

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 9TH JANUARY, 2020**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BG**

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

Chairman: Brian Gordon  
Vice Chairman: Golnar Bokaei

**Councillors**

Elliot Simberg	Nizza Fluss	Helene Richman
Gill Sargeant	Ammar Naqvi	

**Substitute Members**

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

**You are requested to attend the above meeting for which an agenda is attached.  
Andrew Charlwood – Head of Governance**

Governance Services contact: [Hendon@barnet.gov.uk](mailto:Hendon@barnet.gov.uk)  
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*Please note that the below agenda may not reflect the order in which items will be heard at the meeting.*

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	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)	
	<b>Edgware Ward</b>	
6.	19-5050-HSE 68 Francklyn Gardens	11 - 22
	<b>West Hendon Ward</b>	
7.	19.0959.ful - Land rear of 4 Rundell Crescent, London NW4 3BP	23 - 54
8.	19-2674-S73 Pillar Chapel	55 - 64
	<b>Hale Ward</b>	
9.	19-5519-HSE 10 Sunnydale Gardens	65 - 72
10.	19-6183-HSE 2 Cloister Gardens	73 - 82
	<b>Hendon Ward</b>	
11.	19-4797-FUL 90 Sunny Gardens Road	83 - 98
12.	Any Item(s) the Chairman decides are urgent	

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# Decisions of the Hendon Area Planning Committee

18 November 2019

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Bokaei (Vice-Chairman)

Councillor Elliot Simberg  
Councillor Nizza Fluss

Councillor Ammar Naqvi  
Councillor Helene Richman  
Councillor Zubairi (sub for Councillor Sargeant)

Apologies for Absence

Councillor Gill Sargeant

## 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 17 October 2019, be agreed as a correct record.

## 2. ABSENCE OF MEMBERS (IF ANY)

Councillor Sargeant, with Councillor Zubairi present as substitute.

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

Councillor	Declaration
Simberg	Agenda Item 8, Wise Lane – non pecuniary interest, as applicant was known to him.
Zubairi	Agenda item 6, 113 The Reddings – pecuniary interest, as a direct neighbour. Would leave the room during consideration of this item.
Gordon	Agenda item 9, 40 Broadhurst Avenue – pecuniary interest, as applicant a client of his. Would leave the room during consideration of this item.

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

None.

**5. ADDENDUM (IF APPLICABLE)**

Items contained within the addendum, would be dealt with under individual agenda items.

**6. 113 THE REDDINGS - TPF-0432-19 FINAL**

The Chairman stated that he was referring this report to Main Planning Committee for consideration, in line with constitutional rules, due to its complexity and possible financial implications.

**7. 49 WOODLAND WAY - 19-3472-RCU**

The Committee received the report and addendum.

Representations were heard from Kerrie O’Sullivan (Objector), Councillor Hart and the Applicant’s agent.

The Committee voted on the Officer recommendation to approve the application as follows:

<b>FOR</b>	2
<b>AGAINST</b>	5
<b>ABSTAINED</b>	0

It was moved by Councillor Richman and seconded by Councillor Bokaei that the application be refused for the following reasons:

Loss of amenity in terms of neighbouring properties and excessive size.  
The Committee voted on the proposal to refuse the application as follows:

<b>FOR (REFUSAL)</b>	5
<b>AGAINST (REFUSAL)</b>	2
<b>ABSTAINED</b>	0

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

**8. 90 WISE LANE - 19-4909-FUL**

Councillor Zubairi left the room for part of this item. Consequently, she did not partake in discussion or vote.

The Committee received the report and addendum.

Representations were heard from Richard Brett (in support) and the Applicant’s agent.

The Committee voted on the Officer recommendation to refuse the application as follows:

<b>FOR (REFUSAL)</b>	<b>0</b>
<b>AGAINST (REFUSAL)</b>	<b>5</b>
<b>ABSTAINED</b>	<b>1</b>

It was moved by Councillor Simberg and seconded by Councillor Fluss that the application be approved as it was in keeping with character and street scene and Council guidance.

The vote was as follows:

<b>FOR (approval)</b>	<b>5</b>
<b>AGAINST (approval)</b>	<b>0</b>
<b>ABSTAINED</b>	<b>1</b>

**RESOLVED that the application be approved and the Committee grants delegated powers to the Service Director – Planning and Building Control or Head of Strategic Planning to outline and implement the conditions for approval.**

**9. 40 BROADHURST AVENUE - 19-3865-HSE**

The Chairman stood down for this item due to his earlier declaration and the Vice-Chairman chaired the meeting for this item.

The Committee received the report.

A representation was heard from the Applicant's agent.

The Committee voted on the Officer recommendation to refuse the application as follows:

<b>FOR (REFUSAL)</b>	<b>2</b>
<b>AGAINST(REFUSAL)</b>	<b>4</b>
<b>ABSTAINED</b>	<b>0</b>

It was proposed by Councillor Simberg and seconded by Councillor Richman that the application be approved as it did not contravene the character of the area and the design was not excessive.

<b>FOR (APPROVAL)</b>	<b>4</b>
<b>AGAINST (APPROVAL)</b>	<b>2</b>
<b>ABSTAINED</b>	<b>0</b>

**RESOLVED that the application be approved for the reasons outlined above and the conditions as set out on pages 48-49 of the agenda under point 8 (List of Conditions in Case of Appeal – Without Prejudice).**

**10. PILLAR CHAPEL - 19-2674-S73**

The Committee received the report.

Representations were heard from James Gibson (Objector), Mark Skelton (Objector) and the Applicant's agent.

The Chairman moved that due to the lack of clarity on this application, it be deferred. This was seconded by Councillor Simberg.

<b>FOR (DEFERRAL)</b>	7
<b>AGAINST (DEFERRAL)</b>	0
<b>ABSATINED</b>	0

**RESOLVED that the application be deferred for the reason outlined above.**

**11. REAR OF 4 RUNDELL CRESCENT - 19-4055-FUL**

The Committee received the report.

Representations were heard from Jee Rewani (Objector) and the Applicant's agent.

The Committee voted on the Officer recommendation to approve the application as follows:

<b>FOR</b>	2
<b>AGAINST</b>	2
<b>ABSTAINED</b>	3

The Chairman chose not to use his casting vote and moved that the application be deferred for reconsideration at a future meeting of the Committee. This was seconded by Councillor Naqvi.

The Committee voted on the proposal to defer the application as follows:

<b>FOR (DEFERRAL)</b>	5
<b>AGAINST (DEFERRAL)</b>	2
<b>ABSTAINED</b>	0

**RESOLVED that the application be deferred for re-consideration at a future meeting.**

**12. 21 SEVINGTON ROAD - 19-4565-RCU**

The Committee received the report.

A representation was heard from the Applicant.



The Committee voted on the Officer recommendation to approve the application:

<b>FOR</b>	6
<b>AGAINST</b>	1
<b>ABSATINED</b>	0

**RESOLVED** that the application be approved, subject to conditions detailed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations 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).

**13. 41 MONTAGU ROAD - 19-4775-FUL**

The Committee received the report and addendum.

A representation was heard from the applicant’s agent.

The Committee voted on the Officer recommendation to approve:

<b>FOR</b>	7
<b>AGAINST</b>	0
<b>ABSTAINED</b>	0

**RESOLVED** that the application be approved, subject to the conditions in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations 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).

**14. 24 SYDNEY GROVE - 19-4683-FUL**

The Committee received the report.

Representations were heard from Danielle St Pierre (Objector) and the Applicant’s agent.

**RESOLVED** that the application be approved, subject to the conditions detailed in the report **AND** the Committee grants delegated authority to the Service Director – Planning and Building Control or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations 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).

<b>FOR</b>	4
<b>AGAINST</b>	0
<b>ABSTAINED</b>	3

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

The Chairman declared the following item as urgent:

**Transport for Site Visits**

The Chairman, supported by other Members of the Committee, stated their dissatisfaction at the late arrival of the transport for the site visits this week, with lateness becoming a recurring theme for site visits.

**RESOLVED that the Chairman in consultation with Officers writes to the transport provider(s) and if it's established that transport is provided by one company, then the possibility of terminating the contract be explored.**

The meeting finished at 21.42pm

**Location**                    **68 Francklyn Gardens Edgware HA8 8RZ**

**Reference:**                **19/5050/HSE**

Received: 16th September 2019

Accepted: 19th September 2019

Ward:                        Edgware

Expiry 14th November 2019

Applicant:                 Mr & Mrs Begal

Proposal:                    Single storey front extension to facilitate new front porch. Part single, part two storey rear extension. Roof extension, including, part hip to gable, rear dormer window with 1no. juliette balcony, and 1no. rooflight to front roofslope

**AGENDA ITEM 6**

**Recommendation: Refuse**

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

- 1     The proposed hip-to-gable, by virtue of its design, size and siting, would be an inappropriate addition, unbalancing a pair of semi detached properties and combined with the absence of a set down and set back of the existing side extension, resulting in an incongruous form of development to the detriment of the character and appearance of the host property, the streetscene and wider locality and 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     The proposed rear dormer by reason of its scale, positioning, sitting would appear insubordinate and disproportionate to the scale and character of the existing dwelling house and the cumulative impact of all extensions built at the property results in an incongruous, inappropriate form of development, out of context with the prevailing character of the host building and wider pattern of development and introduces development detrimental to the established character of the wider locality contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. The LPA has discussed the proposal with the applicant/agent where necessary during the application process. Unfortunately the scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

**Reason for Committee Decision:** This application has been called in by Councillor Gordon.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey semi-detached single-family dwelling located on the eastern side of Franklyn Gardens within the ward of Edgware with a private residential garden to the rear. The application property has been previously extended through side extensions.

The adjoined property at 66 Francklyn Gardens has been extended to the side but has not been extended by way of a hip to gable end extension. 70 Francklyn Gardens has been extended with a hip to gable end extension and rear dormer through permitted development.

The area is characterised by similar two storey semi-detached properties with amenity space to the rear in the form of garden spaces and off-street parking facilities to the front.

The application site does not contain a listed building and does not fall within a conservation area.

### **2. Site History**

Reference: W09057

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Approved subject to conditions

Decision Date: 9 June 2019

Description: Single storey rear and side extension, part first floor/part two storey side extension and single storey front extension.

Reference: 17/4933/PNH

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Prior Approval Required and Refused

Decision Date: 3 August 2017

Description: Single storey rear extension with a proposed depth of 6m, eaves height of 3m and maximum height of 3m

Reasons for refusal:

1. The information provided does not contain a plan indicating the site and showing the proposed development, as required by Condition A.4 (2)(b) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 - as amended.
2. The application does not contain a plan indicating the site and showing the proposed development as required by Condition A.4 (2)(b) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 - as amended.

Reference: 17/5122/PNH

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Prior Approval Required and Refused

Decision Date: 16 August 2017

Description: A proposed single storey rear extension with a maximum depth of 6 metres from the original rear wall, an eaves height of 3 metres and a maximum height of 3 metres.

Reason for refusal:

1. This is because the proposed single storey rear extension would extend beyond an original side wall and would be over half the width of the original house. The proposals would

therefore not be lawful under Class A, A.1 (j) (of the General Permitted Development Order 2015 as amended.

Reference: 19/0808/192

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Lawful

Decision Date: 9 April 2019

Description: Roof extension involving hip to gable, rear dormer window with juliette balcony and 1no front facing rooflight

Reference: 19/0809/HSE

Address: 68 Francklyn Gardens, Edgware, HA8 8RZ

Decision: Approved subject to conditions

Decision Date: 11 April 2019

Description: Part single, part two storey rear extension. New front porch

### **3. Proposal**

The application proposes a single storey front extension to facilitate new front porch. Part single, part two storey rear extension. Roof extension, including, part hip to gable, rear dormer window with 1no. juliette balcony, and 1no. rooflight to front roofslope.

The front porch extension would project 1.0m forward from the existing front wall, 4.3m in width and a maximum height of 2.5m. The porch would have a forward facing front access door and one centrally aligned window. It is noted the proposed front porch in the current application is of a similar scale and design to the approved scheme under planning reference number 19/0809/HSE.

