

**MEETING**

**FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE**

**DATE AND TIME**

**WEDNESDAY 16TH OCTOBER, 2019**

**AT 6.00 PM**

**VENUE**

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

**TO: MEMBERS OF FINCHLEY AND GOLDERS GREEN AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Eva Greenspan  
Vice Chairman: Councillor John Marshall MA (Hons)

Councillor Melvin Cohen      Councillor Claire Farrier      Councillor Danny Rich  
Councillor Shimon Ryde      Councillor Alan Schneiderman

**Substitute Members**

Councillor Jennifer Grocock      Councillor Anne Hutton      Councillor Kath McGuirk  
Councillor Alison Moore      Councillor Gabriel Rozenberg      Councillor Reuben Thompstone  
Councillor Peter Zinkin

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

**Andrew Charlwood – Head of Governance**

Governance Service contact: [finchleyandgoldersgreen@barnet.gov.uk](mailto:finchleyandgoldersgreen@barnet.gov.uk)

Media Relations Contact: Gareth Greene 020 8359 7039

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes of last meeting	5 - 8
2.	Absence of Members (If any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (If any)	
4.	Report of the Monitoring Officer (If any)	
5.	Addendum (if applicable)	
	<b>Please note that the below agenda may not reflect the order in which items will be heard at the meeting</b>	
	<b>Childs Hill Ward</b>	
6.	20 West Heath Avenue London NW11 7QL [19/1427/FUL]	9 - 32
7.	13 Wycombe Gardens London NW11 8AN [19/3817/HSE]	33 - 46
8.	64 The Vale London NW11 8SJ [19/3601/RCU]	47 - 56
9.	64 The Vale London NW11 8SJ [19/3602/RCU]	57 - 66
	<b>Finchley Church End Ward</b>	
10.	27 East End Road London N3 2TA [19/2540/RCU]	67 - 82
	<b>Garden Suburb Ward</b>	
11.	50 Norrice Lea London N2 0RL [19/4258/HSE]	83 - 92
	<b>Golders Green Ward</b>	
12.	14 The Grove London NW11 9SH [19/2118/FUL]	93 - 110
13.	8 Heathfield Gardens London NW11 9HX [19/3286/RCU]	111 - 118
14.	Any item(s) the Chairman decides are urgent	

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## Decisions of the Finchley and Golders Green Area Planning Committee

3 September 2019

Members Present:-

AGENDA ITEM 1

Councillor Eva Greenspan (Chairman)  
Councillor John Marshall (Vice-Chairman)

Councillor Claire Farrier  
Councillor Danny Rich

Councillor Shimon Ryde  
Councillor Alan Schneiderman

Apologies for Absence

Councillor Melvin Cohen

### 1. MINUTES OF LAST MEETING

**RESOLVED** that the minutes of the meeting held on the 22<sup>nd</sup> July 2019 be approved as a correct record.

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

Councillor Melvin Cohen sent his apologies.

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

None.

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

None.

### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

### 6. LAND TO THE REAR OF 85-87 HODFORD ROAD LONDON NW11 8NH 19/1904/FUL (AGENDA ITEM 11)

The planning officer introduced the report and addendum.

Professor Gower made a verbal representation in objection to the application.

A verbal representation was made by the applicant's agent.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to conditions, as set out in the report and the addendum.

The votes were recorded as follows:

For	0
Against	6
Abstain	0

The motion to approve the application subject to conditions was therefore lost.

Councillor Ryde, seconded by Councillor Marshall, moved the motion to refuse the application for the following reasons:

- The proposed development by reason of its size, siting and design, would appear incongruous and out of keeping within the streetscene and would be detrimental to the character and appearance of the locality. As such the proposed development would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Votes to refuse the application, for the reasons outlined above, were recorded as follows:

For	6
Against	0
Abstain	0

Therefore, the Committee **RESOLVED** to **REFUSE** the application for the reasons outlined above.

## 7. **WELLINGTON PLACE GREAT NORTH ROAD LONDON N2 0PN 18/4897/FUL (AGENDA ITEM 10)**

The planning officer introduced the report and addendum.

Mr Shelemy and Mr Roe made a verbal representation in objection to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to s106, as set out in the report and the addendum.

The votes were recorded as follows:

For	0
Against	6
Abstain	0

The motion to approve the application subject to s106 was therefore lost.

Councillor Marshall, seconded by Councillor Farrier, moved the motion to refuse the application for the following reasons:

- The proposed development by reason of the size, siting and design of the rooftop and staircase extensions would be out of keeping within the streetscene and would be detrimental to the character and appearance of the locality. As such the proposed development would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012), policy DM01 of the Local Plan Development

Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

- The proposed development by reason of the reduction in the size of the existing gardens, loss of access to the gardens from the existing first floor flats and siting of the new external staircases would be detrimental to the amenities currently enjoyed by the existing residents. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012), policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).
- The proposed development would provide inadequate parking to serve the additional flats and in the absence of appropriate mitigation in the form of a legal agreement to prevent future residents from obtaining parking permits, would result in increased pressure for on-street parking which would be detrimental to highway safety and the free flow of traffic. As such the development would be contrary to policy CS9 of the Adopted Barnet Local Plan Core Strategy (2012) and policy DM17 of the Adopted Barnet Development Management Policies DPD (2012).

Votes to refuse the application, for the reasons outlined above, were recorded as follows:

For	6
Against	0
Abstain	0

Therefore, the Committee **RESOLVED** to **REFUSE** the application for the reasons outlined above.

**8. 2 GRASS PARK LONDON N3 1UB 19/1665/HSE (AGENDA ITEM 7)**

The planning officer introduced the report.

Mrs Renshaw made a verbal representation in objection to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to conditions, as set out in the report.

Approval of the application was unanimously agreed.

The Committee **RESOLVED** to **APPROVE** the application subject to conditions.

**9. 27 EAST END ROAD LONDON N3 2TA 19/2540/RCU (AGENDA ITEM 8)**

The planning officer introduced the report.

Dr Bryan made a verbal representation in objection to the application on behalf of her husband Mr Bryan. Dr Bryan also made a verbal representation in objection on behalf of herself.

Following verbal representations from the objectors, the Chairman moved the motion to defer the application to a later meeting, for a site visit to be conducted. The motion was seconded by Councillor Rich.

The votes on the motion to defer the item were recorded as follows:

For	5
Against	0
Abstain	1

Therefore, the Committee **RESOLVED** to **DEFER** the application for the reasons outlined above.

**10. 179 REGENTS PARK ROAD LONDON N3 3PB 19/0285/S73 (AGENDA ITEM 9)**

The planning officer introduced the report and addendum.

Mr Chainrai made a verbal representation in objection to the application.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application.

The votes were recorded as follows:

For	3
Against	0
Abstain	3

Therefore, the Committee **RESOLVED** to **APPROVE** the application as per the report.

**11. 62 CHURCH CRESCENT LONDON N3 1BJ 19/2762/FUL (AGENDA ITEM 6)**

The planning officer introduced the report.

No verbal representations were made.

Following discussion of the item, the Chairman moved to vote on the recommendation to approve the application subject to conditions, as set out in the report.

Approval was unanimously agreed by the Committee.

Therefore, the Committee **RESOLVED** to **APPROVE** the application subject to conditions.

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

None.

The meeting finished at 7.24pm



**Location**                                **20 West Heath Avenue London NW11 7QL**

**Reference:**                            **19/1427/FUL**

Received: 12th March 2019

Accepted: 15th March 2019

Ward:                                      Childs Hill

Expiry 10th May 2019

Applicant:                                West Heath Management Ltd.

Proposal:

Erection of 3no detached two storey dwellinghouses with rooms in roofspace following demolition of existing dwellinghouse. Excavation and construction of basement level habitable space. Associated parking, amenity space and refuse and recycle store

AGENDA ITEM 6

**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:

WHA-LGA-00-DR-A-001-00 (Ordnance Map)  
WHA-LG-0-00-DR-A-001-01 (Existing Site Plan)

WHA-LGA-00-DR-A-003-01 (Existing East Elevation Street View)  
WHA-LGA-00-DR-A-003-02 (Existing East Elevation)  
WHA-LGA-00-DR-A-003-03 (Existing South Elevation Street View)  
WHA-LGA-00-DR-A-003-04 (Existing South Elevation)  
WHA-LGA-00-DR-A-003-05 (Existing West Elevation)

WHA-LGA-ZZ-DR-A-010-02 P3 (Proposed Plan Level 02)  
WHA-LGA-00-DR-A-010-04 (Proposed Plan Level B)

WHA-LGA-00-DR-A-020-01 P3 (All Houses - Stair Section)  
WHA-LGA-01-DR-A-020-10 P3 (House 01 - Long Section)  
WHA-LGA-02-DR-A-020-20 P3 (House 02 - Long Section)  
WHA-LGA-03-DR-A-020-30 P3 (House 03 - Long Section)

WHA-LGA-00-DR-A-030-01 P3 (Proposed East Elevation Street View)  
WHA-LGA-00-DR-A-030-02 P3 (Proposed East Elevation)  
WHA-LGA-00-DR-A-030-03 P3 (Proposed South Elevation Street View)  
WHA-LGA-00-DR-A-030-04 P3 (Proposed South Elevation)  
WHA-LGA-00-DR-A-030-05 P3 (Proposed West Elevation)  
WHA-LGA-00-DR-A-030-06 P3 (House 01 North Elevation)

WHA-LGA-00-DR-A-030-07 P3 (House 02 North and South Elevation)  
WHA-LGA-00-DR-A-030-08 P3 (House 03 North and South Elevation)

WHA-LGA-ZZ-DR-A-010-01 P3 (Proposed Plan Level 01)  
WHA-LGA-ZZ-DR-A-010-03 P3 (Proposed Plan Level 03)  
WHA-LGA-ZZ-DR-A-010-10 P3 (Alternative Access Arrangements)

Arboricultural Impact Assessment, PJC Consultancy Ltd (dated 13.08.2019)  
Arboricultural Method Statement, PJC Consultancy Ltd (dated 13.08.2019)  
Daylight & Sunlight Report, EB7 Ltd (dated 02.01.2019)  
Design and Access Statement, Lyndon Goode Architects  
Planning Statement and Statement of Community Involvement (SCI), JLL (dated March 2019)  
Preliminary Ecological Appraisal, Phlorum Limited (dated August 2018)  
Regulations Compliance Report Plot 1, Darren Evans Assessments (dated 14.02.19)  
Regulations Compliance Report Plot 2, Darren Evans Assessments (dated 14.02.19)  
Regulations Compliance Report Plot 3, Darren Evans Assessments (dated 14.02.19)  
Sustainability Statement, Darren Evans Assessments (dated 14.02.2019)

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

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

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

- 4 a) No above ground development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and

hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 Part 1

Before development commences other than for investigative work:

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

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

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

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

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

Part 2

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

Reason: To ensure the development can be implemented and occupied with adequate regard for environmental and public safety in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012), DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 5.21 of the London Plan 2016.

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

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

Reason: To ensure the amenities of occupiers are not prejudiced by traffic/mixed use noise in the immediate surroundings, in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016), and 7.15 of The London Plan 2016.

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

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

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

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

- 9 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) 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 temporary tree protection shown on the tree protection plan 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. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

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

Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 10 a) Notwithstanding the details submitted, no development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016).

- 11 Prior to occupation of the development the proposed parking spaces within the parking areas as shown in Drawing No. WHA-LGA-ZZ-DR-A-010-10 P3 submitted with the planning application and the access to the parking areas from public highway shall be provided. The access to the parking spaces shall be maintained at all time. The parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in the approved development.

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

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

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

- 13 Prior to occupation of the development refuse collection arrangements shall be in place in accordance with the submitted planning application.

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

- 14 Prior to the occupation of the development, a Maintenance Agreement for the operation of the remotely operated gated access must be submitted to and approved in writing by the Local Planning Authority.

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

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

16 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).

