed rear addition extends from the original outrigger at ground floor by a cumulative 3 meters in depth. In the case of semi-detached properties, the adopted Residential Design Guidance SPD (2016) recommends a maximum depth of 3.5m from the rear wall for single-storey rear extensions. The depth of the proposed rear addition, on balance, technically complies with this guidance and the proposed design is considered a subordinate and proportionate addition to the host dwelling.

#### **Single storey side extension**

The side extension approved under ref 15/00533/FUL was for a depth of 12.4 metres by a width of 2.1 metres by a height of 3.2 metres.

The built structure extends a depth of 13.2 metres by 2.1 metres along the side of the full depth of the original host dwelling and has a uniform height of 3.2 metres.

The side extension is less than half the width of the original dwellinghouse. It is noted that the as-built side extension does not project beyond the original or established rear building

line and therefore the additional depth is not considered to be harmful to the character and appearance of the host property.

The proposal is therefore, on balance, considered acceptable in terms of impact to character and appearance, and compliant with Policy DM01 in this respect.

### **Impact to amenities of neighbouring occupiers**

It is imperative that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Properties step down in ground level along Station Road, the host dwelling is noted to sit higher in level than neighbour to the south no.99, and to a broadly even ground level with its attached neighbour no.103.

As discussed, the proposal complies with the depth ordinarily acceptable under the adopted SPD and which is considered to adequately protect the amenities of neighbouring occupiers.

It is noted that there is a 2 metre distance between the flank walls of the host dwelling side extension and no.99 Station Road. Given the degree of separation and the siting, and with regard had to the ground level difference, the as-built structure is considered to have adequate regard to the amenity of neighbouring occupiers of the non-attached property at no.99 Station Road. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

Regarding occupiers of the attached property, no.103, no undue impact is considered to arise from the rear extension due to its siting some 4.2 metres away from the common boundary with this property. The side extension does not extend beyond the established rear wall of the host site and as such no impact is considered to arise to the attached property at no.103. It is not considered that the extensions result in an unacceptable impact in terms of harmful reduction of light or outlook to principal windows of habitable rooms nor in increased sense of enclosure or overbearing to occupiers of this neighbouring property.

The proposal is therefore considered to have adequate regard to the amenities of neighbouring occupiers and to comply with DM01.

## **5.4 Response to Public Consultation**

- Substantial works have been carried out without permission  
Officer comment: The present application relates to the single storey rear and side additions which were beyond the approved plans.

It is noted that the rear terrace was included on the approved plans for ref 15/00533/FUL.

- The extensions block light to neighbouring properties and habitable rooms  
Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.

- Loss of privacy and direct overlooking  
Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.



- Increase in noise at the rear of property

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report. It is not considered that the retention of the single storey rear or side additions would be associated with increased noise to the rear of the property.

- Extensions project beyond the building line leading to loss of outlook

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report.

- Extensions are higher than should be permitted

Officer comment: The impact of the development on neighbouring amenity has been assessed in the body of the report. It is noted that the height of the side extension was considered acceptable when assessed under ref 15/00533/FUL. It is further noted that the height of the rear extension is built at a lower height than the original extension rear extension and no undue impact is considered to arise due to its scale and siting.

- A rear extension has already been refused in 2016

Officer comment: A single storey rear conservatory structure which proposed to extend to a significantly greater depth than the present scheme was refused in May 2016 under ref 16/1346/FUL on the basis of character of the property and harm to neighbouring amenities.

- The property is overdeveloped and out of keeping with the surrounding area

Officer comment: It is not considered that the retained additions have a detrimental impact to the character of the original property or surrounding area sufficient to warrant a refusal.

- Previous approved plans were not adhered to

Officer comment: It is recognised that approved plans have not been adhered to and the present application seeks to regularise the breach of planning.

- Patio could be used as a foundation for later, further extension to property

Officer comment: It is beyond the scope of this assessment to consider potential future developments and this is therefore not found to be a material consideration for the decision.