The proposed single storey rear extension would measure 3.5m in depth from the existing rear wall adjacent to the boundary with the adjoining neighbour (No.66) and proposed at a maximum height of 3.0m. The single storey element would be positioned next to the existing single storey rear element.

The proposed first floor rear extension would project 2.9 from the existing rear wall at the property with a width of 4.8m from the existing flank wall across the property, with a separation gap of 3.1m from the adjoining neighbour at No.66. The element of the proposal would benefit from a crown roof with a maximum height of 5.9 metres, descending to an eave height of 5 metres. It is noted the previous approval under reference number 19/0809/HSE approved a depth of 2.8 metres and width of 4.5 metres.

The proposed roof extension would involve a large hip to gable and rear dormer addition. The rear dormer window would measure a height of 2.3 metres, depth of 3.46 metres, and length of 7 metres. Materials would match existing and the larger window would measure (L x B) (2m x 1.75m) and the smaller window would measure (L x B) (1.6m x 1.75m). The front rooflight would measure a length of 1 metre and breadth of 0.77 metres.

### **4. Public Consultation**

Consultation letters were sent to 7 neighbouring properties,

0 no. objections have been received.

1 no. letter of support has been received.

The letter of support received can be summarised as follows:

- Current application is similar schemes carried out on Francklyn Gardens and the immediate neighbourhood.
- Application is to allow for much needed accommodation for a growing family.

The application has been called in by Councillor Gordon.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published in February 2019. 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.

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

#### The Mayor's London Plan 2016

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

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

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

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

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

#### Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

Officers consider that the main planning considerations are as follows:

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



### 5.3 Assessment of proposals

#### Potential impacts upon the character and appearance of the existing building, the street scene and the wider locality

##### Front Porch:

The proposed front porch extension would be similar to other porch extensions on properties within Francklyn Gardens which also project beyond the existing front bay element of the dwelling and would have an acceptable impact on the character and appearance of the area and would be a proportionate addition to the dwelling.

It is considered that the proposed extension would have an acceptable impact on the visual and residential amenities of neighbouring occupiers. It is further considered that it would have an acceptable impact on the current streetscene.

##### Single Storey Rear Extension:

The Councils Residential Design Guidance SPD 2016 advises that rear extension should be subordinate additions constructed with materials which are in keeping with the rest of the house. For a semi-detached dwelling a depth of up to 3.5 metres would normally be considered acceptable but it also advises that care should be taken in the design and location of extensions to minimize impacts upon neighbouring properties. Given the proposal is policy compliant no objection is raised in this regard.

The proposed single storey rear extension of 3.5 metres deep and 3 metres in height is considered to be subordinate to the existing house. Further, the extension will be constructed of materials to match the existing house thereby respecting its original character.

The extension would not be visible from the streetscene and therefore will not have an impact on the streetscene.

Having viewed the wider area, officer's note similar extension insitu and therefore it is considered that the proposal respects the established character of the area.

##### First Floor Rear Projection:

The Residential Design Guide SPD 2016 states that two storey rear extensions which are closer than 2 metres to a neighbouring property and project more than 3 metres in depth are not normally considered acceptable. This is because they can be too bulky and dominant and have a detrimental effect on the amenities of neighbours. In this instance, the first-floor addition would not project more than 3m, however would be sited less than 2m from the adjacent common boundaries with no.70 Francklyn Gardens. No.70 is situated to the north of the site is extended at ground level and does not have any windows in its rear elevation on the side closest to the proposal site. There are windows present on the flank walls of the neighbouring property at No.70, following a site visit and planning history search it is assessed that this window serves a bathroom and is obscurely glazed. It is therefore

assessed that the proposed first floor extension would be an acceptable proposal on neighbouring amenity.

No openings are proposed in the flank walls at ground floor and first floor level. Outlook from proposed openings in the extended rear wall at ground and first floor level would have an oblique relationship with adjacent rear gardens, similar to existing rear facing windows and therefore would not give rise to potential/actual loss of privacy to particularly adjacent nos.66 and 70 Francklyn Gardens. The resulting rear garden would measure a depth of approximately 7.2m and therefore would not appear cramped within the site. This element of the proposal would not give rise to any undue impact upon the residential amenities of neighbouring properties in terms of loss of light, outlook or privacy.

#### Roof extensions:

Paragraph 14.35 of Barnet's Residential Design Guidance (2016) states that hip to gable roof extensions should not unbalance a pair of semi-detached houses, reduce the degree of visual separation between houses from the street, form an overbearing wall facing a street and should not appear out of character within the streetscape.

The proposed development would result in the formation of a hip to gable roof form for the primary roof of the dwelling and also that of the roof arising from the 1989 side extension. Given the adjoining property does not benefit from a hip to gable roof extension the proposal would unbalance the semi-detached pair and so not be policy compliant. While it is acknowledged that the neighbouring property has been extended through a hip to gable extension, it is considered that the degree of unbalancing that would occur, the lack of symmetry would harm the streetscene. Furthermore, the nature of the proposed development would result in the 1989 two storey side extension failing to either have a set down or a set back from the front elevation. On this basis, the proposed development would constitute an insubordinate and disproportionate form of development that would be contrary to the adopted Residential Design Guidance and would be harmful to the character and appearance of the streetscene.

Paragraph 14.33 of Barnet's Residential Design Guidance (2016) states that the design of the rear dormer should reflect that of the existing house, retain adequate roof slope above and below the dormer and be set at least 1 metre from the part wall line. It is noted from The Proposed Lift Elevations drawing indicates that the rear dormer will be constructed with materials similar to the existing dwelling. However, it is noted the dormer is situated 0.3 metres from the adjoining boundary line and by reason of the scale and positioning of the dormer (and the first floor rear roof form), does not adequately retain sufficient roof slope space above and below the roof slope.

Further, given the rear dormer would occupy more than half the width and half the depth of the roof slope the scale of the proposal is not considered to be a subordinate feature to the dwelling. The rear dormer is not considered to result in a degree of overlooking onto neighbouring properties and amenity spaces that would be unacceptable under Barnet's SPD (2016).

It is worth noting that the roof of the first floor rear extension would sit on the proposed large roof extension, which, given the size and scale of the respective proposals and the relationship of the neighbouring properties, creates a cramped and overdeveloped roof design which ultimately detracts from the character of the existing dwelling.

## **5.4 Response to Public Consultation**

Key planning considerations have been addressed in the above section. Other points made are not material planning considerations.

## **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 hipped to gable and rear dormer extension (and its cumulative impact on the first floor rear roof extension) would negatively harm the character of the application site, streetscene and the locality. It is noted the front porch and ground floor rear extension is acceptable on character and amenity grounds. Therefore, this application is recommended for refusal.

## **8. Conditions should the application be allowed at appeal**

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

U-XX-PP001 PAGE 1 - EXISTING PLANS  
U-XX-PP001 PAGE 2 - EXISTING ELEVATIONS  
U-XX-PP001 PAGE 4 - PROPOSED LOFT PLANS  
U-XX-PP001 PAGE 5 - PROPOSED LOFT ELEVATIONS  
1901.03LP - SITE LOCATION PLAN

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

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

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

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

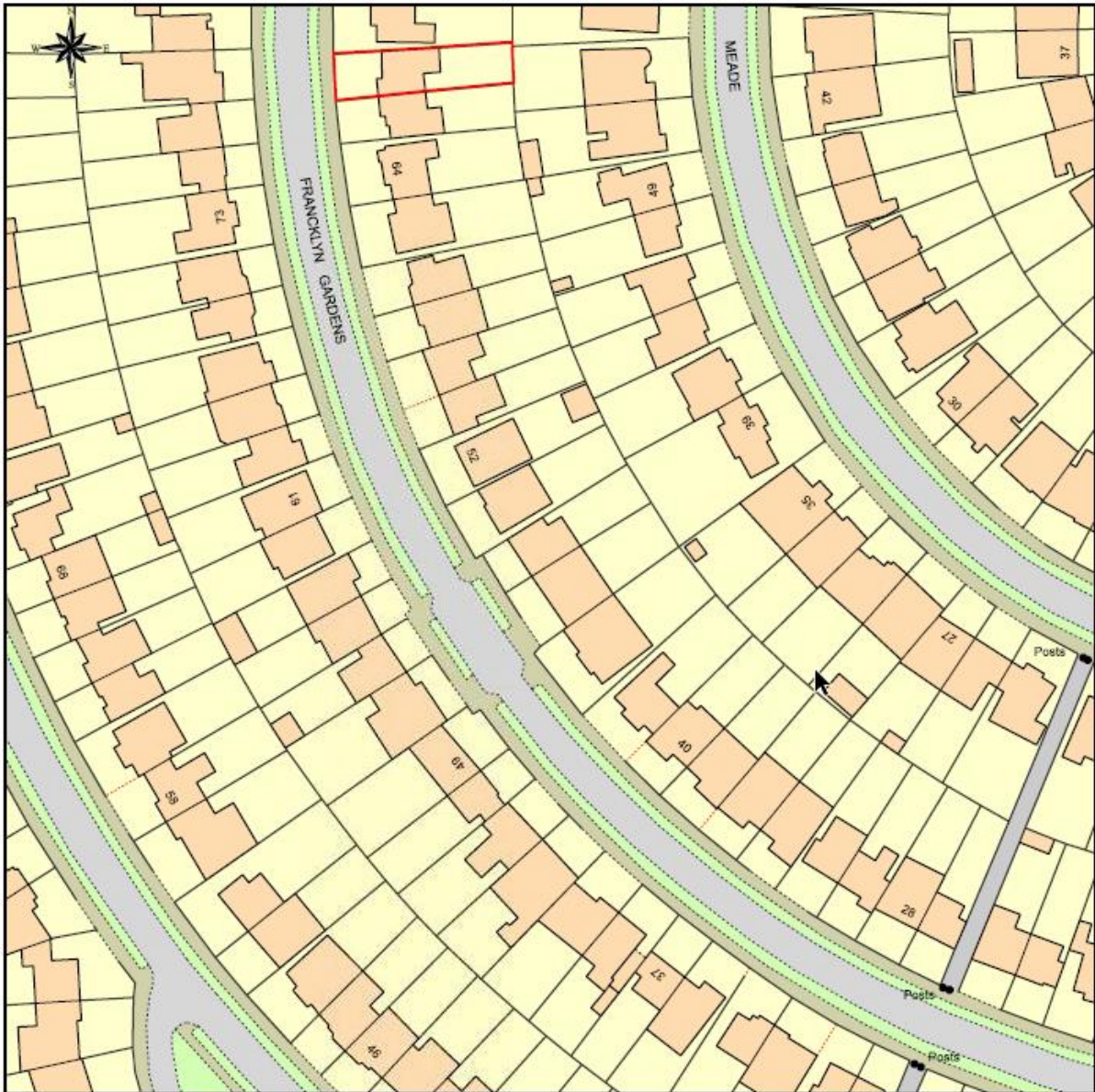
Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012)

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

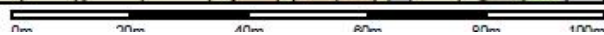
Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

5. Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation of the outbuilding hereby approved, facing No 37 Selborne Gardens

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



This Plan includes the following Licensed Data: OS MasterMap Colour PDF



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

**Reference:**                      **19/4055/FUL**

Received: 23rd July 2019

Accepted: 23rd July 2019

Ward:                              West Hendon

Expiry 17th September 2019

Applicant:                      Mr M Yoav

Proposal:                      Erection of 2no. semi detached dwellinghouses with rooms in the roofspace, utility and leisure space in the basement and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way

AGENDA ITEM 7

**Recommendation:** Approve subject to conditions

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

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

U-PP-LP001

U-PP (Block Plan)

U-PP-EP001

U-PP-PP001

U-PP-PP002

U-PP-PP003

U-PP-HC001

U-PP-PE001

U-PP-PE002

U-PP-PE003

U-PP-PS001

U-PP-PV001

Planning Statement (dated July 2019)

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

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

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

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

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

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

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

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

- 5 a) A scheme of hard and soft landscaping, including details of 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 prior to the occupation of the hereby approved development.