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

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with

Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 18 The Arboricultural Method Statement (AMS) by PJC Consultancy Ltd (dated 13.08.2019) and Tree Protection Plan - Construction Phase PJC/5098/19/E Rev 02 () submitted in support of the application shall be adhered to in full, subject to the pre-arranged tree protection monitoring and site supervision, detailed in section 2 of the report, by a suitably qualified tree specialist.

Reason: To ensure compliance with method statement to prevent harm to trees and protected trees in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 19 The completed schedule of site supervision and monitoring of the arboricultural protection measures as approved in condition 18 shall be submitted for approval in writing by the Local Planning Authority within 28 days from completion of the development hereby permitted. This condition may only be fully discharged on completion of the development, subject to satisfactory written evidence of compliance through contemporaneous supervision and monitoring of the tree protection throughout construction by a suitably qualified and pre-appointed tree specialist.

Reason: To ensure all specified on site monitoring and tree protection measures are adhered to, in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 20 Before the dwellings hereby permitted are first occupied the proposed windows as indicated on the following drawings shall be fitted with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening:

WHA-LGA-ZZ-DR-A-010-01 P3 (Proposed Plan Level 01)  
WHA-LGA-ZZ-DR-A-010-02 P3 (Proposed Plan Level 02)  
WHA-LGA-ZZ-DR-A-010-03 P3 (Proposed Plan Level 03)  
WHA-LGA-ZZ-DR-A-010-10 P3 (Alternative Access Arrangements)  
WHA-LGA-00-DR-A-030-06 P3 (House 01 North Elevation)  
WHA-LGA-00-DR-A-030-07 P3 (House 02 North and South Elevation)  
WHA-LGA-00-DR-A-030-08 P3 (House 03 North and South Elevation)

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties and future occupiers of the dwellings in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

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



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

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

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

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

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

- 25 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).

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

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

- 27 The development shall proceed and be carried out in strict accordance with the findings and recommendation of the Preliminary Ecological Appraisal submitted in support of the application (Phlorum Limited, 20/08/2018) and the details of ecological enhancements contained within shall be incorporated into the finished scheme prior to first occupation.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

### **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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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.

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

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the

Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

- 4 The applicant is advised that any works required on public highway to facilitate the development will be at the applicant's expense and will require a separate agreement with the Highways Authority under S184 or S278 of the Highways Act 1980.
- 5 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

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

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

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

- 6 Any works on public highway such as reinstatement of the existing crossovers to footway level, provision of a new crossovers or an access off the public highway and relocation of street furniture including lighting columns to facilitate the development would need to be carried out by the Council's term contractors at the applicant's expense.

This proposal may also impact on existing on-street Controlled Parking Bays. Any alterations to on-street parking bays will be subject to a statutory consultation period. The Council cannot prejudge the outcome of the consultation process.

Works on public highways to facilitate the development will be carried out under the S278/184 Agreement of the Highways Act 1980 or can be charged under a rechargeable works agreement.

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

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](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.

- 8 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.
- 9 The applicant is advised that the bin store will need to be located within 10m of public highway with clear access to the bin store on collection days otherwise the dustbins will need to be brought to the edge of public highways. The applicant is advised to contact the Refuse Collection Team for further advice on refuse collection arrangement in the borough.

- 10 The submitted Construction Method Statement shall include as a minimum details of:
- o Site hoarding
  - o Wheel washing
  - o Dust suppression methods and kit to be used
  - o Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
  - o Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
  - o Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
  - o For major developments only: provide a copy of an asbestos survey; For smaller developments -confirmation that an asbestos survey has been carried out.
  
  - o For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999.

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

- 11 In complying with the contaminated land condition parts 1 and 2, reference should be made at all stages to appropriate current guidance and codes of practice. This would include:
- 1) The Environment Agency CLR & SR Guidance documents (including CLR11 'Model Procedures for the Management of Land Contamination');
  - 2) National Planning Policy Framework (2012) / National Planning Practice Guidance (2014);
  - 3) BS10175:2011 - Investigation of potentially contaminated sites - Code of Practice;
  - 4) Guidance for the safe development of housing on land affected by contamination, (2008) by NHBC, the EA and CIEH;
  - 5) CIRIA report C665 - Assessing risks posed by hazardous ground gases to buildings;
  - 6) CIRIA report C733 - Asbestos in soil and made ground: a guide to understanding and managing risks.
- Please note that in addition to the above, consultants should refer to the most relevant and up to date guidance and codes of practice if not already listed in the above list.

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

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

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

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

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

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

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

- 13 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. 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. 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 Waters 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 [ww.thameswater.co.uk/wastewaterquality](http://ww.thameswater.co.uk/wastewaterquality)

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes.

<https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-nearor-diverting-our-pipes>.

- 14 With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website.  
<https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

- 15 Street tree amenity value: The local highway authority will seek compensation for any significant harm caused to the three street trees located at the front of Spectrum House, Hillcrest. The Council uses the tree evaluation system Capital asset value of amenity trees (CAVAT) details of this system can be found at [www.ltoa.org.uk](http://www.ltoa.org.uk).

A street tree along the eastern boundary will require to be removed to accommodate a new cross over. It is noted that this is a young Lime tree that could be replaced with minimal loss of visual tree amenity. The Council's Greenspaces team have advised that its value is £998.00 using CAVAT.



## **Officer's Assessment**

### **1. Site Description**

The application site comprises a corner plot of an area of 0.18ha on West Heath Avenue within the Childs Hill ward. It comprises of a large detached property situated on the north and north-west section of the site. The remainder of the site comprises a garden with mature trees that provide screening along the site's eastern, southern and western boundaries. Vehicular access to the site is provided off West Heath Avenue in the north-eastern corner.

The site lies close to the Golders Green Town Centre, with a Public Transport Accessibility Level (PTAL) of 6a.

The site does not fall within a conservation area and the existing property is not statutory or locally listed. The site lies within flood zone 1.

The area immediately surrounding the site consists predominately of residential dwellings. Golders Hill Park is located south of the site, on the other side of West Heath Avenue.

### **2. Site History**

Reference: F/02639/11

Address: 20 West Heath Avenue, London, NW11 7QL

Decision: Approved subject to conditions

Decision Date: 09.09.2011

Description: Partial conversion of existing detached garage to provide a pottery studio and associated single storey extension to existing garage. Extension to roof of garage including 3no dormers to provide residential loft accommodation ancillary to main dwelling.

In addition, there are several tree works applications that have been submitted on the site.

### **3. Proposal**

Planning Permission is sought for the demolition of existing single-family dwelling and the erection of 3no. detached family dwellings, with associated landscaping, amenity space, car and cycle parking and refuse stores.

Each dwelling would be three storeys in height with an additional subterranean basement level. The design of the proposed properties acknowledges the Arts and Crafts vernacular surrounding the site. The external finish of the dwellings is proposed with a smooth and rough render, with a red tiled roof.

The proposal comprises of 2 x 4-bed dwellings and 1 x 5-bedroom dwelling. Each dwelling would have a separate vehicular access off West Heath Road, with off-street provision for 2 car parking spaces.

The proposal was revised during the course of the application to include the following amendments:

- Relocation of vehicular access to house 1 to the eastern boundary;
- Changing the boundary wall to timber to match existing; and
- Updates to bin and cycle stores.

## 4. Public Consultation

Consultation letters were sent to 24 neighbouring properties. 9 responses have been received, comprising 9 letters of objection.

The objections received can be summarised as follows:

- Overdevelopment of the site;
- Proposal extend higher than roof lines of neighbouring properties;
- Size and type of houses is not in keeping with the rest of the road;
- Do not fit in with the style of the neighbouring properties;
- Harmful impact to character of this part of Barnet;
- Not in keeping with single dwelling residences;
- Proposed building line does not adhere to the rest of the road;
- Contrary to London Plan policy 7.4;
- Contrary to Barnet policies;
- Increased noise;
- Impact on privacy;
- Overlooking;
- Poor provision of private garden space for future occupiers;
- Increase in traffic;
- Increase risk of flooding with construction of basements;
- Disturbance during construction works.

## 5. Planning Considerations

### 5.1 Policy Context

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

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

The National Planning Policy Framework (NPPF) was published on 19 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.

#### 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, CS9, CS13, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)  
Sustainable Design and Construction SPD (adopted October 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Provision of adequate accommodation for future occupiers;
- Transport and parking; and
- Trees and landscaping.

## **5.3 Assessment of proposals**

### Impact on the character and appearance of the host site, street scene and wider locality

The site currently comprises of an existing single-family dwelling which is proposed to be demolished. The proposal seeks to erect 3no. single family dwellings which is in keeping with the character of the area. Therefore, the principle of development is acceptable subject to all other material considerations being found satisfactory.

Within the submitted Design and Access Statement, it advises that the proposal has been influenced by the neighbouring Arts and Crafts houses. The design does not seek to imitate or replicate this style but seeks to present it through contemporary means and includes prominent chimneys, bays, catslide roof, gables, eaves and arched porches.

The proposed arrangement creates a linear plan which is reflective of the pattern of development in this area. The site is portioned into two different plot types. The first type is located to the north and comprises of houses 2 and 3. These houses would have a principal aspect facing east towards West Heath Road. The second plot type to the south, house 3, would address both road aspects due to its corner location.

It is acknowledged and accepted that the building lines of the proposed dwellings would project beyond the front elevation of No.18. However, Officers consider that this impact would be rather limited due to the retention of the trees in the north-east corner and the presence of the large detached garage of No.18 which will restrict visibility further north along West Heath Avenue. The proposed layout of the dwellings within the site is considered to be acceptable and there are sufficient gaps between the proposed dwellings.

In terms of height, the proposed dwellings would only be slightly taller than the adjacent No.18 but this is not considered to be significantly harmful. Whilst house 3 would be visually larger than No.22, it is considered that its design and the separation distance of approx. 12.5m between buildings would be acceptable and not detrimentally harmful to the character of the street scene.

Overall, the proposal is considered to be of a high-quality design and its siting, scale and height are considered to be appropriate within the application site, the street scene and surrounding area.

#### Impact on residential amenity

Barnet policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining users. Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission.

In terms of protecting overlooking, Barnet's Residential Design Guidance SPD states that there should be a minimum distance of about 21m between properties with facing windows to habitable rooms to avoid overlooking, and 10.5m to a neighbouring garden. Shorter distances may be acceptable between new build properties where there are material justifications.

Currently, the existing building sits in close proximity to the western shared boundary with No.22, with a number of windows at first floor level and roof level. As such there is a current level of overlooking from the existing property into the rear garden of No.22. The proposal would maintain the existing first floor separation as per the existing dwelling and there are only to be bedrooms facing towards the neighbouring property. On balance, the proposal is not considered to significantly harm the amenity of the occupiers of the neighbouring property at No.22. The proposal is not considered to harm the amenity of occupiers of any other neighbouring properties.

#### Provision of adequate accommodation for future occupiers

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

The proposal will provide 1 x 5-bed measuring 493sqm and 2 x 4-bed houses measuring 488sqm and 491sqm. The proposed houses would far exceed the minimum space standards. The proposed houses would benefit from at least dual / triple aspects and therefore is considered to provide acceptable levels of outlook and daylight/sunlight for future occupiers.

In terms of outdoor amenity space, Barnet's Sustainable Design and Construction SPD sets out the minimum standards for outdoor amenity space provision in new residential developments. For Houses with up to seven or more habitable rooms, proposals are expected to provide a minimum of 85sqm.

Whilst the submitted Design and Access advises that each property would benefit from landscaping of over 500sqm, this includes hard and soft landscaping. However, the Sustainable Design and Construction SPD advises that shared surfaces, driveways, vehicle parking areas or hard standings, cycle storage areas, footpaths, servicing areas and refuse storage areas will be excluded and not counted towards useable outdoor amenity space. Therefore, private rear gardens form the provision of amenity space. Officers have measured the usable rear gardens of each property and the proposed houses are provided with the following:

House 1 - 212sqm

House 2 - 75sqm

House 3 - 75sqm

Therefore, both houses 2 and 3 would technically fail the SPD requirements. However, Officers accept that the deficit is only 5sqm and that it would be difficult to increase this further due to the building layouts. In addition, Golders Hill Park is in very close proximity to the site.

