

MEETING

CHIPPING BARNET AREA PLANNING COMMITTEE

DATE AND TIME

THURSDAY 22ND FEBRUARY, 2018

AT 7.00 PM

VENUE

HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG

TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)

Chairman: Councillor Wendy Prentice
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius
Tim Roberts

Laurie Williams
Reema Patel

Kathy Levine

Substitute Members

Caroline Stock
Philip Cohen
Sachin Rajput

David Longstaff
Paul Edwards

Andreas Ioannidis
Pauline Coakley Webb

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

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ASSURANCE GROUP

ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 10
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)	
6.	420- 428 Oakleigh Road North London N20 0RZ (Coppetts)	11 - 26
7.	Macrory Ward Solicitors 27 Station Road Barnet EN5 1PH (Oakleigh)	27 - 34
8.	155 And 157 Chanctonbury Way London N12 7AE (Totteridge)	35 - 50
9.	North Middlesex Golf Club, Friern Barnet Lane, London, N20 0NL (Oakleigh)	51 - 60
10.	Wessex Court 51 West End Lane Barnet EN5 2RA (Underhill)	61 - 78
11.	Any item(s) the Chairman decides are urgent	

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Decisions of the Chipping Barnet Area Planning Committee

18 January 2018

Members Present:-

AGENDA ITEM 1

Councillor Wendy Prentice (Chairman)
Councillor Stephen Sowerby (Vice-Chairman)

Councillor Alison Cornelius
Councillor Tim Roberts
Councillor Laurie Williams

Councillor Reema Patel
Councillor Kathy Levine

1. MINUTES OF LAST MEETING

RESOLVED that the minutes of the meeting held on 30 November 2017 be agreed as a correct record.

2. ABSENCE OF MEMBERS (IF ANY)

None.

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

None.

4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

5. ADDENDUM (IF APPLICABLE)

Items contained within the addendum, were considered under individual agenda items.

6. WOODLANDS PINE GROVE LONDON N20 8LB (TOTTERIDGE)

The Committee received the report and addendum.

Representations were heard from Renco Rapacioli, Feroze Dada and the applicant's agent.

A vote was taken on approving the application as follows:

For	6
Against	0
Abstained	1

RESOLVED that

- 1. the application be approved subject to the conditions detailed in the report and subject to the addendum and any amendments come back to the committee;**
- 2. 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).**

7. WHITEWALLS TOTTERIDGE GREEN LONDON N20 8PE (TOTTERIDGE)

The Committee received the report.

A representation was heard from the applicant's agent.

A vote was taken on approving the application as follows:

For	6
Against	1
Abstained	0

RESOLVED that

- 1. The application be approved subject to the conditions detailed in the report, any amendments come back to the committee and AMENDEMENT TO COND 2: The development must begin within 3 years from the date of the original permission ref:17/2982/FUL dated 28/07/2017;**
- 2. 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).**

8. 1323 HIGH ROAD LONDON N20 9HR (TOTTERIDGE)

The Committee received the report.

A representation was heard from the applicant's agent.

A vote was taken on approving the application:

For (approval)	2
Against (approval)	4
Abstained	1

It was moved by Councillor Williams and seconded by Councillor Roberts that the application be **REFUSED** for the following reasons:

1.The proposed roof extensions by reason of their size siting, scale, appearance, design and relationship to adjacent neighbouring buildings would relate unsympathetically resulting in an unduly obtrusive and unsympathetic form of development which would adversely impact upon the character and appearance of the street scene and the wider area as such the proposal would be contrary to policies National Planning Policy Framework, Policy 7.4 of the London Plan (2016), DM01 (Protecting Barnet's character and amenity) of the Development Management Policies Development Plan Document (September 2012), policy CS5 (Protecting and enhancing Barnet's character to create high quality spaces) of the Local Plan Core Strategy (September 2012), and contrary to the Local Plan Supplementary Planning Document Residential Design Guidance (April 2013).

2.The proposed roof extensions by reason of their size siting, scale, design and their excessive rearward projection would result in a harmful loss of outlook detrimental to the visual and residential amenities of the occupiers of the upper floor flats at No. 1321 High Road particularly when viewed from their rear windows. The proposal would therefore be contrary to Barnet's Local Plan Development Management policies DM01 and DM02 and Supplementary Residential Design Guidance 2012.

For (refusal)	5
Against (refusal)	1
Abstained	1

RESOLVED that the application be REFUSED for the reasons detailed above.

9. BARNET GENERAL HOSPITAL WELLHOUSE LANE BARNET EN5 3DJ (UNDERHILL)

The Committee received the report.

A representation was heard from the applicant's agent.

It was moved by Councillor Sowerby and seconded by Councillor Levine to:

APPROVE WITH AN AMENDMENT TO CONDITION 2 as follows:

The porta-cabin hereby permitted is granted for a temporary period only expiring 6 months from the date of this permission. On or before this date, the porta-cabin carried out in pursuance of this permission shall be removed from the site and the land restored to its former condition and use as patient and visitor parking spaces only in accordance with a scheme which shall have been previously submitted to and been approved in writing by the Local Planning Authority.

A vote was taken on approving the application, subject to the amendment, as follows:

For	7
Against	0
Abstained	0

RESOLVED that

1. the application be approved subject to the conditions detailed in the report, any amendments come back to the committee and subject to the amendment detailed above;
2. 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).

10. UNIT 1 NORTHWAY HOUSE 1379 HIGH ROAD LONDON N20 9LN (TOTTERIDGE)

The Committee received the report.

A vote was taken on approving the application as follows:

For	5
Against	1
Abstained	1

RESOLVED that

1. The application be approved, subject to the conditions detailed in the report and any amendments come back to the committee;
2. 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).

11. PLANNING ENFORCEMENT QUARTERLY UPDATE: OCTOBER 2017 TO DECEMBER 2017

The report provided an overview of the planning enforcement function in the period between October 2017 and December 2017.

RESOLVED that the Committee note the Planning Enforcement Quarterly Update for the period of October 2017 to December 2017.

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

None.

The meeting finished at 8.35pm

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Location **420-428 Oakleigh Road North London N20 0RZ**

Reference: **17/6773/FUL**

Received: 24th October 2017

Accepted: 31st October 2017

Ward: Coppetts

Expiry 26th December 2017

Applicant: Mr Dear

Proposal: Roof extension above nos. 420 - 428 to provide a new hipped roof over the existing row of terraced houses, changes to fenestration and Conversion of no. 428 to 2no. self-contained flats including a two storey rear extension, new access to shared amenity space and accommodation in the roof space including a side and rear dormer window.

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:

201720.P.2001 (OS Map), 201720.P.2002 (Existing Block Plan & site Elevation), 201720.P.2003 Rev 1 (Proposed Block Plan & Site Elevations), 201720.P.2101(Existing Floor Plans), 201720.P.2102 Rev 5 (Proposed Floor Plans), 201720.P.2301(Existing Elevations), 201720.P.2302 Rev 5 (Proposed Elevations), 201720.P.1105(Soundproof Floor), Sustainability Statement, Planning/ Design and Access Statement.

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

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

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

- 3 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 4 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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

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 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 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.

9 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 10 % in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission

Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

10 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.

11 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be provided as shown on the drawings hereby approved.

b) The development shall be implemented in accordance with the details approved before first occupation 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).

Informative(s):

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

2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work

are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 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 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.

Officer's Assessment

1. Site Description

The proposal site is located on the southern side of Oakleigh Road North, within the ward of Coppetts and comprises of a row of two-storey terraced properties with flat roofs. The surrounding area consists of a variety of building designs and uses; mainly residential but also retail and commercial.

There are no listed buildings on the site and it does not fall within a Conservation Area.

2. Site History

Reference: 17/4731/FUL

Address: 428 Oakleigh Road North London N20 0RZ Decision: Refused

Decision Date: 20 September 2017

Description: Roof extensions above nos. 420 - 428 to provide an additional storey at second floor level, changes to fenestration and Conversion of no. 428 to 3no. self-contained flats including a two storey rear extension and new access to shared amenity space and accommodation in the roof space.

Reason(s)

1. The proposed development by reason of its height and roof design would constitute an incongruous and uncharacteristic addition to the street scene which would fail to respect the character and appearance of the locality.

2. The proposed flatted development at no 428 Oakleigh Road North would result in substandard accommodation for future occupiers of the first floor unit in terms of the stacking arrangement of the 2nd floor.

3. No information has been submitted for refuse, recycling and cycle storage facilities for the proposed conversion of 428 Oakleigh Road North to demonstrate that such facilities could be satisfactorily provided within the curtilage of the application site to serve the proposed units. In the absence of such information the proposal would be detrimental to the character and appearance of the street scene and harm the living conditions of neighbouring occupiers as well as future occupiers of the development.

4. Insufficient information has been submitted to show that lack of parking provision will not lead to on-street parking pressures, traffic congestion; traffic and highway safety especially within the vicinity of the application site to the detriment of highway safety.

Appeal: In Progress

Reference: 17/4730/FUL

Address: Land to the Rear of 428 Oakleigh Road North London N20 0RZ

Decision: Refused

Decision Date: 15 September 2017

Description: Erection of a single storey dwellinghouse with basement and associated lightwell and amenity space.

Reason(s)

1. The proposed development would, by reason of its design, siting, size and layout, represent a cramped form of development and an overdevelopment of the site that is out of keeping with and harmful to the character and appearance of the area.

2. The proposed development would, by reason of its design and layout, fail to provide adequate quality or quantity private outdoor amenity space and outlook for future occupiers and would also result the dwelling being overlooked by neighbouring properties. The proposal would therefore provide a poor quality of accommodation for future residents.

3. Insufficient information has been submitted in respect of the proposed means of access to the dwelling or to confirm whether access is available to the dwelling from the public highway. In the absence of this it may not be possible to provide parking spaces for future occupiers of the development or access and construct the building in a safe or acceptable way or provide a refuse collection service. This would result in a harmful impact on highway and pedestrian safety and be detrimental to the free-flow of traffic.

Appeal: In Progress

Reference: N09754

Address: 428 Oakleigh Road North

Decision: Approved subject to conditions

Decision Date: 21 August 1990

Description: Two storey rear extension

Reference: N03765G

Address: Rear of 420 - 428 Oakleigh Road North

Decision: Approved

Decision Date: 2 October 1985

Description: Erection of a three-storey block of fourteen one-bedroom flats and four two-bedroom flats, provision of car parking spaces and formation of vehicular access thereto.

Reference: N03765F

Address: Rear of 420 - 428 Oakleigh Road North

Decision: Approved

Decision Date: 12 June 1984

Description: Erection of three storey block of fourteen one bedroom and four two bedroom flats provision of 20 car parking spaces and formation of vehicular access thereto.

Reference: N03765E

Address: Ryall's Land, R/O 420 - 428 Oakleigh Road North

Decision: Approved subject to conditions

Decision Date: 2 February 1984

Description: Erection of three storey block of fourteen one bedroom and four two bedroom flats, provision of 20 car parking spaces and formation of vehicular access thereto.

