

MEETING

HENDON AREA PLANNING COMMITTEE

DATE AND TIME

MONDAY 3RD SEPTEMBER, 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 Brian Gordon LLB
Vice Chairman: Councillor Elliot Simberg

Councillor Gill Sargeant Councillor Nizza Fluss Councillor Helene Richman
Councillor Golnar Bokaei Councillor Ammar Naqvi

Substitute Members

Councillor Val Duschinsky Councillor Charlie O-Macauley Councillor Mark Shooter
Councillor Zakia Zubairi Councillor Lachhya Gurung Councillor Linda Freedman
Councillor Alex Prager

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

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

Andrew Charlwood – Head of Governance

Governance Service contact: Abigail Lewis Abigail.Lewis@barnet.gov.uk 020 8359 4369

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ASSURANCE GROUP

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ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES - TO FOLLOW	
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
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11.	10 and 11 Old Rectory Gardens Egware HA8 7LS - 18/1250/HSE	87 - 100
12.	35 Hillside Gardens Edgware HA8 8HA - 18/4143/HSE	101 - 112
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13.	4 Green Lane NW4 2NN - 18/3509/FUL	113 - 134

14.	Any Item(s) the Chairman decides are urgent	
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Location **111 Daws Lane London NW7 4SJ**

Reference: **18/1105/HSE**

Received: 19th February 2018

Accepted: 1st March 2018

Ward: Mill Hill

Expiry 26th April 2018

Applicant: Ms Jo Magnani

Proposal: Two story side extension (amended description)

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:

- 1703/01
- 1703/02 Rev A
- 17/03/11 Rev A
- 1703/12 Rev A
- Site Location Plan

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

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

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

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

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

- 4 Before the building hereby permitted is first occupied the proposed windows in the first floor of the side elevation facing No.113 Daws Lane 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).

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

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

Informative(s):

- 1 In accordance with paragraphs 38-58 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site is located at 111 Daws Lane, Barnet which is a two-storey semi-detached dwelling with a front yard and private amenity space to the rear. The site is located a short distance away from the junction with Hammers Lane and opposite Mill Hill Park.

The surrounding area can be classified as a two-storey semi-detached and single storey detached residential properties with front gardens, and private amenity space to the rear. In the section of Daws Lane contained between the junctions of Hammers Lane and Marion Road are properties of uniquely different designs, types and sizes which have all largely been extended to some degree.

The application site is not located within a conservation area, nor is it within close proximity to any listed buildings or sites of archaeological importance.

2. Site History

Reference: 18/0204/192

Address: 111 Daws Lane, London, NW7 4SJ

Decision: Lawful

Decision Date: 8 February 2018

Description: Roof extension involving rear dormer window with juliette balcony, 2no. rooflights to front elevation

Reference: 18/1096/PNH

Address: 111 Daws Lane, London, NW7 4SJ

Decision: Prior Approval Required and Refused

Decision Date: 1 March 2018

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

Reference: 18/1483/PNH

Address: 111 Daws Lane, London, NW7 4SJ

Decision: Prior Approval Required and Refused

Decision Date: 11 April 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

3. Proposal

This application seeks planning permission for the erection a two-storey side extension (amended description) at 111 Daws Lane, Barnet.

The proposed development is located at the rear of the property. The two-storey extension would have a depth of 5.4m, a width of 1.8m, and a maximum height of 5.83m. Four windows are proposed to the side elevation, two at ground floor level and two at first floor (which are to be obscured glazed). One door and one window is proposed to the rear elevation. The proposed materials are as follows:

- o Roof - Brown Redland 49 clay roof tiling
- o Rainwater goods - Black gutters and fascia boards
- o Walls - Red brickwork

The scheme has been amended from the original submission following the removal of the dormers to the rear roofslope and the roofslope of the outrigger (or rear projection).

4. Public Consultation

Consultation letters were sent to 14 neighbouring properties. 6 comments/objections were received during the consultation process.

These comments have been summarised below:

- o Does not comply with Barnet's Residential design guide. Should encourage to retain historic structures.
- o Would be detrimental to the amenity of the surrounding properties.
- o Roots of the trees in the rear garden will be cut.
- o Overdevelopment which is inappropriate in a Victorian house in this area.
- o Taken with the proposed rear extension of some 6 metres (application 18/1483/PNH) and the added roof height this is a huge overdevelopment
- o Concerns that roof extension is not shown on plans

It should be noted that representations received on behalf of the Mill Hill Preservation Society were later formally withdrawn, however 5 other written objections had been received at time of writing.

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 24 July 2018. 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.

The Mayor's Draft 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 (2016)

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

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

Officers consider that the main planning considerations are as follows:

- o Principle of the development
- o Design and Integration
- o Impact upon residential amenity
- o Third Party Representations

5.3 Assessment of proposals

Principle of Development

Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

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

Policy DM01 states that all proposals should preserve and enhance the local character of the area. This application seeks planning permission for the erection a two story side extension (amended description) at 111 Daws Lane, Barnet.

Design and Integration

Two storey extension

It is recognised that the applicant has taken into account many of the principles outlined in Barnet's Residential Design Guidance SPD in the design of the two storey side extension. The development is essentially an infill extension, as it would not extend beyond the building line to the rear or to the side of No.111 Daws Lane.

Due to the size and scale of the proposed development officers consider that it does appear to be subordinate in scale when compared with the main dwelling, and doesn't appear as a bulky or prominent feature. While the proposed two storey extension would have a total depth of 5.4m, officers have noted that it would not extend beyond the rear or side building line, complying with the residential design guidance. Officers consider that the proposal would not have a detrimental impact upon the dwelling. Sufficient space would also remain to the rear garden, and therefore would not result in a significant loss of garden space to the rear of the property.

Officers have noted a number of properties within Daws Lane have had two storey extensions approved to the properties including No.77 and No.115 Daws Lane. Therefore, this element of the proposal would respect the established form of development within Daws Lane, with the proposed materials to match the existing. Officers are of the view that this would complement not only the main dwelling but would blend in with the existing diversity and variety of character in the area.

Officers have noted that the proposed two storey extension would incorporate a flat roof element. While it is recognised that pitched roofs to extension help fit in with the street, in this instance, officers consider that it would not appear detrimental to the character of the house or to the area. A condition will be attached stating that the flat roof of the two storey shall not be used as a roof terrace.

Impact upon Residential Amenity

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

This approach is echoed under Policies CS5, DM01, DM02 DM04 of the Barnet Council Development Plan Document. These policies seek to manage the impact of new developments and ensure that there is not an excessive loss of amenity in terms daylight/sunlight, outlook and privacy for existing residential occupiers or gardens.

Two storey extension

With regards to the proposal, the development would be constructed approximately 1m from the shared boundary with No.113 Daws Lane, and have a maximum height of 5.83m. However, due to the existing boundary treatment (approx. 2.5m wooden with shrubbery) along the shared boundary with No.113, the presence of an extension to the rear and the orientation of windows as a result, officers consider that the proposed development would not appear as over bearing or visually obtrusive. Due to the orientation of the buildings, the location of the application and the fact that the proposed development would not extend beyond the existing building line at No.111, officers are content that no overshadowing or loss of sunlight is expected to occur. Two windows are proposed to the side elevation of the first floor, with both to be obscured glazed to ensure no overlooking would occur. It is noted that extension would include a flat roof element; a condition will be attached to ensure that this is not used as a roof terrace.

With regards to No.109 Daws Lane, officers consider that the proposed development would not have an impact upon their private amenity space. As previously noted, the proposed development would not extend beyond the rear building line for No.111 and therefore, it would not appear as a visually obtrusive and prominent element to No.109. Due to the orientation of the sun, the location of the application and the fact that the proposed development would not extend beyond the existing building line at No.111, officers are content that no overshadowing or loss of sunlight is expected to occur. No overlooking would occur as the proposed window openings on the rear elevation would look upon the private amenity space of No.111.

Third Party Representations

Consultation letters were sent to 14 neighbouring properties. 3 comments/objections were received during the consultation process. These comments have been summarised below:

- o Does not comply with Barnet's Residential design guide. Should encourage the retention of historic structures.
- o Would be detrimental to the amenity of the surrounding properties.
- o Roots of the trees in the rear garden will be cut.
- o Overdevelopment which is inappropriate in a Victorian house in this area.
- o Taken with the proposed rear extension of some 6 metres (application 18/1483/PNH) and the added roof height this is a huge overdevelopment
- o Concerns that roof extension is not shown on plans

With regards to the above comments, officers have assessed the proposed development and address the issues in the previous section of the report. With regards to the roots of the trees, the development would not extend beyond the rear building line, and therefore the trees would not be affected.

The site history shows that a proposed rear dormer extension would comprise lawful development under the GDPO. Whilst the submitted application did include the roof extensions and indicate a large rear extension, neither forms part of the amended proposal. The applicant does benefit from deemed consent under permitted development for a roof extension and therefore express planning permission is not required. As such it does not form part of the proposal presently under assessment.

Similarly, at time of writing, prior approval for a large rear extension had been found required and refused. Therefore this element would have no merit as part of the planning application under present assessment and has consequently been revised out.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **86-88 Bunns Lane London NW7 2DR**

Reference: **18/2723/FUL**

Received: 3rd May 2018

Accepted: 3rd May 2018

Ward: Mill Hill

Expiry 28th June 2018

Applicant: KK Homes

Proposal: Demolition of existing pair of semi-detached houses and erection of a two-storey building with rooms in roofspace to provide 8no self-contained units. Associated car parking at the front, cycle parking and refuse storage

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:

Proposed Elevations Drawing No PL-110 Rev B
Proposed Site Plan and GA Plans Drawing No PL-100 Rev B
Existing and Proposed Levels Drawing No PL-120 Rev A
Received 12 June 2018

Arboricultural Impact Assessment Drawing No Arbtech AIA 02
Arboricultural Method Statement AMS 02 prepared by Arbtech Dated 15 May 2018

Tree Protection Plan Drawing No Arbtech TPP 02
Received 15 May 2018

Proposed Key Section A Drawing No PL-130
Received 14 May 2018

Existing Topographical Survey Drawing No 01
Existing Elevations E1 E5 Drawing No 02 Rev A
Existing Street Elevation E6 Drawing No 03
Air Quality Assessment Reference AQ105327 R1 Dated March 2018
Transport Assessment prepared by Icen Projects Limited dated April 2018

Site Location Plan SLP-100
Design and Access Statement
Tree Survey Report prepared by Arbtech Dated 8 November 2016
Bat Survey- Emergence and Activity Surveys dated 5 July 2017
Bat Survey- Preliminary Roost Assessment Dated 14 November 2016
Noise Impact Assessment prepared by Acoustics Plus dated April 2018
Energy and Sustainability Statement dated 12 March 2018
Daylight and Sunlight Assessment Reference 11091 Dated April 2018
Ecological Assessment prepared by Arbtech dated 14 November 2016
Received 3 May 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

5 a) 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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

7 The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

8 Before the development hereby permitted is occupied the car parking spaces and cycle parking spaces as shown on Drawing No. PL-100 shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

10 Before the development hereby permitted is first brought into use the vehicular access shall allow for 2.4 metre by 2.4 metre 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 metre and 1 metre 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 A vehicular sight line of 2.4 metres by 43 metres shall be provided to the either side of the site access with the Public highway, prior to the commencement of any other works on site, and thereafter be maintained free of all obstructions over a height of 0.6 metre 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.

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

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

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

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

13 Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated Drawing no.PL-100 before first occupation or the use is commenced and retained as such thereafter.

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

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

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies

DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

16 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

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

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

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013), and 7.15 of The London Plan 2015.

- 18 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.

- 19 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.

- 20 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 15.8% 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 (2016) and the 2016 Mayors Housing SPG.

- 21 All tree felling and pruning works shall be carried out in full accordance with the Arbtech Arboricultural Method Statement Table 7 Summary of Tree Works submitted in this application and in accordance with British Standard 3998 (Recommendation for Tree Works).

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 22 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan ref: ARBTECH/TPP/02 submitted with this application has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement (Arbtech Arboricultural Method Statement ARBTECH ams 02) as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

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

- 4 The London Fire Commissioner recommends that sprinklers are considered for new developments and major alterations to existing premises, particularly where the proposals relate to schools and care homes. Sprinkler systems installed in buildings can significantly reduce the damage caused by fire and the consequential cost to businesses and housing providers, and can reduce the risk to life. The commissioner's opinion is that there are opportunities for developers and building owners to install sprinkler systems in order to save money, save property and protect the lives of the occupier.

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

- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
- 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
- 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;

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

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

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

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

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

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

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

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

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

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

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

- 7 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- For smaller developments -confirmation that an asbestos survey has been carried out.

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

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

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

- 9 Prior to occupation the applicant must submit highway works required on the public highway necessitated by development proposals for approval and works must be implemented to substantial completion.
- 10 The applicant is advised that Bunns Lane is a Traffic Sensitive Road; deliveries during the construction period should not take place between 8.00 am-9.30 am and 4.30 pm-6.30 pm Monday to Friday. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 11 The applicant is advised that due to the large number of schools and school children in the area that site deliveries during the construction period should not take place between 0800 hrs to 0900hrs and 1500 hrs to 1600 hrs. Careful consideration must also be given to the optimum route(s) for construction traffic and the Development and Regulatory Services should be consulted in this respect.
- 12 If the development is carried out it will be necessary to provide a temporary access to the development site including any associated works to the public highway. Following completion of the development, the footway including any associated works on public highway, will be reinstated by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 13 If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 14 The applicant is required to submit a Street Works Licence application to the Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, 4-6 weeks before the start of works on the public highways.
- 15 The costs of any associated works to the public highway, including reinstatement works, will be borne by the applicants and may require the Applicant to enter into a 278 Agreement under the Highways Act 1980.
- 16 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 17 The applicant is advised that the development is located on or near a Strategic Road Network (SRN)/Transport for London Road Network (TLRN) and is likely to cause disruption. The Traffic Management Act (2004) requires the Council to notify Transport for London (TfL) for implementation of construction works. The developer is expected to work with the Council to mitigate any adverse impact on public highway and would require TfL's approval before works can commence.
- 18 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
 - 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
 - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
 - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
 - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
 - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
 - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.

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

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

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

The Council's Sustainable Design and Construction Supplementary Planning Document requires that dwellings are designed and built to insulate against external noise so that the internal noise level in rooms does not exceed 30dB(A) expressed as an Leq between the hours of 11.00pm and 7.00am, nor 30dB(A) expressed as an

Leq between the hours of 7.00am and 11.00pm (Guidelines for Community Noise, WHO). This needs to be considered in the context of room ventilation requirements.

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

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

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

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

- 19 It is recommended that the removal of trees is completed outside the breeding bird season (March to August). However, if this is not possible, the trees should be surveyed for breeding birds immediately prior to clearance. If active nests are found, they will need to be retained in situ until the young have fledged.

Officer's Assessment

1. Site Description

The application site is a currently a triangular site covering an area of 0.0953 ha. It is currently occupied by a pair of semi-detached dwellings and several outbuildings located on the northern side of Bunns Lane, within then Mill Hill ward. The site abuts a row of trees which themselves act as buffer between the properties on Bunns Lane and the A1 flyover to the east of the site.

The properties are not listed nor do they lie within a Conservation Area.

On this section of the road, the road is characterised by semi-detached dwellings (three other pairs), located at a higher level that the highway. Similarly, the rear gardens of these properties are also at a higher level than the properties.

To the north of the site is a fairly recently completed development of 5 flats and 4 houses (with access from both Watford Way and Bunns Lane), granted under reference H/01721/11.

On the other side of the road, is a relatively recent approved development comprising of three storey houses and flats fronting Bunns Lane with a gated access at the western end of the development leading to blocks at the rear (approved under reference H/02796/11). To the east of this development (diagonally opposite the host site) and set back from the street is a two storey building containing a children's nursery known as "Little Stars" with a gated access and car park at the front.

To the south, lies a major redevelopment site formally known as the Pentavia Retail Park. There is currently a planning application which is currently pending a decision (16/6420/FUL).