Overall, the proposal is considered to provide an acceptable level of residential accommodation for future occupiers.

#### Highways and parking provision

Barnet policy DM17 states that the Council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms)

The proposal comprises of 2 x 4-bed houses and 1 x 5-bed house and therefore, would require a parking demand of between 4.5 and 6 spaces. The site is located within an excellent PTAL zone of 6a and therefore the lower end parking range would be acceptable. The proposal provides for 6 off-street spaces and is therefore in compliance with policy DM17.

Revised plans have been submitted to relocate the vehicular access to House 1 to the east and each house will have separate vehicular and pedestrian entrances, avoiding any conflict.

According to the submitted information, the proposed bin stores will be located within 10m from the public highway and the Highways Officer notes that there is clear and levelled access to refuse collection staff on days of collection, complying with Highway's requirements.

Overall, the proposal is found to be acceptable on highways ground and compliant with policy DM17.

## Trees, ecology and landscaping

The site benefits from a number of existing trees and particularly in the south-east corner and eastern boundary which are designated under a Tree Protection Order (TPO). There are also a number of large street trees along the pavement of the eastern and southern boundaries. The application is supported by an Arboricultural Impact Assessment (AIA) which advises that 20 trees across the site will need to be removed in order to accommodate the proposed development. These comprise of 1 category B, 18 category C and 1 category U tree. Two trees within the TPO grouping would require to be removed comprising of 1 Cypress and 1 Gean.

The proposal and submitted AIA has been assessed by the Council's Arboricultural Officer. It is commented that the loss of the category C (low value) trees will not be adversely harmful and the loss of these trees can be offset with new tree planting. Two of the trees fall within the TPO designations.

The relocation of the vehicular access to house 3 results in no harm to the important street trees but results in the loss of a valuable Scots Pine Tree.

A street tree along the eastern boundary may require to be removed to accommodate a new cross over. It is noted that this is a young Lime tree that could be replaced with minimal loss of visual tree amenity. The Council's Greenspaces team have been consulted to establish the CAVAT value for the loss of this tree and they have advised that its loss would result in a contribution of £998.00

The submitted Arboricultural Method Statement is considered to set a broadly acceptable approach to tree protection during the demolition phase. However, the Arboricultural Officer has raised concerns that there is insufficient space in the remaining soft landscape areas to provide replacement tree planting for the TPO trees and non-TPO trees.

The submitted Preliminary Ecological Appraisal details that a preliminary roost assessment was undertaken on the existing building and found to provide negligible potential for roosting bats. Based on the results of the assessment, further surveys are not considered necessary. The assessment proposes a number of mitigation and habitat enhancement measures to be incorporated during construction and following completion. A condition will be attached to secure their implementation in strict accordance with the submitted report.

## Other considerations

A Sustainability Statement has been submitted in support of the application. The report advises that the proposal will achieve a 6% reduction in carbon through passive design measures and building fabric design measures. This is compliant with London Plan policy 5.2. The report also confirms that the proposal will comply with the London Plan water consumption targets of 105litres/per person/per day. Conditions will be attached to secure that these are undertaken.

## Planning Balance

It is recognised that there are strong concerns raised by the Arboricultural Officer in terms of the proposal's ability to provide replacement tree planting and the impact on the tree root protection areas from the proposed service excavations. It is considered that these issues could still be resolved or re-considered via condition and therefore on balance,

Officers consider that the provision of 3no. high-quality family dwellings would outweigh the raised outstanding concerns.

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

- The proposed development is considered to appropriate in term of its design, scale, siting and height.
- The application proposes new residential dwellings which is reflective of the surrounding area and would not generate a level of noise which would harm surrounding amenity.
- The impact on privacy has been found to be acceptable.
- The provision of 3 dwellings is not considered to generate a level of traffic / vehicle movements which would be significant.

#### **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 and the proposal provide an acceptable level of accommodation for future occupiers. It is acknowledged that concerns have been raised by the Council's Arboricultural Officer in terms of scope for replacement tree planting but it is considered that the site maintains its green visual appearance around the boundaries. It is noted that the proposal will provide 3 new houses which will be designed to a high-quality which is considered to be positive for the Borough. This application is therefore recommended for approval.





**Location** 13 Wycombe Gardens London NW11 8AN

**Reference:** 19/3817/HSE

Received: 9th July 2019

Accepted: 16th July 2019

**Ward:** Childs Hill

Expiry 10th September 2019

**Applicant:** Mr Sodeinde

**Proposal:** Single storey front porch infill extension including relocation of entrance door. First floor front extension above existing bay window. Part single, part two storey rear extension. Alterations and extensions to roof including partial hip roof, new gable to rear and dormer windows to both sides. Excavation of new basement level. Changes to fenestration

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:

Site Location Plan

EX002 - Existing Ground Floor Plan

EX003 - Existing First Floor Plan

EX004 - Existing Loft Plan

EX005 - Existing Roof Plan

EX101 - Existing Section AA

EX102 - Existing Section BB

EX201 - Existing Front Elevation (with existing elevation to 15)

EX202 - Existing West Elevation

EX204 - Existing East Elevation

EX203 - Existing Rear Elevation (with existing elevation to 15)

EX205 - Existing Front Elevation (with consented elevation to 15)

PA001 - Proposed Basement Plan

PA002 - Proposed Ground Floor Plan

PA003 - Proposed First Floor Plan

PA004 - Proposed Loft Plan

PA101 - Proposed Section AA

PA102 - Proposed Section BB  
PA201 - Proposed Front Elevation (existing elevation to 15)  
PA202 - Proposed West Elevation  
PA203 - Proposed Rear Elevation (existing elevation to 15)  
PA204 - Proposed East Elevation  
PA205 - Proposed Front Elevation ( consented elevation to 15)  
PA206 - Proposed Rear Elevation (consented elevation to 15)  
PA211 - Proposed Front Elevation (eaves levels)  
PA212 - Proposed Rear Elevation (eaves levels)  
Robert Dye - Design and Access Statement  
Avison Young - Daylight / Sunlight Report  
Thames Water Assest Location Search dated 18 April 2018  
Meridian Soils Limited - Results of Sub Soil Invstigation

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

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

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

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

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

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

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

- 5 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).

- 6 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.

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

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

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

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

For major sites, the Statement shall be informed by the findings of the assessment of the air quality impacts of construction and demolition phases of the development.

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

Reason: In the interests of highway safety, noise and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.21, 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 9 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 extension hereby approved, facing 11 or 15 Wycombe 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).

- 10 Before the building hereby permitted is first occupied the proposed window(s) in the flank elevations facing 11 and 15 Wycombe Gardens shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

### **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.
- 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 a payment under Mayoral CIL.

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

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

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

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

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

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

## **Officer's Assessment**

### **1. Site Description**

The application site is presently occupied by a two-storey detached dwelling of the Arts and Craft Style on the south side of Wycombe Gardens, Barnet, London. The neighbouring dwellings are either detached or semi-detached, all with a slightly different design with the majority characterised by a two-storey front bay.

The site is not within a conservation area (designated as Article 2(3) land in The Town and Country Planning (General Permitted Development) (England) Order 2015 as amended) and is not within an area covered by an Article 4 direction. Furthermore, there are no conditions attached to the site which remove permitted development rights. There are no protected trees on site.

### **2. Site History**

Reference: 17/6582/192

Address: 13 Wycombe Gardens, London, NW11 8AN

Decision: Lawful

Decision Date: 8 November 2017

Description: Single storey rear extension

Reference: 18/3741/192

Address: 13 Wycombe Gardens, London NW11 8AN

Decision: Lawful

Decision Date: 20 July 2018

Description: Two storey rear extension

Reference: 18/6716/HSE

Address: 13 Wycombe Gardens, London, NW11 8AN

Decision: Withdrawn

Description: Alterations to front elevation including two storey bay windows with gable roofs. Part single, part two storey rear extension. New roof to form hipped roof to the front and rear gable roof with rooms in the roofspace. Alterations to fenestration

Reference: 19/0939/HSE

Address: 13 Wycombe Gardens, London, NW11 8AN

Decision: Withdrawn

Description: Alterations to front elevation including 1no two storey bay window. Part single, part two storey rear extension. Extension to roof including 1no side dormer window, 1no adjacent side dormer window and new roof to form hipped roof to the front, and rear gable roof with rooms in the roofspace. Excavation and construction of basement level habitable space. Alterations to fenestration

### **3. Proposal**

The applications seeks permission for the erection of a single storey front porch infill extension, including relocation of the entrance door, a first-floor front extension above existing bay window, a part single/part two storey rear extension, along with alterations and extensions to the roof including a partial hip roof, new gable to the rear and dormer

windows to both sides. Permission is also sought for the excavation of a new basement level and changes to existing fenestrations.

The proposed basement extension would follow the outline of the proposed extended dwelling above. This measures 8.15m in depth and 9.2m in depth at its widest point, with a sunken courtyard area extended 5.1m off the rear of elevation.

At ground floor level, an extended dining and living area to the rear would measure 4m in depth and 9.10m in width at it's widest points with permeable decking in the garden behind measuring 4m in depth. At the front, a small 1.5m porch extension is proposed.

On the first floor, a front extension would measure 8.5m in height, 9.15m in width and 1.5m in depth. The rear extension would measure 3.m in depth, 7.15m in width and 9.3m in height at first floor.

This application follows the submission of a number of schemes for similar development which were subsequently withdrawn, and two lawful development certificates, one for a single storey rear extension and another for a two-storey rear extension, detailed above.

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

Consultation letters were sent to 13 neighbouring properties.  
7 objections were received.

The views of objectors can be summarised as follows;

- Insufficient information to assess proposals
- Loss of light / outlook
- Loss of amenity
- Close proximity of application property to neighbouring boundary
- Lack of structural information and impact assessment of basement
- Lack of planting to rear following basement development
- Design out of character
- Overbearing sense of enclosure
- Flooding resulting from basement development
- overdevelopment

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

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

National Planning Policy Framework and National Planning Practice Guidance

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

The National Planning Policy Framework (NPPF) was published on 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 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, DM02.

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted October 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

### Impact on the character and appearance of the property and general locality

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

Policy DM01 requires all proposals should preserve and enhance the local character of the area. This application seeks consent for the erection of a new front porch and front/rear extensions as well as roof and fenestration alterations.

At the front of the site it is proposed to extend the existing front bay upwards to create a two-storey bay window; this addition will be in character with other properties along Wycombe Gardens which also have this feature. It is also proposed to alter the front entrance canopy to create a flat roof incorporating new single storey bay extension to the study room. The front entrance door will be altered so that it is provided directly from the front of the property rather than in the current position. The proposals are considered to ensure that the proposed development appears appropriate in the street scene.

At the rear of the site a part single, part two storey rear extension is proposed. At ground floor a 4m deep extension is shown, in line with the stipulations of the Residential Design guidance which suggests that 4m depth will be acceptable to a detached dwelling house. The side building line nearest to no. 11 Wycombe Gardens is shown to be staggered with over 2m between the flanks of the application property and this neighbour, to take into account the positioning of the existing kitchen window on the flank of the neighbouring property at 11 Wycombe Gardens and ensure no loss of amenity to these existing occupiers.

At first floor a 3m deep rear extension is proposed, although this is set away from the flank wall of the neighbouring property at 11 Wycombe Gardens by approximately 3.5m to ensure that these neighbours will not experience any loss of amenity resulting from the first-floor extension. This neighbour at 11 Wycombe Gardens has an uncharacteristically deep footprint with two-storey built form projecting an additional 2.5m depth beyond the rear of the extended application property, with an additional 2.5m of single storey built form.

A loft conversion and roof extension is also proposed under this application, with creation of partial hipped roof, rear gable feature and dormer windows to both sides. The design of the works to the roof are noted in the Design and Access Statement as echoing the style found on neighbouring properties and introduction of dormer windows is not considered to be contrary to the established character of roof developments within the area, as such there is no objection to the proposed works to the roof.