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





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**Location**                    **24 Charcot Road London NW9 5WU**

**Reference:**                **17/7421/FUL**

Received: 23rd November 2017

Accepted: 24th November 2017

Ward:                        Colindale

Expiry 19th January 2018

Applicant:                 Mr ILHAN GOKALP

Proposal:                  Change of use from A1 and A3 use to A1/A3 and A5 use. Installation of extraction flue

AGENDA ITEM 12

**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:

Site location plan drwg no. 22.11 OS A  
Block Plan drwg no. 22.11 BP A  
Design & Access Statement  
The Commercial Kitchen Filtration Experts Extraction Fan Specification  
Existing ground floor plan drwg no. 01..11 001 A  
Existing front and north elevations drwg no. 01..11 002 A  
Existing section A-A drwg no. 01..11 003 A  
Proposed ground floor plan drwg no. 01.11 004 B  
Proposed front and north elevation drwg no. 01.11 005 B  
Proposed section A-A drwg no. 01.11 006 B

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

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

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

- 3 The ground floor A1/A3/A5 unit known as 24 Charcot Road shall not be open to customers before 7am or after 11pm on weekdays and Saturdays or before 8am or after 10pm on Sundays.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 5 Before the development commences details of the refuse storage and collection arrangement, including the storage and disposal of all oils, fats, liquids and food wastes arising out of the cooking premises 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.

- 6 Before the permitted development is occupied a full Delivery and Servicing Plan (DSP) shall be submitted to and agreed by the Local Planning Authority. This shall include details of the deliveries and servicing to the property, where vehicles will park in making deliveries and the hours/days which this will take place.

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

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

This sound insulation shall ensure that the levels of noise generated from the A5 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, and 7.15 of the London Plan 2015.

- 8 The proposed development shall be carried out in accordance with the approved layout plan only. Any changes to the layout including the enlargement or reduction of the floorspace and function allocated to each of the specified A1, A3 or A5 uses will only be permitted in writing to the Local Planning Authority only.

Reason: To safeguard the vitality and viability of the existing retail function in the locality and to safeguard the residential amenities of residents in the area in accordance with Policies DM04 and DM12 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

#### **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.

## Officer's Assessment

### 1. Site Description

The application site falls within the approved redevelopment of the former Colindale Hospital site planning ref H/00342/09. The former Colindale Hospital site is located on the north side of Colindale Avenue. The hospital site is bounded to the north-east by the tracks of the Northern Line (Edgware branch) and to the north-west by Montrose Park. To the south-west is the National Blood Service and the Health Protection Agency. A row of terraced houses are located along Colindale Avenue which back onto the site. Colindale Tube station and Station House are both located adjacent to the south-east corner of the site. The application site forms a ground floor A1 (retail unit) and A3 (café) with residential use on above floors located to the north-eastern side of Charcot Road within the ward of Colindale. It is not locally/statutorily listed nor is it located within a conservation area.

### 2. Site History

Ref: H/00342/09

Development: Redevelopment of the former Colindale Hospital to include the erection of 714 residential units including the change of use and conversion of the listed former Administration building to residential, a new primary care trust facility (Use Class D1) of 1,132sqm, commercial units (Use Class A1/A2//A3/B1) and site management office (Use Class D1/B1), together with access roads, car parking and cycle parking, new public and private open space, children's play space and landscaping. Application includes the submission of an Environmental Statement.

Decision: Approved following legal agreement

Date: 20.11.2009

Approved Colindale Hospital Development:

Planning permission was granted in November 2009 (ref H/00342/09) for the redevelopment of the Colindale Hospital site comprising the following:

Construction of 714 residential units comprising 697 flats and 17 houses. This includes the provision of 193 affordable homes which equates to 30% affordable housing by habitable rooms;

Restoration of the listed Administration Building and its conversion to residential flats;

Construction of a new Primary Care Trust facility of 1,132sq m;

A 45sqm commercial unit (Use Class A1/A3);

A site management office and Safer Neighbourhood Centre (Use Class B1/D1);

Provision of a single Energy Centre and district Combined Heat and Power network to serve the whole development;

New junction and altered access into the site from Colindale Avenue together with new Spine Road through the site to serve the development and existing neighbours including the NHS Blood and Transplant facility;

New public and private open space, children's play space and communal courtyards and hard and soft landscaping;

A subsequent application was approved in September 2010 to replace the floorspace within Block A that was previously identified for a PCT health centre with new commercial uses on the ground floor and 12 residential flats on the first and second floors.

### 3. Proposal



Change of use from A1 and A3 use to A1/A3 and A5 use. Installation of extraction flue on the north-west flank wall; 0.45m x 0.45m ESP extractor duct metal grille sited on the north-west façade of the building to provide an air exit of the ESP system

#### 4. Public Consultation

Consultation letters were sent to 286 neighbouring properties.