3. Proposal

This application seeks planning permission for:

- Roof extension above nos. 420 - 428 to provide a new hipped roof over the existing row of terraced houses with flat roofs,
- Conversion of no. 428 to 2no. self-contained flats including an infill two storey rear extension and accommodation in the roof space including one side and one rear dormer window.
- Changes to fenestration,
- New access to shared amenity space.

The plans have been revised to reflect a more sympathetic roof design and dormers.

The site location plan has also been revised by omitting the bin enclosure from the front boundary to take account of officer concerns, as it was considered the siting along the front boundary would have a detrimental impact on the appearance of the property and the street scene. However, this has been conditioned to ensure an alternative suitable location can be identified within the site and discharged at a later date. Similarly the cycle storage plan has been withdrawn from this application and a condition has been attached to ensure an alternative suitable location can be identified on site.

4. Public Consultation

Consultation letters were sent to 91 neighbouring properties. 5 objections comprising 1 letter of support and 1 letter of representations were received. The summary of comments is as follows:

- There cannot be access to the flats from Ryalls Court as it is a private road
- Dangerous turning off Ryalls Court into Oakleigh Road due to line of sight often being completely blocked.
- Parking and access requirement for the additional units
- Parking problems / obstructions
- Impact of construction traffic
- Applicant should pay for the cleanup and any damage to Ryalls Court etc.
- Property not large enough to be converted without substantial extension which would be contrary to Para 15.6 of the Barnet's Planning Guidelines
- Inaccurate drawings (existing elevations).
- Noise from the proposed new dwelling
- Council to guarantee proposal will not lead to more rubbish being left out on the pavement
- Surveys shows that there will not be structural effect on Ryalls Court

Support

- Improvement to the roof of all the properties
- Scope to extend the family houses
- Parking at Ryall's Court is underutilised.
- Need to establish if the road leading to Ryall's Court is a private road

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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.

Draft London Plan 2017

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, DM03, DM04, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development for the creation of a new hipped roof over the existing row of terraced houses and conversion of no.428 from single dwelling to 2 self contained flats with 2 storey rear extensions and roof extension incorporating one side and one rear dormer window to facilitate accommodation in the roof space.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide satisfactory living accommodation for future occupiers

5.3 Assessment of proposals

The proposal consists of 4 elements:

- i. Construction of a new hipped roof over the existing row of terraced houses no's 420-428;
- ii. Conversion of No.428 Oakleigh Road North from single family dwelling house to 2no. self-contained flats;
- iii. Two storey infill rear extension to no. 428 , and Changes to fenestration, new access to shared amenity space;
- iv. One side and one rear dormer window within the roof of no.428 to provide accommodation within the roof space.

Principle of development

There are a variety of 2 and 3 storey buildings along this section of Oakleigh Road North. In principle, creation of a new hipped roof over the existing flatted row of terraced houses is considered to be acceptable subject to all other material considerations.

The proposal also seeks to convert the existing property at No 428 Oakleigh Road North into 2 no self- contained flats with 2 storey rear extensions and one side and rear dormer window to provide accommodation in the roof space.

Oakleigh Road North is a predominantly residential area, and flatted properties form part of the character of the area, with purpose built flats adjacent and opposite the proposal site. Policy DM01 of Barnet's adopted Local Plan (Development Management Policies) 2012 states that development proposals should be based on an understanding of local characteristics in order to ensure that local character is preserved. In particular, the conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. Although the proposal for flatted development would result in the loss of a single family dwelling, the principle of conversion of the property for flatted development subject to other considerations discussed in the following sections would not harm the character and appearance of the area.

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

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. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness.

Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality. The local pattern of streets and spaces, building traditions, materials and ecology should all help to determine the character and identity of a development.

Policy DM01 b. states that Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The pattern of development refers to the arrangement of plots and the Residential Design Guidance SPD advocates that proposal for new residential development should respond to the distinctive local built forms and pattern of development.

The proposed development would reflect the existing pattern of development within the surrounding area. The proposed alteration to the existing roof form of the terrace group of buildings (Nos 420 -428) would have a new hipped roof similar to the adjacent no.434 Oakleigh Road North, Joiners Court to the side and Ryall's Court to the rear.

The proposed two storey rear extension relates solely to No 428. The proposed extension is considered to be an acceptable addition to the host dwelling with respect to scale and massing. Although the addition would alter the character and appearance of the row of terraced properties which benefit from original two storey outriggers, it is considered that this would not detract from the prevailing character as one of the neighbours on the terrace has undertaken similar development which infills the outrigger. It is considered that the proposed development would be acceptable and there would be no harm to the character of the area.

Two dormer windows are also proposed to no 428; one at the side and one to the rear. As amended It is considered that the side and rear dormer windows are modest in size and would appear subordinate features within the proposed roofslope. Moreover given its size, height and position, the proposed dormers in the roofslope, are considered not to visually dominate the side and rear elevation of the building nor would it have a negative impact on the character and appearance of the property or of the streetscene.

There will be no change to the fenestrations at the front elevation to the row of the houses however there are proposed changes to the side elevation; blocking up of existing windows to create blind windows and the opening of new windows, including the proposed double French doors to the rear ground floor. It is considered that this will not detract from the character of the existing building and the area.

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

The proposed development would not result in overlooking or loss of privacy due to the distance between the application site and the properties to the rear (Ryall Court). The set back is approx. 38m.

The proposed windows to the side elevation will be obscured glazed and will not lead to overlooking of adjoining properties nor result in overlooking of the future occupiers.

Whether the proposal would provide satisfactory living accommodation for future occupiers

The scheme proposes the following internal space standards:

Unit	Number bed /persons	Space Standards (m2)	Proposed (m2)
Flat 1	1b1p 50*	44	
Flat 2	1b2p 50*	71	

Flat 1 will have a floorspace of approx. 44sqm. This would be slightly less than the 50sqm standard prescribed in the Council's standards for a 1 bed flat with 2 people, however given the proposed flat would be a 1 person unit on this basis it is considered to be acceptable without compromising the living conditions of the occupiers of this 1 bed 1 person unit. Flat 2 would be 2 bed unit and would have adequate gross internal areas (GIA) of 71sqm. Both units would provide adequate bedroom sizes and storage space in accordance with the standards prescribed in the Council's adopted Sustainable Design and Construction SPD (2016) and the Mayor's London Plan (2015, Minor Alterations 2016). All of the units will feature dual aspect, providing a good standard of natural light access and visual outlook for potential occupants.

The current layout is deemed appropriate as it would ensure that habitable rooms such as bedrooms are not unduly affected by noise generating activities in other rooms such as living rooms and kitchens.

Both flats would be accessed via the existing front door.

The plan shows that the existing garden would be subdivided and segments of it would be hedged off for a proposed single storey dwelling which is currently subject of an appeal (17/4730/FUL). The remaining garden land would be further subdivided into two and would provide 25sqm of amenity for flat 1 and 25sqm for flat 2. The council's requirement for amenity space is 5sqm per habitable room and in this instance there would be a total of 4 habitable rooms, therefore the amenity provision would have to be 20sqm minimum. The proposal would provide sufficient amenity space, however it should be noted that if the appeal for the erection of a single storey residential unit to the rear is allowed, the subdivision lead to the amenity area for flat 2 being sandwiched between the proposed new house at the rear and flat 1. Access to garden of flat 2 would be via the new (relocated) side gate.

It should be noted that an appeal has also been lodged against Council's decision in respect of the previous proposal for the row of terraced houses (17/4731/FUL).

Highways

Policy DM17 sets out the parking standards for residential use:

Highways comments:

The proposal is for the conversion of the existing 3 bed single family dwelling into 1x1 bed and 1x2 bed self-contained units. The proposal with no parking provision is expected to have minimal impact on public highway and is therefore considered acceptable on highways grounds.

Please note that cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

The application is recommended for approval on highway grounds, subject to conditions and informatives.

Refuse Storage

Policy CS14 of the Council's Core Strategy dealing with waste requires developments to provide waste and recycling facilities which fit current and future collection practices and targets. Para 15.18 of the Residential Design Guidance seeks to ensure that bin and refuse storage provision is provided within the curtilage of the building.

The initial plans showed a bin storage unit to be located to the front of the property as existing. The plans have been amended and the location of the bin storage has been omitted from the revised plans. A condition would be attached requiring details of suitable refuse and recycling storage to be provided.

Cycle storage provision: The applicant initially provided information regarding three wall mounted cycle racks in the communal lobby. This provision has been assessed and is not deemed adequate. In view of this the plans were withdrawn from the list of plans submitted. In view of the above a condition requiring details of cycle storage facilities to be submitted would be attached.

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 is attached 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 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

In terms of water consumption, a condition is attached 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

The LPA have considered the concerns raised through the public consultation process and they have been addressed in the assessment above.

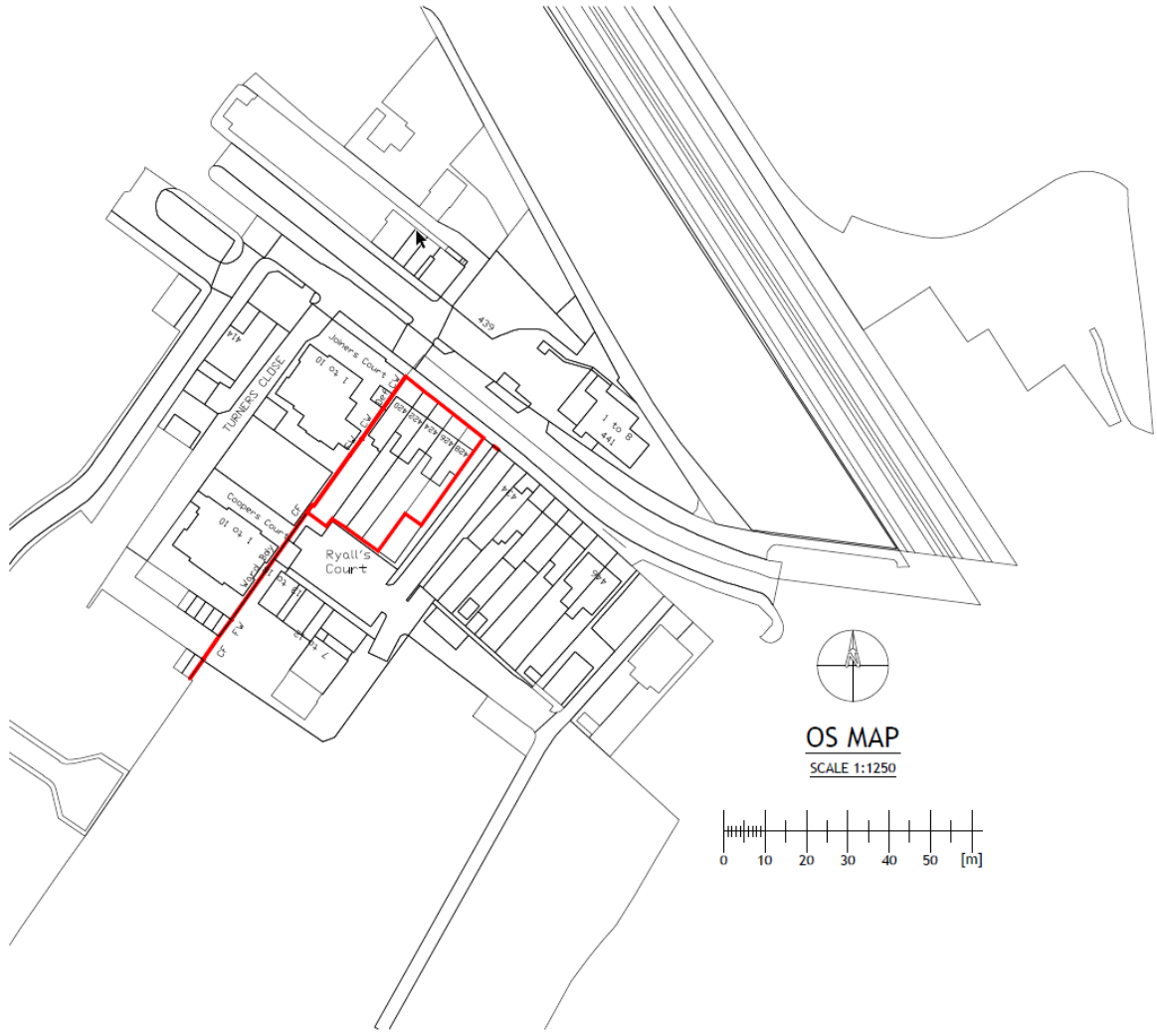
Issues relating to dumping of refuse on the pavement is not a planning matter and therefore is not considered as a material consideration in deciding this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the area, the host building, the street scene and Mill Hill Town Centre. 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 **Macrory Ward Solicitors 27 Station Road Barnet EN5 1PH**