This application also seeks consent for a basement development which as noted above will sit beneath both the existing dwelling house and proposed extension to the rear. It should be noted that there are no trees within close proximity of the proposed basement development and therefore the proposals are considered to be acceptable on this basis. The application has included a Sub-Soil Investigation to ensure that the local conditions are able to support a basement development as well as desktop drain study provided by Thames Water to show that there are no public drains or sewers that will be affected by the scheme. It should be noted that the neighbouring site at no. 15 does have permission to undertake a basement development. A hard and soft landscaping condition is suggested to ensure that the resultant basement development will not be harmful to the character and appearance of the area, or amenities of neighbouring occupiers.

The proposed changes to fenestration include the replacement of existing windows and doors and introduction of new. The size, style and positioning are considered to be appropriate for the resultant residential property and are not considered to be harmful to the established character and appearance of the locality. A condition requiring windows in the flank elevations to be obscure glazed is suggested to ensure no loss of amenity to neighbouring occupiers.

The proposed alterations will use clay tiles to match the existing dwelling, rendered masonry on brick plinth as existing, new double/triple glazed windows with fixed frameless glazing as opposed to existing Upvc Windows and will use timber doors to match existing. The details proposed are considered to be acceptable and will help to ensure the resultant development positively contributes to the character and appearance of the street scene.

The proposal is therefore compliant with relevant planning policy and is therefore acceptable in principle and also in terms of design and impact on the character and appearance of the locality.

#### 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. In particular assessment of the impact of the proposed development on the neighbouring property at 11 Wycombe Gardens has been necessary due to the close proximity of the flank walls of both residence. This neighbouring property benefits from an uncharacteristically deep flank elevation along the boundary with the application property, mainly consisting of two-storey built form, with a single storey addition at the rear. The built form of the neighbouring property continues along the boundary with the application site for a significant depth of the garden area on this side. It should be noted that the depth of the proposed extension at the application site will remain significantly behind the existing rear building line of this neighbour at 11 Wycombe Gardens. The potential impact of the development is in relation to a side kitchen window. Officers note that this is a secondary window to a room which

also benefits from 2 rear south facing windows. It is considered that the amenities of the occupiers of no. 11 would not be unduly harmed by the development as proposed.

It should be noted that the neighbouring site at 15 Wycombe Gardens is currently boarded up following consent for "Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling" under reference 18/3290/FUL dated 10th September 2019. The proposed development is not considered to prejudice the amenities of future occupiers of this development.

Officers consider there would not be any undue detrimental impact upon neighbouring properties in terms of loss of outlook, daylight/sunlight, loss of privacy or any overbearing impact. This is supported by a Daylight/Sunlight Assessment submitted with the application.

### **5.3 Response to Public Consultation**

The comments made that there is insufficient information to assess proposals are noted, however, this is disputed as there is considered to be sufficient information provided to make a full assessment of the proposed development.

The concerns raised in relation to the impact of the proposed development on the amenity of occupiers at 11 Wycombe Gardens has been addressed in the above report.

To address the concerns that there is a lack of planting to rear following basement development a condition is suggested requiring details of hard and soft landscaping to ensure the setting of the development positively contributes to the character and appearance of the area and the amenities of neighbouring occupiers.

In regard to the comments made that the design of the development is out of character it is considered that there is a range of styles found in the wider area ensuring the resultant development will not appear out of character.

It is not considered that the proposed development will result in an overbearing sense of enclosure

In regard to the comments made regarding concerns relating to the proposed basement development, it is considered that the proposals meet the stipulations of the adopted Residential Design Guidance document and any matters relating to structural impacts will be addressed by Building Control.

It is not considered that the proposals will result in an overdevelopment of the application site and the proposals are considered to be in line with guidance.

The proposals are considered not to have any harmful impact upon neighbouring amenity as outlined above.

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

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

### **7. Conclusion**

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



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**Location**                      **64 The Vale London NW11 8SJ**

**Reference:**                    **19/3601/RCU**

Received: 28th June 2019

Accepted: 8th July 2019

Ward:                              Childs Hill

Expiry 2nd September 2019

Applicant:                        Mizrahi

Proposal:                        First floor front extension. Roof extension including the raising of the ridge height, hip to gable. Removal of the rear dormer window (Part Retrospective Application)

**AGENDA ITEM 8**

**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 alterations carried out to the front, at first floor level and at roof level involving the gable ends, by reason of their scale, massing, siting, design and relationship with the street scene, would appear as disproportionate and dominant additions to the dwelling, resulting in a development that would be unduly obtrusive, incongruous and harmfully out of context with the prevailing character and appearance of the host property and general locality. The alterations are considered to be unsympathetic to the character and appearance of the application site, locality, streetscene and character of the area in general. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 2016).
  
- 2     The alterations carried out at first floor level and at roof level, including the hip to gable and rear dormer window, by reason of their scale, massing, siting, design and relationship with the neighbouring properties, would appear prominent and will be visible from neighbouring gardens, creating an alien feature that would be overbearing and a visually intrusive element, which is detrimental to the visual amenities of neighbouring occupiers when viewed from neighbouring gardens and the street (The Vale and Granville Road). This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 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 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 sought formal pre-application advice which was provided. Unfortunately the submitted 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.

- 2 The plans accompanying this application are:

Drg.no.P101 (Site Location Plan)

Drg.no.P202 (Retention of Existing Extension without the rear dormer)

The above plans were received on the 28/06/19.

Drg.no.4826\_01 (Pre-Existing Plans)

Drg.no.4826\_02 (Pre-Existing Elevations)

The above plans were received on the 02/10/19.

- 3 It has been noted that there are a few inaccuracies in the plans. A new canopy has been built that projects from the front elevation of the new two storey front extension. Whilst it is visible on the front elevation, this has not been shown on the side elevation and the roof plan.



## **Officer's Assessment**

### **1. Site Description**

The application site is a detached property, located on the south-east side of The Vale, in close proximity to the junction with Granville Road.

The application site is not a listed building and is not within a conservation area, nor is it within an area covered by an Article 4 direction.

### **2. Site History**

Planning History:

Reference: C00706B

Address: 64 The Vale, London, NW11 8SJ

Decision: Approved subject to conditions

Decision Date: 24 September 1987

Description: Two storey side extension, single storey front extension

Reference: 16/2356/192

Address: 64 The Vale, London, NW11 8SJ

Decision: Unlawful

Decision Date: 8 June 2016

Description: Roof extension involving hip to gable, rear dormer window to facilitate a loft conversion

Reference: 16/4152/192

Address: 64 The Vale, London, NW11 8SJ

Decision: Unlawful

Decision Date: 18 August 2016

Description: Rear roof extension (involving conversion of roofspace into habitable use) and hip to gable conversion

Enforcement History:

Reference: C00706E/00/ENF

Address: 64 The Vale, London, NW11 8SJ

Decision:

Decision Date: 30 August 2000

Description: Car Port to Front of Property

Reference: C00706D/00/ENF

Address: 64 The Vale, London, NW11 8SJ

Decision: Withdrawn

Decision Date: 22 September 1994

Description: Estate Agents Boards

Reference: ENF/1244/18

Address: 64 The Vale, London, NW11 8SJ

Decision: Notice Issued

Decision Date: 14 May 2019

Description: Without planning permission the construction of a first floor front extension and roof extension including the raising of the ridge height, hip to gable extension on both sides and a rear dormer window.

Reason for notice:

- The extensions are of a size, siting and design that are considered to make them dominant and disproportionate additions to the property and are detrimental to the character of the existing property, street scene and wider locality contrary to the advice in Barnet's Residential Design Guidance Supplementary Planning Document 2012 and Policy DM01 of the Development Management Policies Development Planning Document 2012

### **3. Proposal**

Preamble:

The applicant has submitted two separate retrospective applications. The difference being that the current application (19/3601/RCU), has omitted the large rear dormer, while the second application (19/3602/RCU), has retained all the alterations that have been carried out to the property.

As noted in the history section above the unauthorised works that have been carried out to the application site have been deemed as unacceptable and an enforcement notice has been served to the application site.

The notice required the applicant to carry out the works below, within a period of 4 Months from the date (16 May 2019), on which the Notice takes effect).

- Demolish the roof extensions and first floor front extension
- Restore the property to the state it was in prior to the breach as shown in the existing elevations drawing number 4826\_02 of planning application reference 16/2356/192, including reduction of the ridge height to the pre-existing level.
- Permanently remove all constituent materials resulting from the works above from the property.

Proposal:

The current application seeks retrospective consent for the following works:

'First floor front extension. Roof extension including the raising of the eaves and ridge height and hip to gable.

Two Storey Front Extension:

The original house had a projecting central element with cat slide roof between 2 double story gables, measuring 1.2m in depth and 5.2m in width. It had a pitched roof that joined the cat slide roof of the original roof, measuring 2.5m to the eaves and 3.8m to the top of the pitched roof, where it meets the cat slide roof.

A small front dormer sat on top of the cat slide roof slope, centrally located between the 2no. double storey gable features. The dormer measured 1.8m in height and 2.7m in width.

This has been replaced with a two-storey front extension, measuring 1.2 in depth and 5.2m in width. It has a pitched roof measuring 5m to the eaves and 6m in height, to the top of its pitched roof.

A new canopy has been built that projects from the front elevation of the new two storey front extension. (This has not been shown on the existing/proposed plans).

First Floor Extension and Roof Extension:

The eaves and the ridge of the dwelling has been raised, increasing the internal height of the first floor. The dwelling originally measured 4.8m to its eaves and 7.7m to the top of the ridge.

The dwelling now measures 6.2m to the eaves and 8.4m to the top of the ridge. Furthermore, the roof has been widened by approximately 2m, to create gable ends on both sides of the dwelling.

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

The application has been called in by Cllr Zinkin for the following reason;

'If officers are minded to refuse this application please bring it to committee as I believe the committee should consider whether on planning balance the application should be approved on the basis that the local benefit is greater than any harm caused. Perhaps consideration could be given by the committee to representations that no neighbours are affected overlooked or overshadowed by the works, that the adjacent site mirrors the property in terms of scale and height and that the site to the rear is a large flatted scheme with dense trees set between them'.

Consultation letters were sent to 18 neighbouring properties.

No responses have been received.

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

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

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

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

### Supplementary Planning Documents

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

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

Impact on the character and appearance of the existing building, the street scene and the wider locality

Policy CS5 of the Core Strategy which 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 adopted Development Management Policies (2012) states, that "development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets".

The Vale comprises of properties which have been extended across all levels and on all sides. Whilst it is noted that there is no clear and consistent character in terms of design to the buildings on this road, the works appear to be sympathetic and in keeping with the character and appearance of the street.

The application site originally benefitted from 2no. double storey gable features, with pitched roofs to the front to the property. The property has carried out hip to gable to both sides of the roof to accommodate a large box dormer to the rear roof slope. Under the current application the proposal is to remove the rear dormer window.

These gable features were separated by a cat slide roof that accommodated a small front dormer. A single storey front porch sat directly beneath the cat slide roof. This feature has been replaced with a two-storey front extension and an additional front canopy, which has entirely changed the character and appearance of the dwelling. In addition, the eaves and ridge of the dwelling have been raised, increasing the height at first floor level. Combined with the addition of the hip to gable to both sides of the dwelling has increased the overall massing of the roof.

Furthermore, it is noted that the materials used as part of the alterations are not in keeping with the materials of the existing house. The dwelling appears to be built entirely in brick, however the alterations appear to be built with a combination of brick and render.

The alterations by reason of their siting, design and relationship with the street scene, are considered to be an inappropriate form of development that would not represent a subordinate and proportionate addition to the host property. The cumulative alterations carried out to the site, at the front, at first floor level and the roof including the hip to gable means the resulting addition would appear as alien features, which would be unsympathetic and at odds with the character and appearance of the site, streetscene and wider area.