148 responses were received in objection to the development

60 responses were received in support of the development

Concerns include:

- Noise, disturbance, litter, pest and anti-social behaviour as a result of increased comings and goings of customers
- Unsuitable type of business in its quiet residential context, would impact the value of properties
- The A1 use (butchers) would conflict with the beliefs and practices of attendees to a nearby Jain temple.

#### 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, CS5
- Relevant Development Management Policies: DM01, DM02

##### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the proposed use would be acceptable.
- 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 the proposed use would be acceptable.

The application site forms part of a mixed-use major redevelopment site on the former Colindale hospital site within the Colindale Area Action Plan (ref H/00342/09) area. It is not part of a local town centre nor is it on a primary or secondary frontage but is in fact a neighbourhood centre (as shown by policy 7.4 of the Action Plan. The application site is approx. 181m<sup>2</sup> and benefits from A1 (shop) / A3 (café) Use. Planning permission is sought to complement the existing A1 (shop) / A3 (café) with A5 (Hot food takeaway) and integrate an extraction flue on the north-west flank wall adjacent to Hither wood Court. In essence the proposed development would be a A1/A3/A5 sui generis mixed use unit.

The A1 (shop) area of the unit would measure approx. 56.9m<sup>2</sup> and include retail display units and sell a range of consumable goods, whilst the A3 (café/restaurant) would measure approx. 77.8m<sup>2</sup> and kitchen area, approx. 29.5m<sup>2</sup>. The development would not result in the loss of A1 (retail) use, which is an intrinsic part of the approved redevelopment scheme ref H/00342/09, but rather support the existing A3 function by providing adequate takeaway facilities for the customers. In order to maintain the pre-existing A1 use, it is recommended that the proposed development should be supported by a planning condition requiring the layout to be as approved.

The Colindale Area Action plan designates the area around the station as a neighbourhood centre, while Colindale Avenue is designated as a corridor of change. Policy DM12 requires the protection of A1 uses within local centres. However, given the retention of A1 within the scheme, the sustainable location and the fact that the premises is within the A use class.

There are a limited number of A3 and A5 units on Charcot Road. The development site is predominantly characterised by high-rise self-contained block of flats. Following a site visit, 2no. A3/A5 units in very close proximity to the application site have been identified as no.2 Charcot Road (Suya Restaurant) open till 11am and no.5 Charcot Road (Spaccanapoli Pizzeria Restaurant) open till 10.30am.

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

The development would maintain an active shopfront of benefit to the vitality and viability of the of the development site. A 0.45m x 0.45m ESP extractor duct metal grille would be sited on the north-west façade of the building to provide an air exit of the ESP system, would not be visible from the public realm and on that basis, the proposed outlet would have a discreet and non material impact on the character and appearance of the area.

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

Boswell Court is a 6no. storey block of flats below which the unit in question is sited and set back approx. 6m from Hitherwood Court. Hitherwood Court is a 9no. storey block of flats set away approx. 8m from the application site. To ensure the development does not prejudice the amenities of adjoining occupiers particularly in terms of noise, a condition has been attached to limit the opening hours to no later than 11pm on weekdays and 10pm on Sundays which is considered to be balanced and reasonable in the context of what is predominantly a residential area. In addition, a condition has been imposed to limit the noise levels in the context of the background noise level.

All the ventilation and extraction equipment would be situated within the building. However, the plant would have an extraction grille sited on the north-west façade of the building approx. 8m from the south-east flank elevation of Hitherwood Court.

In respect of the vertical noise transfer that might occur between the ground floor and the units on upper levels, it is considered that the existing building has been sufficiently protected through the approval and construction of the host building.

The front access into Hitherwood Court is sited on the south-east flank elevation upon which the extraction flue would face. Balconies on floors above are sited on the south-east flank elevation of Hitherwood Court the north-west flank elevation of Boswell Court. To address impact in terms of odour and vibration particularly from the extraction flue, the Council's Environmental Health Officer has noted that the silencers, odour mitigation, anti-vibration mounts, routine maintenance and enhanced internal sound insulation are unlikely to give rise to a significant statutory nuisance, therefore a standard condition has been attached to secure that the level of noise emitted from the ventilation and extraction plan is limited below the background level. Given the above, the LPA cannot warrant refusal on grounds of residential amenity.

Whether the proposed development would have an acceptable impact on the highway

There are two parking spaces allocated to the application property at the rear of the property and loading bays are provided on the south of the property that would be used for deliveries. The site is located in close proximity to Colindale underground station and as such, is accessible and sustainably located.