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

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

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



- 6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.
- b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

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

- 7 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

- 16 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and 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.

### **Informative(s):**

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £60 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. 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](mailto:cil@barnet.gov.uk).

#### Relief or Exemption from CIL:

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

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

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

[https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

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

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

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

- 3 As required by Building regulations part H paragraph 2.36, Thames Water requests that the Applicant should incorporate within their proposal, protection to the property to prevent sewage flooding, by installing a positive pumped device (or equivalent reflecting technological advances), on the assumption that the sewerage network

may surcharge to ground level during storm conditions. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991.

The developer is expected to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.

- 4 The proposed development is located within 15 metres of Thames Waters underground assets and as such, the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>. Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB
- 5 The developer is expected to demonstrate what measures will be undertaken to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 020 3577 9483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk](http://www.thameswater.co.uk). Please refer to the Wholesale; Business customers; Groundwater discharges section.
- 6 If you are planning on using mains water for construction purposes, it's important you let Thames Water know before you start using it, to avoid potential fines for improper usage. More information and how to apply can be found online at [thameswater.co.uk/buildingwater](http://thameswater.co.uk/buildingwater).
- 7 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

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

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

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

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

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

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

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

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 10 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.

- 11 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 12 The applicant is advised that proposed gates should not open outwards to onto the public footway/highway as this could cause health and safety issues for pedestrians/road users.
- 13 The developer is informed that any hoarding on or abutting the public highway requires a licence. To make an application for a hoarding licence please contact the council's Highways Licence Team on 0208 359 3555 for any necessary Highways Licences or email [highwayscorrespondence@barnet.gov.uk](mailto:highwayscorrespondence@barnet.gov.uk), ([Kayleigh.Jones@Barnet.gov.uk](mailto:Kayleigh.Jones@Barnet.gov.uk)).





## 1. Site Description

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

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

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

The site is in the ward of West Hendon.

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

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

## 2. Site History

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

Reference: 19/0959/FUL

Address: Antian House, 4 Rundell Crescent, London, NW4 3BP

Decision: Refused (Appeal in process)

Decision Date: 18 April 2019

Description: Erection of 3no. single storey terraced dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way

Reference: 19/4628/S73

Address: Antian House, 4 Rundell Crescent, London, NW4 3BP

Decision: Pending Consideration

Decision Date: No Decision Made.

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 17/2288/FUL dated 20/06/17 for `Conversion of existing dwelling into 2no semi detached houses including part single, part two-storey side and rear extension following partial demolition of main building and demolition of existing garage. Formation of front bay windows and new entrances. Roof extension involving new side and rear dormer windows, 2no rooflights to front elevation. Provision of 4no off street parking spaces, refuse/recycling stores associated hard and soft landscaping and amenity space.` Amendments include installation of a secondary external door on the northern flank of the property and porch canopy above [AMENDED DESCRIPTION].

Reference: 18/6854/S73

Address: Land Rear Of 2 And 4 Rundell Crescent, London, NW4 3BP

Decision: Approve subject to conditions

Decision Date: 09.01.2019

Description: Variation of condition 1 (Plan Numbers) pursuant to planning permission 17/7858/FUL dated 07/09/2018 for `Erection of 2no. single storey semi-detached dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage,

cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way. Amendments include replacement of the approved 8no rooflights to 7no dormer windows.

Reference: 17/7858/FUL

Address: Land Rear Of 2 And 4 Rundell Crescent, London, NW4 3BP

Decision: Approved subject to conditions

Decision Date: 07.09.2018

Description: Erection of 2no. single storey semi-detached dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way.

Reference: 17/4957/CON

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved

Decision Date: 24 August 2017

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

Reference: 17/2288/FUL

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Approved subject to conditions

Decision Date: 20 June 2017

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

Reference: 17/0906/192

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 2 March 2017

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

Reference: 17/1167/191

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Lawful

Decision Date: 20 April 2017

Description: Use for storage of scaffolding and building materials

Reference 16/8209/PNH

Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Prior approval required and refused

Decision Date: 15 February 2017

Description: Single storey rear extension with a proposed depth of 6 metres from original rear wall, eaves height of 2.8 metres and maximum height of 2.8 metres

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

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

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

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

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

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

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

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

Reference: W12797/02  
Address: 4 Rundell Crescent, London, NW4 3BP

Decision: Refused

Decision Date: 21 November 2002

Description: Demolition of four existing garages and rebuilding of four garages in line with the boundary.

Reference: W02322

Address: 2 Rundell Crescent, London, NW4

Decision: Approved subject to conditions

Decision Date: 12 November 1969

Description: Private garage

### **3. Proposal**

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

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

Unit 1 would have a length of 10.5 metres. Unit 2 would have a length of 9.4 metres. The proposed dwellings would have an eaves height of 3 metres and a maximum ridge height of 6.1 metres. The proposed dwellings would be comprised of rooms in the roofspace, as well as a utility and leisure space in the basement. They would be brick built with a pitched roof.

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

The dwellings would be set back from the road edge, accommodated by a boundary wall, soft landscaping and cycle and refuse storage.

Each dwelling would benefit from 1 parking space, located to the side.

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

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

Erection of 2no. semi detached dwellinghouses with rooms in the roofspace, utility and leisure space in the basement and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way.

### **4. Public Consultation**

Consultation letters were sent to 106 neighbouring properties.

106 responses have been received, comprising 102 letters of objection.

The objections received can be summarised as follows:

- Overlooking and loss of privacy to occupiers surrounding site
- Inappropriate for use and purpose as a service road
- Dwellings would increase waste/dumping issues
- Alderton Way not well maintained and additional dwellings would add to problem
- Increased noise during construction
- Overdevelopment of very small site
- Proposal will look odd and out of keeping with neighbouring houses

- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings
- Impact on parking provision and parking chaos
- Drainage concerns. Risk of flooding
- Create antisocial behaviour
- Queries regarding consultation letters.

Following concerns regarding matters relating to the construction process, a Demolition and Construction Management Plan was submitted to the Local Planning Authority. This was sent out for internal consultation with Highways and Environmental Health - following updates to the document (received 25/10) - who raised no objection to the document and information provided within.

### *Internal/Other Consultation*

Traffic and Development Team:

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

Thames Water:

Subject to the imposition of suitable conditions and informatives they raise no objection to the development and find the proposal to be acceptable.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 19 February 2019. 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 Revised 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 Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### The Mayor's Draft London Plan

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

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17.

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

This application follows from a previous approval (ref 17/7858/FUL) on the site for 'Erection of 2no. single storey semi-detached dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way.' The main change between the approved application and this current application is the proposal for a basement level.

*Principle of development:*

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

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

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

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

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

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

It is noted that Paragraph 51 of the National Planning Policy Framework (2012) states that Local Planning Authorities' should normally approve planning applications for change to residential use and any associated development from commercial buildings (currently in the B use classes) where there is an identified need for additional housing in that area, provided that there are not strong economic reasons why such development would be inappropriate.

Officers find that the economic reasons are not significant or strong enough to resist redevelopment of the land into residential use.

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

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

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

*Impact on the character and appearance of the surrounding area:*

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.



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

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

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The area is mixed in character. Rundell Crescent is characterised by detached residential dwellings with timber framed gables and bay window frontages. The rear elevation of Vivian Mansions is utilitarian in appearance. The ground floor commercial units at Vivian Mansions have been substantially altered and extended over time. The upper residential floors of Vivian Mansions are a variety of brick, pebbledash, or render with tile hung bay windows. Alderton Way features a simple row of single storey garages.

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

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

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

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

The proposed basement to each dwelling would fall within the establish footprint of the proposed dwellinghouse and therefore it is considered that this element of the proposal would not have a negative impact on the external appearance of the development. Internally, the basement has been designed to incorporate a leisure space in the form of a Cinema room and adjoining utility space.

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

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

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

### The impact on the amenities of neighbouring occupiers

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

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

The single storey dwellings have front windows at ground floor facing Vivian Mansions, and two front rooflights. The ground floor of Vivian Mansions appears to be occupied by commercial uses. Considering the angle and positioning of the rooflights, it is not considered it would harm the amenity of residential occupiers at the upper floors of Vivian Mansions to an unacceptable level.

In accordance with section 12 of Barnet's SPD - Residential Design Guidance the outlined creation of a basement space in each unit would be limited to the proposed footprint and volume of the house or building. Therefore, it can be ensured that this installation of the basement would not harm the established garden, open area, nearby trees and that no adverse impact is caused to the amenity of neighbouring properties. The designated use for the basement in both units is utility and leisure space in the form of a Cinema room. It is considered that neither of these uses benefit from natural light and therefore the installation any lightwells of skylight is not deemed necessary or appropriate, and as such have not been proposed. The proposed basements are not considered to harm neighbouring amenity for these reasons.

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

### *Amenity and living conditions of future occupiers:*

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

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

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

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

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

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

The proposed basements for both units will provide substantial leisure space for the benefit of any potential future residents. The basement in unit 1 will have a total internal space of 80.25m<sup>2</sup>. 47.24m<sup>2</sup> of this will be designated as a Cinema room area, whilst the remaining space will make up utility (13.85m<sup>2</sup>) and storage (7.30m<sup>2</sup>). Unit 2's basement will have a total internal floor space of 69.26m<sup>2</sup>. The Cinema room in this unit will take up 42.26m<sup>2</sup>, whilst the adjoining Utility space provides 9.64m<sup>2</sup>, with an additional storage cupboard measuring 5.69m<sup>2</sup>. It is considered that the provision of this private leisure/amenity space would add to the living conditions and amenity of the potential future occupants. The proposed basement level in both units is for utility and leisure space, in the form of a Cinema room. It is considered that neither of these uses benefit from natural light and therefore the installation any lightwells of skylight is not deemed necessary or appropriate.

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

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

#### *Trees:*

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

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

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

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

#### *Safety and Security:*

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

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

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

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

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

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

The above observations, coupled with a suitably worded condition can be attached to ensure the development meets Secure By Design standards.

#### *Highways and Parking:*

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

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

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

Taking into consideration the following:

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

The site lies within a PTAL 4 site, which means that there is good public transport accessibility to and from the site. The proposed provision of 2 off-street car parking spaces is in accordance with requirements set out on Policy DM17 of the Barnet Local Plan and is therefore acceptable on highways grounds.

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

Cycle parking in accordance with the requirements of the London Plan would be provided as part of the proposals. The proposed 4x cycle parking spaces (2x per property) is in line with requirements and is therefore acceptable on highways grounds.

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

#### *Refuse and recycling:*

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

#### *Impact on Bats and birds:*

All bat species, their breeding sites and resting places are protected by law and therefore are a material planning consideration.

There is no statutory requirement for the local planning authority to consult Natural England specifically on protected species issues. Natural England has issued Standing Advice to assist local planning authorities on species matters.

Given the siting of the development it is not felt that the proposal would impact on bats. In addition, a condition for lighting the rear of the property would be attached in the event of an approval to ensure there would be no direct impact on the bats. The local planning are therefore satisfied that the standing advice issued by Natural England has been followed.

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

## **5.4 Response to Public Consultation**

- Overlooking and loss of privacy to occupiers surrounding site

The ground floor windows of the dwellings would look onto the boundary fence. Although roof lights are proposed, considering the angle and positioning of these, it is not considered to cause undue loss of privacy to neighbours. Similarly, the proposed basement would not allow for any outlook or overlooking.

- Inappropriate for use and purpose as a service road

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

- Dwellings would increase waste/dumping issues

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

- Alderton Way not well maintained and additional dwellings would add to problem

Officers see no reason why dwellings, with their own allocated refuse, parking, cycle parking and amenity space, would increase existing problems within Alderton Way in terms of maintenance.

- Increased noise during construction

The proposal is domestic in scale and therefore some noise disturbance would be associated with the development, however this is not considered to be above and beyond that which is considered reasonable and necessary for a domestic site. Planning conditions can be added to any permission restricting working days and hours.