The application site benefits from some natural vegetation to the front of the property. Notwithstanding this, it only partially screens the site at the front, leaving a large portion of the front and side elevation exposed and visible to public view from the Granville Road and The Vale. Due to the siting of the application site, which is in close proximity to the junction with Granville Road and The Vale, the alterations that have been carried out are clearly visible from both streets. The alterations by virtue of their scale, bulk and massing would appear as disproportionate and dominant additions to the dwelling, resulting in a development that would be unduly obtrusive, incongruous and harmfully out of context with the prevailing character and appearance of the host property and general locality.

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

Due to the siting of the alterations, they are not considered to harmfully impact the amenities of the neighbouring properties, in terms of loss of light or loss of privacy.

Notwithstanding this the alterations would appear prominent and will be visible from neighbouring gardens, creating an alien feature that would be overbearing and a visually obtrusive element to neighbouring occupiers, when viewed from the rear amenity areas of neighbouring properties.

Given the scale of development at roof level and the relationship between the proposal and the neighbouring properties it is considered that this scheme would be detrimental to the visual and residential amenities of the occupiers of neighbouring properties.

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

No comments have been received.

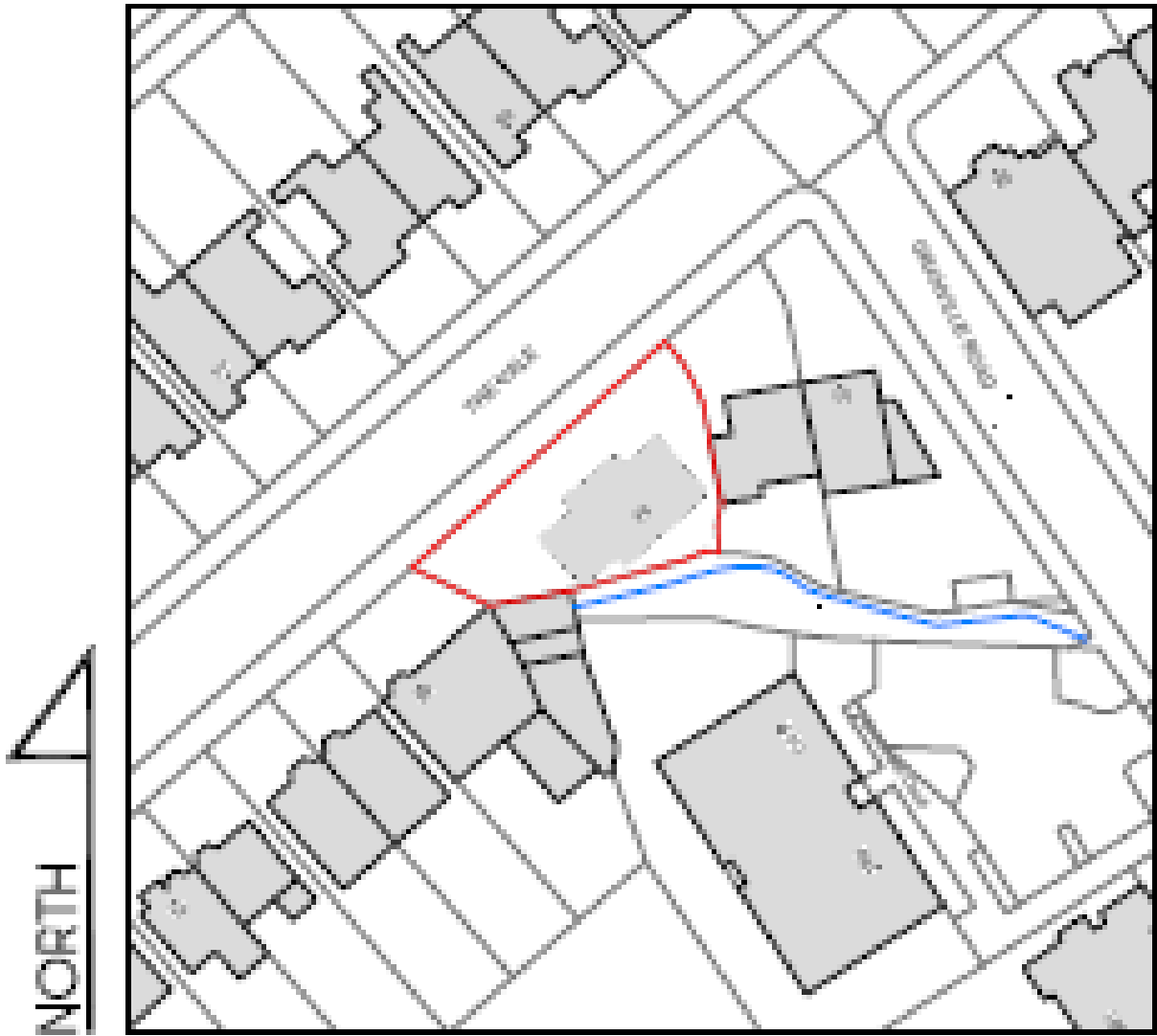
### **6. Equality and Diversity Issues**

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**

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an adverse impact on the amenities of neighbouring occupiers.

This application is therefore recommended for REFUSAL.



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**Location**                                **64 The Vale London NW11 8SJ**

**Reference:**                                **19/3602/RCU**

Received: 28th June 2019

Accepted: 23rd July 2019

Ward:                                        Childs Hill

Expiry 17th September 2019

Applicant:                                Mizrahi

Proposal:                                    First floor front extension. Roof extension involving raising of the roof height. Includes retaining the hip to gable and rear dormer. (Retrospective Application)

**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 alterations carried out to the front, at first floor level and at roof level including the hip to gable and rear dormer window, by reason of their scale, massing, siting, design and relationship with the street scene, would appear as a disproportionate and dominant additions to the dwelling, resulting in a development that would be unduly obtrusive, incongruous and harmfully out of context with the prevailing character and appearance of the host property and general locality. The alterations are considered to be unsympathetic to the character and appearance of the application site, locality, streetscene and character of the area in general. This is contrary to policy CS5 of the Local Plan Core Strategy (Adopted September 2012), policy DM01 of the Local Plan Development Management Policies DPD (2012) and the Residential Design Guide SPD (Adopted April 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 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 sought formal pre-application advice which was provided. Unfortunately the submitted 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.

2 The plans accompanying this application are:

Drg.no.P101 (Site Location Plan)

Drg.no.P201 rev. A (Retention of Existing Extension)

The above plans were received on the 28/06/19.

Drg.no.4826\_01 (Pre - Existing Plans)

Drg.no.4826\_02 (Pre - Existing Elevations)

The above plans were received on the 05/09/19.

3 It has been noted that there are a few inaccuracies in the plans. A new canopy has been built that projects from the front elevation of the new two storey front extension. Whilst it is visible on the front elevation, this has not been shown on the side elevation and the roof plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is a detached property, located on the south-east side of The Vale, in close proximity to the junction with Granville Road.

The application site is not a listed building and is not within a conservation area, nor is it within an area covered by an Article 4 direction.

### **2. Site History**

Planning History:

Reference: C00706B

Address: 64 The Vale, London, NW11 8SJ

Decision: Approved subject to conditions

Decision Date: 24 September 1987

Description: Two storey side extension, single storey front extension

Reference: 16/2356/192

Address: 64 The Vale, London, NW11 8SJ

Decision: Unlawful

Decision Date: 8 June 2016

Description: Roof extension involving hip to gable, rear dormer window to facilitate a loft conversion

Reference: 16/4152/192

Address: 64 The Vale, London, NW11 8SJ

Decision: Unlawful

Decision Date: 18 August 2016

Description: Rear roof extension (involving conversion of roofspace into habitable use) and hip to gable conversion

Enforcement History:

Reference: C00706E/00/ENF

Address: 64 The Vale, London, NW11 8SJ

Decision:

Decision Date: 30 August 2000

Description: Car Port to Front of Property

Reference: C00706D/00/ENF

Address: 64 The Vale, London, NW11 8SJ

Decision: Withdrawn

Decision Date: 22 September 1994

Description: Estate Agents Boards

Reference: ENF/1244/18

Address: 64 The Vale, London, NW11 8SJ

Decision: Notice Issued

Decision Date: 14 May 2019

Description: Without planning permission the construction of a first floor front extension and roof extension including the raising of the ridge height, hip to gable extension on both sides and a rear dormer window.

Reason for notice:

- The extensions are of a size, siting and design that are considered to make them dominant and disproportionate additions to the property and are detrimental to the character of the existing property, street scene and wider locality contrary to the advice in Barnet's Residential Design Guidance Supplementary Planning Document 2012 and Policy DM01 of the Development Management Policies Development Planning Document 2012.

### 3. Proposal

Preamble:

The applicant has submitted two separate retrospective applications. The difference being that the current application (19/3602/RCU), has retained all the alterations that have been carried out to the property, while the second application (19/3601/RCU), has omitted the large rear dormer.

As noted in the history section above the unauthorised works that have been carried out to the application site have been deemed as unacceptable and an enforcement notice has been served to the application site.

The notice required the applicant to carry out the works below, within a period of 4 Months from the date (16 May 2019), on which the Notice takes effect).

- Demolish the roof extensions and first floor front extension
- Restore the property to the state it was in prior to the breach as shown in the existing elevations drawing number 4826\_02 of planning application reference 16/2356/192, including reduction of the ridge height to the pre-existing level.
- Permanently remove all constituent materials resulting from the works above from the property.

Proposal:

The current application seeks retrospective consent for the following works:

'First floor front extension. Roof extension including the raising of the eaves and ridge height, hip to gable and a rear dormer window'.

Two Storey Front Extension:

The original house had a projecting central element with a catslide roof between 2 double storey gables, measuring 1.2m in depth and 5.2m in width. It had a pitched roof that joined the cat slide roof of the original roof, measuring 2.5m to the eaves and 3.8m to the top of the pitched roof, where it meets the cat slide roof.

A small front dormer sat on top of the cat slide roof slope, centrally located between the 2no. double storey gable features. The dormer measured 1.8m in height and 2.7m in width.

This has been replaced with a two-storey front extension, measuring 1.2 in depth and 5.2m in width. It has a pitched roof measuring 5m to the eaves and 6m in height, to the top of its pitched roof.

A new canopy has been built that projects from the front elevation of the new two storey front extension. (This has not been shown on the existing/proposed plans).

First Floor and roof Extension:

The eaves and the ridge of the dwelling has been raised, increasing the internal height of the first floor. The dwelling originally measured 4.8m to its eaves and 7.7m to the top of the ridge.

The dwelling now measures 6.2m to the eaves and 8.4m to the top of the ridge. Furthermore, the roof has been widened by approximately 2m, to create a hip to gable on both sides of the dwelling.

Rear Dormer:

A large box dormer has been built on the rear roof slope of the dwelling, measuring 9.5m in width, 2.2m in depth and 1.5m in height.

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

The application has been called in by Cllr Zinkin for the following reason;

'If officers are minded to refuse this application please bring it to committee as I believe the committee should consider whether on planning balance the application should be approved on the basis that the local benefit is greater than any harm caused. Perhaps consideration could be given by the committee to representations that no neighbours are affected overlooked or overshadowed by the works, that the adjacent site mirrors the property in terms of scale and height and that the site to the rear is a large flatted scheme with dense trees set between them'.

Consultation letters were sent to 18 neighbouring properties.

No responses have been received.

#### **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 19th 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.

#### The Mayor's London Plan 2016

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

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

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

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

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

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

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 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 April 2016)

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

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

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

## **5.3 Assessment of proposals**

Impact on the character and appearance of the existing building, the street scene and the wider locality

Policy CS5 of the Core Strategy which 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 adopted Development Management Policies (2012) states, that "development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets".

The Vale comprises of properties which have been extended across all levels and on all sides. Whilst it is noted that there is no clear and consistent character in terms of design to the buildings on this road, the works appear to be sympathetic and in keeping with the character and appearance of the street.