Reference: **17/7125/FUL**

Received: 9th November 2017

AGENDA ITEM 7

Accepted: 20th November 2017

Ward: Oakleigh

Expiry 15th January 2018

Applicant: Mr JOHN MACRORY

Proposal: Single storey rear extension

Recommendation: Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
 - Site Location Plan
 - Existing and Proposed Ground Floor Plan and Rear Elevations (472017/1)

The above were received on 20/11/2017.

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

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

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

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

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

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

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

Informative(s):

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

Officer's Assessment

1. Site Description

The application site is a two-storey property in use as an office (B1) on the ground floor and residential above. To the front of the application site is a tarmacked forecourt used to provide on-site parking for both nos.25 and 27 Station Road. To the rear is a long and narrow garden which benefits from both direct front-to-rear access via a side alleyway and direct access from the ground floor office. The adjoining property at no.25 is used for residential flats. The predominant character of this section of Station Road is residential, with a mix of single family occupancy, flat conversions and purpose-built flats. The adjoining property at no.25 benefits from a large single storey rear extension which is used to accommodate self-contained residential units. There is a flank wall window that serves a habitable room of one of the residential units at no.25 that faces onto the application site.

The application site is not located within a conservation area, is neither a statutory or locally listed building and has no TPO trees located within the curtilage of the application site. Furthermore, the site is located in a flood zone 1 area.

2. Site History

Reference: 16/3030/PNO

Address: 25 Station Road, Barnet, EN5 1PH

Description: Change of use from Use Class B1 (offices) to Use Class C3 (residential) to provide (7 Units)

Decision: Prior Approval Required and Approved

Decision Date: 12 July 2016

This permission has been implemented but not in accordance with Condition 1 (Approved Plans).

Reference: B/05446/14

Address: 25 Station Road, Barnet, EN5 1PH

Description: Change of use from Use Class B1 (Office) to Use Class C3 (Residential) to provide 6 units.

Decision: Prior Approval Required and Approved

Decision Date: 06 November 2014

3. Proposal

- Construction of a single storey rear infill extension associated with the existing office use at ground floor, measuring 5.41m in depth, 3.93m in width, with a maximum height of 3.28m. The proposal also includes a roof light on top of the single storey rear extension and a step aiding access to and from the proposed extension and the rear amenity space.

4. Public Consultation

Consultation letters were sent to 144 neighbouring properties. 11.no responses were received comprising 11.no letters of objection. 4.no of the objections received were from addresses outside of the application site's postcode. The objections received can be summarised as follows:

- Extension will double size of Solicitors business and increase demand for on-site parking from staff and clients;
- Station Road is already busy. Increased demand for on-site parking will exacerbate parking / traffic constraints along Station Road;
- Highways should do an assessment as additional demand on parking will be unsafe;
- Certificate B was not issued in regards to the flank wall window at no.25.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies document. Both were adopted in September 2012. The following policy documents were consulted:

Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012)
- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM17.

Supplementary Planning Documents

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:

- i. The impact on the appearance and character of the area
- ii. The impact on the amenities of neighbouring occupiers

5.3 Assessment of proposal

The impact on the appearance and character of the area

This application seeks planning permission for a single storey rear infill extension to create additional office space for the existing Solicitors business occupying the ground floor of the application site. The extension does not seek to extend the rear building line of the original building but rather proposes to infill the gap between the rear extension at the adjoining property at no.25 and the inward facing flank wall of the application site. The height would match the height of the single storey rear extension at no.25, although would be shorter in depth. The proposed facing materials would match those used on the original building and would incorporate a flat roof design to reflect the roof form employed at the adjoining property at no.25. It is considered that the proposed single storey extension would comply with Policy DM01 in terms of design, scale and materials and would represent a subordinate and appropriate addition to the host property. Furthermore, the proposed extension would be located to the rear of the application site and therefore would not be visible from the public highway.

A number of objections were received during the course of the public consultation. However, none of those received raised significant objection regarding the proposed extensions impact on the character and appearance of the application site or wider area.

In summary, the proposed single storey rear infill extension is deemed in compliance with Policy DM01 and is not considered to cause harm to the character and appearance of the application site or wider area. It would therefore be recommended for approval on character and appearance grounds.

The impact on the amenities of neighbouring occupiers

As aforementioned, the proposed extension is a single storey rear infill extension. It does not propose to extend beyond the rear footprint of the original building at the application site and would only fill the void between the single storey rear extension at the adjoining property at no.25 Station Road and the inward facing flank wall at the application site. The adjoining property at no.25 currently benefits from a single storey rear extension which would exceed the depth of the proposed extension and would be matching in terms of height. Given the proposed is an infill extension and would not exceed the depth of the adjoining single storey extension at no.25, it is not considered that it would result in harm to neighbouring occupiers by way of a loss of outlook, daylight / sunlight, or privacy. Equally, given the parity in height with no.25, no overbearing impact or overlooking would occur.

As outlined in the site description above, there is currently an obscure glazed flank wall window facing onto the application site which would be blocked should the proposed extension be constructed. As part of the assessment of this application, a site visit was conducted at the neighbouring property at no.25 to understand the impact the proposed extension would have on the aforementioned flank wall window. This site visit was also conducted at the request of somebody with an interest in the residential units located within no.25. Their main concern was that the proposed extension would block any natural light received by the flank wall window, which would as a result provide a reduced standard of amenity for the habitable room which the window serves. It was argued that the window was existing and therefore not only should Notice be served on the owner and certificate B completed as part of the planning application (which was subsequently provided), but that their right to light should be respected.

A review of the site's (no.25 Station Road) planning history was conducted to verify the veracity of this assertion. Since 2014, 2.no planning permissions have been granted at no.25 Station Road. The first (ref: B/05446/14) was granted in 2014 for a 'Change of use from Use Class B1 (Office) to Use Class C3 (Residential) to provide 6 units', while the second (ref: 16/3030/PNO) was granted in 2016 for a 'Change of use from Use Class B1 (offices) to Use Class C3 (residential) to provide (7 Units)'. Two important considerations emerged from conducting both the site visit and planning history search. Firstly, the flank window shown on the approved plans was previously a roof light and therefore different in both design and function to the current flank wall window, and secondly the previous permission (ref: 16/3030/PNO) has been implemented but not in accordance with the approved plans. Pictures of the previous skylight were provided which bear little resemblance to the current flank wall window. Indeed, no application has been received and no permission has been given to alter the design of the aforementioned skylight. As no.25 is a flat, it would not benefit from permitted development. Therefore, as the previous skylight has been altered without planning permission and indeed as the previous permission has not been implemented in accordance with the approved plans, it is not considered that the flank wall window benefits from an extant planning permission. Consequently, it is considered that the flank wall window is a civil matter between the owners of nos.25 and 27 Station Road and it does not preclude planning permission being granted for the proposed single storey rear infill extension. The applicant has served notice to the owners of no.25 Station Road via Certificate B. It is worth noting that of the 11.no letters of objection received, 4.no of which are from addresses with a different postcode to the application site, only 1.no refers to the flank wall window as a point of objection.

The majority of objections received refer to the extension's detrimental impact in regards to on-site parking and additional stress on the adjacent public highway. As aforementioned, some objections are from people who only visit Station Road and are worried the 5.4m deep rear extension will inconvenience their access to the street as a result of increased traffic congestion. Others refer to highway safety concerns and the increased demand for parking as a result of the proposed extension. In regards to parking, both nos. 25 and 27 have access to 3.no on-site parking spaces each. In terms of a parking requirement, Table 6.2 'Car Parking Standards' of Policy 6.13 of the London Plan (2016) states that for B1 office use in outer London locations, 1.no parking space is required per 100-600m² (Gross Internal Area). The proposed extension would measure 21.7m². It is therefore not deemed that the proposed extension would require additional on-site parking provision. Indeed, it is considered that the 3.no parking spaces provided for the application site would be policy compliant and that the proposed extension would not result in a significant increase in levels of site trip generation, with the proposed extension only serving to increase the size of an existing meeting room as opposed to the creation of an additional business unit. Consequently, it is deemed that the proposed extension would be acceptable on highways

grounds and would not result in harm to the residential amenity of neighbouring properties by way of an unreasonable demand for on-site parking, or a detrimental impact on the adjacent public highway.

Based on the above, it is not deemed that the proposed single storey rear infill extension would cause significant harm to the residential amenity of neighbouring occupiers. The assessment undertaken above has given due consideration to the flank wall window at no.25, but given the site history and fact the development has not been implemented in accordance with the approved plans, it is deemed that this is a civil matter and does not preclude granting permission for the proposed single storey rear infill extension. Consequently, the application is recommended for approval on amenity grounds.

5.4 Response to Public Consultation

The public comments received have been acknowledged and have been addressed in the above report. For clarity, see below:

- Extension will double size of Solicitors business and increase demand for on-site parking from staff and clients:

The extension is to increase the size of an existing meeting room and does not propose to create an additional business unit. There is no evidence provided to suggest that the extension would increase the demand on the application site's off-street parking provision.

- Station Road is already busy. Increased demand for on-site parking will exacerbate parking / traffic constraints along Station Road:

This has been addressed in the report above. It is not considered that an extension to an existing meeting room would result in traffic constraints along Station Road, or increase the demand on the applications site's existing off-street parking provision. It is deemed that the application site complies with Policy 6.13 of the London Plan (2016) and Policy DM17 of Barnet's Development Management Policies (2012).

- Highways should do an assessment as additional demand on parking will be unsafe:

This is not deemed to be necessary. See response to the above point.

- Certificate B was not issued.

Certificate B has been completed and Notice served on all relevant persons.

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 single storey rear infill extension would have an acceptable impact on the character and appearance of the application site and wider streetscene, and would not cause significant

harm to the residential amenity of neighbouring occupiers. Therefore, this application is recommended for approval.