2. Site History

Reference: 17/0509/FUL

Address: 86 Bunns Lane London NW7 2DR

Decision: Refused

Decision Date: 10.03.2017

Description: Demolition of existing pair of semi-detached houses and erection of a two-storey building with rooms in roofspace to provide 9no self-contained units. Associated car parking at the front, cycle parking and refuse storage

Reasons for refusal:

1. The proposed development by reason of its plot coverage, size, bulk, massing and inadequate amenity areas, would be an overdevelopment of the site to the detriment of the character and appearance of the streetscene at Bunns Lane, site and general locality. The proposal would therefore be contrary to the National Planning Policy Framework 2012, London Plan (2016) Policies 3.5, 7.4, 7.6, Policy CS5 of Barnet's Core Strategy 2012, Policy DM01 of the Development Management Policies DPD 2012 and the council's Residential Design Guidance Supplementary Planning Document 2016.

2. The proposed development by reason of its size, siting, height, depth and relationship with adjoining neighbouring properties would have an overbearing appearance and would adversely affect the outlook to no.90 Bunns Lane, contrary to CS5 of the Local Plan Core Strategy (adopted September 2012) and policy DM01 of the Development Management Policies DPD (adopted September 2012).

3. The proposed residential units would result in substandard and poor quality private outdoor amenity space to the detriment of the residential amenities of the future occupiers of the proposed units contrary to policy 3.5 of the London Plan (2016), policies DM01 and DM02 of the Development Management Policies DPD (2012) Sustainable Design and Construction SPD (Adopted October 2016) and Residential Design Guidance SPD (Adopted October 2016).

4. The Bat Survey/ Preliminary Roost Assessment submitted with this application recommends that there one of the buildings on the site has a moderate habitat value for bats and recommends further surveys to determine this. No evidence has been submitted to assess the impact of the proposal on these protected species. In the absence of this information, it is considered that there is a potential loss of bat habitats due to the proposal, therefore this would be contrary to Policies DM01 and DM16 of the Development Management Policies DPD (adopted September 2012).

Appeal: Dismissed

Conclusion: There would be harm to the character and appearance of the area, to the living conditions of No 90 and to the living conditions of future residents and there are no other matters which outweigh the harm identified above.

Reference: W05800

Address: 86 Bunns Lane London NW7

Decision: Approved subject to conditions

Decision Date: 13.07.1978

Description: Single storey side/rear extension.

Reference: W05800A

Address: 86 Bunns Lane London NW7

Decision: Approved subject to conditions

Decision Date: 08.10.1984

Description: Detached double garage with boundary fence and gates.

3. Proposal

The applicant seeks planning consent for the demolition of the existing semi-detached dwellings and erection of a two storey building with rooms in the roofspace to provide 8 no self-contained flats. The scheme would involve associated car parking at the front, cycle parking and refuse storage.

The unit mix would be as follows:

- 5x 2 bed flat (3 occupiers)

- 1x 3 bed flat (4 occupiers)

- 2x 1 bed (2 occupiers)

The proposed building would have a maximum width of 18.7m and overall depth of 14.7m (including projecting wings at front and rear).

The proposed building would be sited 3.2m away from the boundary with no.90 Bunns Lane measured at the front and 5.8m measured at the rear, where no.90 splays away from the common boundary. The building as proposed would retain a gap at first floor of 6.1m (measured at the front) between flank elevations of no.90 and the new building.

The building would have a ridge height to match the existing two dwellings, and the eaves height would be approximately 0.4m lower than the existing eaves. The section of the building to the east would be set 0.8m lower than the main ridge.

Additional plans were sought showing the floor areas for units 7 and 8 above 2.3 metres in height and additional plans showing level details.

4. Public Consultation

Consultation letters were sent to 43 neighbouring properties. 9 responses have been received, comprising 9 letters of objection. One objection was received from the Mill Hill Preservation Society.

The objections received can be summarised as follows:

- The proposal does not overcome the previous reasons for refusal.
- Sub-standard accommodation with inadequate storage internally or amenity space externally.
- Over-development of the site which is out of character for the area.
- Loss of single family dwellinghouse
- Location of site on a hazardous bend in a busy road and increased traffic pressures would make entering and existing the site unsafe.
- This development puts additional pressure on limited parking spaces
- Detrimental impact to neighbouring property at 90 Bunns Lane
- Front elevation and fenestration and design is at odds with surrounding buildings.
- proposed carpark will add to the water run-off and likelihood of flooding
- noise and disturbance as a result of construction
- tree removal

The London Fire Commissioner: No objection

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 24 July 2018. 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 London Plan is currently under review. 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 adopted 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, CS4, CS5, CS9, CS10, CS13, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM16, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide suitable accommodation for future occupiers of the units
- Whether the development would result in additional parking pressures or highways safety
- Refuse and Recycling
- Ecology and Trees
- Sustainability measures

5.3 Assessment of proposals

- Principle of development

The principle of a flatted accommodation on this road is considered to be acceptable. It is accepted that the row of houses that are on this stretch of road are single family dwellings. However when taking the street as a whole, there are several examples of flatted development on the road, including on the other side of the road on the recently approved development and to the development to the rear of the site. Considering the wider context

of the site, not only the 4 pairs of semi-detached dwellings on the northern section of Bunns Lane, flatted development on this site would be acceptable particularly as the site acts like a 'book-end' at the end of this small stretch of properties.

Policy DM08 stipulates that for market housing, the highest priority is for family homes of 4 bedrooms, with 3 bed houses being of medium priority. The proposal would result in the loss of two 3 bedroom houses. Although, the scheme does not involve any 4 bedroom units, the scheme would involve the re-provision of 1 3no bedroom unit. It should be noted that the Local Plan states that residential units above two bedrooms would constitute family sized housing. In addition, the overall increase in the number of units is considered to outweigh the benefit of providing high priority housing as required by this policy, due to the associated benefits of adding to the housing stock.

London Plan policy 3.4 seeks to optimise the housing potential of sites with reference to the density matrix contained in Table 3.2 which provides a guide to appropriate density ranges for particular locations, depending on accessibility and character.

The application site benefits from a PTAL of 3 and is considered to fall within a suburban setting as defined in the London Plan. The London Plan Density Matrix therefore suggests a range of 35-95 units per hectare. Taking the site area of 0.0953ha, the proposal for 8 flats (31 habitable rooms) would equate to a density of 83.95 units per hectare. Although this is an appropriate density for the site as defined by the London Plan, this is not the only consideration to determine whether development is suitable. The NPPF stipulates that planning decisions should "optimise the potential of the site to accommodate development" and development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

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

Any development on this constrained site should have due regard to the built form and pattern of development of Bunns Lane. A similar scheme (17/0509/FUL) was refused partly on character grounds with the reason stating 'The proposed development by reason of its plot coverage, size, bulk, massing and inadequate amenity areas, would be an overdevelopment of the site to the detriment of the character and appearance of the streetscene at Bunns Lane, site and general locality. The appeal was subsequently dismissed however, the applicant has worked with the Council to arrive at an acceptable scheme.

The siting of the building at the front is considered to be acceptable and comparable to the existing buildings on the plot. In addition, the distance of the building further away from the common boundary with no. 90 than previously proposed, would ensure a better relationship to the buildings to the northwest. The width and depth of the building has been reduced. The width has been reduced by approximately 2 metres. The depth has been reduced to 14.7 metres from the previously refused scheme which had a depth of 17.2 metres.

The proposed front building line would be staggered and the visual impact of the proposed development when viewed from the streetscene would be reduced as a result of the combination of inverted and protruding features.

The proposed design borrows from the surrounding buildings, featuring front gables and fenestration details. The proposed design would therefore add to and complement the

character of the area. The existing buildings have a different design to the rest of the properties on the road and this is a prominent site located at the apex of the road. The introduction of dormers to the property is acceptable in principle and the dormers have been positioned appropriately in the roofslope.

Since the last refused application, the applicant has engaged with the Council. Concerns were raised regarding the amount of hard landscaping especially to the front of the site, and the level of excavation. It was previously considered that the amount of front car parking and overall arrangement would severely limit potential for front landscaping. The appeal states ' Furthermore, the intensive development of the site as a whole would mean that the majority of the frontage would be hardsurfaced or open to accommodate car parking and manoeuvring, and this would not reflect the generally softer more spacious landscaping at the other interwar dwellings and in the area generally.'

The parking spaces has been redistributed in line with the advice to ensure there is not a large level of hardstanding located to one side of the forecourt. The Council's Landscape Consultant has reviewed the proposal. The application site adjoins the wooded embankment of the A41. There are many low value ornamental trees on the site, which will be removed to facilitate this development. The replacement of all these trees cannot be provided on site due to increased building footprint and associated infrastructure. The submitted arboricultural Method statement provides sufficient measures to ensure those trees retained will be unharmed by the development and a number of conditions have been suggested regarding landscaping information. While there will be loss of trees to the site, it is considered the changes to the hardstanding offer greater opportunity for soft landscaping. Furthermore, the loss of trees and limited opportunity for landscaping was not a specific reason for refusal in the previous application, although a relevant consideration of the character of the area.

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

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

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development 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 building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

The previous application was refused partly on concerns to the amenity of the neighbouring occupier at 90 Bunns Lane. The size, siting, height, depth and relationship of the previous scheme to the neighbouring occupier was considered to have an overbearing appearance and would adversely affect the outlook of this occupier. Since the last refused scheme, the proposal has been reduced. The combined reduction in width and depth of the building has alleviated the visual prominence of the structure on neighbouring occupiers. The previous reason for refusal is considered to have been addressed.

- Whether the scheme would provide suitable accommodation for future occupiers of the units

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 2015. The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The proposed flats would all comply with the minimum space standards as stipulated in the London Plan (Minor Alterations 2016) and supporting Council SPDs; in this regard the development is acceptable.

All proposed residential development should provide suitable outlook and daylight for future units. All units would generally benefit from suitable outlook. The habitable rooms in units E7 and E8 in the roofspace are all served with at least one dormer window to provide for outlook.

The daylight and sunlight report which was submitted as part of the application indicates that the proposed units would benefit from suitable daylight/sunlight levels and therefore in this regard the proposal is acceptable.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. The last scheme (17/0509/FUL) was partly refused as the 'proposed residential units would result in substandard and poor quality private outdoor amenity space to the detriment of the residential amenities of the future occupiers of the proposed units'. Since the last scheme, reductions to the depth of the building has increased the garden size. The SPD specifies that 5sqm of outdoor amenity space should be provided per habitable room. The ground floor rear units (E2 and E3) would benefit from private gardens. Flat 2 would benefit from a garden of 22.7sqm. Flat E3 would benefit from a garden with an area of 14sqm (the applicant has specified this is 45sqm. In addition, there would be a communal garden at the rear with an area of 120sqm. Based on the number of units (excluding Flats 2 and 3 which would benefit from gardens), the scheme would require the provision of 115sqm of outdoor amenity space.

The Residential Design Guidance SPD stipulates that "private amenity space for the exclusive use of building occupants is a highly valued asset" (para.8.2). The same SPD stipulates that "the fundamental design considerations for amenity space should be its quality and usability" (para.8.7) and "awkwardly shaped, narrow and very steeply sloping amenity spaces should be avoided and will not be considered to count towards usable outdoor amenity space" (para.8.8). The last scheme noted that the unusual form of the garden and sloping land restricts the usability of the garden, particularly at the rear. Whilst this would be the same as the existing circumstances with one household, there would also be additional occupiers and therefore it could be assumed that several groups would want to use the garden at any given time and there may be more demand to use the corner section.

The revised scheme shows that a car parking space will be relocated and the amenity space reorganised to better use the site and increase outdoor space. In addition, it has been noted that there is a public open space a few yards from the site and there are many more public open spaces within 5 minutes' walk from the site. In view of this, it is considered that the amenity space provision would be adequate for the proposed number of habitable rooms in principle. The previous grounds for refusal is considered to be overcome.

Environmental Health officers have reviewed the scheme and the supporting documents including the air quality and noise reports, and consider that subject to conditions, the noise and air quality issues due to the siting of the site could be mitigated. The applicant has confirmed that no air conditioning units are proposed in the scheme.

Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. The applicant should achieve the required sound insulation levels and this will be enforced by an appropriate condition attached to the decision.

- Whether the development would result in additional parking pressures or highways safety

Highways officers have reviewed the proposal. The development has proposed 8 off street parking spaces. This is thought to be a suitable level of off street parking provision to stop the likelihood of overspill parking by future residents of the development. All vehicles can enter and exit the development in a forward gear.

The PTAL is 3 (average) with only bus and train available within the PTAL calculation area. The development is not located in a controlled parking zone nor is there likely to be one in place by the time the proposed development is occupied.

Refuse stores have been provided within a suitable proximity of the entrances to the development for the use by future residents, the bin stores are also a reasonable proximity from the public highway and can be easily accessed by refuse operatives.

A very similar previous application (17/0509/FUL) was made, this was not objected to by highways. Since the last scheme, the number of car parking spaces has reduced. The reduction in the number of car parking spaces to eight is because of the need to reduce hard standing to the front of the property and also to reflect the revised number of and sizes of units to be provided.

In response to the 2018 pre-application advice report, a swept part analysis has been carried out and it is attached to the appendix of the accompanying Transport Statement. Highways officers do not consider the development would generate a significant negative impact on the performance and safety of the surrounding highway network or its users. There is no objection to the development on Highways grounds.

- Refuse and Recycling

A shared refuse and recycling area will be provided to the front of the building. The provision will meet guidance and will be as follows: 4 x 240 litre recycling bins (750 depth, 580 width 1100 height). 1 x 240 litre food waste bin (750 depth, 580 width 1100 height). 2 x litre refuse bins (750 depth, 580 width 1100 height). No details are provided of the enclosure but a condition is suggested to ensure the materials and design are acceptable.

- Ecology and Trees

One of the reasons for refusal related to ecology and in particular the potential effect of the development on bats, a protected species. However, at appeal, this reason for refusal was

overcome after sufficient information was provided. The applicant has provided a bat survey to accompany this application which concludes there are no requirements for any further investigation. An ecological report was provided with the application detailing the ecology of the site. The proposal is not considered to have a harmful impact on ecology.

The Council's Landscape consultant has reviewed the proposal. There are no protected trees in the site. The application is accompanied by an Arboricultural Method Statement (AMS) and a tree survey. The AMS sets out the breakdown of trees that will be removed and/or pruned. In addition, a Tree Protection Plan has been prepared to ensure that trees to be retained will be protected.

- Accessibility and Sustainability

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

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a CO2 reduction of 15.8% over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

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

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

5.4 Response to Public Consultation

Addressed in the assessment above.

6. Equality and Diversity Issues

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

7. Conclusion

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

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Location **27 Tretawn Gardens London NW7 4NP**

Reference: **18/3685/HSE**

Received: 13th June 2018

Accepted: 13th June 2018

Ward: Mill Hill

Expiry 8th August 2018

Applicant: Mr & Mrs S Barget

Proposal: Roof extension involving raising the roof height, side and rear dormer windows and 2no front rooflights

AGENDA ITEM 8

Recommendation:

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)

Informative(s):

- 1 In accordance with paragraphs 38-58 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The application site contains a detached single family dwelling located on the north-west side of Tretawn Gardens, an area predominantly residential in character. The immediate area is characterised by a mix of detached bungalows and houses.

Planning permission was granted for the demolition and rebuild of existing conservatory, erection of a single storey rear extension, alterations to fenestration, erection of a new first floor level and installation of solar and photo voltaic panels to roof.

A number of properties within the street have been significantly extended at all levels. In addition, properties have been substantially extended on the (south) eastern side of Tretawn Gardens with two storey rear extensions including 6, 16 and 26 Tretawn Gardens. The site is not part of a designated conservation area nor is it a listed building.

2. Relevant Site History

Reference: H/04874/10

Address: 27 Tretawn Gardens, London, NW7 4NP

Decision: Approved subject to conditions

Decision Date: 9 March 2011

Description: Variation of condition 1 (Approved Plans) pursuant to planning permission reference H/4677/09 granted 04/02/2010.

Reference: H/04677/09

Address: 27 Tretawn Gardens, London, NW7 4NP

Decision: Approved subject to conditions

Decision Date: 4 February 2010

Description: Demolition and rebuild of existing conservatory. Erection of a single storey rear extension. Alterations to fenestration. Erection of a new first floor level. Installation of solar and photo voltaic panels to roof.