The application site originally benefitted from 2no. double storey gable features, with pitched roofs to the front to the property. Both sides of the roof have now been gabled to accommodate a large box dormer to the rear roof slope. These gable features were separated by a cat slide roof that accommodated a small front dormer. A single storey front porch sat directly beneath the cat slide roof. This feature has been replaced with a two-storey front extension, and an additional front canopy, which has entirely changed the character and appearance of the dwelling. In addition, the eaves and ridge of the dwelling have been raised, increasing the height at first floor level. At roof level the hip to gable and the addition of a large rear dormer has increased the overall massing of the roof.

Furthermore, it is noted that the materials used as part of the alterations are not in keeping with the materials of the existing house. The dwelling appears to be built entirely in brick, however the alterations appear to be built with a combination of brick and render.

The alterations by reason of their siting, design and relationship with the street scene, are considered to be an inappropriate form of development that would not represent a subordinate and proportionate addition to the host property. The cumulative alterations carried out to the site, at the front, at first floor level and the roof including the rear dormer

window, would constitute overdevelopment. The resulting additions would appear as dominant and alien features, which would be unsympathetic and at odds with the character and appearance of the site, streetscene and wider area.

The application site benefits from some natural vegetation to the front of the property. Notwithstanding this, it only partially screens the site at the front, leaving a large portion of the front and side elevation exposed and visible to public view from the Granville Road and The Vale. Due to the siting of the application site, which is in close proximity to the junction with Granville Road and The Vale, the alterations that have been carried out are clearly visible from both streets. The alterations by virtue of their scale, bulk and massing would appear as disproportionate and dominant additions to the dwelling, resulting in a development that would be unduly obtrusive, incongruous and harmfully out of context with the prevailing character and appearance of the host property and general locality.

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

Due to the siting of the alterations, they are not considered to harmfully impact the amenities of the neighbouring properties, in terms of loss of light, loss of privacy or overbearing appearance.

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

No comments have been received.

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

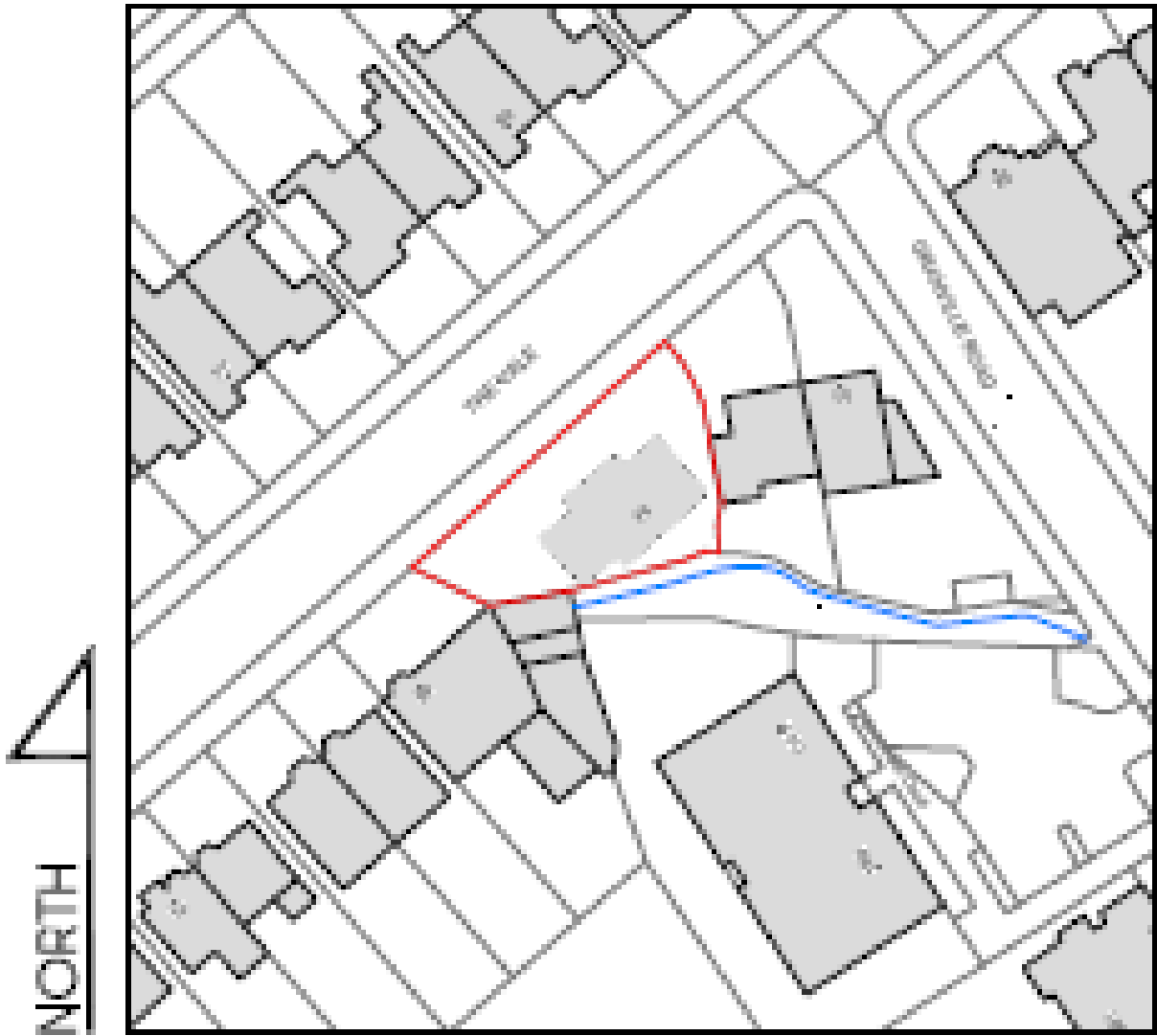
The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

### **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development would have an unacceptable impact on the character and appearance of the application site, the street scene and the locality. The development is considered to have an adverse impact on the amenities of neighbouring occupiers.

This application is therefore recommended for REFUSAL.





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**Location** 27 East End Road London N3 2TA

**Reference:** 19/2540/RCU

Received: 2nd May 2019

Accepted: 2nd May 2019

**Ward:** Finchley Church End

Expiry 27th June 2019

**Applicant:** Mrs Cya Rosen

**Proposal:** Conversion of existing dwelling into 2 self-contained flats. Associated cycle store, refuse and recycling store (Retrospective Application)

AGENDA ITEM 10

**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: 1905/TP/01r1, 1905/TP/02r1.

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

- 2 The use of the property as 2 self-contained flats shall cease and the property reinstated as a single family dwellinghouse as shown on drawing 1905/TP/01r1 within three months of the date of failure to meet any one of the requirements) below:

i) within two months of the date of this decision details of the following shall have been submitted for the written approval of the local planning authority:

- cycle parking spaces and cycle storage facilities
- sub-division of the rear amenity spaces and associated fencing
- copies of Pre-Completion Sound Insulation Test Certificates

ii) within two months of the date of approval of the details, the cycle storage facilities and rear amenity space sub-division shall have been implemented in accordance with the approved details

Reason: To protect the amenities of future residents and 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 and to comply with Polices CS1 and CS9 of the Core Strategy (2012) and Policies DM01, DM02 and DM17 of the Development Management Policies DPD (2012).

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

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

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

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

- 5 The existing parking spaces shown on the approved drawings shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

**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.

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

## **Officer's Assessment**

The application was deferred from the previous meeting of the committee to enable Members to visit the site.

### **1. Site Description**

The application site is a semi-detached property which has been converted into two self-contained flats and is situated on the north-east side of East End Road in East Finchley. The property is characterised by a two-storey rear outrigger with associated flat roof which measures approx. 3.80m depth x 2.80m width x 5.20m height, set in approx. 3.50m from the common boundary with adjoining no. 25 and approx 2.50m from the common boundary with unadjoining no. 29. The property has been extended by way of alterations to the roof from hipped to end gable with associated rear dormer under ref F/01996/14 and single storey rear infill extension (situated between the common boundary with adjoining no. 25 and the flank elevation of the existing rear outrigger under ref 18/0030/PNH. The application site is not within a conservation area and is not a listed building.

### **2. Site History**

Reference: 18/0030/PNH

Address: 27 East End Road N3 2TA

Decision: Prior approval required and approved

Decision date: 08.02.2017

Description: Single storey rear extension with a proposed depth of 3.8 metres from original rear wall, eaves height of 2.85 metres and a maximum height of 3 metres.

Reference: 17/8012/PNH

Address: 27 East End Road N3 2TA

Decision: Prior approval required and refused

Reason: The proposed extension, by virtue of Sections 55 and 57 of the Town and Country Planning Act 1990 (as amended), constitutes development requiring planning permission. Prior Approval for the proposed development is hereby required and refused under Section A.4(3) of the Town and Country Planning (General Permitted Development) Order 2015 - as amended. This is because the applicant has not included all of the adjoining premises to the proposed site, as required by Condition A.4 (2)(c) of Part 1 of Schedule 2 of The Town and Country Planning (General Permitted Development) Order 2015 - as amended. The application form does not include no. 2 Manor View, N3 2SS.

Decision date: 29.01.2018

Description: Single storey rear extension with a proposed depth of 3.8m, eaves height of 2.8m and maximum height of 3m

Reference: 17/3031/FUL

Address: 27 East End Road N3 2TA

Decision: Refused

Reason: The conversion of the property into two self-contained flats would result in the loss of a single family dwellinghouse and would be out of character within its setting of established single family dwellinghouses contrary to Policies CS NPPF, CS1 and CS5 of the Barnet's Adopted Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2013).

Decision date: 07.07.2017

Description: Conversion of existing dwelling into 2 self-contained flats. Associated cycle store, refuse and recycling store

Reference: F/01582/14

Address: 27 East End Road, London, N3 2TA

Decision: Withdrawn

Decision Date: 10 April 2014

Description: Roof extension involving 1no. dormer window and 3no. roof lights to facilitate a loft extension.

Reference: F/01996/14

Address: 27 East End Road, London, N3 2TA

Decision: Lawful

Decision Date: 9 May 2014

Description: Roof extension involving hip to gable, rear dormer window and insertion of 3no.rooflights to front elevation.

Reference: F/02849/14

Address: 27 East End Road, London, N3 2TA

Decision: Refused

Appeal Status: Withdrawn

Decision Date: 05 August 2014

Description: Conversion of existing dwelling to 3 self-contained flats.

The application was refused on the principle of conversion into 3 self-contained flats was considered unacceptable as the development will have a detrimental impact on the character of the area as East End Road consists of single family dwellinghouses.

### **3. Proposal**

Retrospective consent is sought for the conversion of existing dwelling into 2no. self-contained flats. Associated cycle store, refuse and recycling store (Retrospective)

### **4. Public Consultation**

Consultation letters were sent to 23 neighbouring properties.

7 letters of objection have been received on the following grounds:

- There is a restrictive covenant on the property stipulating it should remain a single-family dwelling - there are similar restrictive conditions in Windermere Avenue so if this application is approved, it sets a precedent for any covenant to be ignored. The houses 25-31 East End Road were built on land sold on condition they were single family dwellings. This should be adhered to especially as there are no flats in N3 on this side of East End Road, except for the purpose-built flats (Ellerton Lodge) close to the junction with Regents Park Road.
- The conversion will increase on-street parking demand in nearby streets as only two parking spaces will be provided. The PTAL rating for this property falls within the lower third, as confirmed on the TFL website - the property is only served by one bus, the 143 which only runs every 11-14 minutes. To reach other routes or Finchley Central station means walking at least ten minutes. This factor will increase demand for private car use at the property.