Nevertheless, it is considered that the proposed development should be supported by a delivery and servicing management plan to ensure that the proposed development can be serviced in a manner which doesn't impact on or conflict with existing vehicle movements and parking in the immediate locality. This plan should also be provided with details relating to the hours of the deliveries.

Whether the proposed development would be adequately served by waste storage and collection facilities.

The scheme drawings show the location of built in waste storage facilities at the southern end of the building. This area is approximately 8sq.m which would be of sufficient size and easily accessible from the public highway by those charged with collecting waste from the premises. Nevertheless, provision for the storage of all waste products associated with the separate uses including the by products of the cooking process will be secured through a planning condition.

## 5.4 Response to Public Consultation

- o Noise, disturbance, litter, pest and anti-social behaviour as a result of increased comings and goings of customers:

Environmental Health has reviewed plans and offered consultation feedback in respect of the potential for noise, odour and disturbance as provided in the main body of the report.

- o This is a residential area and this use is unacceptable in such a location.

The planning permission for the redevelopment of this area proposed that the ground floor of many of these buildings would be used for commercial purposes in order to create a town centre around the Colindale underground station. The Colindale Action Plan also envisages the supply of commercial town centre uses in this location.

- o The proposed development would give rise to significant parking problems.

Two car parking spaces are proposed for the unit which is located in a sustainable location, close to Colindale underground station. Much of Charcot Road and immediate surroundings have no on street parking with other parking serving as designated residents' parking. It is considered that any resulting issues would constitute a parking enforcement issue.

- o There is no planning control over the no. of customers that access the commercial premises, however in the event of planning approval, will be subject to specific openings hours to control the impact on adjoining residential occupiers in respect of the potential for noise and disturbance.

In respect of litter, pest and anti-social behaviour, this is not a material planning consideration and therefore does not form part of the assessment.

- o Unsuitable type of business in its quiet residential context, would impact the value of properties

This is not a material planning consideration and therefore does not form part of the assessment.

- o The A1 use (butchers) would conflict with the beliefs and practices of a nearby Jain temple.

The Jain faith believes that all living things are sacred and that the killing of animals for food or any purpose runs counter to that faith system. The attendees of this place of worship take objection to the proximity of these premises (comprising a butcher and a restaurant) to their place of worship. The Jain temple is located approximately 350m away from the application site and within the same catchment area (and close to the temple than this site) are other premises that sell or serve meat based products.

In respect of considering the application in the context of the impact on people of different faith, the Council has had regard to the Human Rights Act and its obligations under the Act to protect the rights of people including Article 8 (Right to respect for private and family life, home and correspondence), Article 14 (Prohibition of discrimination) and Article 1 of Protocol 1 (Right to peaceful enjoyment of possessions and protection of property).

It is not considered that this premises in isolation would give rise to injury in the context of these protocols. It would be unreasonable to determine that this proposed development would be unacceptable on these grounds and would be incompatible with the applicants rights under the [Human Rights] Act and also in the context of the objectives of the NPPF.

## 6. Equality and Diversity Issues

Section 149 of the Equality Act 2010, which came into force on 5th April 2011, imposes important duties on public authorities in the exercise of their functions, including a duty to have regard to the need to:

- "(a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it."

For the purposes of this obligation the term "protected characteristic" includes:

- age;
- disability;
- gender reassignment;
- pregnancy and maternity;
- race;
- religion or belief;
- sex;
- sexual orientation.

Officers have in considering this application and preparing this report had regard to the requirements of this section and would comment as follows:

The applicant wishes to provide retail, on site hot food service and food service for takeaway on the premises. This site is located approximately 350m away from a Jain temple, whose adherents believe in the sanctity of all organic life and as such, follow a vegetarian existence. They have objected to a use which includes a butcher and the service of food including meat based products.

It is noted that closer to the Jain temple are a Sainsburys supermarket and other restaurants which already exist. The Council is unable to control the user of the premises and it would be unreasonable to prevent such uses occupying the site. It should be noted that the temple will not be interfered with and access to and use of the building will not be changed.

Nevertheless, given the large body of objection that has been received, it is considered that their views should be taken into account and reported, hence the reason why the application is being brought to a committee. However, the Colindale Area Action Plan which seeks to deliver a town centre would be significantly undermined if it became unable to provide for these uses in the context as a result of these objections.

## 7. Conclusion

The proposal is considered to accord with the requirements of the Development Management Plan and is therefore recommended for approval.