- Overdevelopment of very small site

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

- Proposal will look odd and out of keeping with neighbouring houses

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

- Increase traffic congestion. Service road is narrow. Risks safety of pedestrian. No parking for visitors to the proposed dwellings; and
- Impact on parking provision and parking chaos

The units are in an accessible and sustainable location, close to the Town Centre and public transport links. Furthermore they both provide one off-street parking space. Officers do not consider that the vehicle movements and activity generated would tip the balance to deem it unacceptable. This is particularly the case when considering the sites lawful use as storage (B8) and garages, which would generate vehicle movements and activity.

- Drainage concerns. Risk of flooding

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

- Create antisocial behaviour

It is not considered the proposal would result in antisocial behaviour.

- Queries regarding consultation letters and properties consulted.

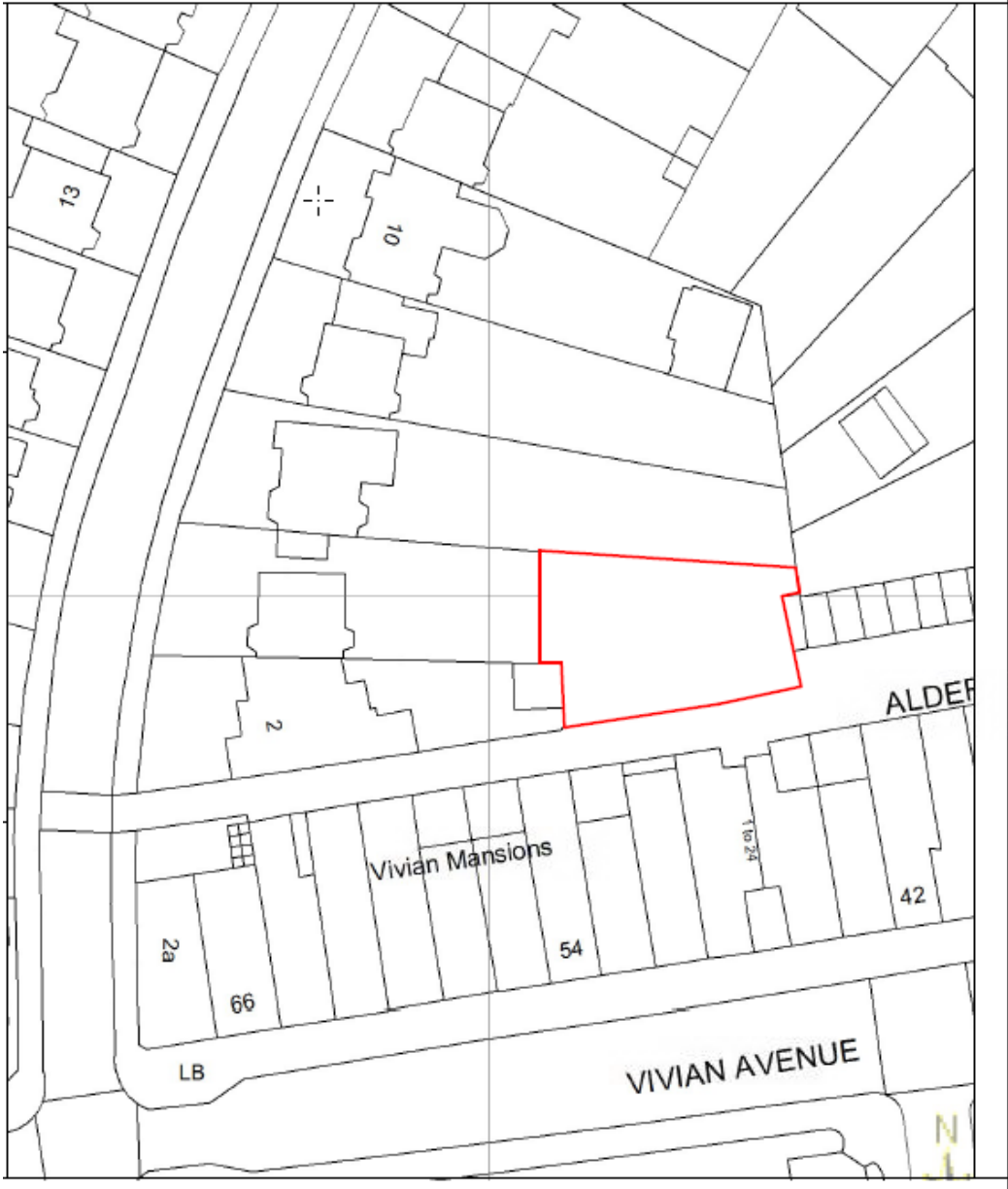
Officers are satisfied that the application has been consulted in line with the local planning authorities' statutory duties. A site notice was erected, as confirmed by objectors in their comments.

## **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, future occupiers of the development or highway safety. This application is therefore recommended for approval.







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## Appeal Decision

Site visit made on 30 October 2019

by **J Gibson BUEP MPIA**

an Inspector appointed by the Secretary of State

Decision date: 10 December 2019

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**Appeal Ref: APP/N5090/W/19/3235349**

**Land rear of 4 Rundell Crescent, London NW4 3BP**

- The appeal is made under section 78 of the Town and Country Planning Act 1990 against a refusal to grant planning permission.
  - The appeal is made by Rundell Partnership Ltd against the decision of Barnet London Borough Council.
  - The application Ref 19/0959/FUL, dated 15 February 2019, was refused by notice dated 18 April 2019.
  - The development proposed is the erection of 3no. single storey terraced dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way.
- 

### Decision

1. The appeal is allowed and planning permission is granted for the erection of 3no. single storey terraced dwellinghouses with rooms in the roofspace and associated amenity space, refuse storage, cycle store and off-street parking. Access to new dwellinghouses provided from Alderton Way on land rear of 4 Rundell Crescent, London NW4 3BP in accordance with the terms of the application, Ref 19/0959/FUL, dated 15 February 2019, subject to the conditions set out in the attached schedule.

### Procedural Matter

2. An appeal should be determined using the address set out on the original planning application form. In this case that address would be misleading and as such I have therefore used the address from the Council's decision notice which more accurately describes the location of the site.

### Main Issues

3. The main issues are the effect of the proposed development on:
  - the character and appearance of the surrounding area, with specific regard to siting and layout; and
  - the living conditions of future occupiers of Unit 1, with specific regard to the proximity of the outdoor garden space of Unit 2.

## Reasons

### *Character and appearance*

4. The appeal site is land located towards the rear of 2 and 4 Rundell Crescent, currently occupied by a garage and associated hardstanding area. The site fronts onto Alderton Way which serves as the rear access for terraced dwellings and commercial properties fronting Vivian Avenue. Alderton Way is characterised as a narrow service road dominated by single storey private garages, bin storage areas and informal parking. To the north of Alderton Way are the rear gardens of the residential dwellings fronting Rundell Crescent and Alderton Crescent and garages servicing dwellings south of Alderton Way. To the south is the rear extent of the commercial properties at ground level, and behind that the rear elevations of the three storey terraced dwellings fronting Vivian Avenue.
5. The current function of Alderton Way is for vehicular access, waste collection, loading/unloading activities to the uses within the Vivian Avenue terrace, to preserve its intended main street character and appearance. This in mind, the quality of development fronting Alderton Way does not achieve the same quality character and appearance, nor pattern of development repeated throughout the residential streets of Rundell and Alderton Crescent or along Vivian Avenue. Whilst, appropriate for its intended purpose the current environment along Alderton Way generally lacks positive design or activation of this space, with the design of development prioritising the primary street frontages of Rundell Crescent, Alderton Crescent and Vivian Avenue.
6. The proposed development represents a positive opportunity to activate Alderton Way by introducing a built form and design which directly fronts onto this street scene. The proposal would introduce a safe, accessible and improved quality of residential design which would enhance the current street scene. The development would maintain the predominant height, scale and pattern of development along Alderton Way, preserving the subordinate relationship to the surrounding three and two storey dwellings beyond Alderton Way. The development would also be concealed from any prominent views along Rundell Crescent, Alderton Crescent or Vivian Avenue.
7. I acknowledge that the appeal proposal would result in a unit design and private rear garden areas that would be smaller than the predominantly large dwellings on spacious plots which characterise the residential development along Rundell Crescent and Alderton Crescent. I do not agree that the proposal would represent a cramped form of development thereby being an overdevelopment of the site. It would adhere to the design standards under the London Plan (March 2015) and Barnet Sustainable Design and Construction SPD (adopted October 2016). The layout would provide a private usable rear garden area for each unit, together with appropriate distances between the highway and neighbouring property boundaries.
8. I find that the proposal would not harm to the character and appearance of the surrounding area, with specific regard to the siting and layout. It would therefore comply with Policy CS5 of the Barnet Core Strategy (CS) (adopted September 2012), Policy DM01 of the Barnet Development Management Plan (DMP) (adopted September 2012) and advice contained in the Barnet Residential Design Guide Supplementary Planning Document (adopted October 2016). These policies and guidance seek, amongst other things, to achieve

quality design which preserves or enhances local characteristics of buildings, places and streets.

### *Living conditions*

9. The Council's Sustainable Design and Construction SPD sets out the size and design requirements necessary to achieve usable outdoor garden spaces for residential units. The proposed outdoor garden areas for each unit would comply with the size requirements for the scale of development proposed.
10. In determining whether these areas can be considered usable, I have had further regard for the Residential Design Guide SPD. This SPD notes that "the size, shape and slope gradient" of outdoor garden areas are key to usability. Whilst I acknowledge that the proposed development would result in the creation of outdoor garden areas with an irregular shape, the predominant areas created would achieve appropriately sized and dimensioned areas for ordinary outdoor activities associated with each residential unit.
11. The reason for refusal primarily relates to the juxtaposition of the proposed rear garden for Unit 2 to the rear elevation of Unit 1. The design would not result in any direct views from the rear garden of Unit 2 into the habitable rooms of Unit 1. The only window for Unit 1 which aligns with the Unit 2 rear garden is the rear facing dormer window, which is proposed to be obscure glazed and non-opening. I am therefore satisfied that the proposed garden arrangements are acceptable.
12. Accordingly, I find that the proposed development would not harm the living conditions of future occupiers of Unit 1, with specific regard to the proximity of the outdoor garden space of Unit 2. It therefore complies with Policy 3.5 of the London Plan, Policy DM02 of the Barnet DMP and the advice contained in the Barnet Sustainable Design and Construction SPD. These policies and guidance seek, amongst other things, to ensure proposals achieve the standards required for quality residential development and high standard urban design.

### **Other Matters**

13. The main parties refer to the extant planning permissions<sup>1</sup> on the appeal site which they consider should be the base line for the determination because the built form is similar to the appeal proposal. I have had regard to the details provided and have given significant weight to these permissions in establishing the principle of the acceptability of residential development on this site. Consequently, I note that the Council has no concern regarding the loss of the site for employment purposes, I see no reason to disagree on this matter.
14. The appeal proposal provides an off-street parking space for both Units 1 and 3, whilst Unit 2 is proposed to be car-free. It would therefore comply with the car parking requirements contained in the Barnet DMP and the London Plan. Given the high PTAL level of the appeal site within a town centre, Unit 2 being car-free would not be unacceptable.

### **Conditions**

15. No conditions have been suggested by either party. Therefore, I have had regard to the conditions previously imposed on the extant planning permissions

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<sup>1</sup> Planning permission references: 18/6854/S73 & 17/7858/FUL

on the appeal site and considered them in line with the advice in the Planning Practice Guidance and the National Planning Policy Framework (the Framework). As such I have amended the wording of any replicated conditions as necessary in the interest of precision and clarity.