Reference: H/01545/10

Address: 27 Tretawn Gardens, London, NW7 4NP

Decision: Approved subject to conditions

Decision Date: 23 June 2010

Description: Minor amendment to planning permission reference H/04677/09 dated 04/02/2010 to include amendments to the appearance of the proposed rear elevation including the insertion of a bay window.

3. Proposal

The current planning application seeks planning permission for a roof extension involving raising the roof height, side and rear dormer windows and 2 front rooflights.

The roof pitch will be raised by 400mm from 2.7m to 3.1m maximum. The side dormer windows will measure 1.24m (d) x 2.4m (w) x 1.54m (h) and the rear dormer window will measure 3.6m (w) x 1.38m (h) x 1.1m (d).

The scheme has been amended to ensure the proposed dormer windows are of a subordinate addition. The side dormer windows have been altered to be half the size of the original submission. The new central rear dormer window has been repositioned and set further down from the ridge of the proposed roof.

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties. 6no responses have been received, comprising one letter of representation and 5 letters of objections.

The objections received can be summarised as follows:

- The roof extension will be out of character due to the excessive size
- It will give the impression of a third floor
- The property was a bungalow which has been significantly extended and the three large dormers will result in a property that will be 300% larger than the original dwelling
- The house was developed in a style dissimilar to the neighbouring properties and the bungalow suffers from a lack of light
- The scale of the dormers would set a new precedent on the road
- The property would sit between a bungalow and a subordinate property
- Extending to a 6-bedroom home is overdevelopment of the site
- Overbearing development
- The plans are misleading as the distances between the properties are incorrect
- Negative visual impact
- Concerns regarding parking

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 24 July 2018. 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 London Plan is currently under review. 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 adopted 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.
- Whether there would be any impact on the garden space and existing trees

5.3 Assessment of proposals

Impact on character

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

DM01 helps to protect Barnet's Character and amenity stating that development should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposal has been amended since the initial submission and is now considered to be an acceptable scheme. The side dormer windows have been reduced to half the size of the original submission and the rear dormer has been set down from the ridge line. It is considered that the proposed dormer windows would appear sympathetic to the main roof of the host dwelling. They would be of an appropriate scale, making the proposed dormers a subordinate feature.

The proposed dormers are considered not to overwhelm the roof scape and although they are visible easily from the streetscene because of the siting of the property, it is considered that this would not be to the detriment to the character and appearance of the wider area.

The application proposes a larger taller crown roof formation which differs from that which currently exists for the property. The height of the roof level would be increased by 400mm to ensure adequate headroom. However, it is considered that this design would not be insubordinate or disproportionate to the existing property. It would reflect the size, scale and massing of other significant developments that have been constructed in Tretawn Gardens at nos. 1, 3, 9, 16 and 19.

Given the relationship with the neighbouring site at no. 29, which contains a bungalow, a similar example is found at no. 9 Tretawn Gardens, This property has been considerably extended and sits between two bungalows. The road slopes from the north to the south and as such the application property sits 500mm lower than the neighbouring bungalow. It is found that the increase in height would not be detrimental to the visual amenities and the character of the surrounding area. The overall proposal is therefore acceptable in design terms, with the height, mass and scale appropriate to the plot and to the adjacent properties.

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

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.

Objections have raised concerns regarding the scale of the dormer windows which would not be in keeping with the character of the area. The design has been revised from the original submission and the size of the side dormers has been reduced by half.

In respect to policy DM01, the side dormer windows, due to size and position would not cause detrimental impact on neighbouring properties sunlight, privacy or outlook. This position and design reflects to overall scale of the building and would not cause significant impact either neighbouring properties. The new windows to the side elevation of the roof slopes will be of obscured glass and there will be no loss of privacy for neighbours.

The proposed rear dormer window, although high upon the roofslope, it would project beyond the main roof slope by 1.1 metres. By virtue of the siting, size and set in of the proposed dormer from neighbouring properties, it is not considered that it would appear overbearing or create significant levels of loss of light, outlook or privacy to the adjoining neighbouring properties.

With regards to the impact on the neighbouring property no. 29 Tretawn Gardens, the flank wall of this neighbouring property is distanced 2.5 metres of the flank wall of the host property. Given this separation distance and the lower ground level to the host property, it is considered that there would be a limited impact on this neighbour. There would be no material loss of light or outlook for neighbours. As a result of the above, it is unlikely that the addition would appear overbearing in relation to this neighbour.

Non-adjoining neighbouring property at no.25, which is a two-storey dwelling, while it sits lower than the host property, given the separation distance, the raising of the roof height by only 0.5m and the addition of a subordinate side dormer, no additional impact would be caused to the neighbours through the proposal.

5.4 Response to Public Consultation

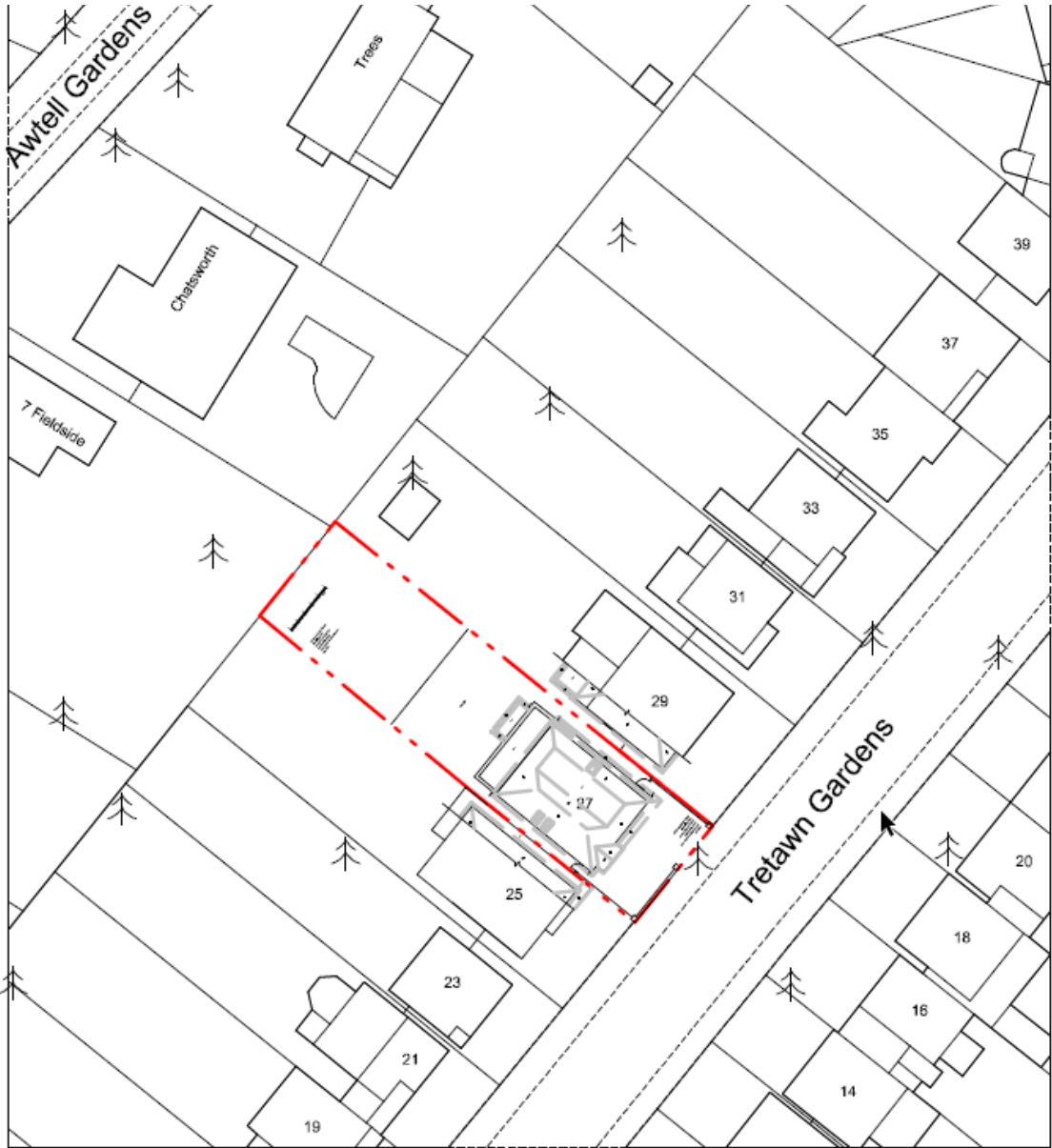
The planning concerns of residents have been addressed in the main report.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **16 Rundell Crescent London NW4 3BP**

Reference: **18/3306/S73**

Received: 30th May 2018

Accepted: 30th May 2018

Ward: West Hendon

Expiry 25th July 2018

Applicant: Miss Avital Wittenberg

AGENDA ITEM 9

Proposal: Variation of condition 1 (Approved Plans) of planning permission 16/3037/FUL dated 13/05/2016 for "Conversion of existing dwelling into 2no. semi detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Formation of front bay window and new entrance. Roof extension involving side and rear dormer windows, 2no. rooflights to front elevation. Provision of 4no. off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space". Variation to include improvement of the layout and to create more space and light in the loft including 1 additional rooflight on each side elevation, change to roof form, enlargement of the first floor front elevation windows, enlargement and repositioning of the side dormers and a side window, lowering of internal floors and revisions to internal layout

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.RC17-PP-201 RevA.

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

- 2 This development must be begun within three years from the date of the permission of the parent application (16/3037/FUL) dated 13/05/16.

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

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

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

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

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

- 5 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing no.14 and no.18 Rundell Crescent 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 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 Rundell Crescent.

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).

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

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

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

- 8 The layout of the residential units as indicated on the hereby approved plans (Drg.no.RC17-PP-201 Rev.A) shall be implemented and retained as such thereafter.

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

- 9 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 10 The amenity space shall be implemented and subdivided in accordance with the details indicated on the hereby approved Drawing no. RC15-PP-201 Rev B before first occupation or the use is commenced and retained as such thereafter.

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

- 11 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. RC15-PP-201 Rev B shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies

DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013)

- 13 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 14 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, C, D, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the site area or building hereby approved.

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

- 15 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 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.

- 16 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.

- 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 is located at 16 Rundell Crescent, London, NW4 3BP. This site currently contains a two-storey detached dwelling sited on the eastern side of Rundell Crescent. This street is predominately characterised by large detached and link-detached two storey single family dwellings. However, it is noted that this character varies to the north of the application site close to the junction with Watford Way where examples of larger flatted development buildings and a bungalow are observed.

The site is not indicated as being subject to flooding hazard, nor does not contain any listed buildings or protected trees. The site is also not located within a conservation area. There are no other specific matters which could restrict development on the site.

Background:

The applicant received planning permission for the conversion of existing dwelling into 2no semi-detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor and formation of front bay window and new entrance. In addition, the proposal included a roof extension involving side and rear dormer windows, 2no rooflights to front elevation. 4no off street parking spaces would be provided, and refuse/recycling stores with associated hard and soft landscaping and amenity space for each dwelling. The proposal was granted permission under ref:16/3037/FUL dated 13/05/16 following a Committee decision to support the recommendation to approve.

The extension would have a width of 2.9m at ground and first floor level. At ground floor level, the front bay would match the existing bay near the boundary with no.14 and include a new entrance which would be centrally located and have a lean-to roof. The bay window at first floor level would also match the existing bay on the property in its projection.

At the ground floor rear, the extension would have a projection 2.9m, sited 1.45m away from the boundary with no. 18 and 0.5m from the boundary with no.14. The ground floor extension would have a flat roof with an eaves height 3m from the raised patio. The patio would be set in from both sides.

At first floor level with a crown roof, the extension would be sited approximately 3.6m from the boundary with no. 18 and 2m from the boundary with no.14, and have a depth of 2.9m.

The side and rear dormers would have a width of 1.85m and height of 2.1m, located centrally on the roofslope of the main roof.

The applicant is currently in the process of implementing the approved scheme.

2. Site History

Reference: 15/06458/192

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 14 December 2015

Description: Two storey rear extension, single storey side extension following demolition of existing garage. Roof extension involving rear dormer window. Removal of bay window to first floor and erection of a side gate.

Reference: 16/3037/FUL

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Approved subject to conditions

Decision Date: 2 August 2016

Description: Conversion of existing dwelling into 2no semi detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Formation of front bay window and new entrance. Roof extension involving side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Reference: 16/3072/191

Address: 16 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 7 June 2016

Description: Use as HMO (House in multiple occupation) (Class C4)

3. Proposal

This application seeks to vary condition 1 (Approved Plans) of planning permission 16/3037/FUL dated 13/05/2016 for "Conversion of existing dwelling into 2no. semi detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Formation of front bay window and new entrance. Roof extension involving side and rear dormer windows, 2no. rooflights to front elevation. Provision of 4no. off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space".

Variation to the proposal includes the following:

- 1 additional rooflight to the roof slope of each side elevation
- Alterations to the roof form comprising of partial crown roof
- Enlargement of the first floor front elevation windows
- Enlargement and repositioning of the side dormers and a side window
- Lowering the ground floor level by 300mm including external terrace
- Revisions to internal layout

4. Public Consultation

A site notice was erected on the 14th June 2018.

Consultation letters were sent to 154 neighbouring properties.

6 letters of objections have been received.

The objections received can be summarised as follows:

- Loss of light to neighbouring kitchen
- Loss of privacy
- Stress on existing parking
- Undervalue neighbouring property
- It would not be akin to the character of the rest of the road which harbours detached houses

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF'.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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.

5.3 Assessment of proposals

Planning permission was recently granted at the property under reference 16/3037/FUL for the following development:

"Conversion of existing dwelling into 2no semi-detached houses including part single, part two storey side and rear extension following demolition of existing garage and removal of rear bay at ground and first floor. Formation of front bay window and new entrance. Roof extension involving side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space"

Under the current application the applicant is proposing the following:

- 1 additional rooflight to the roof slope of each side elevation
- Alterations to the roof form comprising of partial crown roof
- Enlargement of the first floor front elevation windows
- Enlargement and repositioning of the side dormers and a side window
- Lowering the ground floor level by 300mm including external terrace
- Revisions to internal layout

The following report will focus solely on the assessment of the changes to the approved scheme; the principle of development has already been established.

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

Policy CS5 of the Core Strategy (Adopted) 2012 states that development should enhance the borough's high quality suburbs through the provision of buildings of the highest quality. Policy DM01 of the Development Management Policies (Adopted) 2012 states development proposals should be based on an understanding of local characteristics. Development should preserve and enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings.

Policy 7.6: Architecture of the London Plan (2015) states that development should be of highest architectural quality and should be of proportion, composition, scale and orientation that enhances , activates and appropriately defines public realm.

There is no objection to the introduction of the additional rooflight on the side elevation as it will be flush with the roof slope and therefore will not harm the character of the dwelling of the immediate area.

With regards to the front elevation, the two bays will remain at the same depth and height. Furthermore, the proposal does not involve infilling the space between the two bay windows, the proposal will only involve increasing the glazing within the two front bays and therefore, the proposed enlargement of the first floor front windows (glazing) is considered to be acceptable.

The ground floor layout would include a study in one property and a TV/guest room in the other and the lowering of internal floors would result in a lower patio level at the rear. The internal alterations are therefore acceptable.

The introduction of a crown roof would internally improve the headroom height and therefore improve the quality of life for the occupiers. Whilst the area is predominantly characterised by pitched and hipped roofs, it is considered that the creation of a small crown would not alter the character of the house and the immediate vicinity. Furthermore, it will not be visible from the street scene, therefore this minor increase in the width of roof is acceptable.

The proposal involves repositioning of the side dormers marginally to accommodate the revised internal layout. The proposed dormers will increase in width from 1.8m in to 2m and will still be fairly centrally located on the respective roofslope and will therefore comply with the requirements within the Residential Design Guidance SPD. These features would not harm the character of the application site or the street scene and therefore there is no objection to the enlargement and repositioning of the side dormers and a side window.

It is considered that the proposed roof alterations are appropriate taking into account the existing building and its surrounding context. The works will respect the scale and design of the host property and other dwellings located within Rundell Crescent.

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

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

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

It is not considered that the submitted scheme would adversely impact neighbouring amenity in this instance. This determination is based on the scale, siting and design of the proposal.