Location 155 And 157 Chanctonbury Way London N12 7AE

Reference: 18/0129/FUL

Received: 8th January 2018

AGENDA ITEM 8

Accepted: 10th January 2018

Ward: Totteridge

Expiry 7th March 2018

Applicant: Mr and Mrs Scott & Mr and Mrs Rusta

Proposal:

Demolition of no 155 and erection of 1no dwelling. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

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:

PA_001 (received 10/01/2018)

PA_002 (received 10/01/2018)

PA_003 (received 10/01/2018)

PA_004 (received 10/01/2018)

PA_005 (received 10/01/2018)

PA_006 (received 10/01/2018)

PA_007 (received 10/01/2018)

PA_008 (received 10/01/2018)

PA_009 (received 10/01/2018)

PA_010 (received 10/01/2018)

PA_011 (received 10/01/2018)

PA_012 (received 10/01/2018)

PA_013 (received 10/01/2018)

PA_014 (received 10/01/2018)

PA_015 (received 10/01/2018)

Basement Impact Assessment (received 08/01/2018)

Demolition and Construction Method Statement (received 08/01/2018)

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 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 elevation facing No.153 Chanctonbury Way and No.159 Chanctonbury Way 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.153 and No.159 Chanctonbury Way.

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

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

- 8 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.

- 9 Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved at No.155 Chanctonbury Way, the property shall 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.

- 10 Prior to the first occupation of the development hereby approved at No.155 Chanctonbury Way, 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 Polices document (2012), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 11 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; and D of Part 1 of Schedule 2 of that Order shall be carried out within the area of No.155 and No.157 Chanctonbury Way hereby approved.

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

- 12 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- 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 April 2013) and 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. 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.

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.

Officer's Assessment

1. Site Description

The application site involves a pair of semi-detached properties located at No.155 and No.157 Chanctonbury Way. The properties are located towards the head of a cul-de-sac where the dwellings are set in relatively spacious plots. The host site at No.155 shares a boundary with the neighbouring premise at No.153 whilst the host site at No.157 shares a boundary with No.159.

It is noted that the local street scene character is dominated by two storey semi-detached properties. Notwithstanding this, the properties appear to vary in terms of form, character and appearance.

The properties do not fall within a conservation area and are not listed buildings. There are no tree preservation orders on site.

To the north lies the Folly Brook, a tributary to the Dollis Brook. It is acknowledged that the properties do not fall within a Flood Risk Zone.

2. Site History

Reference: 17/0497/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Refused

Decision Date: 12 April 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Appeal Reference: APP/N5090/D/17/3177417

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Appeal Allowed

Date: 8 September 2017

Reference: 17/2939/HSE

Address: 155 and 157 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 30 June 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

Reference: 17/6065/HSE

Address: 155 Chanctonbury Way, London, N12 7AE

Decision: Approved subject to conditions

Decision Date: 14 December 2017

Description: Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Basement excavation below footprint of ground floor. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue

3. Proposal

This proposal is for a joint application for the properties at No.155 and No.157 Chanctonbury Way. It is noted that the application follows from a recent planning approval, under reference 17/6065/HSE, for various extensions at both properties. Notwithstanding the approval for application 17/6065/HSE, No.155 was subsequently fully demolished. The decision notice for application 17/6065/HSE did not give permission for a full demolition.

The current application therefore seeks planning permission for the demolition and rebuild of No.155 as well as the same extensions at No.157 which were approved under application 17/6065/HSE. It must also be noted that the proposed rebuild of No.155 would materially match the extensions approved under application 17/6065/HSE.

Demolition and rebuild at No.155 Chanctonbury Way will measure as follows:

- o At ground floor, the property will measure a minimum of 9.54 metres in width and a maximum of 11.53 metres in width. The property will measure a maximum of 14 metres in depth from the front to the rear elevation.
- o At first floor, the proposed property will measure a maximum of 12 metres in depth from the front elevation to the rear elevation and a maximum of 9.54 metres in width. The property will be stepped to the front elevation.
- o The proposed building will benefit from a gabled roof and a rear dormer to match No.157; which already benefit from a hip to gable extension.
- o The proposed basement extension measuring 14 metres in depth, a minimum of 9.57 metres in width and a maximum of 11.55 metres in width. The basement will serve a gym and utility room. 2no lightwells have been proposed to the side elevation facing No.153 Chanctonbury Way. The lightwells will measure 1000mm x 2000mm and will be flush at ground level.

Extensions at No.157 Chanctonbury Way will measure as follows:

- o Single storey side extension measuring 12.82 metres in depth and 2.66 metres in width. Towards the rear elevation, the side extension will extend a further 2 metres in width to then wrap-around with the proposed single storey rear extensions.
- o Single storey rear extension measuring 5 metres in depth, 11.08 metres in width, and 3.12 metres in maximum height.
- o First floor side extension measuring 9.89 metres in depth and 2.66 metres in width. The extension has been set back from the front elevation by a minimum of 1 metre and has been set down from the main ridge. The extension will have a minimum set back of 1.33 metres to the neighbouring boundary at No.159 Chanctonbury Way, and a maximum set back of 4 metres.
- o First floor rear extension measuring 3 metres in depth and 9.07 metres in width.

4. Public Consultation

Consultation letters were sent to 29 neighbouring properties.
5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of a suburban street
- Out of keeping and harmful to the character and appearance of the original building
- No.155 has already been demolished
- Disruption caused by builders
- Site office constructed in the front garden of No.153 Chanctonbury Way
- Basement excavation could lead to potential flooding
- Poor form of development of the site
- Harmful to the character and appearance of the original buildings,
- Effect of water runoff
- Site is poorly secured and dangerous for pedestrians and children
- Late working and mess caused by construction vehicles.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Assessment of proposals

The application seeks planning permission for a series of works to be undertaken at No.155 and No.157 Chanctonbury Way. It is noted that the properties benefit from planning history relating to most elements of the current proposal. The first application, under reference 17/0497/HSE, sought planning permission for 'Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue.'

The application was refused planning permission as it was considered that the proposed rear/side extensions, as well as the rear dormers, by reason of their siting, excessive bulk, massing, and design, would fail to be subordinate towards the existing dwellings and would cumulatively constitute disproportionate and incongruous additions to the existing dwelling houses.

The application was subsequently allowed at appeal APP/N5090/D/17/3177417. It was considered by the Planning Inspector that the proposed roofs to the extensions would sit lower than the roofs of the existing dwelling, with parts of the extensions benefitting from setbacks from the main front elevations. It was therefore considered by the Planning Inspector that, when viewed from the road, the proposed extensions to both No.155 and No.157 Chanctonbury Way would appear subordinate to the appeal dwellings and would not appear out of place with regards to the established local character.

The Inspector's comments continued to address the relatively moderate impact of the proposal towards the rear elevation of the appeal site stating that "...although large, the extensions would be set down from the main roof ridges and would incorporate various changes in depth. I find the proposed extensions would not appear bulky or dominant. Furthermore the proposed rear extensions would only be visible from the rear gardens of the appeal dwellings and the immediate neighbouring dwellings such that they would not be overly prominent."

It was therefore considered that the extensions would not harm the character and appearance of the area or the host properties.

Notwithstanding the above, prior to the appeal decision, a second planning application, with reference 17/2939/HSE, was granted planning permission for a 'Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue'.

Following the above, a third application was submitted, under reference 17/6065/HSE, for a 'Part single, part two storey side and rear extension following demolition of existing attached garage. Extension to roof including hip to gable end, 1no rear dormer window and 2no roof lights to front elevation. Basement excavation below footprint of ground floor. Associated changes to windows and door including relocation of front entrance to 155 Chanctonbury Avenue. Part single-part two-storey side and rear extension following

demolition of existing side/rear extension and garage. Association changes to windows and door including relocation of front entrance to 157 Chanctonbury Avenue'.

The proposal sought to combine different elements from the previous applications as well as introduce a basement extension at No.155 Chanctonbury Way. The application was recommended for approval; nevertheless, due to a higher number of objections from neighbouring properties, the application was referred and determined at committee. The application was deemed acceptable and approved at the Chipping Barnet Area Planning Committee on the 30th of November 2017.

It must be noted that that following the above approval the property at No.155 was fully demolished. The decision notice for application 17/6065/HSE did not give permission for a full demolition and rebuild of the property. The site is therefore subject to an enforcement investigation, with reference ENF/01572/17, for the demolition without Consent of Planning Permission.

The current application, under reference 18/0129/FUL, seeks to rectify the ongoing situation and as it seeks planning permission for the demolition and rebuild of No.155 as well as the extensions, which have been already approved, for No.157 Chanctonbury Way. It is further noted that as rebuilt, the property at No.155 would match the proposal approved under the previous application 17/6065/HSE; this includes the basement extension, part single part two storey side and rear extensions, and the loft conversion.

The application was called in at Committee by Councillor Richard Cornelius on the planning grounds that the application would represent a departure from normal planning procedure as well as the proposal being out of character with the rest of the street.

Principle of Development

The host property at No.155 Chanctonbury Way does not fall within a conservation area and is not a listed building. It is therefore considered that the property does not benefit from a special architectural merit. The rebuild of No.155 will result in the same footprint, size, mass, and bulk as the extensions which were approved under planning application 17/6065/HSE. This would include the previously approved basement, part single part two storey side and rear extensions, a loft conversion involving a hip to gable and rear dormer extension, and the relocation of the front entrance.

The property is currently in use as a single family dwelling house. The replacement building would maintain the same use. It is noted that the proposal has not provided details with regards to parking spaces as well as refuse storage. Nevertheless, the applicants have confirmed that existing parking provision will be maintained. As the replacement property will continue to be used as a single family dwelling house, it is considered that parking provision and refuse will be maintained as existing and acceptable in principle.

It is therefore considered that, on balance, the demolition and rebuild of No.155 Chanctonbury Way may be supported as the proposal would not materially impact and alter on the current use and density of the host site.

With regards to the extensions at No.157, it is recognised that the proposal would materially match the extensions approved under planning application 17/6065/HSE. It is therefore considered that the principle of extending No.157 is accepted.

Basement at No.155 Chanctonbury Way

The applicants have provided a Basement Impact Assessment.

The geology map indicates this area is overlain with London Clay (a relatively stable sub-soil). London clay has a relatively low permeability and is almost a complete barrier to ground water flow. Furthermore, whilst it is also acknowledged that the property sits in close proximity to Folly Brook, it falls on land classified as Flood Risk Zone 1 and is therefore not in a flood risk zone.

The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces. The proposed basement extension will not project past the front, side, and rear elevations of the host property and therefore no visual manifestation will occur. Two light-wells have been proposed at ground floor on the side elevation facing No.153 Chanctonbury Way. The light-wells will be flush and therefore are not considered to materially impact on the character of the property and the local area. In this instance, the proposed basement extension will allow for a gym and utility room. The submitted plan PA_015 suggests that the proposed head height will be 2.6 metres. It is therefore considered that the proposed basement will adequately serve future occupiers.

In conclusion, the structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations and it is not considered justified to require a Basement Impact Assessment to be independently assessed. The proposed basement has not been considered to increase flooding pressures and is therefore considered to be acceptable.