16. In addition to the standard three year time limit condition for implementation, it is necessary for a condition to specify the approved plans in the interests of certainty.
17. In the interests of the character and appearance of the area, it is necessary to impose landscaping, building materials and finished level conditions. In the extant planning permissions these matters were pre-commencement conditions. However, it is not necessary for these details to be provided prior to the commencement of development as demolition works can take place before these matters are agreed.
18. In the interests of the living conditions of the occupiers, it is necessary to impose a planning condition requiring obscure glazing to be used in the windows facing adjoining residential properties. The relevant windows have been identified on the approved plans and have been referenced in the condition accordingly. Likewise a condition relating to external lighting is also appropriate.
19. Conditions requiring the provision of parking spaces for Units 1 and 3, and for Unit 2 remaining a car-free property are necessary. Ensuring Unit 2 remains car-free is necessary prior to commencement to safeguard this outcome, acknowledging that the site falls within a Controlled Parking Zone.
20. The previous planning permissions included conditions relating to refuse and recycling, construction management, water supply, and accessibility standards. The Council has provided me with no evidence to justify why such conditions would be necessary in this case. The submitted plans indicate refuse and recycling areas within the site. Planning conditions should not duplicate provisions of the Building Regulations regime, in addition, no policy context has been drawn to my attention to justify a limitation to water usage. Construction Management Plans are not used for all development proposals, they would normally only be used where particular characteristics or circumstances justify such an approach. No such characteristics or circumstances have been presented to me in this case.
21. As no conditions were suggested by the Council in the interests of fairness both parties have had the opportunity to provide comments on a draft Schedule of Conditions. Both parties have confirmed that the draft Schedule of Conditions is acceptable. The procedure set out under section 100ZA(5) of the Town and Country Planning Act 1990 has been followed.

### **Conclusion**

22. For the reasons given above I conclude that the appeal should be allowed and planning permission granted in accordance with the attached Schedule of Conditions.

*J Gibson*

INSPECTOR

### **Schedule of Conditions**

- 1) The development hereby permitted shall begin no later than 3 years from the date of this decision.
- 2) The development hereby permitted shall be carried out in accordance with the following approved plans: Location Plan (Dwg No U-RP-LP001, dated 14/02/2019); Existing Plans (Dwg No U-RP-EP001, dated 14/02/2019); Proposed Plans – Ground Floor (Dwg No U-RP-PP001, dated 14/02/2019); Proposed Plans – Loft (Dwg No U-RP-PP002), Rev 1, dated 21/12/2019); Proposed Plans - Roof Plan (Dwg No U-RP-PP003, dated 14/02/2019); Height Calculations (Dwg No U\_RP\_HC001, dated 14/02/2019); Proposed Section and Elevations (Dwg No U-RP-PE001, dated 14/02/2019); Proposed Elevations (Dwg No U-RP-PE002, dated 14/02/2019); Visualization (Dwg No U-RP-PV001, dated 14/02/2019); and Proposed Location Plan (Dwg No U-RP-PL001, dated 14/02/2019).
- 3) No development, other than demolition works, shall take place until details of the materials to be used in the construction of the external surfaces of the building(s) and hard surfaced areas hereby permitted have been submitted to and approved in writing by the Local Planning Authority. Development shall be carried out in accordance with the approved details and retained thereafter.
- 4) No development, other than demolition works, shall take place until details of the levels of the building(s), parking areas and ground level in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.
- 5) A scheme of hard and soft landscaping, including details of the size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is occupied. 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. 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.
- 6) The development hereby permitted shall not be occupied until the windows shown on the approved "Proposed Plans - Roof Plan" (Dwg No U-RP-PP003, dated 14/02/2019) have been fitted with obscured glazing, and no part of those windows that is less than 1.7 metres above the floor of the room in which it is installed shall be capable of being opened. Details of the type of obscured glazing shall be submitted to and approved in writing by the Local Planning Authority before the window is installed and once installed the obscured glazing shall be retained thereafter.
- 7) Details of all exterior lighting hereby approved must be submitted to and approved in writing to the Local Planning Authority before installation.

- 8) No dwellings shall be occupied until space has been laid out for cars to be parked within the site in accordance with the approved Proposed Plans – Ground Floor (Dwg No U-RP-PP001, dated 14/02/2019) and that space shall thereafter be kept available at all times for this purpose.
- 9) No development shall take place until arrangements have been made to secure Unit 2, hereby permitted, as a car-free development in accordance with a detailed scheme or agreement which shall have been approved in writing by the Local Planning Authority. The approved scheme or agreement shall ensure that:
  - i) no occupiers of the approved development shall apply for, obtain or hold an on-street parking permit to park a vehicle on the public highway within the administrative district of the Local Planning Authority (other than a disabled person’s badge issued pursuant to section 21 of the Chronically Sick and Disabled Persons Act 1970 or similar legislation); and
  - ii) any occupiers of the approved development shall surrender any such permit wrongly issued or held.

Such scheme or agreement shall be implemented prior to the occupation of the development hereby permitted and shall be retained and operated for so long as the use hereby permitted continues.

**End of Schedule**

**Location**                    **The Pillar Hotel 19 Brent Street London NW4 2EU**

**Reference:**                **19/2674/S73**                    Received: 10th May 2019

Accepted: 15th May 2019

Ward:                         West Hendon                    Expiry 10th July 2019

Applicant:                 GYG Estates Ltd

Proposal:                    Variation of the wording of condition 10 (No structures, including marquees and similar structures shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676 /PS rev A without the prior consent in writing of the Local Planning Authority) of planning permission H/02272/10 dated 28/07/10 for 'Change of use of former hostel areas to C1 hotel, with ancillary parking facilities'. Variation to include addition of the wording 'in connection with the hotel hereby permitted'

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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: Design and Access Statement, 0676/PS Revision A, 0676/MP/1 Revision B, 0676/MP/2 Revision B, 0676/MP/3 Revision B, 0676/MP/4 Revision B, 0676/MP/5, 0676/MP/6.

Reason: For the avoidance of doubt and in the interests of proper planning.

- 2     The development shall provide 10 parking spaces and 10 cycle parking spaces as shown on approved drawing 0676/PS Rev.A and shall not be used for any other purpose other than the parking of vehicles in connection with the approved development. These spaces shall remain in perpetuity.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area.

- 3 The premises shall be used for a hotel and no other purpose (including any other purpose in Class C1 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

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

- 4 *No structures including marquees or similar structures shall be erected, either permanently or temporarily, on any part of the site, except for the central quadrant, without the prior consent of the Local Planning Authority.*

*Reason: To enable the Local Planning Authority to control the use of the site to safeguard the residential amenities of occupiers of the self-contained flats within the site and the occupiers of neighbouring properties and to safeguard the safe operation of the adjoining highway.*

- 5 The dining and ancillary facilities shall be used only by paying guests staying at the hotel.

Reason: To safeguard the residential amenities of the occupiers of the self-contained flats within the site.

#### **Informative(s):**

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



## **Officer's Assessment**

### **1. Site Description**

The application relates to The Pillar Hotel which is located on the south-western side of Brent Street, within the ward of West Hendon. The site also comprises of The Chapel which fronts onto Brent Street, and separate residential units to the rear of the main building.

The site is located approx. 200m south-east of the designated Brent Street Town Centre.

### **2. Site History**

Reference: 18/3920/192

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Unlawful

Decision Notice: 19.02.2019

Description: Erection of a temporary marquee for up to 20 days per year on the Quad area

Reference: 17/4427/FUL

Address: The Pillar Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 05.12.2017

Description: Erection of marquee for used for up to 10 events per year

Reference: 15/06705/FUL

Address: Pillar Of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 25.01.2016

Description: Demolition of an existing wooden outbuilding and removal of shipping container to be replaced with a brick built structure of identical dimensions to the wooden outbuilding being demolished.

Reference: H/03781/13

Address: The Pillar Hotel And Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 16.10.2013

Description: Retention of boundary gates and formation of emergency access

Reference: H/01144/12

Address: The Pillar Of Fire Chapel, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 12.07.2012

Description: Use of land at rear for erection of marquee in connection with the chapel. The marquee would be used for up to 40 events per year. Provision of 20 additional parking spaces.

Reference: H/03297/11

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 04.11.2011

Description: Retention of alteration to first floor windows and increase to height and depth of existing windows to match.

Reference: H/00273/11

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Refused

Decision Notice: 28.09.2011

Description: Retention of gates and alterations to fence to facilitate creation of vehicular access to Elm Park Gardens to enable emergency access.

Reference: H/2272/10

Address: Pillar of Fire Society, 19 Brent Street, London, NW4 2EU

Decision: Approved subject to conditions

Decision Notice: 02.08.2010

Description: Change of use of former hostel areas to C1 hotel, with ancillary parking facilities.

### 3. Proposal

The application seeks to vary condition 10 (Marquees) of planning permission reference H/02272/10 dated 28/07/10, for the 'Change of use of former hostel areas to C1 hotel, with ancillary parking facilities.'

Condition 10 stated:

"No structures, including marquees and similar structures, shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676/PS revA without prior consent of the Local Planning Authority."

The proposal seeks to alter the wording of the above condition which has been amended during the application process. It is sought that condition 10 reads as follows:

"No structures, including marquees and similar structures, shall be erected **in connection with the hotel hereby permitted**, either permanently or temporarily, within the curtilage of the building as indicated on plan 0676/PS revA, without prior consent of the Local Planning Authority."

Following discussions with the applicant to impose a geographic limitation of the central quadrant and to limit the impact on residents beyond the site boundary, officers have proposed the following condition:

*No structures including marquees or similar structures shall be erected, either permanently or temporarily, on any part of the site, except for the central quadrant, without the prior consent of the Local Planning Authority.*

*Reason: To enable the Local Planning Authority to control the use of the site to safeguard the residential amenities of occupiers of the self-contained flats within the site and the occupiers of neighbouring properties and to safeguard the safe operation of the adjoining highway.*

### 4. Public Consultation

Consultation letters were sent to 123 neighbouring properties.

38 responses have been received, comprising 15 letters of objection and 23 letters of support.

The objections received can be summarised as follows:

- Reject any attempt to weaken the previous decision
- Impact from noise and disruption
- No control on the size or number of such structures
- Impact on parking
- allow erection of marquee that is not connected to The Pillar Hotel
- disturb the local residents with late night events and clearing up
- the hotel and chapel appear to operate seamlessly with both entities sharing the same catering equipment, furniture and resources
- disruption to neighbouring areas arising from guest parking in nearby roads
- previous reasons for refusal are still applicable
- people congregating around residential flats on the property
- marquee is erected within centimetres of the residential flats

The letters in support received can be summarised as follows:

- The presence of The Pillar in the neighbourhood has had a very positive influence, not just at an economic level, but also a practical one.
- Limited noise
- establishment which serves the local community
- previous events have not caused a nuisance or disturbed the peace
- The operation has brought huge benefits to the localities
- Since the opening of the hotel, the area is spotless
- Have never been disturbed by any activities at The Pillar
- being able to hold events for the local community and having these events in a marquee has been very convenient
- Efforts are made to ensure that music and guests are kept to acceptable volumes and finish within the legally designated times
- great to have somewhere local for larger events

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published on 19th February 2019. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

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

## The Mayor's London Plan 2016

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

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

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

## Barnet's Local Plan (2012)

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

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

For the purposes of planning, the site comprises of separate planning units - The Chapel, The Hotel and residential units.

At the time of application reference H/02272/10, the proposal sought a partial change of use of the former hostel areas to a C1 (hotel) for the purposes of a bed and breakfast hotel. The application was referred to Hendon Area Planning Committee with condition 10 as worded:

'No structures, including marquees and similar structures, shall be erected either permanently or temporarily, within the curtilage of the building as indicated on plan 0676/PS revA without prior consent of the Local Planning Authority.'

Within the submitted Planning Statement, the applicant advances that clarification, from then Councillors, on which elements of the site were restricted by the above condition. It was stated by Planning Officers that the condition related solely to the hotel use and not to any other use on the site. The applicant has submitted two affidavits to confirm this. The application was approved on 28 July 2010. The areas affected by the approved change of use were delineated with a red line in the final revised plans referred to in the decision notice. However, in a Certificate of Lawfulness application refused in February 2019, officers were

of the view that the chapel formed part of the application site, were inextricably linked and was bound by the same limitations as the hotel.

Marquees in the past appear to have been erected in various positions within the site including the central quadrant and the hard surfaced area to the immediate rear of the main building. Those particularly affected would be the residential units within the rear of the main building which are held on assured short hold tenancies and the residential dwellings to the rear of the site, within Elm Close, Elm Park Gardens and Goodyer Gardens.