The proposed additional roof lights to each roof slope of the side elevation will be obscure glazed and therefore therefor there will be no overlooking or privacy concerns.

With regards to the front elevation, the two bays will remain at the same depth and height, whilst the glazing will increase within the bays, it is located to the front of the property and will not result in loss of privacy or overlooking. It is not considered to have any further impact on the amenities of neighbouring properties than what was previously approved.

The lowering of internal floors would result in a lower patio level at the rear. There would be a reduced impact on the neighbouring occupiers by virtue of this being at a lower level and therefore this element of the proposal is acceptable. The internal layout is also considered to be acceptable and the layout of the units would be conditioned.

The introduction of crown roof would internally improve the headroom height and therefore improve the quality of life for the occupiers. Whilst the area is predominantly characterised by pitched and hipped roofs, it is considered that the creation of a small crown would not alter the character of the house and the immediate vicinity. Furthermore, it will not be visible form the street scene, therefore this minor increase in the width of roof is acceptable.

The principle of the side dormer and window have already been established in the parent application (16/3037/FUL), and therefore the repositioning of these elements is not considered to further harm the amenities of the neighbouring properties, in particular dwelling 18 Rundell Crescent than what was originally approved. Furthermore, they will be obscure glazed and therefore there will be no overlooking or privacy concerns as well.

5.4 Response to Public Consultation

The planning related comments have been addressed in the report above.

- Loss of light to neighbouring kitchen

The proposal will not be moving any closer to the neighbouring property than what was previously approved. Therefore, the proposal is not considered to create any additional loss of light than what was previously approved.

- Loss of privacy

The proposal is not considered to create any additional loss of privacy then what was previously approved. Comments with regards to loss of privacy has been addressed in the body of the report. Furthermore, the principle of this development, including its architectural character, has previously and recently been established by 16/3037/FUL. Since this decision

was made on 13 May 2016 no policy or material considerations have emerged that would make this unacceptable.

- Stress on existing parking

The principle of this development, including its architectural character, has previously and recently been established by 16/3037/FUL. Since this decision was made on 13 May 2016 no policy or material considerations have emerged that would make this unacceptable.

- Undervalue neighbouring property

The principle of this development, including its architectural character, has previously and recently been established by 16/3037/FUL. Since this decision was made on 13 May 2016 no policy or material considerations have emerged that would make this unacceptable

- It would not be akin to the character of the rest of the road which harbours detached houses

The principle of this development, including its architectural character, has previously and recently been established by 16/3037/FUL. Since this decision was made on 13 May 2016 no policy or material considerations have emerged that would make this unacceptable.

6. Equality and Diversity Issues

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

7. Conclusion

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



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Location **Land Rear Of 2 And 4 Rundell Crescent London NW4 3BP**

Reference: **17/7858/FUL**

Received: 12th December 2017

AGENDA ITEM 10

Accepted: 2nd January 2018

Ward: West Hendon

Expiry 27th February 2018

Applicant: Mr BY Developments Limited

Proposal: Erection of 2no. single storey semi-detached dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way. [AMENDED ADDRESS AND DESCRIPTION] [DEPARTURE FROM POLICY]

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:

U-RP-LP001

U-RP-LP002

U-RP-PP001

U-RP-PP002

U-RP- HC001

U-RP-PE001

U-RP-PE002

(All the above Revision 4)

Sustainability statement by UPP dated April 2017

Arboricultural Impact Assessment & Method Statement (to BS:5837 2012) by Trevor Heaps dated 23 March 2016 and attached tree protection plan (appendix)

Daylight and Sunlight study by Right of Light Consulting dated 06 April 2018

Design Out Crime Survey by Griffin Research Consultancy dated 30 March 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 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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

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

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

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.

- 6 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under Condition 1 has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The protection plan and method statement as approved under Condition 1 shall be fully implemented and strictly adhered to throughout all phases of the development.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 7 Before the development hereby permitted is first occupied the parking spaces shown on the plans approved under Condition 1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces and access to the parking spaces from the public highways shall be maintained at all times, and retained in perpetuity.

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

- 8 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

9 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.

10 'Secured By Design' accreditation shall be obtained for the building hereby approved. Evidence of accreditation shall be submitted to and approved in writing by Local Planning Authority prior to first occupation.

Reason: To ensure appropriate security and safety measures are implemented in accordance with Policies CS NPPF and CS12 of the Local Plan Core Strategy (adopted September 2012), and the principles of the NPPF (2012).

11 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.

- 12 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.

- 13 Details of all exterior lighting hereby approved must be submitted to and approved in writing to the Local Planning Authority before installation and must follow the guidance below:

- Cowls to direct light downwards to where it is needed, and therefore avoid unnecessary light spill upwards.
- Light should be directed away from trees.
- Any lighting should be on a timer or sensor, and not be left on all night.
- Light levels at a height of 2 metres should be no more than 2 lux.
- Light sources should be used that emit minimal ultraviolet light and avoid white or blue wavelengths to avoid attracting lots of insects (attracting insects to lamps may reduce their abundance in darker foraging areas favoured by bats). If unavoidable, then UV filters or glass housing must be used to filter out UV.

Reason: To minimise the impact the development may have on bats, a European Protected Species.

Informative(s):

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

the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

3 No works can commence on site until an ecologist has confirmed that there are no nesting birds. This is to comply with the Wildlife and Countryside Act 1981 (as amended by the Countryside and Rights of Way Act 2000) which provides statutory protection to birds.

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 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

Officer's Assessment

1. Site Description

The application site consists of garages situated on land to the rear of 2 and 4 Rundell Crescent, with a frontage to Alderton Way which separates the site from Vivian Avenue.

Development in Vivian Avenue consists predominantly of three storey buildings with residential above commercial units.

Buildings within Alderton Way are generally single storey and mostly in use for storage or car parking.

The site is in the ward of West Hendon.

It is not within a designated conservation area and there are no listed buildings on site, or on land adjacent to the site.

The application site is surrounded by trees which are situated in the rear gardens of No. 2, 4 and 6 Rundell Crescent. These trees are not protected. There are no trees on site.

2. Site History

The following history includes history for No. 4 Rundell Crescent as well as the land subject to this planning application:

Reference: 17/4957/CON

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved

Decision Date: 24 August 2017

Description: Submission of details of condition 8 (Refuse), 9 (Landscaping), 16 (Demolition and Construction Method Statement) pursuant to planning permission 17/2288/FUL dated 20/06/17

Reference: 17/2288/FUL

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved subject to conditions

Decision Date: 20 June 2017

Description: Conversion of existing dwelling into 2no semi detached houses including part single, part two-storey side and rear extension following partial demolition of main building and demolition of existing garage. Formation of front bay windows and new entrances. Roof extension involving new side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space

Reference: 17/0906/192

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 2 March 2017

Description: Single storey side and rear extension following demolition of existing garage. Extension to roof including 1no wraparound side/rear dormer window to replace existing side and rear dormer windows to extended existing loft conversion. Erection of a new front porch

Reference: 17/1167/191
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Lawful
Decision Date: 20 April 2017
Description: Use for storage of scaffolding and building materials

Reference 16/8209/PNH
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Prior approval required and refused
Decision Date: 15 February 2017
Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 2.8 metres

Reference: 16/7605/PNH
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Prior Approval Required and Refused
Decision Date: 13 December 2016
Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 2.8 metres

Reference: 16/7787/192
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Unlawful
Decision Date: 1 February 2017
Description: Extension to roof including no 1 wraparound side/rear dormer following removal of existing side and rear dormer windows. Part single, part two storey rear extension. Single storey side extension following demolition of existing garage. Erection of a new front porch

Reference: H/00824/12
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Lawful
Decision Date: 19 July 2012
Description: Single storey building in rear garden.

Reference: H/03220/08
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Refused
Decision Date: 22 October 2008
Description: New brick piers, metal railings and gates to front boundary.

Reference: W12797D/03
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Approved subject to conditions
Decision Date: 22 October 2003
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797C/03
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Refused
Decision Date: 23 July 2003
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797B/03
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Refused
Decision Date: 18 July 2003
Description: New side dormer window.

Reference: W12797A/03
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Refused
Decision Date: 2 June 2003
Description: Demolition of existing fire-damaged garages and erection of new garage block.

Reference: W12797/02
Address: 4 Rundell Crescent, London, NW4 3BP
Decision: Refused
Decision Date: 21 November 2002
Description: Demolition of four existing garages and rebuilding of four garages in line with the boundary.

Reference: W02322
Address: 2 Rundell Crescent, London, NW4
Decision: Approved subject to conditions
Decision Date: 12 November 1969
Description: Private garage

3. Proposal

The application proposes the demolition of the existing garages on site and the construction of a pair of single storey residential dwellings.

The dwellings would be 8.4 metres in width each, totalling a width of 16.8 metres.

Unit 1 would have a length of 10.5 metres. Unit 2 would have a length of 9.4 metres. The proposed dwellings would have an eaves height of 3 metres and a maximum ridge height of 6.1 metres. They would be brick built with a pitched roof.

The new dwellings would be sited between 2.25 metres and 5.3 metres from the application site rear and side boundaries.

The dwellings would be set back from the road edge, accommodated by a boundary wall, soft landscaping and cycle and refuse storage. Each dwelling would benefit from 1 parking space, located to the side.

Unit 1 would benefit from a garden area in excess of 70 sqm. Unit 2 would benefit from a garden area in excess of 65 sqm.

Each dwelling would have a shed, which would be no greater than 2.3 metres in height.

4. Public Consultation

Consultation letters were sent to 115 neighbouring properties.
15 responses have been received, comprising 14 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Demolition/construction work has already begun on the property
- Although the London Plan sets housing targets for the borough this proposal is not connected to social housing, regeneration areas are contributing to these figures, and the development will 'only be available to a tiny minority of very privileged individuals'
- The development would affect the green house at No. 6 Rundell Crescent which grows vegetable throughout the year. Any changes to light or overshadowing would affect this.
- Overlooking and loss of privacy to occupiers at No. 2 and 6 Rundell Crescent
- Trees sited on No. 6 Rundell Crescent provide habitat for a variety of nesting species. These include the Pipistrelle Bat (protected under the Wildlife and Countryside Act), Lesser Spotted Woodpecker and Gold Finch.
- Inappropriate for use and purpose as a service road
- 10.5 m distance between rear boundary walls is unacceptable and unreasonable
- Dwellings would increase waste/dumping issues
- Dwellings would increase noise
- Two bungalows will look odd and out of keeping and represents overdevelopment
- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings
- Represents sub-standard accommodation. Not a residential area. Only appropriate for garages
- Drainage concerns. Risk of flooding
- Impact value of neighbouring houses

Neighbours were re-consulted and a new site notice was erected (to receive comments by 09 August 2018) on the basis that the application represented a departure from policy.

Further comments received by the local authority included:

- Construction on Alderton Way will be dangerous and the service road should be kept clear at all times.
- Too much development
- Inappropriate location for housing
- No space for refuse
- Query on public consultation and who has been consulted
- The quality of development at No. 4 Rundell Crescent (who is the same developer) is poor
- Negative impact on property prices
- Pressures on local utilities such as water, sewers, gas and electricity, include public services such as doctors and libraries
- Consent would set a precedent
- Disagreement with address used on consultation letters/site notice
- Concern for living conditions of future occupiers

The one comment of support had no text and just requested to speak at committee.

Internal and External Consultation responses:-

Traffic and Development Team:

The Traffic and Development team assessment is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Environmental Health Department:

The Environmental Health Department have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Planning Tree Team:

The Tree assessment is set out in greater detail in the relevant sections of the report below. In summary, they have confirmed that subject to the imposition of suitable conditions they raise no objection to the development and find the proposal to be acceptable.

Metropolitan Police:

A representative for the Metropolitan Police (Design out Crime) has raised objection to the scheme. Their response, and the LPA reply to this, is set out in greater detail in the relevant section of the report below.

London Fire and Emergency Planning Authority:

The Brigade is satisfied with the proposals for fire fighting access, subject to ADB Vol 2 B5.

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 24 July 2018. 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 London Plan is currently under review. 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 adopted 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, DM03, DM04, DM08, DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of development is acceptable
- Whether harm would be caused to the character and appearance of the street scene and surrounding area
- Whether harm would be caused to the living conditions of neighbouring residents
- Whether harm would be caused to the living conditions of future occupiers
- Whether the proposal would impact highways and parking
- Any other material considerations

5.3 Assessment of proposals

Principle of development:

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure.

Garages currently occupy the site. Planning application reference 17/1167/191, dated 20 April 2017, confirmed lawful use of the site for storage of scaffolding and building materials. This would fall within use class B8.

The proposed development would result in the demolition of the existing garages and their replacement with two residential homes.

Policy DM14 of Barnet's Development Management Policies Document DPD (2012) states that loss of a B Class use will only be permitted where it can be demonstrated to the council's satisfaction that a site is no longer suitable and viable for its existing or alternative business use in the short, medium and long term and a suitable period of effective marketing has been undertaken. Where this can be demonstrated the priority for re-use will be a mixture of small business units with residential use.

No effective marketing has been produced. The proposed use is for residential only.

The garage site is not located in a designated Locally Significant Industrial Site, Industrial Business Park or Business Location. The site falls outside a designated Town Centre. The existing building is a stand-alone unit.

It is noted that the revised NPPF (24 July 2018) requires local authorities to include windfall sites as an important part of their five year housing supply and for delivering sufficient housing numbers in general through the lifetime of the local plan. This is such a site, which has been vacant for a considerable period of time and is unlikely to be brought back into meaningful economic use.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing. The proposal will also boost the supply of housing in the borough. The land is located within walking distance of a number of bus stops, is close to local amenities and utilises existing access off Alderton Way.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment of the site into residential is deemed acceptable.

Impact on the character and appearance of the surrounding area:

The National Planning Policy Framework (published in 2018) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 of Barnet's Development Management Policies Document DPD (2012) states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

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

The area is mixed in character. Rundell Crescent is characterised by detached residential dwellings with timber framed gables and bay window frontages. The rear elevation of Vivian Mansions is utilitarian in appearance. The ground floor commercial units at Vivian Mansions

have been substantially altered and extended over time. The upper residential floors of Vivian Mansions are a variety of brick, pebbledash, or render with tile hung bay windows. Alderton Way features a simple row of single storey garages.

No objection is raised to the removal of the garages on site, as they have limited contribution to the character of the area.

The development proposes the erection of a pair of single storey dwellings. They would be designed with brick built elevations and have a low rise hipped roof, which would take cues from the surrounding properties.

The site is not visible from the street scene of Rundell Crescent or Vivian Avenue. Although the proposed development would represent an increase in built form on the site, by reason of its height and scale, it would continue to maintain a subordinate relationship to the three storey terrace of Vivian Mansions and two storey detached dwellings facing Rundell Crescent. It's siting and form would maintain the established pattern of development of back land buildings along Alderton Way.

The proposed dwellings would retain space from each boundary and would include a tangible defensible space with a setback from the road edge.

Overall, the development would preserve local character, and would respect the scale, mass, height and pattern of surrounding buildings and spaces, in accordance with the requirements of Policy DM01.

Conditions have been recommended to ensure that the materials used in for the new buildings are of an appropriate quality. Conditions are also recommended to ensure that a suitable design and quality of materials are used for the areas of hard and soft landscaping around the new buildings.

Subject to the conditions recommended, the proposal is found to be acceptable and compliant with development plan policies as they relate to design, character, appearance, and landscaping matters.

Amenity of neighbouring occupiers:

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

The new dwellings would be sited between 2.25 metres and 5.3 metres from the application sites rear and side boundaries. The proposed dwellings have an eaves height of 3 metres and a maximum ridge height of 6.1 metres. The roof would pitch away from the neighbouring boundaries. The dwellings would be sited adjacent to the rearmost part of the gardens of 2, 4 and 6 Rundell Crescent. These neighbouring dwellings benefit from long rear gardens, some of which include large trees which would provide a degree of screening. For the above reasons it is not considered that the proposed development would not give rise to a harmful impact on the residential and visual amenities of adjoining occupiers along Rundell Crescent.

The single storey dwellings have front windows at ground floor facing Vivian Mansions, and two front rooflights. The ground floor of Vivian Mansions appears to be occupied by commercial uses. Considering the angle and positioning of the rooflights, it is not considered

it would harm the amenity of residential occupiers at the upper floors of Vivian Mansions to an unacceptable level.