Impact on Neighbouring Amenity

As already discussed, the extent of the proposed development will match the approved extensions under planning application 17/6065/HSE. Whilst in this instance the property at No.155 has been demolished and is to be rebuilt as an entirely new property, it will benefit from the same relationship to the neighbouring property at No.153 as per the previously approved extensions. Both properties at No.155 and No.157 benefit from larger plots when compared to most neighbouring properties along Chanctonbury Way.

At ground floor, No.155 will therefore maintain a minimum gap of approximately 4 metres to the neighbouring boundary at No.153 Chanctonbury Way. On the other hand, the property will maintain a gap of 4.3 metres. Due to the substantial detachment from the boundary with the neighbouring property at No.153 it is considered that the proposed building at No.155 will not appear overbearing and overly-dominant. As per the extensions approved under reference 17/6065/HSE, the proposed building is not considered to materially impact on the visual and residential amenities of neighbouring occupiers at No.153.

The extensions that have been proposed at the attached property at No.157 Chanctonbury Way would match the extension approved under planning application 17/6065/HSE. Whilst it was acknowledged that the proposed elements at No.157 as well as No.155 would result in larger extensions than normally accepted, it was recognized by the Planning Inspectorate under appeal APP/N5090/D/17/3177417, that extensions proposed at No.157 would not materially impact on the character of the host property as well as the amenities of neighbouring occupiers at No.159 Chanctonbury Way.

Impact on the amenities of future occupiers

The proposed property would result in a 5 bedroom single family dwelling. The development is considered to comply with the space standards for new developments outlined in the London Plan 2016. The proposal is considered to provide adequate internal space for the future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with 7 or more habitable rooms, outdoor amenity space should be 85 m². The development meets and exceeds this requirement.

Sustainability

The applicants have provided a sustainability report for the current submission.

With regards to water consumption, the applicants have confirmed all units will have water supplied through a water meter and units will incorporate water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day. A condition has been attached in order to ensure the above.

Applicants have further confirmed that the rebuild would incorporate carbon dioxide emission reduction measures which will achieve an improvement of no less than 6% in carbon dioxide emission when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. A condition has been attached accordingly to ensure the above.

With regards to accessibility, the applicants have confirmed that the property will not lend itself to be adapted to allow for disabled access to residential apartments. There would however be level access at ground floor level.

5.4 Response to Public Consultation

Comments have been received with regards to demolition of No.155 and the poor way of undertaking construction works. Comments relate to construction works happening after-hours and the impact on safety, noise, traffic, and accessibility that has been caused to neighbouring residents. It is noted that all these issues are recognized by the Planning Department and respective teams within the Council (Enforcement and Environmental Health) have been involved in discussions with the applicants.

Further comments have been received with regards to the fact that No.155 has already been fully demolished. Planning officers recognize that the demolition was undertaken without full planning consent and as such the property is under enforcement investigation ENF/01572/17. The rebuild of any new property on site requires planning permission and has to be assessed by the Planning Department. This is the main reasoning behind the submission of the current application.

Comments further relate to an 'outbuilding' having been constructed within the front garden of No.153 Chanctonbury Way. The Planning Department was notified and an enforcement investigation logged. The enforcement investigate has been closed following discussion with the applicants. It has been determined that the built element is a temporary site office for workers at No.155 and No.157 and would be removed as soon as works are to be completed.

As per the previous application, concerns were addressed towards a potential overdevelopment of the host sites and the wider impact towards the local area. It is noted that the 'surface extensions' that have been proposed conform to the extension previously approved under application 17/2939/HSE as well as appeal decision APP/N5090/D/17/3177417, and subsequently planning application 17/6065/HSE. The extent of development at both properties will match the approved developments under application 17/6065/HSE. It has already therefore been assessed by the Planning Department as well as the Planning Inspectorate that the extent of development would not cause material overdevelopment of the host sites.

Whilst it is noted that the proposed basement exceeds the general allowances under the Council's design guidance, the proposed element will be situated directly under the proposed footprint of the property at No.155 and would benefit from 2no moderate light wells. No material visual manifestation would occur. As per the report above, the geology map indicates this area is overlain with London Clay (a relatively stable sub-soil). London clay has a relatively low permeability and is almost a complete barrier to ground water flow. The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces or the number of trees to be removed.

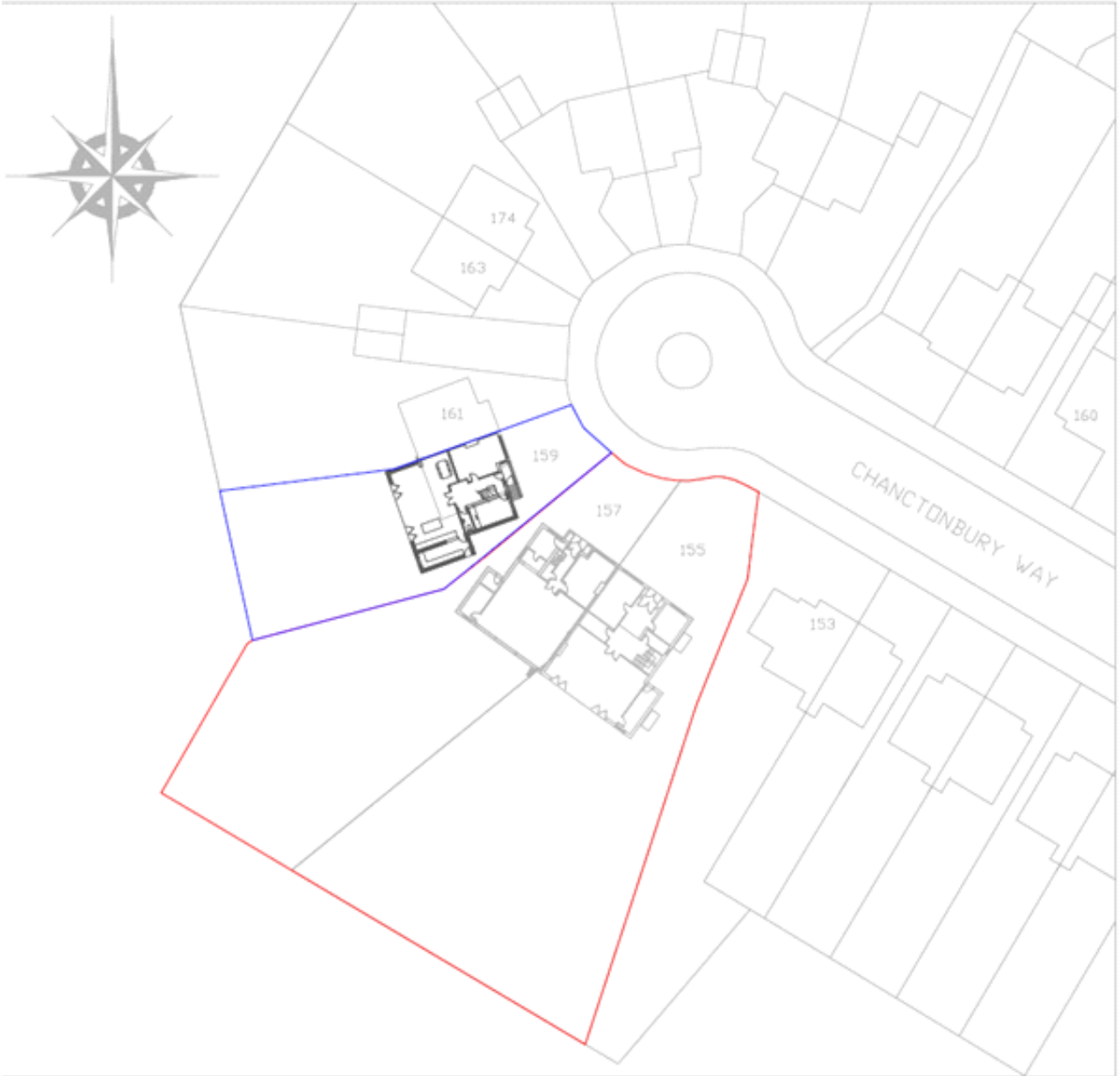
Further comments addressed the impact of the proposed basement on surface water runoff and potential flooding risks. It is noted that whilst the properties sits within the vicinity of the Folly Brook, they fall under Flood Risk Zone 1. It is therefore not considered that flooding issues would result from the proposed extension. The construction and drainage related to the construction of the basement are matters that will be considered under the Building Regulations.

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.



01 Block Plan Proposed
SCALE 1:500 @ A3

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COMMITTEE REPORT

- LOCATION:** NORTH MIDDLESEX GOLF CLUB, FRIERN BARNET LANE,
LONDON, N20 0NL
- REFERENCE:** 17/TPO/013
- WARD:** Oakleigh
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order,
without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet North Middlesex Golf Club, Friern Barnet Lane, London N20 0NL Tree Preservation Order 2017 without modification.
 2. That the person(s) making representations be advised of the reasons.

1. MATERIAL CONSIDERATIONS

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Head of Development Management Planning (Development Management) dated 8th June 2017

Background Information/Officers Comments

Section 198 of the Town and Country Planning Act 1990 (as amended) empowers a local planning authority to make a Tree Preservation Order if it appears to be 'expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area'.

National Planning Practice Guidance clarifies that:

“Authorities can either initiate this process themselves or in response to a request made by any other party. When deciding whether an Order is appropriate, authorities are advised to take into consideration what ‘amenity’ means in practice, what to take into account when assessing amenity value, what ‘expedient’ means in practice, what trees can be protected and how they can be identified.”

- The Guidance states that “‘Amenity’ is not defined in law, so authorities need to exercise judgment when deciding whether it is within their powers

to make an Order. Orders should be used to protect selected trees and woodlands if their removal would have a significant negative impact on the local environment and its enjoyment by the public. Before authorities make or confirm an Order they should be able to show that protection would bring a reasonable degree of public benefit in the present or future.”

- The Guidance suggests the following criteria should be taken into account: “*Visibility* - The extent to which the trees or woodlands can be seen by the public will inform the authority’s assessment of whether the impact on the local environment is significant. The trees, or at least part of them, should normally be visible from a public place, such as a road or footpath, or accessible by the public. *Individual, collective and wider impact* - Public visibility alone will not be sufficient to warrant an Order. The authority is advised to also assess the particular importance of an individual tree, of groups of trees or of woodlands by reference to its or their characteristics including:
 - size and form;
 - future potential as an amenity;
 - rarity, cultural or historic value;
 - contribution to, and relationship with, the landscape; and
 - contribution to the character or appearance of a conservation area.
- In terms of expediency, the Guidance notes “It may be expedient to make an Order if the authority believes there is a risk of trees being felled, pruned or damaged in ways which would have a significant impact on the amenity of the area. But it is not necessary for there to be immediate risk for there to be a need to protect trees. In some cases the authority may believe that certain trees are at risk as a result of development pressures and may consider, where this is in the interests of amenity, that it is expedient to make an Order. Authorities can also consider other sources of risks to trees with significant amenity value. For example, changes in property ownership and intentions to fell trees are not always known in advance, so it may sometimes be appropriate to proactively make Orders as a precaution.”