In order to mitigate any potential future concerns, Officers have discussed with the agent, revisions to the wording of the condition to ensure that those affected to the rear of the site would not be adversely affected. As such, an agreement has been made that nothing can be erected within the rear tarmac area adjacent to Goodyer Gardens, Elm Park Gardens and Elm Close, without the prior consent of the Local Planning Authority. It is considered that by restricting any marquees not to be erected within the rearmost areas, those residential properties who have raised concerns, will not be detrimentally affected. The direct implication of this is that the marquee (and other structures) can be erected without planning consent on land within the quadrant. No structure can be erected in the peripheral areas.

On this basis, condition 10 of the original planning permission would be replaced by new Condition 4 (the others falling away because they serve no planning purpose) which states the following:

*No structures including marquees or similar structures shall be erected, either permanently or temporarily, on any part of the site, except for the central quadrant, without the prior consent of the Local Planning Authority.*

*Reason: To enable the Local Planning Authority to control the use of the site to safeguard the residential amenities of occupiers of the self-contained flats within the site and the occupiers of neighbouring properties and to safeguard the safe operation of the adjoining highway.*

Structures would therefore be erected within the central quadrant area only and in no other location.

This application does not change the nature or running of the hotel use.

Planning conditions can only be applied if it meets the following 6 tests:

1. Necessary;
2. Relevant to planning;
3. Relevant to the development to be permitted;
4. Enforceable;
5. Precise; and
6. Reasonable in all other aspects.

It is considered that the conditions passes these tests. It is necessary to limit the amenity impact. It is relevant to planning because it limits a planning harm and is linked to relevant planning policies. It is relevant to the development because it pertains to the development proposed. It is enforceable because it states a clear point where a breach would occur. It is precise because it has clarity instructing interested parties what is permissible or otherwise and is reasonable because it does not unduly fetter the permission and is agreeable to the applicant while protecting the third parties.

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

The purpose of this application is to seek clarity on the intended restriction of the condition. The applicant accepts that the condition intended to prevent the approved hotel use from erecting any structure including marquees within the site. This application does not seek to remove that condition.

As the proposal within reference H/02272/10 only relating to the former hostel use, any imposed planning restrictions can only relate to that which permission is sought. As The Chapel is a separate planning unit and did not form part of the original planning permission, it cannot be lawfully restricted by the planning conditions in reference H/02272/10.

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

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

#### **7. Conclusion**

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



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**Location**                    **10 Sunnydale Gardens London NW7 3PG**

**Reference:**                **19/5519/HSE**

Received: 11th October 2019

Accepted: 15th October 2019

Ward:                         Hale

Expiry 10th December 2019

Applicant:                 Mr & Mrs J Abrams

Proposal:                    Single storey side extension, part single part two storey front extension. Roof extension including new front dormer window.

AGENDA ITEM 9

**Recommendation:** Refuse

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 proposal, by virtue of the scale and siting of the proposed front dormer window, is considered to cause material harm to the character and appearance of the host dwelling and surrounding area, contrary to the expectations of Policy DM01(b) of the London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012) and LB Barnet: Residential Design Guidance SPD (2016)

**Informative(s):**

- 1     The plans accompanying this application are:
  - 2019-1301/1 (dated 08 May 2019)
  - 2019-1301/2 (dated 10 Oct 2019)
  - 2019-1302/3 (dated 10 Oct 2019)
- 2     In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when

submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

**Reason for Committee decision:** The application has been called in by Councillor Simberg

## **Officer's Assessment**

### **1. Site Description**

The host dwelling is a detached property situated on 10 Sunnysdale Gardens. It is located at the junction with Beech Walk and therefore addresses two different streets. In relation to Beech Walk, the property has a two storey gable end as its 'front' elevation and therefore is characteristic of much of the street.

In relation to Sunnysdale Gardens, the existing dwelling has a smaller two storey projecting gable end off a ridged roof. Sunnysdale Gardens is of mixed character but generally contains an emphasis towards newer dwelling houses.

It does not lie within a conservation area and is not a locally or statutory listed building.

### **2. Site History**

Reference: 19/2893/HSE

Address: 10 Sunnysdale Gardens, London, NW7 3PG

Decision: Refused

Decision Date: 17 July 2019

Description: Single storey side extension, part single part two storey front extension. Roof extension including new front dormer window.

Reference: 19/1484/HSE

Address: 10 Sunnysdale Gardens, London, NW7 3PG

Decision: Approved subject to conditions

Decision Date: 8 May 2019

Description: Single storey side extension and part single, part two storey front extension

Reference: 19/2894/192

Address: 10 Sunnysdale Gardens, London, NW7 3PG

Decision: Lawful

Decision Date: 26 June 2019

Description: Roof extension, including, hip to gable, rear dormer window and two front facing rooflights

### **3. Proposal**

This application seeks planning permission for a single storey side extension; part single part two storey front extension; and roof extension including new front dormer window. The scheme is a resubmission of the previously refused under 19/2893/HSE with an amendment to the proposed front dormer window.

The previous scheme measured 2.15m in width and 1.65m in height, with a flat mono-pitch roof rising to a total height of 2.1m - set down 0.36m from the main ridge.

The scheme as revised measures a similar width and height to the underside of the eaves, with the flat mono-pitch roof replaced with a hipped tile roof, producing a more regular profile of 2.25m in height, rising to just 0.2m from the main ridge.

The proposed dormer rests on the top of the two storey front extension and terminates a short distance below the ridge.

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

Consultation letters were sent to 7no neighbouring properties.  
No representations were received.

The application has been called in by Councillor Simberg.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

###### National Planning Policy Framework and National Planning Practice Guidance

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

The revised National Planning Policy Framework (NPPF) was published in 2019. 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.

###### Relevant Supplementary Planning Documents

Residential design Guidance SPD (2016)

Sustainable Design and Construction SPD (2016)

##### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### 5.3 Assessment of proposals

The surrounding area is predominantly residential in character, with a mixture of detached and semi-detached family dwellings. The application site is a corner property on the intersection between Sunnydale Gardens and Beech Walk and takes the form of an L-shaped building with a prominent two storey front bay. Given the wide plot, the main outdoor amenity space is located to the side of the dwelling house.

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

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. This is compliant with policies DM01 and CS05 of the Local Plan DPD.

With regard to the proposal, the single storey side extension and part single, part two storey front extension formed part of the previous application (19/2893/HSE) and were not considered to form grounds for refusal. In respect of those extensions, the Delegated Report accompanying the previous application stated the following:

"The proposed extension has a width of 4.5 metres, which is less than half the width of the existing building. Given the shape of the plot, including a large garden to the side of the dwelling, the proposed single storey side extension would read as a proportionate addition.

The proposed part single storey, part two storey front extension is well set down from the main roof and at first floor, it is set in from the front elevation. As such, it would appear as subordinate to the main dwelling house. At ground floor, the proposed extension does not project forward of the front elevation. Given its design, siting and scale, it is considered that the proposed front extension would not harm the appearance of the host dwelling nor the local character or street-scene".

With regard to the proposed front dormer, notwithstanding that the amendments result in a more sympathetic design, the width remains the same whilst the revised height has been increased and bulk/profile augmented. As such, it would remain contrary to the expectations of Para 14.33 of the Residential Design Guidance SPD. Consistent with the previous decision, given that scale and its prominent siting, the proposed dormer is considered to appear as an overly large and dominant feature of the roof-slope, exacting a harmful impact on the appearance of the host dwelling and the street-scene.

Notwithstanding that there is no moratorium on front dormers on detached houses imposed by Para 14.32, with regard to Policy DM01(b), development proposals should be based on an understanding of local characteristics, preserve or enhance local character and respect the appearance of surrounding buildings and streets. The Applicant has provided 5 no examples as part of the accompanying Planning Statement. Of those, the Flower Lane and Hale Lane sites appear to have been approved prior to the contemporary policy framework, whilst those on Bunns Lane are new-build developments which - to a greater degree - forge their own character within an overall response to their particular context. None of the sites referred to are considered to be proximate enough to materially affect the proposal - wherein

front dormers are not characteristic of Sunnysdale Gardens or Beech Walk. However, fundamentally, each development is in any event determined on its own merits.

The need for any roof extension in order to enable a particular Internal configuration is not a material planning consideration.

Taking all considerations into account, the proposed front dormer window is considered to remain unacceptable with regard to its impact on the character and appearance of the host dwelling and the street-scene, contrary to Policy DM01(b) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012)

- Whether harm would be caused to the amenity of neighbouring occupiers.

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

Notwithstanding the concerns noted above - consistent with the previous decision - the proposal is not considered to result in harm to the residential amenities of neighbouring occupiers. In that respect, the previous Delegated Report noted the following:

"Due to the corner location of the site and the shape of the plot, there is a large distance separating the host dwelling and the neighbouring property on Sunnysdale Gardens, at No. 12. As such, given the scale and siting of the proposed development, there would be no harm to the amenity of the neighbouring occupiers at No. 12.

To the rear, the host dwelling shares a boundary with the neighbouring property at 16 Beech Walk. The neighbouring property is set behind the host dwelling by approximately 2 metres. As such, the proposed side extension would protrude approximately 2.5 metres beyond the rear wall of the neighbouring property. Given this rearward protrusion and the separation between the two dwellings, it is not considered that this would result in harm to the amenity of the neighbouring occupiers at 16 Beech Walk.

Given their size and siting, the proposed front extensions and roof extension would not impact on the amenity of any neighbouring occupiers".

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

None received

#### **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**

The proposal, by virtue of the scale and siting of the proposed front dormer window, is considered to cause material harm to the character and appearance of the host dwelling and surrounding area. As such it would conflict with the expectations of Policy DM01(b) of the Development Management Policies DPD and Residential Design Guidance SPD. It is therefore recommended for REFUSAL

## 8. Recommended Conditions

In the event an appeal is lodged and allowed, the following conditions are recommended to be attached:

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

- 2019-1301/1 (dated 08 May 2019)
- 2019-1301/2 (dated 10 Oct 2019)
- 2019-1302/3 (dated 10 Oct 2019)

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.

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).



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**Location**                    **2 Cloister Gardens Edgware HA8 9QL**

**Reference:**                **19/6183/HSE**

Received: 19th November 2019

Accepted: 3rd December 2019

Ward:                        Hale

Expiry 28th January 2020

Applicant:                 Rabbi Y Schochet

Proposal:                   Alterations to existing roof extension, such alterations to include, reduction of rear dormer size and creation of side extension to roof

**AGENDA ITEM 10**

**Recommendation:** Refuse

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

- 1 The proposed alterations to existing roof, by reason of its size, scale and design, would be detrimental to the character and appearance of the existing property, streetscene and wider locality. It would be a disproportionate and incongruous addition to the existing dwellinghouse, which dwarfs the existing roof slope and forms an incongruous roof form, with a harmful impact to the appearance of the host property and the established character of the local area around 2 Cloister Gardens. It is therefore found to be in conflict with Policy DM01 of the Development Management Policies DPD (Adopted 2012) and Policy CS5 (adopted 2012).

**Informative(s):**

- 1 In accordance with paragraphs 38-57 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

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

**Reason for Committee decision:** This application has been called in by Councillor Simberg.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two storey semi detached dwellinghouse located at the eastern end of Cloister Gardens opposite its junction with Grange Hill. While the site is located in a predominantly residential area, the local centre at the junction with Deansbrook Road and Hale Lane.

The land levels drop sharply from the junction with Hale Lane. As such, the pair of semi detached properties are set higher than the adjoining pair at 6 – 8 Cloister Gardens and is significantly lower than the properties at Hale Lane which are situated at the rear.

The property has been extended at the side with a partial hip to gable extension and two separate two storey side extensions as well as a range of single storey front and side extensions. The property has also been extended at the rear with a single storey rear extension and a significant rear dormer extension.

A number of rear roof extensions are noted at properties to the western end of Cloister Gardens.