In conclusion, the proposed development is considered to be acceptable and compliant with the relevant development plan policies in regards to the amenities of neighbouring and surrounding occupiers.

Amenity and living conditions of future occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The proposed dwellings meet the minimum space standards as set out in London Plan Policy 3.5.

The agent has demonstrated that over 75% of the GIA would have a head height greater than 2.3 metres, as required by the Nationally Described Space Standard document (2015).

The garden spaces meet the requirements of Table 2.4 of Barnet's Sustainable Design and Construction SPD (2016).

Both dwellings are multi-aspect and will feature sufficient amount glazing. It is considered that each of the dwellings proposed in this instance have an acceptable degree of outlook.

The submission documents include a daylight and sunlight assessment (Daylight and Sunlight Study (Within Development) by Right of Light Consulting dated 06 April 2018). Officers are satisfied with the findings of this report.

The dwellings would have front ground floor windows facing Alderton Way, one serving a kitchen (which is less than 13sqm), whilst the other is a secondary window serving the open plan living/dining area. However, these windows would be setback from the road edge. Overall officers are satisfied that the privacy of occupiers would be preserved.

For the reasons set out above the development, as controlled by the conditions recommended, is found to be compliant with development plan policy.

Trees:

Policy DM01 identifies that proposals will be required to include hard and soft landscaping and states that trees should be safeguarded.

There are no trees currently on site. There are tree outside the site in neighbouring properties rear gardens. No trees on neighbouring sites are subject to a Tree Preservation Order.

The applicant has submitted an Arboricultural Impact Assessment and Method Statement (to British Standard: BS5837 2012) by Trevor Heap Arboricultural Consultancy Ltd, dated 23 March 2016.

A Tree Officer has reviewed the application and commented:

"The proposed development plan shows a new building located at the rear of 4 Rundell Crescent along a service road known as Alderton Way.

The applicant's tree survey and impact assessment of the proposal on trees in proximity to development finds the impacts broadly acceptable. Three category B (moderate value) trees growing on third party land close to the proposal. There will be a slight impact on T1 an Acacia that can be managed to an acceptable level if the appropriate measures specified in the Arboricultural Method Statement are fully implemented.

There is a risk that some of the trees will be/become over bearing on the proposed bungalows. These trees will be located 3m from the property, which is south facing, therefore this risk is low."

The Tree Officer has raised the concern that there is limited scope or space to achieve soft landscaping. However, Planning Officers note that, as existing, the site is occupied by garages and hardstanding. There are no trees or vegetation currently on site. The proposal would therefore represent an improvement. As plans indicate, there is the ability for soft landscaping to the frontage, as well as the rear/side garden.

Conditions have been recommended to ensure that the landscaping finally installed is of an appropriate design and quality and makes a positive contribution to the area. Subject to these conditions, trees and landscaping matters are deemed acceptable.

Safety and Security:

Section 17 of the Crime and Disorder Act 1988 states "It shall be the duty of each Authority to which this section applies to exercise its various functions with due regard to the likely effect of the exercise of those functions on and the need to do all it reasonably can to prevent Crime and Disorder in its area", as clarified by PINS953.

The NPPF (2012) states in Paragraph 69 that "Planning policies and decisions should aim to ensure that developments create:

- o Safe and accessible environments where crime and disorder, and the fear of crime, do not undermine quality of life or community cohesion.
- o Safe and accessible developments, containing clear and legible pedestrian routes, and high quality public space, which encourage the active and continual use of public areas".

Policy CS5 of Barnet's Core Strategy (2012) states that developments should be safe, attractive and fully accessible.

London Plan Policy 7.3 states that development should reduce the opportunities for criminal behaviour and contribute to a sense of security without being overbearing or intimidating. Point (e) states that places, buildings and structures should incorporate appropriately designed security features.

A representative for the Metropolitan Police has raised an objection to the scheme. They have objected stating that the introduction of two houses will not change the overall use and feel of the service road, which experiences crime, as well as graffiti and litter.

The applicant has provided a 'Design Out Crime Survey' by Griffin research consultancy dated 30 March 2018. They have provided recommendations in regards to designing out crime, which has been incorporated in the revised plans. These include: electric sliding gates to parking area; dusk to dawn lights to all elevations; motion activated lighting to front porches; foot level lighting in the boundary wall and metal railings to the boundary wall.

Planning Officers note that street lighting is provided along Alderton Way. There is also natural surveillance from the rear windows at Vivian Mansions which look onto Alderton Way. It is also evident that residents access their properties from the service road, by the external stairwells.

The above observations, coupled with the recommendations of the applicant's crime report, are considered suffice to address the Police representative's concerns, and meet development plan policy. Officers also acknowledge that a condition can be attached to ensure the development meets Secure By Design standards.

Highways and Parking:

Policy CS9 of the Barnet Core Strategy identifies that the Council will seek to ensure more efficient use of the local road network and more environmentally friendly transport networks, require that development is matched to capacity and promote the delivery of appropriate transport infrastructure.

Policy DM17 (Travel impact and parking standards) of the Barnet Development Management Plan document sets out the parking standards that the Council will apply when assessing new developments.

The proposal is for the construction of 2x 3 bed self-contained properties, with 2 off-street car parking spaces.

Taking into consideration the following:

- o The site is located within a Controlled Parking Zone (HCI) which is in operation Mon-Fri between 11am-12pm
- o It is located within a town centre location
- o It is within walking distance of local amenities
- o The site is located within a PTAL 5 location which means that there is very good public transport accessibility

The proposed car parking provision is in accordance with requirements set out in Policy DM17 of the London Plan.

The parking spaces have been amended to allow an acceptable turning space into the bays.

The boundary wall is no greater than 0.8 metres in height, to allow sufficient visibility for vehicles accessing and egressing the car parking bays.

Cycle parking in accordance with the requirements of the London Plan will be provided as part of the proposals.

In conclusion, subject to the conditions recommended, the proposal is considered to be acceptable and compliant with policy in respect of parking, highways and transport matters.

Refuse and recycling:

Refuse and recycling storage has been provided for each proposed dwelling. Notwithstanding the details on the plans submitted, a condition has been recommended to secure satisfactory refuse and recycling facilities are provided at the proposed development.

Environmental Health matters:

Having evaluated the information submitted the Council's Environmental Health department are have recommended approval subject to conditions.

5.4 Response to Public Consultation

- Demolition/construction work has already begun on the property

It is understood that this objection is related to the main property at No. 4 Rundell Crescent. Certain works have been permitted at the property under 17/2288/FUL dated 20/06/17. This application relates to a separate application site (to the rear of) and is being assessed on its own merits. No works have begun on the garage buildings in question.

- Although the London Plan sets housing targets for the borough this proposal is not connected to social housing, regeneration areas are contributing to these figures, and the development will 'only be available to a tiny minority of very privileged individuals'

The proposal would provide a contribution, albeit limited, to housing supply in the borough. Following the ministerial statement of 28 November 2014, the government advised that for sites of 10-units or less, and which have a maximum combined gross floor space of 1,000 square metres, affordable housing and tariff style contributions should not be sought. Although the borough is regenerating areas of the borough, this does not mean the LPA cannot contribute to new housing supply through small sites too.

- The development would affect the green house at No. 6 Rundell Crescent which grows vegetable throughout the year. Any changes to light or overshadowing would affect this.

It would not be reasonable to refuse the development on the impact of the green house in question. As discussed, the dwelling is considered to be an acceptable distance from neighbouring boundaries and is of a single storey with pitched roof.

- Overlooking and loss of privacy to occupiers at No. 2 and 6 Rundell Crescent

The ground floor windows of the dwelling would look onto the boundary fence. Although roof lights are proposed, considering the angle and positioning of these, it is not considered to cause undue loss of privacy to neighbours.

- Trees sited on No. 6 Rundell Crescent provide habitat for a variety of nesting species. These include the Pipistrelle Bat (protected under the Wildlife and Countryside Act), Lesser Spotted Woodpecker and Gold Finch.

All bat species, their breeding sites and resting places are protected by law and therefore are a material planning consideration. The applicant has been requested to investigate the existence of bats.

The applicant has engaged with a bat licensed ecologist. She notes the possibility of bats in the tree however, given the siting of the development does not feel that the proposal would impact on them. In addition, she has suggested conditions for lighting the rear of the property to ensure there would be no direct impact on the bats. This has been agreed with by the Tree Officer at the local authority.

Birds are protected by the Wildlife and Countryside Act 1980 as amended. The applicant needs to comply with the Countryside and Wildlife Act 1981 as amended, so it is a matter of timing for the site clearance. Officers are satisfied that as it is covered under different legislation, it can be added as an informative.

- Inappropriate for use and purpose as a service road

Planning Officers acknowledge that the service road does serve the commercial units at ground floor, but it also provides access and parking for the residential units above.

- 10.5 m distance between rear boundary walls is unacceptable and unreasonable

It is not clear what this objection is in reference too. If however it is regarding the rear elevation of Vivian Mansion, then at single storey the front ground floor windows would be looking onto the rear commercial units. No overlooking or loss of privacy would therefore occur. The rooflights would not harm the privacy of occupiers of the upper floors of Vivian Mansions.

- Dwellings would increase waste/dumping issues

The dwellings have been allocated its own refuse and recycling storage to the front of the property. Officers see no reason why dwellings, with their own allocated refuse, would increase waste dumping.

- Dwellings would increase noise

The dwelling is sited to the rear most part of the gardens of Rundell Crescent.

Considering the context and uses along the service road, it is not considered that two new residential dwellings would cause an unacceptable level of noise or disturbance. This is particularly the case when considering the site's lawful use as storage (B8).

- Two bungalows will look odd and out of keeping and represents overdevelopment

As explained in the main report, the development respects the scale, mass, height and pattern of surrounding buildings and spaces.

- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings

The units are in an accessible and sustainable location, close to the Town Centre and public transport links. Furthermore they both provide one off-street parking space. Officers do not consider that the vehicle movements and activity generated would tip the balance to deem

it unacceptable. This is particularly the case when considering the sites lawful use as storage (B8) and garages, which would generate vehicle movements and activity.

- Represents sub-standard accommodation. Not a residential area. Only appropriate for garages

As assessed above in the main report, the dwellings would meet all the required standards and requirements in development plan policy. The existence of residential dwellings at Vivian Mansions (who access their properties from Alderton Way) indicate this is a suitable location for housing. It is immediately adjacent to Rundell Crescent, which is also residential.

- Drainage concerns. Risk of flooding

The Royal Town Planning Institute (in conjunction with Planning Aid England and Communities and Local Government) advise on their website that matters controlled under building regulations (including drainage details) are not material planning considerations. The site is not susceptible to sewer, groundwater or artificial flood risk. According to Environmental Agency records (2017) there is 0.1 percent annual change of risk of flooding from surface water (depth of 0.00 - 0.15 mm). The risk therefore is very low and would not be considered a reason for refusal in this particular instance.

- Impact value of neighbouring houses

The Royal Town Planning Institute (in conjunction with Planning Aid England and Communities and Local Government) advise on their website that the loss of property value is not a material planning consideration.

- Construction on Alderton Way will be dangerous and the service road should be kept clear at all times.

A condition has been attached to secure the submission of a Demolition and Construction Management and Logistics Plan.

- Too much development

It is not considered the proposal would result in over-development.

- Inappropriate location for housing

As addressed above.

- No space for refuse

As addressed above.

- Query on public consultation and who has been consulted

Officers are satisfied that the application has been consulted in line with the local planning authorities' statutory duties. A site notice was erected, as confirmed by objectors in their comments.

- The quality of development at No. 4 Rundell Crescent (who is the same developer) is poor

This would not represent a reason for refusal.

- Negative impact on property prices

As addressed above.

- Pressures on local utilities such as water, sewers, gas and electricity, include public services such as doctors and libraries

The application proposes two new family-size dwellings. It is not considered that considering the size and scale of the development proposed any additional demand or pressure on local utilities and services would not be so great to justify a reason for refusal in this particular instance.

- Consent would set a precedent

Every application is based on its own merits.

- Disagreement with address used on consultation letters/site notice

Officers are satisfied that the address used, in conjunction with the plans submitted by the applicant, are clear on the location of the proposed development.

- Concern for living conditions of future occupiers

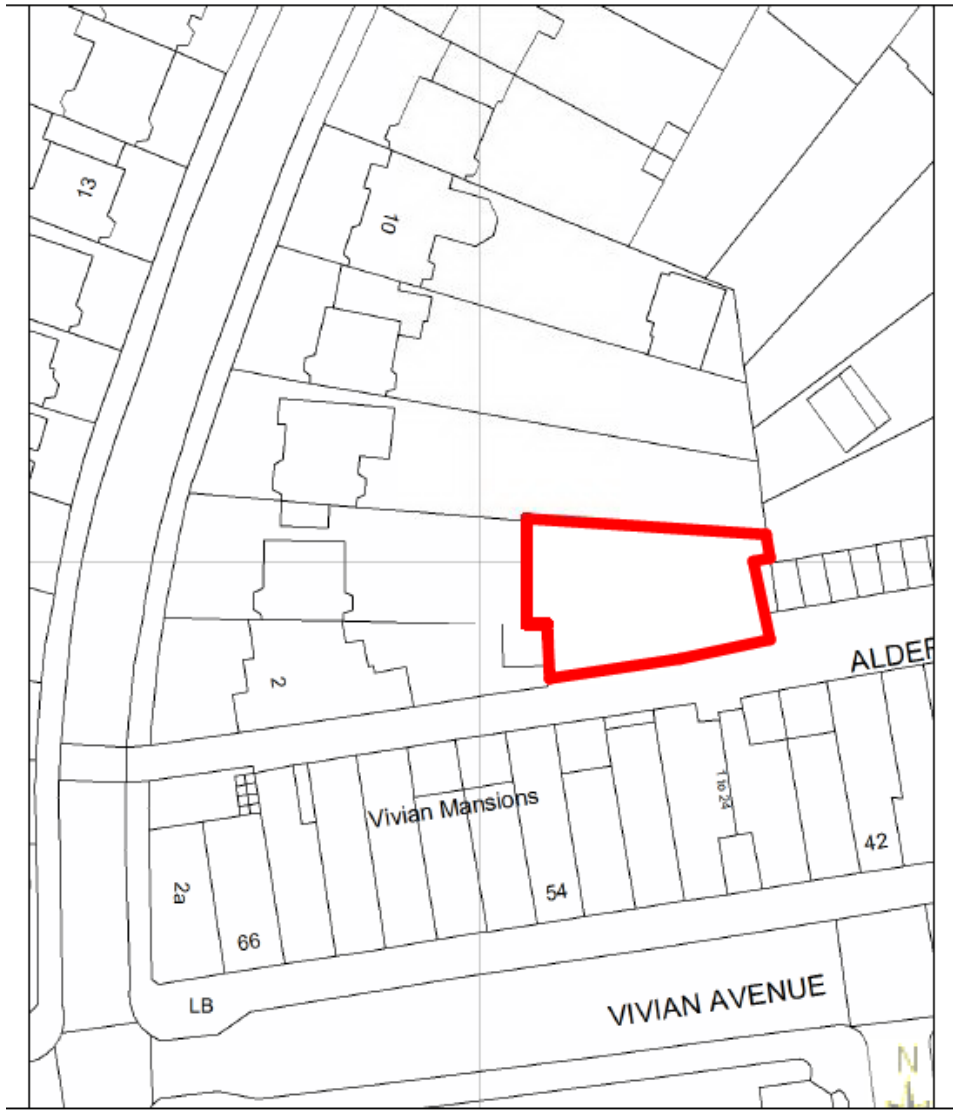
As assessed in the main report, Officers are satisfied the accommodation would provide acceptable living conditions and amenity for future occupiers.

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



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Location **10 And 11 Old Rectory Gardens Edgware HA8 7LS**

Reference: **18/1250/HSE**

Received: 26th February 2018

Accepted: 28th February 2018

Ward: Edgware

Expiry 25th April 2018

Applicant: Mr Syd Hathi

Proposal: First floor rear infill extension to both properties

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 carried out in accordance with the following approved plans:

RE/DA332/1 (received 26/02/2018)

RE/DA332/2 (received 26/02/2018)

Site Location Plan (received 26/02/2018)

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 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation facing No.20 and No.22 Manor Park Gardens 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).