A Tree Preservation Order was made on 27th October 2017 in the interest of public amenity following a request from a local resident. The making of the Order was considered justifiable both on grounds of amenity and expediency. As set out below, the trees are considered to be of significant public amenity value – visually and environmentally.

The North Middlesex Golf Course is situated on land which is owned by the Council – but is held by the Golf Club on a 125 year lease.

It may be noted that 2 individually designated trees (an Oak and an Ash) together with a group of 39 Lombardy Poplar trees adjacent to the Friary Road frontage of the site are already included within The London Borough of Barnet (North Middlesex Golf Course, N20) Tree Preservation Order 1998. This Order was made in connection with a proposal to erect fencing immediately adjacent.

The resident’s request related to a specific mature Oak standing immediately to the rear of her property. The request was discussed with the relevant Officer in the CSG Estates / Property Services team - as was the wider matter of assessing trees on a piecemeal basis,

in response to individual householder requests / planning applications and the potential merits in considering the trees at the site as a whole. CSG Estates / Property Services suggested that, rather than consideration of the trees on a piecemeal ad hoc basis, support would be given to the inclusion of all trees on the North Middlesex Golf Course within a new Tree Preservation Order. It was agreed that this approach would (i) provide greater clarity; (ii) give the local authority greater control over treatment of the trees (not provided under the terms of the lease); and (iii) allow for consideration of the trees in the context of the wider site.

The land now known as North Middlesex Golf Course was originally part of Manor Farm and formed parkland surrounding the enlarged farmhouse which became called “The Manor House”. The Golf Course Club House, the Victorian “Manor House” and its outbuildings are Locally Listed Buildings. British History Online suggests that the House was built and extended by John Miles who bought the land in 1851 and subsequently purchased more. (Adjacent to the south western site boundary is 50 Finchley Park - with two prominent Cedars included in a separate Order made in 1972 - which appears to have been constructed as an ornamental entrance lodge to the parkland).

There are a number of high quality mature and maturing trees, groups of trees and woodland blocks growing on the site of the North Middlesex Golf Course that are visible from the surrounding roadways above and between houses and also from the adjacent properties and which contribute significantly to public amenity. Many of the more mature trees were part of the ornamental parkland and some date from even earlier agricultural field boundaries.

In addition, a number of the trees contribute significantly to public amenity by helping to provide a strong planted boundary between the North Middlesex Golf Course and adjacent residential properties – this planted boundary helps to screen and soften the built form of the residential properties and is of benefit to the golf course, the adjacent residential properties and the general public by providing a visually attractive setting that enhances the appearance of the surrounding area.

The trees are also of ecological and environmental benefit – proving habitat for a variety of wildlife and helping filter air-borne pollutants, moderating rainfall infiltration, and contributing to climate change mitigation.

Whilst there are a few trees of lesser quality at the Golf Course site, the majority of the trees are of a good quality and make a significant contribution to public amenity – individually, or as part of a wider group, or woodland block. In some cases, groups comprise trees in varying conditions which together form an integral unit – both visually and in terms of mutual structural support – so the collective value provides a greater contribution to public amenity than the individual trees. Because the trees that are of lesser quality are so interspersed with those of good quality, when the site is considered as a whole it would be far from straightforward to exclude them from an individually and group designated Tree Preservation Order. Consequently it is considered appropriate to make an Area designated Tree Preservation Order covering the whole of the Golf Course site. The making of an Area Order would also mean that the protected trees would have a variety of age ranges allowing for public amenity to be maintained in the longer term – as, with time, the younger trees will mature and make an increased contribution to amenity helping to mitigate against any natural loss of old trees.

With normal cultural attention, the trees are capable of contributing to public amenity for a number of decades.

Given the quality of the trees at this site and the contribution that they make to public amenity, the trees were included in a Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The following representations were received from local residents in support of the Tree Preservation Order:

- “Thank you for your letter of 27th October which we were delighted to receive especially in light of how grossly overdeveloped North Finchley has become under Barnet Council.”
- “I am delighted that there is a preservation order in place and wish to see more greener areas in Finchley and fewer concrete monsters i.e. blocks of flats.”
- “We genuinely welcome the proposed TPO under the proviso that the order not only prevents indiscriminate cutting actions by the owners or indeed anyone, but that it carries with it the onus upon the tree owners to regularly inspect the trees for routine maintenance, dangerous overgrowth extending over private property and dead trees.”
- “We are more than happy for the trees to be protected and preserved, but it must work both ways, the owners must be responsible for regular attention to the trees and Barnet Council having introduced a TPO have a duty of care to ensure the owners have a regular and properly recorded maintenance programme which we would be pleased to be able to view at your convenience.”

Various e-mails and letters of representation objecting to the Tree Preservation Order have been received from residents of 5 properties adjacent to the Golf Course (some residents sending multiple correspondence). The grounds of objection raised in the representations are as follows:

- “You will be aware that several neighbours wrote to the North Middlesex Golf Club and subsequently met with General Manager of the Golf Club on 18th October to express serious concerns with regard to the trees which overhang onto our private road and gardens and their potential threat to life and property. [He] stated that the Club’s Arborists had identified several trees which were dangerous and made a commitment to address this danger before Christmas.”
- “You may or may not be aware that in a recent storm part of one tree fell and damaged our neighbour’s garage. Since then I andother householders affected by the grossly overgrown trees have been in negotiations with the Golf Club who [in the middle of October 2017] agreed to attend the trees through their arborist. Can

you confirm why the council have suddenly decided a preservation order is necessary as it seems a strange coincidence that after living here for 32 years and never have seen anyone attempting to maintain the trees, after we now have the owners agreeing to some much needed work they now need permission. Has the club requested the council to pursue this order?"

- "I thought part of your responsibility in issuing a preservation order is to ensure that organisations such as The North Middlesex Golf Club work within that order. [The General Manager of the Golf Club] has identified trees which present a danger and said at a meeting that sensible measures would be undertaken to remove any threat to life and property before the end of the year."
- "Barnet Council and North Middlesex Golf Club are aware of this imposing threat and we implore you to take immediate action to safeguard the lives and homes as outlined above. Failure to do so would be an admission of negligence."
- "As our local authority working with The North Middlesex Golf Club you have a legal duty of care to ensure these trees are responsibly managed. We believe our requests are reasonable in that we wish to protect the lives of those living in; visitors to our properties and indeed our properties."
- "When we moved here [a considerable time ago] the golf course was well kept and the grounds always immaculate, however in the past few years the standard of care has declined and is now resulting in damage to my own trees and hedgerow...due to competition for water and light....We would both like to register our dismay at the ongoing situation of neglect at the back of our property, we have both contacted the golf course over the years about this neglected area on separate occasions and were both met with intransigence and rudeness. We would like to have the area restored to its original condition before I can consider replacing my hedge."
- "We have been in regularly contact with North Middlesex Golf Club over the course of years....but with this TPO you are giving them licence to let tree grow without any maintenance causing damage to our property."
- We have been in correspondence with the golf course as the trees are now overgrown and need to be cut back "but as usual nothing". "Twice we have been to court and Barnet council and the Golf course were held responsible for not maintaining the trees and causing damage to our home."
- "Our property has suffered subsidence. The trees near my property are supposed to be maintained to stop any further subsidence. Who is going to be in charge to make sure this does not happen again?"
- "We are going to take legal advice regarding compensation for loss or damage under government guidance TPO conservation areas if any further damage to our property."
- "We are concerned that by imposing a TPO we will be unable to cut back branches causing further direct damage to our property as the trees are very close to our property."

- “Imposing a TPO places undue hurdles in our way by determining how best to respond to the challenges imposed by the trees.”
- “We do not agree that the council should have the last say in determining whether future damage is acceptable or not or indeed whether requests to prune the tree to overcome other concerns, such as the tree being deemed overbearing, should fall to the discretion of the council.”
- “We fail to see how small trees that grow over into my garden and side of the property has any significant amenity benefit to the local area, they are not visible from the road. The trees have to be maintained every week as the tree branches and leaves over grow and fall through the fence and we have no light into our garden and property, they effected out satellite dish which we had to move higher, the green flies that live on the leaves in the summer destroys garden plants and almost non-accessible for us to enjoy the garden.”
- “I would like to also mention that the horse chestnut tree is also diseased, and also we would like to know why a preservation order is necessary for the trees next to my fence, those trees are just normal trees, not too big these are the trees that have to have the branches cut back every year as they come through the fence from the golf course to our garden causing black flies and insects. Also if they grow to quickly blocks out the sun from our garden!”
- “Who is respons[ibl]e for all the branches that will coming throw and over the fence onto my property blocking out sun?”
- “TPO should not be for these trees, we do understand you want to keep more mature trees, but they must be maintained by your leaseholders.”
- “For the reasons given we do not consider that TPO should be placed on the trees that boarder our property unless we can maintain the trees from our side and the lease holder from their side of our garden boundary.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The representations in support suggest that residents, too, consider that the trees have high public amenity value.
- (ii) There is, however, some misunderstanding of the legislative provisions relating to the Tree Preservation Order. The inclusion of trees in an Order would not transfer responsibility for the responsible management of the trees from The North Middlesex Golf Club to the Council.
- (iii) The inclusion of the trees in an Order does not alter the responsibilities set out in the terms of the lease. Thus, as the lease specifies that the Golf Club is responsible for the maintenance of the trees, then the only change introduced by the Order is the requirement to obtain formal consent in accordance with tree preservation legislation before undertaking treeworks (in the same way as for treatment of any other tree(s) in Tree Preservation Orders throughout the borough).

- (iv) The inclusion of trees in an Order does not prevent treeworks being undertaken, but means that application(s) for consent for treatment of the designated trees need to be submitted in accordance with planning legislation. Each application would be considered on its merits on the basis of the information submitted at the time and there is no reason to believe that consent would be refused for treatment in accordance with good arboricultural practice.
- (v) The inclusion of trees in an Order does allow the Local Planning Authority (LPA) some measure of control over treatment – in that it can refuse pruning or felling which it considers inappropriate / excessive - but there is an appeal procedure if an applicant is aggrieved by the decision, as well as exemption provisions for e.g. removal of deadwood.
- (vi) However, these powers are reactive rather than pro-active – so whilst the LPA can now approve / refuse application(s); it cannot require that somebody submits an application, nor that any consented treework is implemented – i.e. the making / confirmation of the Tree Preservation Order does not provide the LPA with the right (power or duty) to insist that treework is carried out.
- (vii) The inclusion of trees in an Order does mean the LPA now has some enforcement powers so, if the Golf Club were to carry out treeworks without applying for the necessary consent it would be possible to consider prosecution - in that sense the LPA could ensure that they ‘work within that order’.
- (viii) The inclusion of the trees in an Order should not make any material difference to the responsible management, regular inspection and maintenance in accordance with good arboricultural practice.
- (ix) It is inaccurate to suggest that the making / confirmation of a Tree Preservation Order introduces “a duty of care to ensure the owners have a regular and properly recorded maintenance programme”.
- (x) Whilst it does appear, from some of the representations, that there has been a measure of concern about tree management and maintenance at the Golf Club in the recent past, this is unrelated to, and self-evidently pre-dates, the making / confirmation of the Tree Preservation Order. The inclusion of the trees in an Order means that formal consent is required from the Local Planning Authority (LPA) to undertake works to any tree included in a Tree Preservation Order – but, as it is reasonable to believe that works in accordance with good arboricultural practice would be approved, and certain works (including the removal of deadwood, dead trees, treeworks to the extent that such works are urgently necessary to remove an immediate risk of serious harm) could be undertaken in any event pursuant to exemption provisions. Hence any shortcomings in the tree management regime would be attributable to factors outside the presence of the Tree Preservation Order.