- I have lived in this house for over 70 years and have witnessed many changes to the area. We once lived in a quiet leafy street with little traffic and adjacent properties were owned by the people who lived in them.
- The flats are designed with living space and kitchens at the rear of the property - the problem here is that the master bedrooms of 25, 29, 31 and 2 Manor View are all at the back of the house - so disturbance is a real issue for all of us. Dividing the garden in two not only unsightly, it will also degrade our outlook, which at present is still relatively green and other properties shielded by mature fruit trees and shrubs. The plans don't indicate what will happen to these.
- Many more problems with the drains in the last few years than in the 30 years before and there have been several problems over the last 6-8 months that often coincide with blockages at 27. The last one was over the May Bank Holiday weekend and there have been at least 8 others at no 27 over the last 2-3 years. The sewer is just not up to handling the volume of waste generated by having flats and especially increasing the potential number of residents to 10.
- Security is an ongoing problem - we take it very seriously. The planned division of the garden opens up the side of the house between 27 and 29, giving access to the back of properties, 25 and 29 and 2 Manor View. We have already had one break-in via the sideway of 27 (side gate left open) as has so 25, so this is a real issue for neighbouring properties. Residents of 25, 29 and 31 East End Road, 2 Manor View and, in the past 27, too all try and look out for one another and hold keys of each other's properties for use in case of emergencies. The planned configuration of the 27 gardens once again negates our security - and has the added attraction for burglars of a bicycle store area.
- Parking is an ongoing problem in this area and two places in totally inadequate and too small (large cars obstruct the pavement).
- The development prevents us from enjoying the peace and quiet of our home and garden and of knowing it is secure in our absence.

## **5. Planning Considerations**

### **5.1 Policy Context**

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

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

The National Planning Policy Framework (NPPF) was amended on 24th July 2018 updated 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 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, CS9
- Relevant Development Management Policies: DM01, DM02, DM17

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)

Sustainable Design and Construction SPD (adopted October 2016)

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

The main issues for consideration in this case are:

- Whether the conversion of the dwelling into flats is considered acceptable
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of future and neighbouring residents.
- Whether harm would be caused to the local highways network and car parking

### **5.3 Assessment of proposals**

Preliminary matters:

Roof alterations involving an end gable and associated rear dormer has facilitated the conversion of the loft into a habitable space. Submitted plans demonstrate a pre-existing 6no. bed 9no. person single family dwelling supported by 2no. associated front doors whilst the existing plans demonstrate 1 x 2no. bed 3no. person self-contained unit at ground level and 1 x 3no. bed 6no. person self-contained unit split between the first floor and loft level. The occupancy level has not changed but rather been divided to serve two self-contained units.

Principle of conversion:

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.

Policy DM01 states that: 'Conversion of dwellings into flats in roads characterised by houses will not normally be appropriate. East End Road is a long road with a mixed use. Due to its length and the mixed-use nature, there is no uniform character. Rather, the road can be divided into individual areas of character discernible by their siting within the road, location to traffic junctions or green breaks, their relationship to neighbouring properties and the composition of uses around them. Visual breaks in the road can serve to identify boundaries of development which can have a discernible character from other development in the road.

East End Road is a long road running from Hendon Lane to the west, to the Great North Road to the east. East End Road is mixed in character and use. Set within an immediate streetscene featuring a mix of uses including a sports ground to one side, a dwelling to the other, and a school, synagogue and Centre for Reformed Judaism across the road, the application site is situated on a long road with a wide mix of both residential and other developments addressing it.

DM01 2.8.1 clearly states that a material consideration is that the 'conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of establish residential areas. Indeed, character does not solely apply to the external appearance of a building, but also its notional use. Indeed, the loss of houses on a street characterised by single family dwellings can also impact character from a perspective of increased densification, types of tenure and stress on local infrastructure.

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."*

The LPA planning records reveals the most recent planning application ref: 18/1348/FUL at no. 21 East End Road to have been refused (under delegated powers) on the basis of the loss of a single-family dwelling house on a road characterised by established single family dwelling houses. However this was overturned and approved at appeal ref APP/N5090/W/18/3208140. Para 7 of the inspectorate's report states that "East End Road both within the immediate vicinity of the appeal property, and along its wider length features a considerable variety of land uses. Moreover, whereas the examples of flats referred to by the Council are closer to Finchley town centre than the appeal site they too address East End Road. These considerations, taken together, lead me to the view that East End Road is not a "road characterised by houses" for the purposes of Policy DM01."

The LPA planning records equally reveal the following previous planning consents were issued (as follows) on East End Road and are listed in date order from 2018 -1965:

21 East End Road (ref 18/1348/FUL) (refused and approved at appeal ref APP/N5090/W/18/3208140)  
93 East End Road (ref 18/7207/FUL)  
257 East End Road (ref 16/7459/FUL)  
163 East End Road (ref F/0439/14)  
24 East End Road (ref F/04495/12)  
99 East End Road (ref F/0127/12)  
100 East End Road (ref F/04830/10)  
104 East End Road (ref C0694B/07)  
101 East End Road (ref C14712A/05)  
195A East End Road (ref C01275G/01)  
151 East End Road (ref C02723D)  
235 East End Road (ref C09208)  
26 East End Road (ref C08327A)  
149 East End Road (ref C07587)  
155 East End Road (ref C06526)  
20 East End Road (ref C05170A)  
232 East End Road (ref C03497A)  
233 East End Road (ref C04424)  
48 East End Road (ref C03196B)  
32 East End Road (ref C03178)  
249 East End Road (ref C00876)  
244 East End Road (ref C00684A)  
159 East End Road (ref C00260)

It is recognised that it is not always appropriate to allow the conversion of a single-family dwelling house into flatted accommodation. However, given the evidence as set out above,

particularly the recent appeal decision which is a material consideration, the principle of the conversion is considered acceptable.

### The Impact on the appearance and character of the area

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

This section relates purely to character from a visual appearance perspective and not the principle of flat conversions and their impact on character; this has been addressed above.

There are no external changes to the property as a result of the conversion and therefore is not deemed to materially harm the overall appearance of the dwellinghouse. It is considered the provision of refuse and cycle storage can be accommodated without unduly affecting the appearance of the street scene.

Impact on amenity and living conditions of future occupiers:

Floor Area:

Flat 1 (Ground Floor)                      2no. bed 3no. person 1no. storey (75sq.m) min req. 61sq.m

Flat 2 (First & Loft Floor)      3no. bed 6no. person 2no. storey (115sq.m) min req. 102sq.m

Both units meet and exceed the minimum unit size requirements set out in the London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) and therefore provide an acceptable level of accommodation for the intended occupancy levels.

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/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All rooms meet the above standards.

Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Each flat complies with this standard.

Policy DM04 of the Development Management Document (2012) part d. states that proposals will be refused if it leads to an unacceptable level of noise and disturbance unless the scheme can demonstrate any mitigation measures.

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.

Para 2.14 of the Sustainable Design and Construction SPD 2016 states that internally the layout can help mitigate the impact of noise using the following measures:

- Locate rooms that are sensitive to loud noise (i.e. bedrooms/living rooms) away from areas of the site that are most prone to loud or continuous noise.

- Stacking rooms with similar uses on top of each other (i.e. living rooms, kitchens) to avoid unnecessary noise disturbance (Also see Residential Design Guidance section 9).

The proposals comply with this requirement.

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

Each unit provides adequate levels of glazing to facilitate appropriate levels of light, ventilation and outlook whilst maintaining privacy.

#### Amenity Space:

Section 2.3 of the Sustainable Design and Construction SPD (2016) states that outdoor amenity space is highly valued and suitable provision will help to protect and improve the living standards of residents as well as contribute to maintaining and enhancing the wider character of the borough. Residential units with insufficient garden or amenity space are unlikely to provide good living conditions for future occupiers. For houses, amenity space should be provided in the form of individual rear gardens. For flats, options include provision communally around buildings or on roofs or as balconies. Whatever option is chosen it must be usable. For flats there should be a minimum of 5m<sup>2</sup> of outdoor amenity space per habitable room.

Ground floor flat requires 20m<sup>2</sup> of outdoor amenity space however provides (75sq.m)

First floor flat requires 35m<sup>2</sup> of outdoor amenity space however provides (90sq.m)

The proposal exceeds the required minimum standard for amenity space.

The block plan demonstrates the subdivision of the existing amenity into two private outdoor amenity spaces by way of a boundary fence however no boundary detailing has been submitted to ensure height and boundary type. Notwithstanding this, an officer site visit revealed the garden to be in sole use of the ground floor flat and no subdivision of the amenity was in place as per submitted plans.

A condition is attached requiring further details of the sub-division of the garden to ensure the upper flat has its own garden area. Access into the respective rear garden amenity for the first-floor flat would be achieved by way of an existing gated access at the side of the property on the common boundary with no. 29.

The development is considered acceptable on the grounds of amenity for future occupiers.

#### Impact on the amenities of neighbours

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.

Submitted plans demonstrate a pre-existing 6no. bed 9no. person single family dwelling supported by 2no. associated front doors whilst the existing plans demonstrate 1 x 2no.

bed 3no. person self-contained unit at ground level and 1 x 3no. bed 6no. person self-contained unit at first floor and loft level is supported by 2no. associated front doors. The maximum potential occupancy level has not changed but rather been divided to serve two self-contained units.

Given site circumstances and the size of the units, the conversion is not considered to result in an intensity of use that would be harmful to the neighbouring residential occupiers by way of noise and disturbance and comings and goings.

Given the above reasons, the scheme is considered acceptable on the grounds of residential amenity.

Impact on highways and parking:

Policy DM17 of Barnet's Development Management Policies Document DPD (2012) states that the council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

The site lies within a PTAL 1b zone which means that there is very poor public transport accessibility to and from the site. There is no Controlled Parking in operation within the immediate vicinity of the site.

The London Plan 2016 states that all developments in areas of good public transport accessibility (in all parts of London) should aim for significantly less than 1 space per unit. In outer London areas with low PTAL (generally PTALs 0-1), boroughs should consider higher levels of provision, especially to address 'overspill' parking pressures.

A car parking provision of 2no. spaces is required to satisfy parking demand. Off-street parking provision has been satisfied on the existing hardstanding within the front forecourt area and facilitated by a double drop kerb shared with no. 29 and capable of accommodating 2 domestic cars.

In regard to cycle parking, the London Plan set out in Table 6.3 states that 1 space of cycle parking is required per studio and 1-bedroom unit and 2 spaces per all other dwellings. A condition has been attached to secure this detail.

#### Refuse and recycling storage

The min. mixed recycling provision of 2 x 240litre bins is required within 10m of the public highways as per Provision of Household Recycling and Waste Service Guidance (2018).

A timber clad store container within the front forecourt capable of accommodating 4 240litre bins have been concealed behind a front boundary hedge within the front forecourt area within 10m of the public footway. This detail offsets the potential for visual clutter on the street scene and subsequent potential for overspill onto the pedestrian footway.

#### Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the scheme should be designed to achieve a 6% CO2 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.

In terms of water consumption, each unit should 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).

A condition has been attached to secure this detail.

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

The following are not material planning considerations in this case:

- There is a restrictive covenant on the property stipulating it should remain a single-family dwelling - there are similar restrictive conditions in Windermere Avenue so if this application is approved, it sets a precedent for any covenant to be ignored. The houses 25-31 East End Road were built on land sold on condition they were single family dwellings. This should be adhered to especially as there are no flats in N3 on this side of East End Road, except for the purpose-built flats (Ellerton Lodge) close to the junction with Regents Park Road.
- Many more problems with the drains in the last few years than in the 30 years before and there have been several problems over the last 6-8 months that often coincide with blockages at 27. The last one was over the May Bank Holiday weekend and there have been at least 8 others at no 27 over the last 2-3 years. The sewer is just not up to handling the volume of waste generated by having flats and especially increasing the potential number of residents to 10.
- Security is an ongoing problem - we take it very seriously. The planned division of the garden opens up the side of the house between 27 and 29, giving access to the back of properties, 25 and 29 and 2 Manor View. We have already had one break-in via the sideway of 27 (side gate left open) as has so 25, so this is a real issue for neighbouring properties. Residents of 25, 29 and 31 East End Road, 2 Manor View and, in the past 27, too all try and look out for one another and hold keys of each other's properties for use in case of emergencies. The planned configuration of the 27 gardens once again negates our security - and has the added attraction for burglars of a bicycle store area.
- The development prevents us from enjoying the peace and quiet of our home and garden and of knowing it is secure in our absence.