- 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 rear elevation(s), of the extension(s) hereby approved, facing No.20 and No.22 Manor Park Gardens.

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

Informative(s):

- 1 In accordance with paragraphs 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:

RE/DA332/1 (received 26/02/2018)

RE/DA332/2 (received 26/02/2018)

Site Location Plan (received 26/02/2018)

Decision: Prior Approval Required and Refused
Decision Date: 8 August 2016
Description: Single storey rear extension with a proposed maximum depth of 4.8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres
Appeal: APP/N5090/D/16/3160163
Appeal Decision: Allowed
Date of Decision: 18 January 2017

Reference: 17/4057/HSE
Address: 10 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Approved subject to conditions
Decision Date: 24 August 2017
Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration

Reference: 17/1115/HSE
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Approved subject to conditions
Decision Date: 31 March 2017
Description: Single storey rear extension. Part single, part two storey side extension. Associated roof alterations

Reference: 15/06584/PNH
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Prior Approval Required and Refused
Decision Date: 19 November 2015
Description: Single storey rear extension with a proposed depth of 5.07 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/0659/PNH
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Prior Approval Required and Refused
Decision Date: 22 February 2016
Description: Single storey rear extension with a proposed depth of 3.05 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/5219/PNH
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Prior Approval Not Required
Decision Date: 9 September 2016
Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/6740/PNH
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Withdrawn
Decision Date: 18 November 2016
Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: W01570C/02
Address: 11 Old Rectory Gardens, Edgware, HA8 7LS
Decision: Refused

Decision Date: 7 October 2002

Description: Two storey rear and side extensions in relation to conversion of premises into two self-contained flats.

3. Proposal

The proposal seeks planning permission for an 'infill' first floor rear extension at No.10 and No.11 Old Rectory Gardens.

The extensions will both measure approximately 2.8 metres in depth and 3.5 metres in width.

In order to allow for the proposed extensions, the proposal would include alterations to the existing roof form which would allow for a moderate crown roof to extend along both properties.

4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Previous objections have been ignored over the last years
- Further impact on privacy/ Loss of privacy
- Impact on security
- Out of character
- Overbearing
- Dominant
- Notifications for consultation not received/ No public consultation.
- Overdevelopment of site.

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 London Plan is currently under review. 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 adopted 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

Background

The current application seeks planning permission for a first floor rear extension to the properties at No.10 and No.11 Old Rectory Gardens. Following a site visit to the application site, it is noted that both properties are currently implementing extensions which have been granted under separate applications. The granted applications are as follows:

No.10 Old Rectory Gardens

Planning Reference: 17/4057/HSE

Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration'

Date Decided: 24.08.2017

No.11 Old Rectory Gardens

Planning Reference: 17/1115/HSE

Description: Single storey rear extension. Part single, part two storey side extension. Associated roof alterations

Date Decided: 31.03.2017

During the consultation period for the current application, concerns were raised with regards to the construction work and the extent of development undertaken so far. Comments, received during the consultation process, addressed issues regarding the impact of the extensions on the visual and residential amenities of neighbouring occupiers, especially those to the rear along Manor Park Gardens.

It must be noted that the above mentioned applications were determined by taking into consideration previous applications and permitted development fall back positions. The paragraphs below provide a short history relating to the two properties.

No.11 Old Rectory Gardens

The host site at No.11 benefits from a number of previous planning applications.

A prior approval application (16/5219/PH), for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 3 metres in maximum height, was submitted in August 2016. As part of the prior approval process, the adjoining properties, which share a boundary with No.11 Old Rectory Gardens, were consulted for 23 days. No objections were received.

It is noted that the property at No.11 already benefitted from a single storey rear extension which extended the full width of the original property. Additionally, both properties at No.11 and No.10 benefit from two storey rear outriggers which partially project past the original rear walls.

The extension, under reference 16/5219/PNH, would have extended past the existing outrigger. The proposed depth of 5 metres would have allowed the extension to abut the boundary with the neighbouring property at No.22 and No.24 Manor Park Gardens. As per permitted development regulation, if no objections are received during the consultation period, the application would not require prior approval and may be implemented on or before the 30th of May 2019.

A further application (17/1115/HSE) was subsequently submitted in February 2017 at No.11 for a part single storey rear extension, and a part single part two storey side extension. It is noted that the proposals for the single storey side and rear extensions partially included the single storey rear element which could have been implemented under prior approval 16/5219/PNH. The application was granted planning permission.

The proposed single storey element increased the foot print at ground floor by a maximum of approximately 71m². This was compared to a total addition of 30m² if the prior approval extension (16/5219/PNH) was to be implemented on its own.

Whilst the difference in footprint was acknowledged, it was considered that the associated single storey side and rear element would have been set back from the rear boundary with No.22 and No.24 Manor Park Gardens by a maximum of approximately 1.4. It was considered that the set-back from the neighbouring boundaries would mitigate overbearing and visually intrusive impacts towards neighbouring occupiers.

On the other hand, the proposed first floor side extension was considered to comply with the Council's Residential Design Guidance (SPD) and was not considered to cause material harm to the visual and residential amenities of neighbouring occupiers.

No.10 Old Rectory Gardens

A Prior Approval Application (15/06585/PNH) was submitted in 2015 and refused on the 7th of December 2015. The prior approval sought permission for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 4 metres in maximum height.

As per above, the proposed extension would have projected past an existing two storey outrigger. The overall depth would have allowed the element to abut the boundary with the neighbouring property to the rear at No.20 Manor Park Gardens. The application for prior approval was refused and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

A further application for prior approval was submitted, with reference 16/4437/PNH, for a single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height. The application was refused permission and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

Subsequently, an appeal was allowed, under reference APP/N5090/D/16/3160163, for the single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height.

Due to the relationship with the neighbouring properties at No.9 and No.11, it was not considered by the Planning Inspector that harm would be caused to the neighbouring residents.

With regards to the impact on No.20 Manor Park Gardens the Inspector states in Paragraph 13 of the Appeal Decision:

'Given the relatively low height of the proposed extension, the existing boundary treatment and the distance to the rear of No.20, I do not consider that the proposed extension would cause any demonstrable harm to the living condition of the occupants at No.20. Although the proposed extension may be seen above the intervening fence this does not suggest there would be any material loss of privacy or overlooking, particularly given the height of the proposed extension relative to the boundary treatment and distance to the rear elevation of No.20.'

With regards to character, the Council indicated that the extension would not be subordinate to the host dwelling and due to the proximity to the neighbouring rear boundaries it would be like no other in the locality which would harm the character and appearance of the area.

The Inspector stated in Paragraphs 14 and 15 that, whilst it was recognised that the siting of the extension relative to the rear boundary would appear unusual in the area, the appeal property did benefit from a shallower rear garden and that any reasonable extension would need to be positioned closer to the rear boundary.

Taking the above into consideration, the Inspector stated in Paragraph 20 that 'Taking into account the above factors and in particular, the relations of the proposed extension to existing development; the presence of well-established boundary treatment in the locality; its single storey height and the fact that it would not be readily seen from any public views leads me to conclude that the proposed extension would not cause any overbearing, overshadowing, or loss of outlook impacts that could reasonably be interpreted to have a detrimental effect on the amenity of adjoining premises.'

Following Appeal APP/N5090/D/16/3160163, the application 17/4057/HSE was submitted for a part single part two storey side and rear extension. The approved extensions are currently being implemented on site. In this instance, it is noted that the proposed single storey side and rear element partially incorporates the approved extension under appeal APP/N5090/D/16/3160163. Whilst it was recognised that the footprint of the extensions at ground floor would be larger, it was acknowledged that the additional elements to the side elevation facing No.9 and as well as along the boundary with No.11 would have been adequately set back from the rear boundary and would have not appeared overbearing. It was further recognised that the maximum height of the rear elements closest to the boundary with No.20 would have measured a maximum of 2.7 metres; thus appearing

subordinate against the rear boundary with No.20 Manor Park Gardens and mitigating harmful overbearing impacts.

With regards to the first floor side element, it was considered that due to the adequate separation from neighbouring boundaries, as well as a subordinate design, there would have been no significant loss of privacy or overlooking to a level which would materially detriment the amenity of neighbouring occupiers.

Proposed Extensions for No.10 and No.11 Old Rectory Gardens

With the benefit of a site visit, it is recognised that both properties are set -back along the party wall from the furthest rear elevation. Following the implementation of the granted planning applications, this original character feature would still remain. The current application seeks to infill the properties at first floor and allow for a flush rear elevation at both properties. The proposed extensions at first floor would allow for a walk-in wardrobe and en-suite bathrooms.

Approval has already been given for extensions of significant size, particularly at ground floor, taking into account permitted development fall back positions.

The proposed extensions at first floor would benefit from an overall depth of 2.8 metres from the original rear wall and a maximum width of approximately 3.5 metres; for a total width of approximately 7 metres.

On balance, due to the nature of the proposed extensions at first floor, it is not considered that the proposals would impact on the visual and residential amenities of the occupiers at No.10 and No.11 Old Rectory Gardens.

The extensions would be set-back by approximately 5.2/5.4 metres from the rear boundary with the neighbouring properties at No.20 and No.22 Manor Park Gardens. It must be noted that, as existing, the host properties benefit from two large windows to the rear directly facing the neighbouring dwellings. Whilst it is acknowledged that the building line will be pushed closer to the rear boundary, it is not considered that an additional depth of 2.8 metres will increase views to a level which would materially harm the residential amenity and privacy of neighbouring occupiers. It is further noted that the proposed windows would serve two bathrooms. A condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy impacts towards neighbouring occupiers.

The proposed extensions at first floor will not project past the rearmost building lines at first floor at No.10 and No.11 Old Rectory Gardens. Taking into account the orientation of the neighbouring premises at No.9 and No.12 Old Rectory Gardens with relation to the rear elevation of the application sites, it is not considered that the extensions will cause harm to visual and residential amenities of the neighbouring occupiers. This is due to the fact the first floor infill extensions will not be visible from the neighbouring premises.

Planning officers acknowledge that the previous extensions that have been approved at 10 and 11 Old Rectory Gardens has enlarged the original buildings quite considerably. At 10 Old Rectory Gardens, an appeal was allowed following the refusal of a prior approval notification application. Allowing the appeal permitted an extension with a depth of 4.8m. At the same time as the prior approval application at 10 Old Rectory Gardens, an application at 11 for a deeper extension was approved following the receipt of no objections during the consultation period. Later in 2017, a two storey side extension was permitted at the property utilising the wide side garden area. The first floor extension would be situated above an

existing building at the side, would be set down from the ridge line and would be no more than half the width of the dwelling. As such, that extension would be policy compliant. A similar extension at 10 Old Rectory Gardens was approved on the basis that it would balance the pair of properties. The proposed side extensions are not considered to be harmful to the character and appearance of the properties, the wider area or amenity. What is considered harmful and which the local planning authority has no control over is the impact of the single storey rear extensions which have more or less infilled virtually the whole space between the rear of the properties and the rear boundary.

While the rear extensions at the first floor level provide additional volume and massing to the buildings, it is considered that this does not give rise to the same visual or neighbour amenity harm that arise from the Prior approval extensions. While the properties have been substantially extended and enlarged by sequential applications, the proposed development now to the rear does not bring the development nearer to the rear boundary, does not increase the height or width of the building, does not install any new clear glazed windows and as a result, is of neutral impact on the surrounding sites. Notwithstanding this, the current proposal to infill the existing gaps to the rear at first floor level will not lead to a material increase in bulk to the rear elevation at first floor. As stated, the extensions will not project past the rearmost elevation at first floor therefore allowing for flush elevations. As such, the extensions are considered to appear as subordinate additions which respects the size, massing, and bulk of the properties without becoming overly-dominant and obtrusive features.

It is noted that a number of properties within the immediate vicinity benefit from extensions at first floor level. This has been identified at No.20 and No.28 Manor Park Gardens where both properties benefit from larger first floor side and rear extension at first floor. It is therefore considered that the proposed infill extension will remain in-keeping with the character of the local surroundings and will not harmfully impact on the established pattern of the development.

Overall, taking into account the comments above, it is considered that the proposed extensions, under the current application 18/1250/HSE, will appear subordinate in size, massing, and siting and will not cause harmful impacts to neighbouring occupiers by appearing overbearing, obtrusive and causing harm to neighbouring privacy.

5.4 Response to Public Consultation

Comments have been received with regards to planning procedures and how these have been implemented throughout the course of separate applications at No.10 and No.11 Old Rectory Gardens. These concerns have been taken into consideration as a separate matter and have been dealt elsewhere.

Further comments have addressed concerns with regards to the impact on security. The subject of the current planning application are the proposed extensions at first floor. It is not considered that the addition of the proposed extension would materially impact on the neighbouring occupiers by increasing security risks.

A separate application has been submitted for new boundary fences to the rear of properties at No.20, No.22, and No.24 Manor Park Gardens.

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 **35 Hillside Gardens Edgware HA8 8HA**

Reference: **18/4143/HSE**

Received: 4th July 2018

Accepted: 5th July 2018

AGENDA ITEM 12

Ward: Edgware

Expiry 30th August 2018

Applicant: Mr Shimon Fhima

Proposal: Roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

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 roof extension in terms of the hip to gable enlargement and the rear dormer window, by reason of its size, siting and design would be inappropriate and result in an overly prominent and dominant development which is out of context with the prevailing character of the area and would introduce features detrimental to the character and appearance of the host property, streetscene, and wider locality contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

Informative(s):

- 1 The plans accompanying this application are:

Location Plan
EX-SE01-pd
EX-PL01-pd
EX-EL01-pd
PR-PL01-pd Rev B

PR-EL01-pd Rev B
PR-SE01-pd Rev B

- 2 In accordance with paragraphs 38-58 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.

Officer's Assessment

Officer's Assessment

1. Site Description

The application site comprises a semi-detached property on the western side of Hillside Gardens. The host dwelling directly adjoins No. 37 Hillside Gardens. The surrounding area is characterised by residential dwellings.

The site is not located within a Conservation Area and the host property is not a Listed Building.

2. Site History

Reference: 17/7551/HSE

Address: 35 Hillside Gardens, Edgware, HA8 8HA

Decision: Refused

Decision Date: 23 January 2018

Description: Roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

Reference: H/00622/08

Address: 35 Hillside Gardens, Edgware, HA8 8HA

Decision: Approved subject to conditions

Decision Date: 29 May 2008

Description: Demolition of existing garage to side and erection of replacement single storey garage to side and front.

3. Proposal

This application seeks planning permission for a roof extension involving hip to gable, rear dormer window, 4no. rooflights to front elevation to facilitate a loft conversion

The hip to gable would measure a width of 3.8 metres x a depth of 7.1 metres and a height of 3 metres. The rear dormer window would measure a width of 8.9 metres x a depth of 4 metres and a height of 2.7 metres.

The total volume of the extensions taken together is approximately 61cu.m which exceeds the permitted development tolerance by 11 cu.m

4. Public Consultation

Consultation letters were sent to 7 neighbouring properties.

4 responses have been received, comprised of 4 letters of support which can be summarised as follows;

- Additional space required for growing family needs.

This application has been called to planning committee by Councillor Gordon.

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 24 July 2018. 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 (MALP)

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.

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 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 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

Impact on Existing Building, Street scene and Character of the Area

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

The applicant has submitted previously for a very similar roof extension. The previous application (17/7551/HSE) was refused by committee and the subsequent appeal dismissed (APP/N5090/D/18/3195187). The appeal inspector stated that "I find that the proposed roof extension would be harmful to the character and appearance of the area around Hillside Gardens, and that it would conflict with Policies in the Council's Core Strategy and Development Management Policies, as well as with guidance in the Supplementary Planning Guidance.

The main differences between the previously submitted scheme is that the proposed dormer is not set back 0.2 metres from the side elevation of the property extend to the ridgeline of the property. Officers do not consider that the proposed alterations to the scheme overcome officers or the appeal inspector's previous concerns. The proposal shall be analysed on its own merits below.

The proposal seeks to erect a hip to gable extension, rear dormer window and 4no. rooflights to the front elevation to facilitate a loft conversion.