- (xi) The Local Planning Authority (LPA) was completely unaware of the correspondence and meeting with the Golf Club General Manager to which some residents refer – and with which it appears that the making and service of the above Tree Preservation Order has coincidentally overlapped.
- (xii) It is regrettable that such a lengthy period of time elapsed between the drafting of the delegated report and the administrative procedures necessary to complete the making of the Order. However, the timing of the making of the Order reflects departmental prioritisation and was in no way linked to any contact with the Golf Club or any other party.
- (xiii) On being made aware of the treeworks discussions referred to by residents, the relevant form and associated guidance notes were delivered to the Golf Club General Manager (at the beginning of November) so that either he, or his arborists, could submit an application. At the time of drafting this report, submission of an application from him / his tree surgeon is still awaited.
- (xiv) However, although the Golf Club General Manager was sent an application form, it would be for him “to take immediate action to safeguard the lives and homes” and there is no foundation for the suggestion that Barnet Council’s “Failure to do so would be an admission of negligence” – any such consequences would result from a failure to submit an application or otherwise accord with the legislation, rather than the Order itself.
- (xv) It should further be noted that there are no restrictions on who can submit a treeworks application – and we often receive applications from neighbours or their agents. Hence, if a neighbour had concerns about e.g. overhanging branches for which the Golf Club declined to take any action, the resident or a tree surgeon on his / her behalf could submit an application which, as with all applications, would be considered on its own merits taking account of the reason(s) put forward for the proposed treatment and any supporting documentary evidence.
- (xvi) Similarly, if a resident had concerns that tree(s) were implicated in alleged subsidence damage to property, an application accompanied by the relevant mandatory supporting information (as set out on the application form and associated guidance notes) could be submitted by either the resident or the Golf Club or an instructed agent. The application would be determined on its merits (possibly by the Area Planning Committee) and, should the applicant be aggrieved by the LPA’s decision, there would be a right of appeal to the Secretary of State via The Planning Inspectorate; in addition, the legislation sets out potential compensation provisions for loss of damage in which, having regard to the application and the documents and particulars accompanying it, was reasonably foreseeable.

As set out above, the Order is considered to be ‘expedient in the interests of amenity to make provision for the preservation of trees or woodlands in their area’. There is support for the Order and the grounds of objection seem based mainly on some misunderstanding about the legislative provisions in respect of the Tree Preservation Order; perhaps compounded by confusion about the rights and responsibilities imposed by the lease; exacerbated by the unbeknownst coincidental timing of the making of the Order.

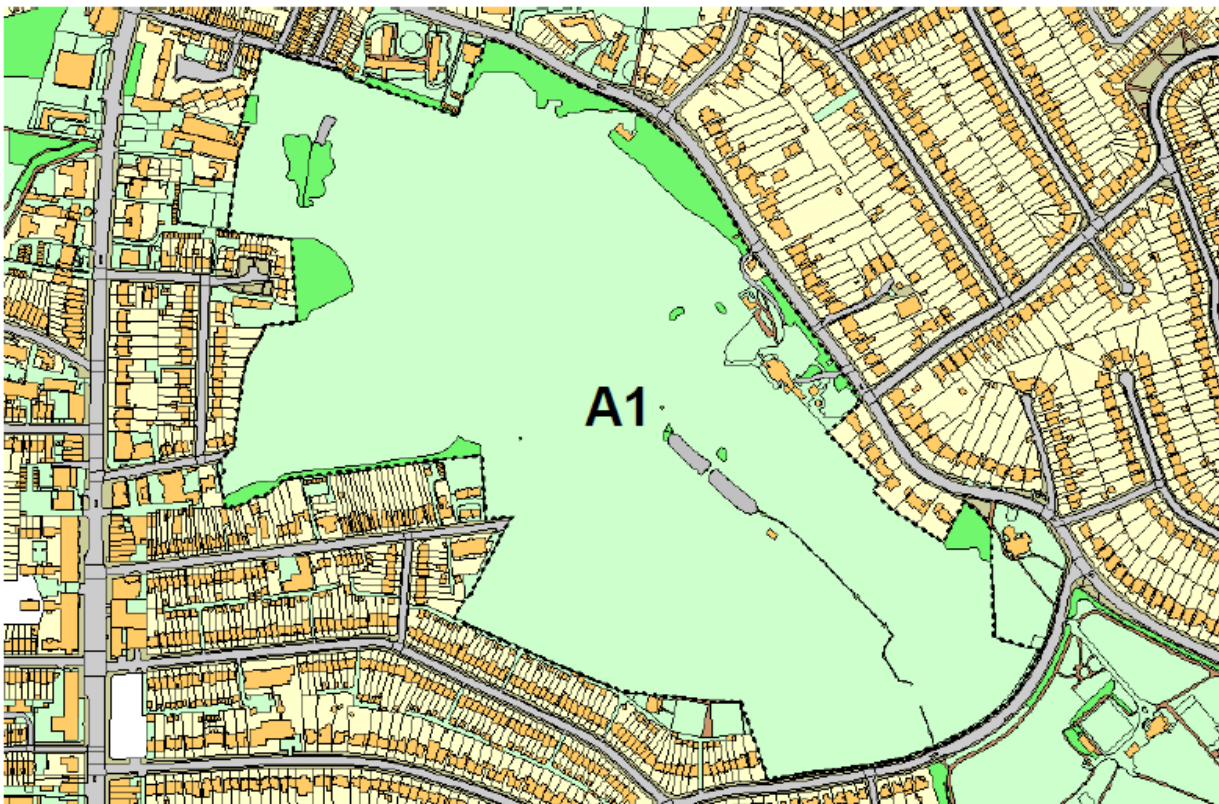
2. EQUALITIES AND DIVERSITY ISSUES

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

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

3. CONCLUSION

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the local planning authority some measure of control over treework that is considered excessive. As set out above, it is considered the trees within the boundary of area A1 identified in the Order contribute significantly to public amenity and given normal arboricultural attention are capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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Location **Wessex Court 51 West End Lane Barnet EN5 2RA**

Reference: **17/7820/FUL**

Received: 11th December 2017

Accepted: 20th December 2017

Ward: Underhill

Expiry 14th February 2018

Applicant: Mr M BISHOP

Proposal: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage

AGENDA ITEM 10

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:

423714-2 (Existing Elevations Sections and Roof Plan), 423714-4 Rev A (Proposed Second Floor Plan and Roof Plan), 423714-5 (Site Plan), 423714-5 Rev A (Proposed Elevations and Sections), 423714-10 (Existing Floor Plans) 423714-12 Rev A (Proposed Site Plan), OS Plan, Planning Statement prepared by Joe Henry Planning.

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 sample 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 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. Staff travel arrangement;
- ix. details of contractors compound and car parking arrangements;
- x. Details of interim car parking management arrangements for the duration of construction;
- xi. Provision of a banksman;
- xii. 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.

5 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).

6 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).

7 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.

8 a) Before the development hereby permitted is first occupied, details of enhanced landscaping improvements and seating arrangements to the amenity area(s) including planting of shrubs in the area along the access road and installation of benches in the amenity area nearest to Bell Lane block 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 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015..

- 10 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 11 Notwithstanding the plans submitted, before development commences, details of the gates and the operation of the gated vehicular access as indicated on Drawing No. 423714-12 Rev. A, including maintenance contract details of electronically operated gates, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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.

12. 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..

Informative(s):

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

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

3 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding

public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

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

- 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 metres.

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.

- 5 Gates/barriers if proposed in conjunction with crossovers will be set back by 6 metres from the back of the public highway for the vehicular access from West End Lane. This is to ensure that no vehicles are waiting or queuing on public highway due to gates waiting to open and priority will be given to vehicles coming off the public highway. Consideration will be given to the location of the gate/barrier to ensure that waiting vehicle does not cause any obstruction to the free flow of traffic on public highway. Electronic gated access is preferred to ensure minimal adverse impact on public highway.
- 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.

- 7 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.

Officer's Assessment

Officer's Assessment

1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats.

The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development plus mansard fronting Bells Hill.

2. Site History

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse

Decision Date: 23 January 2017

Description: Erection of 4 three-room flats

Reference: N02251K

Address: Factory Site West End Lane; Bells Hill Barnet

Decision: Approved

Decision Date: 24.05.1984

Description: Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces.

Reference: C04719A

Address: Wessex Court Wessex Way London NW11

Decision: Refuse

Decision Date: 28 March 1985

Description: Single storey rear extension to form self-contained flat.

Reference: 16/3985/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Withdrawn

Decision Date: 22 August 2016.

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site

property, streetscene and the local area 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).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: Dismissed on the basis of amenity space and provision of refuse and recycling facilities.

Appeal Decision Date: 07.11.2017

Reference: 17/4338/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 24 October 2017

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

Reason(s)

1. The proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area 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).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

3. Proposal

The proposal is for the demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.

The dwelling mix would be 3 studios, 1 x 1 bed flat and 4 x 2 bed flats.

The current proposal has been amended to take into account officer and the appeal inspector's comments with regards to the proposed amenity spaces and the bin storage and recycling areas. In addition, the proposal amends the number of additional car parking spaces reducing it from 18 to 10 spaces in total.

4. Public Consultation

290 consultation letters were sent to neighbouring properties.
68 responses have been received, comprising 40 letters of objections, 28 letters of support and 0 letter of representation.

The objections received were mainly from residents of Wessex Court and West End Lane.

The objections can be summarised as follows:

- Out of character
- Bulky and over bearing
- Insufficient Parking provision
- Impact on traffic
- Noise & disturbance
- Impact on outlook / view
- Overlooking
- Existing infrastructure inadequate to support proposed
- Existing green areas could be affected to provide more parking
- Problems with existing drainage will be compounded.
- Impact on existing trees
- housing target is being met
- inadequate amenity space
- proposed parking are existing
- impact of construction traffic
- narrow road, insufficient access.

The comments supporting the proposal can be summarised as follows

- Sufficient parking
- cycle parking space will encourage cycling

- Inconvenience would occur anyway if roof was to be replaced under permitted development rights
- Provision of more housing
- Studios present an opportunity for first time buyers
- Roof lower than existing, will not affect view of neighbouring residents
- Improved car park will enhance privacy and security
- Improvement to the general area
- Increase in value of existing flats
- Improvement to appearance of existing building
- Construction works will be minimal

Representation from Barnet Residents Association

- The reason (1) given for rejecting the previous application was in our view the most important and the applicant has not offered any reason why this might now be invalid. This reason can be developed further.
- The officers report on the previous application referred to neighbouring properties being predominantly two-storey Victorian cottages. But much of the street is formed of maisonettes, hence our view that this street already has a very dense level of housing and why we considered the existing block of flats was essentially an instance of over-development.
- The heading to policy DM01 refers to 'character and amenity' and so the reference in DM01(b) to preserving local 'character' should rightly embrace the amenity impact. In this context the officers report on the previous application referred to the development harming the living conditions of ... neighbouring properties. Quite so, which is why this further application should be rejected.