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

### **2. Site History**

Reference: 18/7208/RCU

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 6 March 2019

Description: Roof extension involving partial hip to gable and rear dormer window. Reconfiguration of roof to side extension (Retrospective Application)

Reason for refusal:

1. The proposed roof extension, by reason of its size and design, would be detrimental to the character and appearance of the existing property, streetscene and wider locality. It would be a disproportionate and incongruous addition to the existing dwellinghouse, which dwarfs the existing roof slope and forms an incongruous roof form, with a harmful impact to the appearance of the host property and the established character of the local area around 2 Cloister Gardens.

Reference: 19/3589/HSE

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Withdrawn

Decision Date: 22 August 2019

Description: Reduction of the existing roof volume

Reference: H/01339/08

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Approved subject to conditions

Decision Date: 27 June 2008

Description: First floor side extension.

Reference: W07808C/06

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 6 February 2007

Description: Proposed first floor side extension.

Reason for refusal:

1. The proposed first floor side extension by reason of its size, siting, bulk and design would form a visually dominating feature detrimental to the character and appearance of the host property, streetscene and the general locality and would unbalance the pair of semi-detached houses.
2. The proposed first floor side extension would by virtue of its size, bulk and design cause a sense of enclosure and loss of outlook as perceived from the rear windows and rear gardens.

Reference: W07808B/04

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Approved subject to conditions

Decision Date: 17 January 2005

Description: Alterations to roof including side and rear dormer windows to facilitate a loft conversion.

Reference: W07808A/03

Address: 2 Cloister Gardens, Edgware, HA8 9QL

Decision: Refused

Decision Date: 5 February 2004

Description: Loft conversion including hip to gable & rear dormer window.

Reason for refusal:

1. The proposed roof extensions would, by reason of their size, design and siting, be detrimental to the appearance of the streetscene and the visual and residential amenities of the neighbouring occupiers.

### **3. Proposal**

Planning permission is sought for a modification to the existing roofscape. This involves the removal of the partial hip to gable extension, a raise in the height of the roof line of the most recent side extension and a modification to the left hand side of the rear of the dormer. As a result of the removal of the partial hip to gable extension, part of the rear dormer will become visible from the front of the property. To partially limit the visibility of this, the proposed dormer at its eastern end will be given a sloping roof at this point. From the front it would have a similar visual appearance as a further hipped roof extension to the proposed development.

### **4. Public Consultation**

Consultation letters were sent to 14 neighbouring properties.

1no. objection was received by the end of the consultation period.

The objection can be summarised as follows:

- Property has been over-extended for more than 19 years.
- Extensions look unsightly and block outlook of natural views of neighbourhood.

- The extension is now less than 1 m so the occupiers have direct visibility to neighbouring garden, dining room and bedrooms gives no privacy.
- It is noted that Point 4. Description of Proposed Works in the attached document states that: the roof was completed in 2017. In addition, this extension exceeded the permitted development size when considered with all the extension made to the original house. Further, Point 6. Trees and Hedges states that a tree on our own garden at the boundary cornered. This is providing a bit of privacy. We were demanded to cut back this tree as it was touching the extension built by 2 Cloister Gardens. This is considered to be incorrect.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published in February 2019. 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.

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

#### The Mayor's London Plan 2016

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

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

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

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

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

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

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

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

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

#### Sustainable Design and Construction SPD (adopted 2016)

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

## **5.2 Main issues for consideration**

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 amenity of neighbouring occupiers.

### 5.3 Assessment of proposals

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

Paragraph 131 of the NPPF states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.' Thus, any proposal should respect the local character and either preserve or enhance it. Policies DM01 and CS05 of the Local Plan DPD are in conformity with the NPPF.

Paragraph 63 of the NPPF states that 'in determining applications, great weight should be given to outstanding or innovative designs which help raise the standard of design more generally in the area'. Paragraph 131 states that 'in determining applications, local planning authorities should take account of the desirability of new development making positive contribution to local character and distinctiveness.

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

Policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Furthermore, the Council's Residential Design Guidance SPD outlines that extensions should not be unduly overbearing or prominent and should normally be subordinate to the existing dwelling.

The rear dormer at the property has not benefited from a planning permission and is not permitted development. An enforcement notice was served on the unlawful development. An appeal was submitted (APP/N5090/C/19/3228392) and on 16 December 2019, the appeal was dismissed and the notice upheld. As such, the principle of the dormer as well as the acceptability of the modification now proposed.

The proposed dormer window measures 8.4m - 9.655 metres in width, 2.61 metres in height and 3.6 metres in depth. The dormer is level with the top of the main roof ridge and extends beyond the roof slope to the side of the dwellinghouse. Due to the scale of the rear dormer, it appears as a greatly disproportionate and incongruous addition to the roof. It dwarfs the entire rear roof slope and extends beyond it. It is noted the proposed sloping element on the rear dormer and side extension addition would partially obscure the rear dormer from the streetscene and so have a limited impact relative to the dormer in situ. The rear dormer would remain to be visible from the streetscene and would form part of a development that would be harmful within the context of the streetscene. In addition, the impact on the character of the existing dwelling and wider area remains significant and is clearly contrary to Barnet's Residential Design Guidance (14.33), which states that dormer windows should be subordinate features and should not occupy more than half the width and half the depth of the roof slope. The effect of the rear dormer, by virtue of its disproportionate scale, is to harm the appearance of the host property and the local character.

The applicant also wishes to reintroduce a hipped roof in effort to balance the adjoining property of No.4 Cloister Gardens. The proposed alteration is noted to correspond with the

original dwelling more suitably than the insitu partially gabled roof extension, however the disproportionate size, scale and mass of roof extension fails to be subordinate or proportionately sympathetic to the existing dwelling, the adjoining dwelling, the streetscene and the wider area. Overall, the proposed roof form is visually untidy and no justification for its approval is found in Barnet's Residential Design Guidance (2016). The prevailing character of the area and of the streetscene consists of unaltered hipped roofs symmetrical between semi detached pairs. It is considered that the extension harms this character and could set a precedent for similar extensions to the detriment of the streetscene. As the extension is sited prominently and clearly visible from the front elevation, it is found to be detrimental to the streetscene and the local character, in contrary to Policy DM01 of Barnet's Development Management Policies.

The proposed side extension is noted is noted to create a hipped design to the front elevation of the application site. This has been proposed with the intention to mirror the design of the adjoining property however it would appear visually incongruous within the context of the hipped roof and rear dormer. In addition, the cumulative development on the roof of the site remains to be of a scale which is detrimental to the character of the dwelling, the streetscene and the wider locality.

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

- Whether harm would be caused to the amenity of neighbouring occupiers.

Policy DM01 of the Local Plan states that any schemes must protect the amenity of neighbouring residents. It is necessary to assess the impact of all new development on neighbouring amenity, including impact on light, outlook, privacy and causing a feeling of overbearing.

The roof extensions and proposed alterations to the roof of the existing side extension, due to their siting, are not considered to cause unacceptable harm to the amenity of any neighbouring occupiers.

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

The size, design, character and appearance of the extensions have been addressed in the report above. The objections on this grounds have been upheld and this includes the visual impact. Nevertheless, it is considered that the proposed development does not have an impact on privacy and overlooking, loss of daylight or sunlight and does not give rise to a sense of enclosure. Therefore on this ground, the objections are not upheld.

#### **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 not considered that the development is an acceptable addition to the host property. It is found that the proposed extensions to the roof are disproportionate and incongruous additions to the host property. The effect of this development would be to dwarf the existing roof slope and form an incongruous roof form, to the detriment of the appearance of the host property and the streetscene. As such, there is found to be a clear negative impact on the local character and the appearance of the host property, contrary to Policies DM01 and CS05 of the Local Plan. This application is therefore recommended for refusal.

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

### **1. Approved Plans**

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

"Site location plan";

2 CLO /S101

2 CLO /S102

2 CLO /S103

2 CLO /S300

2 CLO /S301

2 CLO /S302

2 CLO /PL102

2 CLO /PL103

2 CLO /PL300

2 CLO /PL301

2 CLO /PL302

Planning 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. Standard Time Limit**

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

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

### **3. Materials to match**

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

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



**Location**                      **90 Sunny Gardens Road London NW4 1RY**

**Reference:**                    **19/4797/FUL**

Received: 3rd September 2019

Accepted: 10th September 2019

Ward:                            Hendon

Expiry 5th November 2019

Applicant:                    Mr Albert Smith

Proposal:                      Conversion of the existing dwelling into 2no self-contained apartments.  
Associated refuse/recycling store, cycle store

AGENDA ITEM 11

**Recommendation:** Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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:

Drawing no. PL004 rev00 Location Plan;  
Drawing no. PL215 rev01 Basement and Ground Floor Plans Existing;  
Drawing no. PL212 rev03 First and Second Floor Plans Existing;  
Drawing no. PL216 rev04 Rear Elevation Existing and Proposed;  
Drawing no. PL214 rev04 Ground Floor Plan Context Proposed;  
Drawing no. PL207 rev05 Basement and Ground Floor Plans Proposed;  
Drawing no. PL205 rev02 First and Second Floor Plans Proposed;  
Drawing no. PL221 rev02 Separate Residence Parking.

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 Prior to occupation of the development, parking spaces and the access to the car parking spaces from public highway shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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

- 4 Before the development hereby permitted is occupied, cycle parking spaces shall be provided in accordance with the submitted planning application and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 5 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.

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

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

- 7 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).

- 8 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).

- 9 Before the development hereby permitted is first occupied, the development shall be implemented in accordance with the sub-division of the rear amenity area as shown on drawing no. PL214 rev04 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 2016).

#### **Informative(s):**

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

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

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the

detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

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

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

Works on public highway shall be carried out by the Council's contractors. An estimate for this work could be obtained from London Borough of Barnet, Development and Regulatory Services, 2 Bristol Avenue, Colindale, NW9 4EW.

- 0 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 0 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](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto: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.



## **Officer's Assessment**

### **1. Site Description**

The host dwelling is located on the eastern side of Sunny Gardens Road. The area is residential in character consisting of two-storey, semi detached properties of mixed architectural styles, several of which have been converted to flats.

The host property benefits from existing extensions including a single storey side and rear extension, new basement level and extensions to the roof including 1no rear dormer window. The site does not lie within a Conservation Area and it is neither a listed or locally-listed building, nor is it located adjacent to a listed or locally-listed building.

### **2. Relevant Site History**

Reference: 15/05370/191

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Lawful

Decision Date: 6 October 2015

Description: Retention of garage on the side of the house that has been in existence and use prior to 1995. Retention of building at the end of the rear garden, which has also been in existence prior to 1995 this is currently being used as a gym and storage

Reference: 15/06033/192

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Lawful

Decision Date: 10 November 2015

Description: Roof extension alterations involving hip to gable, enlargement to rear dormer window, 1no additional rooflight to front and new window to side elevation

Reference: 15/06037/PNH

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Prior Approval Not Required

Decision Date: 30 October 2015

Description: Single storey rear extension with a maximum depth of 6 metres measured from the original rear wall, with the eaves height of 3 metres and a maximum height of 4 metres.

Reference: 15/06801/192

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Lawful

Decision Date: 27 November 2015

Description: Removal of existing garden building and replaced with new garden building with patio area at rear of garden

Reference: 16/0460/HSE

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Refused

Decision Date: 30 March 2016

Description: Single storey rear extension with raised terrace following the demolition of the existing single storey rear extension. Construction of basement. Extensions to roof involving hip to gable end, 1 no additional rooflight to the front elevation and replacement of existing rear dormer with a larger rear dormer



Reference: 18/5491/HSE

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Approved subject to conditions

Decision Date: 17 October 2018

Description: Single storey rear/side extension. Formation of basement level with rear lightwell with new sunken terrace

Reference: 19/4077/HSE

Address: 90 Sunny Gardens Road, London, NW4 1RY

Decision: Approved subject to conditions

Decision Date: 13 September 2019

Description: Single storey rear/side extension. Formation of basement level with rear lightwell with new sunken terrace

### **3. Proposal**

This application seeks full planning permission for "Conversion of the existing dwelling into 2no self-contained apartments. Associated refuse/recycling store, cycle store".

The development would create 2no self-contained flats. The gross internal area of the flats would be as follows:

- Flat A: basement and ground floor, 127 sqm (3 bed);
- Flat B: first and second floor, 76.3 sqm (2 bed).