The Residential Design Guidance SPD states that 'additional, usable space can sometimes be created by converting roof space, providing this is carried out sympathetically. This often involves the formation of dormer windows or the insertion of roof lights. However, in some cases, dormer windows may be out of keeping with the character of the area'.

The proposed loft conversion would require a hip to gable extension that would alter the roof form. After undertaking a site visit, officers noted that this section of Hillside Gardens is generally consistent with the surrounding roof slopes which all feature hipped roof forms. The existing roofscape is equally consistent in terms of roof form.

Other properties along Hillside Gardens, however, benefit from hip to gable extensions, granted under Lawful Development Certificates. This includes the closely located properties of No. 38 and No. 25, which was granted a partial hip to gable. Whilst the cumulative development of the hip to gable and rear dormer would be over the maximum 50 cubic metres, a hip to gable in isolation would be considered permitted development however as it would not be built in isolation, it must be considered for its impact on the character and appearance of the area which is considered to be disproportionate to the dwelling house and therefore incongruous in the area. The Inspector has stated that there are very few hip to gable type conversions along the road and whilst there are some examples of dormer extensions in the vicinity, none appear to occupy the whole of the relevant roof slope. The combination of proposals at 35 Hillside Gardens as submitted would result in a dominant top heavy appearance to the host property that would be harmful to its character.

The proposed dormer, which would be located to the rear elevation, would be the full width of the roof slope, including the proposed hip to gable extension, and extend very close to the ridge line and eaves level of the existing roof slope.

The dormer as proposed is contrary to the Residential Design Guide as a dormer extension should not occupy more than half the width or half the depth of the roof slope. Furthermore, to retain the balance of the house, the dormer roof extension should not normally be wider than the window below it and the dormer cheeks kept as narrow as possible. Therefore, it is considered that due to the sheer bulk and scale of the dormer window as proposed under this application, this part of the proposal would have a significantly detrimental impact on the character of the existing property, street scene and wider locality.

Furthermore, the appeal inspection under reference (APP/N5090/D/18/3195187) states in regard to the dormer that "In this case, the dormer would not be set in, it would not appear as a subordinate feature, and one of the windows in the dormer would not align with the relevant window below. For these reasons, I find that the proposal would fail to comply with guidance in the SPD.". The applicant has shown a set in of 0.2metres from the side elevation of the house, however this is not considered for the resultant form to be a subordinate addition to the property. Furthermore, the proposed fenestration would still fail to comply with the relevant guidance in the SPD.

It is noted that there are some examples of roof alterations including dormer windows in Hillside Gardens, however, the majority of these have been granted lawful under permitted development and are smaller in scale. Dormers of this size appear uncharacteristic of the area. At No. 48 and No. 50 Hillside Gardens, it is noted that larger dormer windows are present but there are no planning records for these developments. No. 98 Hillside Gardens

also benefits from a wide dormer however, this was originally granted acceptable under a Lawful Development Certificate and then the subsequent planning application assessed the dormer as similar to that granted Lawful.

Furthermore, it is accepted that the property benefits from permitted development rights and may be able to construct roof alterations under Schedule 2, Part 1, Class B of the General Permitted Development Order. However, in this instance, the proposed hip to gable extension and rear dormer does not meet the cubic volume criteria of permitted development and therefore the applicant does not have a fall-back position. The rear dormer would measure a volume of 48 cubic metres whilst the hip to gable would measure a volume of 13 cubic metres. This would total an increase in roof space of 59.15 cubic metres when the volume of the partially sloped roof of the dormer is subtracted from the total volume of the roof space. This increase in roof space would be substantially above the criteria allowed under permitted development.

The proposed 4 no. rooflights to the front elevation benefit from permitted development rights as set out in Schedule 2, Part 1, Class C of the General Permitted Development Order and as such are considered to be an acceptable addition to the dwellinghouse.

The proposed roof extension involving a hip to gable extension, rear dormer window and front elevation rooflights to facilitate a loft conversion, would detract from the dwelling and the local streetscene and as such result in harm to the character and appearance of the area. Therefore the proposal is contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD.

Impact on Neighbouring Amenity

The host property at No.35 Hillside Gardens seeks planning permission for a hip to gable extension, rear dormer window and 4 no. roof lights to the front elevation to facilitate a loft conversion.

The host property shares a party wall with the neighbouring property at No. 37 Hillside Gardens and is detached from the neighbouring property to the other side, No. 33 Hillside Gardens.

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.

In regards to the amenity of neighbouring occupiers, located to the rear of the property, it is not considered that the proposed development would result in unacceptable levels of harm in terms of overshadowing, over dominance or overlooking in accordance with Policy DM01 of the Development Management Policies DPD. This is due to the significant distance from the host property to the rear neighbour, No.124 Green Lane, due to the private amenity space at the application site.

The roof lights would also not be found to have an adverse impact on neighbouring occupiers.

Given the location of the proposed development to the side and rear roof slopes of the existing property, it is not considered that the proposal would result in any unacceptable levels of harm to the amenity of the adjoining occupiers at No.37 hillside gardens or the

adjacent neighbouring occupiers at No.33 Hillside Gardens in accordance with Policy DM01 of the Development Management Policies DPD.

As such, the proposal would not have a detrimental impact on the amenities of neighbouring occupiers to a harmful level.

5.4 Response to Public Consultation

Comments regarding enlargement of dwelling for families growing needs, these are noted however do not overcome officer's concerns with regards to the application and its potential impact on the character of the area.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the general locality. Therefore this application is recommended for REFUSAL.

8. List of Conditions in Case of an Appeal - Without Prejudice

In the event of an appeal, it is recommended that the following conditions are attached to the decision:

1. Approved Plans

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

Location Plan

EX-SE01-pd

EX-PL01-pd

EX-EL01-pd

PR-PL01-pd Rev B

PR-EL01-pd Rev B

PR-SE01-pd Rev 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. Standard Time Limit

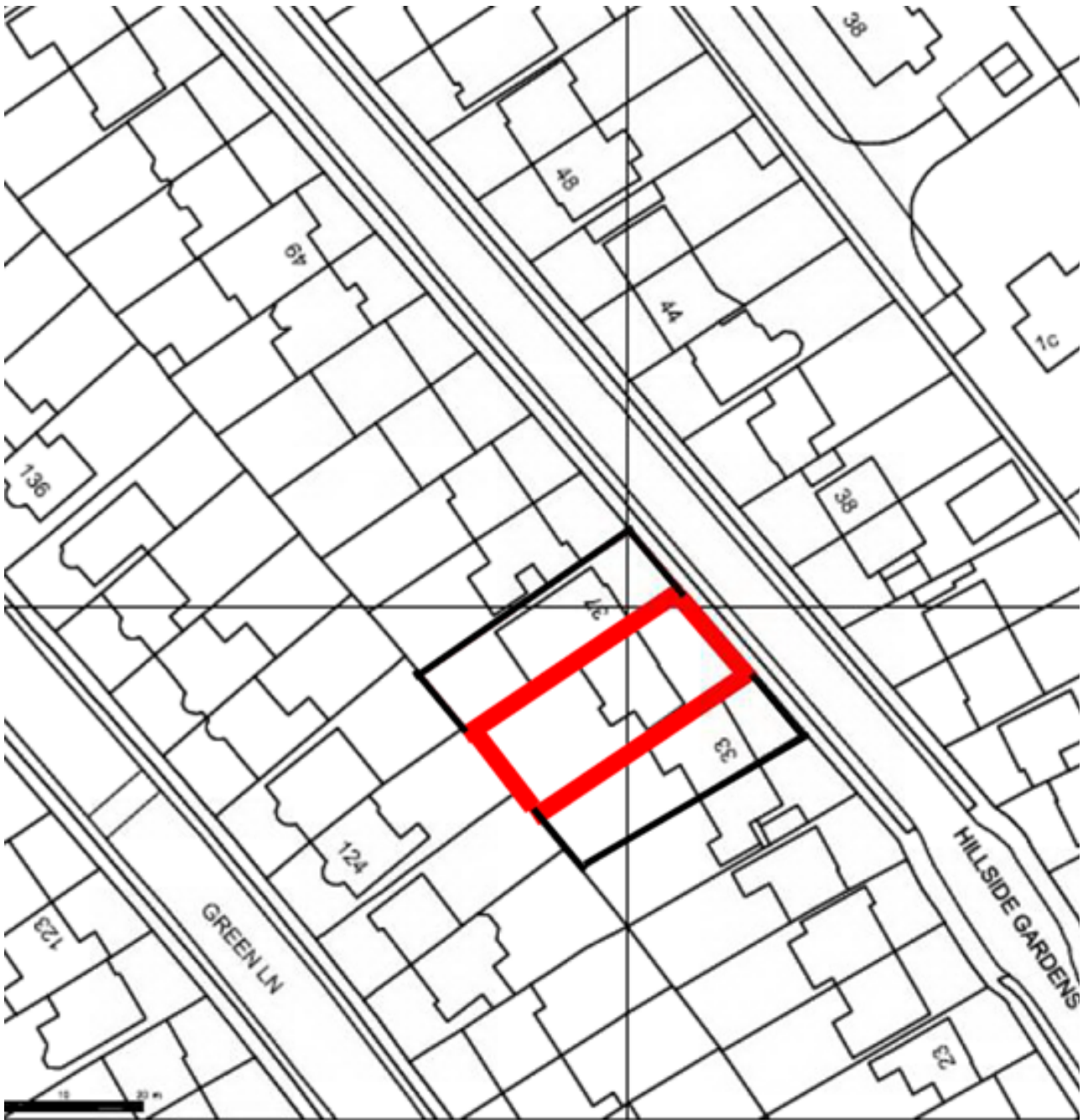
This development must be begun within three years from the date of this permission.

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

3. Materials to match

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

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





Appeal Decision

Site visit made on 23 April 2018

by **J D Westbrook BSc(hons) MSc MRTPI**

an Inspector appointed by the Secretary of State

Decision date: 2 May 2018

Appeal Ref: APP/N5090/D/18/3195187

35 Hillside Gardens, Edgware, HA8 8HA

- 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 Shimon Fhima MBE against the decision of the Council of the London Borough of Barnet.
 - The application Ref 17/7551/HSE, dated 28 November 2017, was refused by notice dated 23 January 2018.
 - The development proposed is the construction of a roof extension involving a hip to gable conversion, a rear dormer window, and 4no. rooflights to the front elevation.
-

Decision

1. The appeal is dismissed.

Main Issue

2. The main issue in this case is the effect of the proposed roof extension on the character and appearance of the area around Hillside Gardens.

Reasons

3. No 35 is a semi-detached house situated on the western side of Hillside Gardens. There is a degree of uniformity in the design of the houses along the road, in that they are generally wide-fronted with large front gable bays and hipped roofs. There is no clear building line with many buildings set at a slight angle to the road such that there is often a set-back between adjacent pairs of houses. No 35 is set back behind the front elevation of No 33. It has a single-storey side extension in the gap between the two properties.
4. The proposed development would involve a hip-to-gable conversion and the insertion of a full-width and full-height dormer in the extended rear roof-slope. There would also be 4 roof-lights in the front roof-slope, but the Council has raised no issues with these and I concur with this viewpoint.
5. The Council contends that the proposed roof extension in terms of the rear dormer window, by reason of its size, siting and design would be inappropriate and result in an overly prominent and dominant development which is out of context with the prevailing character of the area and would introduce features detrimental to the character and appearance of the host property, streetscene, and wider locality. The appellant contends that the hip-to-gable conversion, on its own, would be permitted development (PD), as would the dormer extension, but that the cubic content of the resultant roof space would be over PD limits.

6. Whilst I fully understand the appellant's contention that the proposal would involve an increase in roof space by only a relatively small amount above the PD limits, and have some sympathy with that perspective, it is the totality of the proposal that results in this situation. There are very few hip-to-gable type conversions along the road and, whilst there are some examples of dormer extensions in the vicinity, none appear to occupy the whole of the relevant roof slope. The combination of proposals at No 35, as submitted, would result in a dominant, top heavy appearance to the host property that would be harmful to its character.
7. No 35 is set back a little behind the front elevation of No 33, such that the proposed dormer extension would not be unduly prominent in the wider street scene. However, since the side elevation of the dormer would be flush with the side elevation of the main body of the house, it would be visible and would appear as a dominant and somewhat incongruous feature in the context of both the host property and also its immediate surroundings.
8. Policy CS5 of the Council's Core Strategy (CS) indicates that development in Barnet should respect local context and distinctive local character creating buildings of high quality design. The Development Management Policies document (DMP) continues this theme in Policy DM01 by noting that development proposals should be based on an understanding of local characteristics, and that proposals should preserve or enhance local character and respect the appearance, scale, and mass of surrounding buildings and streets. The proposals at No 35 would not comply with these policies.
9. The Council's Residential Design Guidance document (SPD) contains guidance on dormer roof extensions. Amongst other things, the guidance indicates that dormers should normally align with windows below; should be set in from party walls, flank walls and chimney stacks; and should be subordinate features on the roof. In this case, the dormer would not be set in, it would not appear as a subordinate feature, and one of the windows in the dormer would not align with the relevant window below. For these reasons, I find that the proposal would fail to comply with guidance in the SPD.
10. In conclusion, I find that the proposed roof extension would be harmful to the character and appearance of the area around Hillside Gardens, and that it would conflict with Policies in the Council's CS and DMP, as well as with guidance in the SDP.

J D Westbrook

INSPECTOR

Location **4 Green Lane London NW4 2NN**

Reference: **18/3509/FUL**

Received: 6th June 2018

Accepted: 11th June 2018

Ward: Hendon

Expiry 6th August 2018

Applicant: Dylon Development Ltd

Proposal: Demolition of existing building. Erection of a three storey building with rooms in roofspace and basement level to provide 6no self-contained flats. Provision of 6no off-street car parking spaces in basement area. Associated alterations to landscaping. Provision of refuse, recycling and cycle storage.

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:

7062/ 01; 1804.1.EX.P00, 1804.1.EX.P01, 1804.1.EX.E01, 1804.4.PA.E01, 1804.4.PA.P01, 1804.4.PA.P02, Car Lift Drawing, Car Turntable Drawing, Planning Statement, CIL Document.

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 shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other

changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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

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.

6 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).

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

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

- 8 a) Before the development hereby permitted is first occupied, details of the subdivision 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).

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

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

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

- 10 The property shall be used as self-contained units as shown in the hereby approved drawings under Class C3(a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes)

Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 11 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

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).

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

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

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 13 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development, including a technical report have been submitted to and approved in writing by the Local Planning Authority. The equipment shall be installed using anti-vibration mounts. 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 development shall be implemented in accordance with details approved under this condition before first occupation or the use is commenced 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 Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 14 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2015.

- 15 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).

- 16 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 in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 17 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.

- 18 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.

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

- 20 Prior to the occupation of the development, a Maintenance Agreement for the operation of the car lifts [and shutters] must be submitted to and approved by the Local Planning Authority. The development shall be maintained in accordance with the Agreement thereafter.

Reason: In the interests 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.

- 21 Before the development hereby permitted is occupied the car and cycle parking spaces shall be provided in accordance with the approved drawing 1804.4.PA.P02 and that area shall not thereafter be used for any purpose other than for the parking of vehicles and cycles associated with the development.

Reason: To ensure and promote easier access to the approved building in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012 which in turn refers to London Plan Parking Standards.

- 22 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than 10% of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional 10% of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

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

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 23 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

2 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.

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

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

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

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

4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 7 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.
- 8 The developer is informed that hoarding, scaffolding, crane and skips on or abutting the public highway require a licence. To make an application for these licenses please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licenses or email highwayscorrespondence@barnet.gov.uk.
- 9 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 10 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 11 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

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

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ

Officer's Assessment

Officer's Assessment

1. Site Description

The application site is situated on Green Lane, close to the junction with Brent Street in the Hendon ward of the borough. The site is occupied by a detached dwellinghouse which has been vacant for some time and as such there is hoarding up around the property. The area is predominantly residential, and the application property is situated between a single detached dwellinghouse and a flatted development, which wraps around the junction into Brent Street. The opposite corner on Green Lane/Brent Street also houses a flatted development. The property is served by a relatively generous garden which abuts properties on Danescroft Avenue and garages to a block of flats on that street.