Representation from Cllr Wendy Prentice

- Call in to committee if application is to be refused.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. 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 2017

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, 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

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

- Provide 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 proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

The existing block is two storeys high and the overall height is very similar to the height of the adjacent Victorian houses. The flats are seen within the context of the Victorian houses in West End Lane as the property facing Bells Hill has a different setting and context. Considering the block and the Victorian houses differ markedly in terms of their elevational treatment, the consistency in their height together with their roof form and alignment helps to assimilate the block of flats into the area.

The previous two applications (17/0453/FUL & 17/4338/FUL) which are almost identical to the current application were refused by Committee due to bulk, mass and excessive number of dormer windows and the impact it would have on the character of the existing building and the character of the area. The applicant appealed against the Council's decision in respect of refused application ref: 17/0453/FUL and the appeal was subsequently dismissed for the under provision of amenity space and the harm this would have on the living conditions of both existing and future residents.

(The Inspector also commented that the bin and cycle storage adjacent to amenity space, together with its enlargement could encroach on amenity space provision which, given the under provision of amenity space, would be unacceptable).

The Inspector did not consider the size, bulk and massing of the proposed second floor and the number of dormer windows would harm the character of the area.

It should be noted the Inspector's decision would form material planning consideration to the assessment of this application.

This scheme proposes a total of 8 number of units which is identical to the previously refused schemes. However the roof form, amenity space provision, access, refuse and recycling storage facilities and cycle storage facilities differs between the appeal scheme and the two subsequent schemes. This proposal is similar to the recently refused scheme (17/4338/FUL) than the appealed scheme (17/0453/FUL). Both the refused scheme (ref: 17/4338/FUL) and the current scheme proposed a pitched roof whilst the appeal scheme was for a Mansard roof extension. The number of proposed new parking spaces for both the refused applications was 18. Under this application this would be reduced to 10 spaces to allow for an improved access width and refuse and recycling storage facilities to be provided within the site. The amenity space provision has also been increased to comply with the councils standards which also include the provision of amenity space for the existing units at Bells Hill flatted development.

Impact on the character of the area

The proposed roof extension and dormers are exactly the same as the previous scheme (17/4338/FUL) which was refused in October 2017 and similar to the appeal case (17/0453/FUL). Whilst the appeal was dismissed in respect of application ref 17/0453/FUL the inspector did not consider there would be any harmful impact on the character and appearance of the area.

The Inspector was of the opinion that the proposed dormers would transform the buildings "somewhat institutional appearance into one that would be more recognisably domestic, and would relieve its massing". Furthermore, he opined that "the part of the building with the bulkiest appearance would be the side elevations but, as these would not directly face West End Lane and would be close to the side boundaries, their impact on the street scene and surrounding properties would be limited. When viewed in the context of the

street scene, the building would not appear out of character with the varied styles of its surroundings. Although it would be clearly visible and noticeable, it would not appear incongruous or obtrusive, and would represent an improvement to the building's current appearance”.

Given the above, the proposal is not considered to harm the character and appearance of the area and comply with the councils relevant policies .

Impact on the amenities of neighbours

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings.

Concern has been raised by the residents that the proposed pitch roof would have an impact on the front windows of the properties on West End Lane. These are located to the north-west of the building and due to the distance between the application site and the terraced properties; it is considered that no harm would arise in terms of loss of light and outlook.

Concern was also raised in relation to impact of the proposed development on the front gardens. The proposed development is to the south of the properties, the proposed building would be higher than the existing but given the distances between the properties, it is not deemed that it would lead to loss of light. There are existing windows fronting onto the cottages, the addition of the proposed dormers would add to the sense of overlooking however overlooking of the front gardens is not considered to be unduly harmful to residential amenity.

Most of the issues raised related to impact of noise and disturbance arising from the new flats and construction traffic. Conditions relating to sound insulation between the flats and a construction management and logistics plan would be attached

Impact on the amenities of neighbours and future occupiers

It is considered that the application complies with the space standards for the new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space. The proposed units include 3 x studio flats, 1 x 1 bed flat and 4 x 2 bed flats.

The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However 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). The applicant is required to achieve the recommended sound insulation levels and a condition is attached to the planning permission to ensure that this is achieved in accordance with the requirements.

To address the under provision of amenity space the plans have been amended incorporating a much larger amenity space. A Total of 1017 sqm of amenity space would be provided.

Currently Wessex Courts has 6 x 1 bed and 10 x 2 bed flats resulting in 48 habitable rooms.

Bells Hill development has 13 x 1 bed and 13 x 2 bed resulting in 65 habitable rooms. The proposal for Wessex Court is for 3 studios, 1 x1 bed and 4 x 2 bed flats, resulting in 20 habitable rooms.

Council policy requirement is 5sqm per habitable room. The amount of communal amenity space that would be required for 133 habitable rooms would be 665sqm.

Although, the proposal has been revised to take account of the appeal inspectors comments and officer reasons for refusal and provide amenity space in accordance with the councils requirements for the existing and future occupiers of Bells Hill and Wessex Court residents, officers remain concerned that the amenity area proposed to the side of the building adjacent to the access road would not provide a quality usable private amenity space.

In view of this, to ensure that the proposed communal garden provides a quality and usable amenity space that would meet the need of existing and future occupiers, the applicant has agreed to a condition being attached (if the application is minded to be approved) requiring that the quality of the amenity space to be enhanced by planting shrubs along the boundary of the access road and installation of benches in the area nearest to Bell Lane block of flats as this is considered to be the most useable space for these residents.

Refuse and recycling storage facilities would be placed by the existing access to the parking area. The proposal will provide a formal refuse storage area for the existing and proposed flats in Wessex Court. The proposed provision is for 3 x 1100 litre recycling bins) and 3 x 1100 litre refuse bins.

The Council's requirement for refuse and recycling bin storage would be met and would be an improvement to the existing arrangement. A condition requesting details of the storage area will be attached.

A garage will be demolished to provide 12 cycle storage.

Impact on highway and pedestrian safety

The application has been assessed by Highways, and they have indicated that the 26 parking spaces proposed for the existing and proposed use will be in accordance with the DM17 Policy.

Furthermore, the proposed application with the revised access arrangement with 4.2m wide access is acceptable on highway grounds. However information is required as to how the gated access is to be operated. Highways preference is for an electronic operated gate as it would ensure that vehicles will not be waiting on public highway whilst the gated has to be opened manually. Further information regarding the gated access will be required and a condition to this effect would be attached.

In addition Highways have requested that Electrical Vehicle Charging Points and Disabled Parking provision should be provided in accordance with the London Plan Parking Standards

In view of the above, the proposal is recommended for approval on Highways ground subject to conditions and informatives.

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, except for the provision of a lift due to layout and ownership of the existing flats, the viability and service charge implication associated with providing a lift. A request has been made that there should be some flexibility given in this case. As the issues mentioned relates to control outside of the planning regime, the applicant is advised to liaise with Building control in seeking concessions in complying with the condition which is attached and 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 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached 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

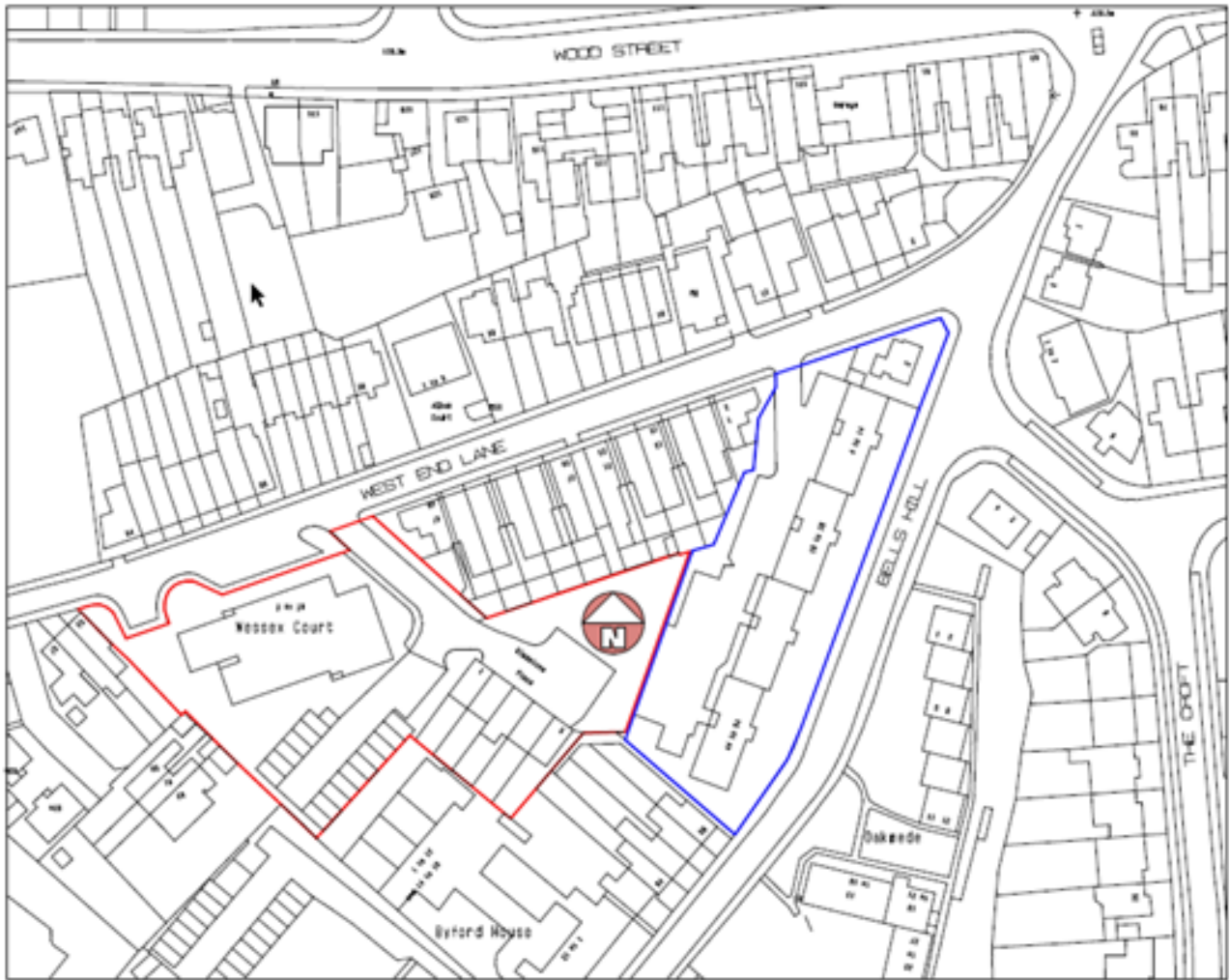
The letters of support and objections are noted and are taken into account in the sections above.

6. Equality and Diversity Issues

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

7. Conclusion

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



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