Access to both flats would via the existing front entrance, with separate entrances internally.

The development includes parking spaces to the front of the site, a subdivided rear garden and refuse and cycle stores to the front.

### **4. Public Consultation**

Consultation was undertaken including a site notice and letters to 53 neighbouring properties. A total of 7 representations were made in response to the proposed development, including 7no objection. The comments can be summarised as follows:

- Concern regarding the impact of the proposed development on parking and traffic congestion.
- Concern regarding the impact of the proposed conversion to flats on the character of the area.
- Concern regarding the appearance of the proposed refuse and recycling store.
- The proposed conversion to flats will set a precedent for further conversions and loss of single family homes in the area.
- The existing extensions to the dwelling should not be used to facilitate the conversion to flats.
- The proposed development will harm the privacy and amenity of neighbouring occupiers.
- Concern regarding increased noise and disturbance from the proposed flats.

### **5. Planning Considerations**

#### **5.1 Policy Context**

Revised National Planning Policy Framework and National Planning Practice Guidance

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

The Revised National Planning Policy Framework (NPPF) was published on 19 February 2019. 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 Revised 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 Revised NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2016

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

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

#### The Mayor's Draft London Plan

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

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

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

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:

- Principle of flats in this location;
- 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 satisfactory living standards would be provided for future occupiers; and
- Whether harm would be caused to highway safety.

## **5.3 Assessment of proposals**

### Principle of flats in this location

The Borough has an attractive and high-quality environment that the Council wishes to protect and enhance. It is therefore considered necessary to carefully assess both the design and form of new development to ensure that it is compatible with the established character of an area that is defined by the type and size of dwellings, the layout, intensity, and relationship with one another and their surroundings. Proposals involving the redevelopment of sites in residential localities are required to reflect the particular character of the street in which the site is located and the scale and proportion of the houses.

The Council recognises that flat developments can make an important contribution to housing provision, in particular smaller units and that they can make more efficient use of urban land, however they normally involve an intensification of use creating more activity and can adversely affect the appearance of a street through, for example, the provision of car parking and refuse facilities, that can have an unacceptable impact on the established character of an area.

Within Chapter 2 of the Core Strategy, which is a material consideration in the determination of this application, the Council state the following: "The conversion of existing dwellings into flats can have a cumulative effect that damages the quality of the environment and detracts from the character of established residential areas. Conversions may be appropriate in

certain types of property or street but can harm the character by changing the function of a neighbourhood through more activity which increases noise and disturbance and thus impacts on amenity. This intensification of use can often involve more people movements, increased car movements, more rubbish to be collected and more deliveries. Flat conversions must therefore be situated in appropriate locations characterised by housing that has already undergone significant conversions or redevelopment to small flatted accommodation. Conversions in roads characterised by unconverted houses will not normally be considered appropriate."

Policy DM01 of Barnet's Local Plan Development Management Policies DPD states that proposals should be based on an understanding of local characteristics. Criterion (h) of the same policy states that the conversion of dwellings into flats in roads "characterised by houses" will not normally be appropriate.

Sunny Gardens Road is predominantly residential. An examination of planning history and council tax records shows that a number of properties on Sunny Gardens Road have been converted to self-contained flats. This includes the nearby properties at Nos, 64, 66, 68, 72 Sunny Gardens Road. Given the precedence of flat conversions existing in the locality, it is considered that the character has been altered somewhat in favour of a mix of single dwellinghouses and flats. In this context, it is not considered that the proposed conversion of the host dwelling to flats would be contrary or unduly harmful to the character surrounding 90 Sunny Gardens Road. Additionally, in an application at 110 Sunny Gardens Road (19/4544/FUL) the LPA found that the principle of conversion to flats was acceptable in this location.

With regard to the use of the site, it is not considered that the proposed development, which would result in an occupancy of 8 persons, would result in an unacceptable intensification of the use. This is a relatively modest increase compared with the existing dwelling that would not significantly nor unacceptable alter the character of the area.

The principle of development is therefore considered to be acceptable, subject to the considerations below.

#### Impact of the proposal on the character and appearance of the building, the street scene and the wider area

Development proposals involving the redevelopment of sites are required to reflect the character of their street and the scale and proportion of surrounding houses. This is supported by Policy DM01 of Council's Development Management Policies which states that development should understand local characteristics and 'preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The London Plan also contains a number of relevant policies on character, design and landscaping matters. Policy 7.4 of the London Plan states that buildings, streets and open spaces should provide a high quality design response that has regard to the pattern and grain of the existing spaces and streets in orientation, scale, proportion and mass; contributes to a positive relationship between the urban structure and natural landscape features, including the underlying landform and topography of an area; is human in scale, ensuring buildings create a positive relationship with street level activity and people feel comfortable with their surroundings; allows existing buildings and structures that make a positive contribution to the character of a place to influence the future character of the area; and is informed by the surrounding historic environment.

The proposed development involves minimal external changes to the existing dwellinghouse. The access for both new flats would be via the existing front entrance door, with a separate front door internally. As such, the building will still appear as a single dwelling from the street and there will not be any adverse impact on the character by virtue of the introduction of a separate access. Other external changes include alterations to front landscaping to accommodate 3no car parking spaces to the front of the site. This would not be incongruous in the local context. A bin store is also provided to the front of the dwelling; a condition is attached requiring details of the proposed store to ensure this is not detrimental to the character or appearance of the dwelling or the streetscene.

Taking all material considerations into account, the proposed development, subject to the attached conditions, would have an acceptable impact on the appearance of the host dwelling, the local character and the streetscene. It would therefore accord with Policy DM01 of Barnet's Local Plan.

#### Whether the proposal provides a satisfactory living environment for future occupiers

The development would create 2no self-contained flats. The gross internal area of the flats would be as follows:

- Flat A: 127 sqm (3 bed);
- Flat B: 76.3 sqm (2 bed).

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that it makes a positive contribution to the borough. The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) sets out the minimum GIA requirements for residential Units as follows:

2 bed/3 people (two storey) - 70 sq. m.

3 bed/5 people (two storey) - 93 sqm.

Flat A would provide a two storey 3 bed/5 person unit with a GIA of 127 sqm. This exceeds the minimum standard and is considered to be acceptable in this regard.

Flat B would provide a two storey 2 bed/3 person unit with a GIA of 76.3 sqm. This exceeds the minimum standard and is considered to be acceptable in this regard.

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

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double bedroom: minimum area should be 11.5 m<sup>2</sup> and at least 2.75m wide.

The proposed bedrooms comply with these minimum standards.

The sustainable design and construction SPD also states that a minimum ceiling height of 2.5 metres for at least 75% of the dwelling area is strongly encouraged. Although a section has not been provided, both units are considered to be able to provide this minimum ceiling height.

#### *Room stacking/siting*

The Residential Design Guidance SPD (October 2016) requires that the vertical stacking of rooms between flats should as far as practical ensure that bedrooms do not overlap living

rooms, kitchens and bathrooms on other floors. The proposed layout provides adequate stacking provision ensuring bedrooms for the most part are stacked above bedrooms and kitchen and living areas likewise.

### *Light/Outlook*

Barnet's Sustainable Design SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room. All units benefit from adequate levels of glazing and dual aspect outlook. The proposed levels of daylight/sunlight proposed for the flats is considered acceptable.

### *Amenity*

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that for flats there should be a minimum of 5m<sup>2</sup> of outdoor amenity space per habitable room.

The host dwelling benefits from a reasonable sized rear garden. It is comfortably able to accommodate sufficient outdoor amenity space for all flats. The applicant has provided a proposed site plan showing details of the subdivision of the garden, including private amenity space of 186 sqm for Flats A and 78 sqm for Flat B. This layout is considered to be acceptable and provides ample amenity space for both units in accordance with minimum standards as set out in the Sustainable Design and Construction SPD.

### *Privacy*

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

The proposed layout is acceptable in terms of the privacy of adjoining and potential occupiers. Ground floor bedrooms do not face onto the shared access at the side of the house. Private amenity areas to the rear of the house prevent overlooking to the living and dining areas here. There are no identifiable issues of overlooking. As such, the proposal is found to comply with Policy DM01 in this regard.

### The impact on the amenities of neighbouring occupiers

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

Given there are no extensions proposed as part of this application, there are not considered to be any additional impacts in terms of light, outlook or privacy to neighbouring occupiers.

Conversions to flats can constitute an intensification of the use of a site, which carries increased noise and disturbance to neighbouring occupiers compared with a single dwellinghouse. In this instance, given the altered character around the host dwelling in favour of flatted developments and the expected occupancy of 8 persons, it is not considered to be such that it would result in an unacceptable impact on the amenities of neighbouring occupiers with regard to the scale of the dwellings in the vicinity.

Taking all material considerations into account, it is found that the proposed development would protect the amenities of neighbouring occupiers, in accordance with Policy DM01 of Barnet's Local Plan.

## Parking and cycle stores

With regard to the maximum parking standards as set out in Barnet Council's Local Plan Development Management Policy DM17, the range of vehicular parking spaces which would need to be provided as part of the proposed development is between 2 and 3 spaces. The site has a PTAL rating of 0, meaning the public transport accessibility is poor. This section of Sunny Gardens Road is within a controlled parking zone (CPZ) on Event Days only; apart from this there is no controlled parking.

The proposed development provides a total of 3no spaces to the front of the dwelling, accessed via an existing crossover and a proposed new crossover, which would be subject to an application to the highways department. Highways officers have been consulted on the submitted parking layout. They have stated that, since the development is able to provide the maximum number of parking spaces as per Policy DM17, there is no predicted overspill and there will be no unacceptable impact on parking strain in the area. As such, the proposal is considered to be acceptable on highways grounds, subject to a condition requiring further details of the proposed parking spaces and access.

The proposed provision of 5no cycle parking spaces is in line with requirements set out in DM17 of Barnet's Local Plan. A condition is attached to ensure this provision.

On balance, it is considered that the proposal, subject to the conditions suggested above, would not generate a significant negative impact on the performance and safety of the surrounding highway network or its users.

## Refuse

Supplementary Planning Document: Residential Design Guidance (2016) states that waste and recycling can be visually intrusive within the street scene. It goes onto state that waste and recycling storage areas should be integrated within the building or provided on-site and screened within an enclosure or by landscaping avoiding area in front of dwellings.

The proposed development includes the provision of a screened bin enclosure to the front of the site. As stated above, details of the screened facilities will be required by condition to ensure this is appropriate and does not harm the character or visual amenities of the site.

## Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should have been designed to achieve a 6% CO<sub>2</sub> reduction over Part L of the 2013 building regulations. This level of reduction is to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition would be attached to any permission to ensure compliance with this Policy.

In terms of water consumption, a condition would be attached to any permission 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 could be conditioned to meet the necessary sustainability and efficiency requirements of the London Plan in the event of an approval.

## **5.4 Response to Public Consultation**

- Concern regarding the impact of the proposed development on parking and traffic congestion.
- Concern regarding the impact of the proposed conversion to flats on the character of the area.
- The proposed development will harm the privacy and amenity of neighbouring occupiers.
- Concern regarding increased noise and disturbance from the proposed flats.

These issues are suitably addressed in the above appraisal of the development.

- Concern regarding the appearance of the proposed refuse and recycling store. A condition is attached to ensure this is appropriate and does not harm the character and visual amenities of the site.

- The proposed conversion to flats will set a precedent for further conversions and loss of single family homes in the area.

Given the precedent of similar conversions in the area, it is not considered that the proposed conversion to flats in this location would be out of keeping with the pattern of development or set a harmful precedent.

- The existing extensions to the dwelling should not be used to facilitate the conversion to flats.

The extensions have been implemented as part of a previous permission and are not considered to be material to this application for a change of use and associated alterations.

## **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.

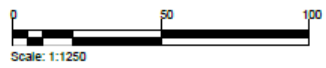
## **7. Conclusion**

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 future occupiers or neighbouring occupiers. The proposed development is considered not to cause harm to highways safety. This application is therefore recommended for APPROVAL.





01 Location Plan  
SCALE: 1:1250



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