The site is not located in a conservation area and the building on the site is not listed. There is a group of trees on the boundary with the block of flats. These trees are not subject to a Tree Preservation Order.

The neighbouring property at 6 Green Lane has been extended at the ground floor and basement and has a raised terrace to the rear at both ground floor and first floor levels. The block of flats is orientated in line with the road and its rear elevation is therefore orientated away from the property.

2. Site History

Reference: 16/1488/FUL

Address: 4 Green Lane, London, NW4 2NN

Decision: Approved subject to conditions

Decision Date: 27 July 2016

Description: Demolition of existing dwelling and erection of a 3 storey building involving basement, ground and first floor and rooms in roof space to facilitate the creation of 4 no self-contained residential units. Provisions for car parking, bicycle storage, refuse and amenity space.

Reference: 15/05634/FUL

Address: 4 Green Lane, London, NW4 2NN

Decision: Refused

Decision Date: 3 November 2015

Description: Demolition of existing dwelling and erection of new three storey dwelling to facilitate 4 no. self-contained flats, including car parking, cycle storage, refuse store and landscaping

Reference: W04887G/05

Address: 4 Green Lane, London, NW4 2NN

Decision: Approved subject to conditions

Decision Date: 17 January 2006

Description: Infill extension between both houses to link the two properties. Use of no.4 and 6 Green Lane as one single family dwelling-house.

Reference: W01130B/08

Address: 4 Green Lane, London, NW4 2NN

Decision: Approved subject to conditions

Decision Date: 14 April 2008

Description: Part single, part two storey rear extension, including enlargement of internal swimming pool and rear balcony. Side and rear dormer windows. Conversion of integral garage to habitable room and bay window to front.

Reference: W04887F/05

Address: 4 Green Lane, London, NW4 2NN

Decision: Refused

Decision Date: 17 November 2005

Description: Infill extension between both houses to link the two properties. Use of no's 4 and 6 Green Lane as one single family dwellinghouse.

3. Proposal

The application relates to the demolition of the existing dwelling and erection of a 3 storey building involving basement, ground and first floor and rooms in roof space to facilitate the creation of 6 no self-contained residential units. Provisions for car parking, bicycle storage, refuse and amenity space is also included.

The building would have a mansard style roof with 3 No. dormer windows in the roof on the front elevation and two balconies at first (x1) and second floor (x1) on the rear elevation. The accommodation provided would be as follows;

1 x 3-bed 5 person
2 x 2-bed 4 person
2 x 2-bed 3 person
1 x 1-bed 2 person

Units 1 and 2 would be provided between the basement and ground floor with 2 units at first floor level and another 2 in the roofspace of the building.

6 car parking spaces and cycle parking facilities would be provided in the basement area. Communal amenity space would be provided to the rear. A gated entrance would provide access/egress onto Green Lane.

As the planning history details, there is an extant permission for a 4 unit scheme (16/1488/FUL). The main differences with this scheme, as recorded in the supporting Planning Statement are;

Increase in number of dwellings from four to six.

Alterations to rear elevation to increase size of balcony areas at first floor level and introduction of rear inset balcony area at second floor level.

Alterations to rear windows at second floor level.

Additional roof light on north elevation.

Alteration to siting of roof lights on south elevation.

Changes to internal layouts.

Changes to private amenity space areas.

Change to siting of car lift - allows increase in soft landscaping at the front.

Increase in number of basement car parking spaces from 4 to 6 spaces.

Provision of 11 cycle spaces in the basement.

Introduction of bedrooms at basement level.

Removal of walk on glass planks - allows for more light and outlook from basement accommodation.

The main changes are the increase in units and the reconfiguration of internal space to accommodate this. The overall design of the building and the general concept would not significantly alter.

4. Public Consultation

Consultation letters were sent to 186 neighbouring properties.

9 responses have been received

The comments received can be summarised as follows:

- Insufficient parking.
- Concern about highway safety and potential traffic problems from the increased vehicles.
- Concern about potential impacts on neighbouring properties from a basement development, a Basement Impact Assessment is necessary.
- Overdevelopment of the site.
- The tree in the rear garden should be protected.
- Potential overlooking of garden areas on adjoining properties.
- Increased congestion and air pollution.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance 2018

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

The 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 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 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)
Residential Design Guidance SPD (Adopted 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:

- The principle of the proposed development
- The impact on the character and appearance of the application site and surrounding area
- The impact on the amenity of future and neighbouring residents

- The impact on highway safety and whether the proposal would provide a sufficient parking allocation
- Other material planning considerations

5.3 Assessment of Proposals

The principle of the proposed development

A material consideration of significant material weight is the planning history of the site. Application 16/1488/FUL granted consent for the redevelopment of the site for a residential block of flats, 3 storeys in height with a basement area and communal amenity space to the rear. This approval has settled the principle of redevelopment for flats.

There are a number of other properties in the immediate area that are purpose built flatted developments including the adjacent property Holmbush Court and the property opposite Hendon House, Danescroft sits behind the site and is a large flatted development. As such it is considered that flats are acceptable in this location. This part of the street is considered to be situated in a transitional position with the rest of Green Lane being a more single family dwellinghouse orientated area. Given the site specific circumstances it is considered that flats on this site is acceptable.

The principle of the demolition of the existing dwellinghouse is accepted; the property is not within a Conservation Area and is not of particular architectural merit to warrant its retention subject to an appropriate replacement.

The main consideration will be the increase to a 6 unit scheme and the incumbent policy and standard requirements from national, regional and local policy which will be engaged. These issues will be discussed below.

The impact on the character and appearance of the application site and surrounding area

The National Planning Policy Framework 2018 reiterates the original guidance from the 2012 version stating 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'.

In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets' development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'.

Design

The proposed design does not significantly alter from the extant permission. Balcony areas would be increased on the rear elevation, but this would play no part in influencing the appearance of the building or the character of the area. The proposed roof configuration references the adjoining building to the west and the eaves level continues at the same level of this building. The bulky roof served by front dormer windows is part of the locally established character. The adjoining flats, Holmbush Court, introduces local variation which

allows greater scope for differing designs. The proposed building would not appear out of place and would assimilate successfully into the local established character of the area. As the predominant material on site will be brick, this is considered to suitably allow the proposal to integrate successfully within the streetscene.

Density

With regards to density, Barnet's approach is to optimise housing density in order to achieve appropriate development. This is set within the context of the Sustainable Residential Quality Density Matrix in Table 3.2 of the London Plan. The proposal will see an increase on the site from 4 to 6 units. Given the local context and the fact that multiple unit sites are commonplace, the increase in density is generally acceptable, subject to individual unit sizes being acceptable and that there are no amenity concerns for either future or existing residents. Appropriate density is also expressed through acceptable and effective layout, parking, amenity and design and this scheme is considered to provide an appropriate compliance with these requirements.

Layout

The layout of the proposed scheme is considered to broadly follow the layout of the existing building, with in this case communal amenity space to the rear. The layout is relatively conventional for a flat development and in keeping with the established character of the area. The proposed front building line would follow the existing layout and the step up in height to Holmbush Court is considered to provide an appropriate transition within the streetscene. There is scope for some soft landscaping to the front which will soften the impact of the development.

Scale and Massing

The proposal consists of a three storey building, with the third storey the habitable roofspace. This is not out of character with the neighbouring sites and would result in an appropriate replacement for the existing building.

The impact on the amenity of future residents

The proposed works would now result in the creation of 6 new flats. Policy DM01 of the Development Management Policies 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Each of the proposed flats would meet the minimum space requirements.

Daylight/Sunlight

All habitable rooms will receive adequate daylight/sunlight. The replication of layouts over the residential floors would largely avoid inappropriate stacking and would help reduce potential noise disturbance by avoiding bedrooms overlapping living rooms.

Outdoor Amenity Space

The Supplementary Planning Document: Sustainable Design and Construction states that for each habitable room 5 square metres of amenity space should be provided. With a large, sufficiently private, and useable rear amenity area the proposed development is considered to address this policy requirement. It is also considered that the proposed flats would have access to sufficient amenity space with access to the rear garden from the side passage which will be communal for each of the flats. In addition there will be private balconies/terraces/patio areas for each unit.

Internal Space Standards

Once again it is considered the proposed flats meet the minimum space standards as set out in the London Plan and would provide sufficient outlook and access to light for habitable rooms. One of the key changes with this proposal is that habitable rooms are now proposed in the basement. However the bedrooms would be served by lightwells and at 14/15 sq. m are spacious. Furthermore direct access is provided to a sunken patio area. It is considered that the amenity level of these rooms is to a suitable standard.

Noise Impacts

In terms of noise it is not considered that the proposal will give rise to significant comings and goings in close proximity to surrounding residential occupiers to an unacceptable degree. The proposal to provide 6 self-contained flats is considered to be acceptable given the site context and the busy nature of Green Lane and the adjacent Brent Street.

Details of noise from ventilation and extraction equipment for kitchens, bathrooms etc. can be secured by way of condition.

Impact on the amenity of neighbouring residents

The proposed depth of the building will increase from the existing position. Under application 16/1488/FUL amendments were sought which reduced the depth to what was considered an appropriate level. As this application involves an internal reconfiguration of the approved building, the overall depth does not alter and remains acceptable.

The distance of the closest windows in the development will be 10.4m from the common boundary with 20 Danescroft Avenue, this is considered a satisfactory distance to ensure there is no overlooking between the sites. Also to the rear is the car parking area serving the flatted development at Danescroft which would therefore result in no material impact.

An inset dormer would replace the previously approved 2 rear dormer windows. Whilst a balcony area is now accessible, given the separation distance and boundary screening, there should be no significant impact on the amenity of residents of No.20, or other adjoining properties.

There is considered to be a satisfactory relationship between the proposal and surrounding buildings.

The overall form and massing does not significantly change and the original analysis of application 16/1488/FUL, below, is still relevant;

"By virtue of its scale, siting and design it is considered that the development would not impact adversely on any neighbouring properties access to light or have an overbearing impact on neighbouring properties to an extent that would warrant the refusal of the

application on these grounds. Furthermore, it is considered that the proposed fenestration would not result in any direct overlooking to the neighbouring properties to an extent that would warrant the refusal of the application on these grounds".

The impact on highway safety and whether the proposal would provide a sufficient parking allocation

The Highways Authority advise;

"The proposal is for the demolition of the existing building with rooms in the roof space and basement to provide 6x self-contained units comprising of 1x1bed unit, 4x2beds and 1x3bed, with the provision of 6x off-street car parking spaces.

The site lies within a PTAL 3 zone, which means that there is good public transport accessibility to and from the site. There is no Controlled Parking in operation on the roads surrounding the site.

Taking into consideration the following;

- It is located within a town centre location
- It is within walking distance of local amenities
- The site lies within a PTAL 3 site, which is considered to be good public transport accessibility

Also taking into consideration the comments made for a similar application on the same site (ref. 16/1488/FUL), the proposed is not expected to have a significantly detrimental impact on the surrounding public highway and is therefore acceptable on highways grounds. Cycle parking provision is acceptable."

In response, officers conclude that the proposed car parking would satisfactorily accommodate the parking demand for the development while the cycle parking would also accord with London Plan standards. The car parking is accessible via a parking lift at the forecourt which has access and clearance off the highway to prevent waiting on the highway. There is a condition on the permission requiring a maintenance agreement for the lift. Access from the car lift at basement level to the dwellings would be through a lobby, lift and staircase at basement level.

There are no highway objections to the proposal subject to conditions and informatives.

The provision of refuse storage, sustainability and access.

Refuse storage provision for the proposed development will be kept at the front of the property on the boundary and would therefore be easily accessible for those collecting the refuse and waste.

The development is accessible at all levels by lift and is therefore M4(2) compliant. Conditions are imposed to that effect. In addition, the proposed development would also be required to reduce Co2 emissions by at least 6% and provide for limitations for water consumption.

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal.

The traffic and development team have reviewed the application and consider that the proposal is acceptable from a highway/parking perspective. Under the submission, it has been demonstrated that 6 units could be accommodated and in that respect the proposal represents a more efficient use of a previously developed site and is not considered an overdevelopment.

A basement impact assessment is not considered wholly necessary in this case and any works close to a common boundary will be bound by the Party Wall Act 1996 and require suitable conformity with building control regulations.

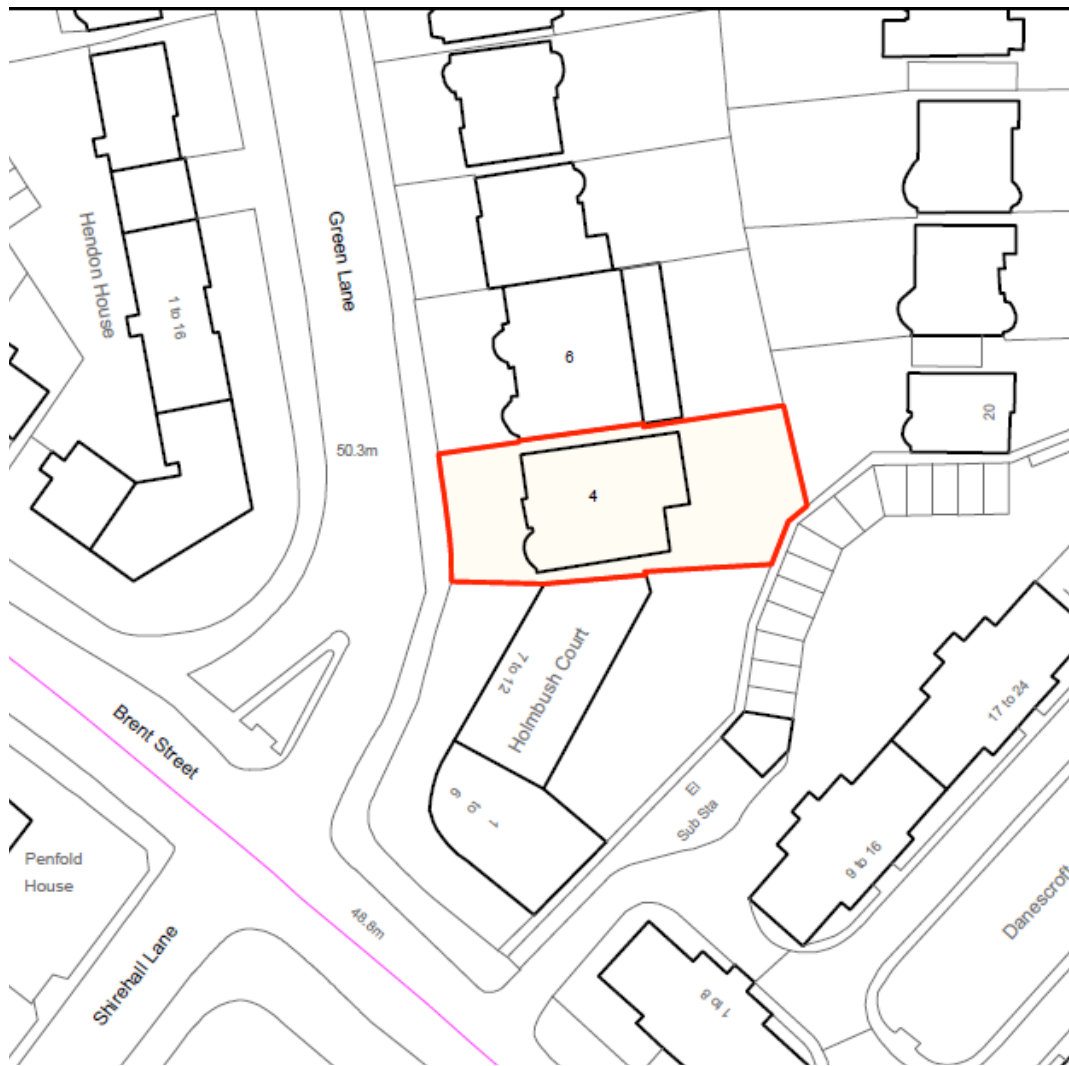
A hard and soft landscaping scheme will be requested by condition, the option of retaining the tree can be considered, but given the desire to achieve useable amenity space an open expanse of grass is often the most suitable arrangement.

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

In light of the above appraisal, it is considered that a case for the amended scheme has been made and 6 units could be successfully accommodated on site. It is therefore recommended that this application is approved subject to conditions.



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