The following matters have been addressed within the report:

- The flats are designed with living space and kitchens at the rear of the property - the problem here is that the master bedrooms of 25, 29, 31 and 2 Manor View are all at the back of the house - so disturbance is a real issue for all of us. Dividing the garden in two not only unsightly, it will also degrade our outlook, which at present is still relatively green and other properties shielded by mature fruit trees and shrubs. The plans don't indicate what will happen to these.



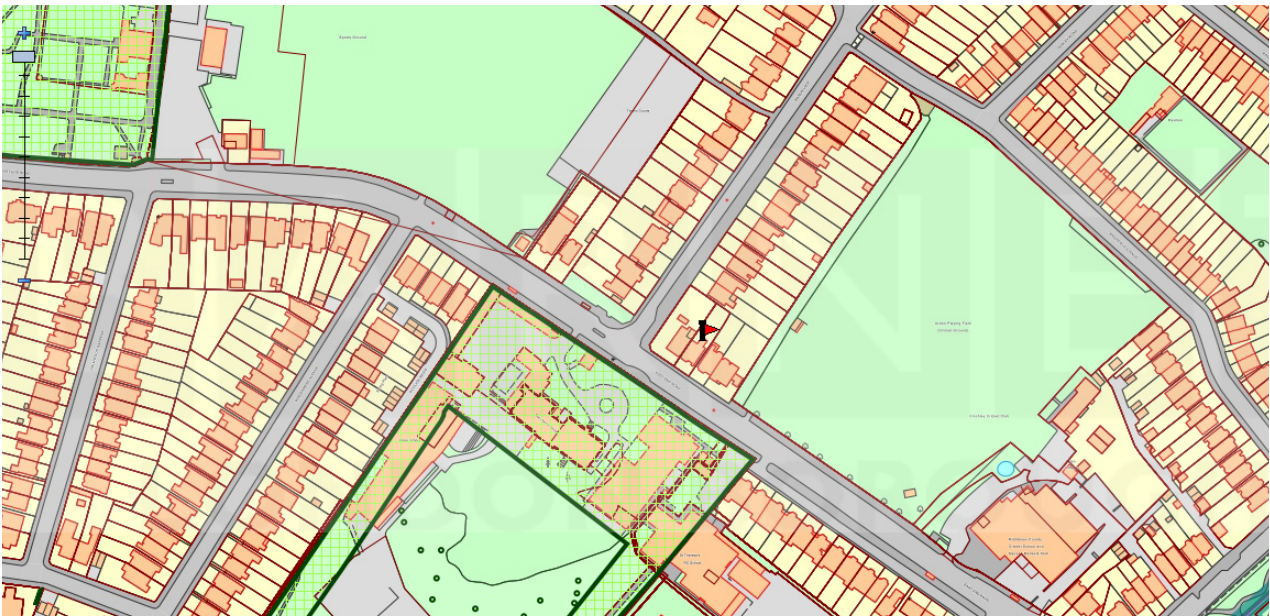
- The conversion will increase on-street parking demand in nearby streets as only two parking spaces will be provided. The PTAL rating for this property falls within the lower third, as confirmed on the TFL website - the property is only served by one bus, the 143 which only runs every 11-14 minutes. To reach other routes or Finchley Central station means walking at least ten minutes. This factor will increase demand for private car use at the property.
- I have lived in this house for over 70 years and have witnessed many changes to the area. We once lived in a quiet leafy street with little traffic and adjacent properties were owned by the people who lived in them.

## 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** 50 Norrice Lea London N2 0RL

**Reference:** 19/4258/HSE

Received: 1st August 2019

Accepted: 2nd August 2019

**Ward:** Garden Suburb

Expiry 27th September 2019

**Applicant:** C/O Agent

**Proposal:** Installation of new front security gates with new brick piers and wall

AGENDA ITEM 11

**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 gates would be inappropriate and intrusive features which would significantly detract from the open nature of the frontages in this part of Norrice Lea to the detriment of the character and appearance of this part of the Hampstead Garden Suburb Conservation Area.

The application is therefore found unacceptable and contrary to Policies DM01 and DM06 of the Local Plan Development Management Policies (2012); Policy 7.3 of the London Plan (2016) and the Supplementary Planning Guidance in the form of the 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals (October 2010).

**Informative(s):**

- 1 The plans accompanying this application are:

Site Location Plan  
PP201 - Existing front boundary  
PP202 - Proposed driveway gates  
PP203 - Proposed gates

- 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.

## **Officer's Assessment**

### **1. Site Description**

The site is a detached two storey single family dwelling house, located on the western side of Norrice Lea, close to the junction with Charlton Drive in the Garden Suburb ward and within Area 13 of the HGS Conservation Area.

The application property has been noted as a positive contributor to the character and appearance of the Conservation Area. Norrice Lea is characterised by single dwelling houses, dating largely from the 1930s, mainly in the neo Georgian style and with large and generous plots and relatively deep gardens.

### **2. Site History**

Reference: 18/5259/HSE

Address: 50 Norrice Lea, London, N2 0RL

Decision: Approved subject to conditions

Decision Date: 27 November 2018

Description: Partial demolition of the existing house with retention of front facade and part of the side return elevations, formation of new basement with associated lightwells, two storey rear extension including extension to garage wing, and changes to the fenestration and porch.

Reference: F/00005/13

Address: 50 Norrice Lea, London, N2 0RL

Decision: Approved subject to conditions

Decision Date: 22 March 2013

Description: Extension to the time limit for implementing planning permission F/00141/10 granted 04/03/10 for 'Two storey rear extension (including extension to garage and changes to fenestration), with basement beneath.'

Reference: F/00141/10

Address: 50 Norrice Lea, London, N2 0RL

Decision: Approved subject to conditions

Decision Date: 4 March 2010

Description: Two storey rear extension (including extension to garage and changes to fenestration), with basement beneath.

Reference: F/01360/09

Address: 50 Norrice Lea, London, N2 0RL

Decision: Withdrawn

Decision Date: 19 June 2009

Description: Two storey rear extension, with a basement beneath.

### **3. Proposal**

This application seeks consent for the installation of new security gates to front openings of the application site.

The plans show two sliding iron gates with extended brick piers to 1400mm height.

#### 4. Public Consultation

The application has been referred to committee by Councillor Marshall on the grounds that this application is an attempt to marry the need to build out crime with the aesthetic needs of the conservation area.

Site Notice: 07.08.2019

Press Notice: 15.08.2019

6 consultation letters were sent to neighbouring properties.  
0 responses have been received.

Internal / Other consultations:

HGS CAAC 28.08.2019: Objection, unacceptable - harmful to character of Norrice Lea

Met Police:

. The proposal involves the installation of gates to the vehicular entrances (x2) at the address. The proposed gates will be 1.4m in height (with a 'spiked' topping) and will slide open and closed. The slide and locking mechanisms for these gates are not known and it is presumed that the gates will be automatic, with a self-closing mechanism. It is not known if these gates will be security rated at this stage.

. Demarcation is already evident between the footway and the driveway of the premises by a course of sunken bricks (red) and different paving.

. The premises has a large hedge located at the boundary and between each vehicular access point. This hedge would appear to be at least 1.8m tall and wide. This hedge almost totally obscures the front door and windows of the premises from the footway and prohibits any natural surveillance of this area either from passers-by or from local residents nearby. The height of this hedge should be no more than 1m to allow for a clear line of sight and natural surveillance both from and to the premises and to remove areas of concealment at the front of the premises. The height of the current hedge would appear to virtually conceal the front door and window areas for the premises and would allow an intruder an increased level of privacy in which to attack these areas if attempting to force entry.

. The brick pillars at either side of the proposed gate will be 1.4m high with a flat topping. This would provide the means for an intruder to climb upon and avoid the 'spiked' topping of the proposed gates. Bypassing this boundary would allow an intruder to gain access to the currently concealed area of the premises that is covering the front door and windows, along with an opportunity to approach any side or rear access to the property.

. If planning is approved, it is recommended that the gates must be fob controlled both into and out of the premises. This will help to protect against the theft of any motor vehicle upon the driveway (as the perpetrator would require a fob to remotely open these gates, thus trapping the vehicle within the front parking area and behind the gated area).

. If approved, the gate must be capable of being operated remotely (fob/clicker) by the driver whilst sitting in the vehicle and the operation speed of the gate should be as quick as possible to avoid tailgating. Remote operating will also assist, as it is assumed that the Highways Department would not permit a vehicle to obstruct the pedestrian footway whilst the driver is manually unlocking a gate. It would also assist with preventing the possibility of an unattended vehicle being left on the footway/highway whilst the driver is manually unlocking the gate.

. If the proposal is approved then a relevant security rating for the installation of a vehicle gate must be selected from any one of the following: LPS 1175 Issue 7:SR1, LPS

1175 Issue 8:A1, STS 202 Issue 7:BR1 or LPS 2081 Issue 1:SRA. The ward of 'Garden Suburb', where the proposal is located, has a high volume of reported Vehicle Crime and Burglary (see stats attached), hence the requirement for the use of security rated, tested and certified products. The automated gate must meet the relevant statutory standards and be CE marked accordingly. It is recommended that the gate installer follows guidance from the 'Door Hardware Federation' (DHF) and 'Gate Safe' - both advocates of good practice for the installation of powered gates.

. Although it does not form a part of the proposal, it is strongly recommended that the height of the bush on the front boundary is reduced to no more than 1m. As advised above, it is removing the natural surveillance to the front of the premises and creating a concealed area for an intruder to hide behind

## **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, DM02, DM06.

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

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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.

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 alterations would be a visually obtrusive form of development which would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to trees of special amenity value.

## **5.3 Preamble**

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century. The value of the Suburb has been recognised by its inclusion in the



Greater London Development Plan, and subsequently in the Unitary Development Plan, as an 'Area of Special Character of Metropolitan Importance'. The Secretary of State for the Environment endorsed the importance of the Suburb by approving an Article 4 Direction covering the whole area. The Borough of Barnet designated the Suburb as a Conservation Area in 1968 and continues to bring forward measures which seek to preserve or enhance the character or appearance of the Conservation Area.

The ethos of the original founder was maintained in that the whole area was designed as a complete composition. The Garden City concept was in this matter continued and the architects endeavoured to fulfil the criteria of using the best of architectural design and materials of that time. This point is emphasised by the various style of building, both houses and flats, in this part of the Suburb which is a 'who's who' of the best architects of the period and consequently, a history of domestic architecture of the period of 1900 - 1939.

The choice of individual design elements was carefully made, reflecting the architectural period of the particular building. Each property was designed as a complete composition and design elements, such as windows, were selected appropriate to the property. The Hampstead Garden Suburb, throughout, has continuity in design of doors and windows with strong linking features, giving the development an architectural form and harmony. It is considered that a disruption of this harmony would be clearly detrimental to the special character and appearance of the Conservation Area. The front of the properties being considered of equal importance as the rear elevation, by the original architects, forms an integral part of the whole concept.

#### **5.4 Assessment of proposals**

Section 72(1) of the Planning (Listed Building and Conservation Areas) Act 1990 states that 'In the exercise, with respect to any buildings or other land in a conservation area, of any functions under or by virtue of any of the provisions mentioned in subsection (2), special attention shall be paid to the desirability of preserving or enhancing the character or appearance of that area.

It is one of the core principles of the NPPF that heritage assets should be conserved in a manner appropriate to their significance. Paragraph 193 of the National Planning Policy Framework (2019) states that when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation (and the more important the asset, the greater the weight should be). Significance can be harmed or lost through alteration of a heritage asset.

In line with the Planning (Listed Building and Conservation Area) Act 1990 special regard is given to preserving the heritage asset.

This application seeks consent for the erection of two iron sliding gates to the property frontage. The Design Guidelines for Hampstead Garden Suburb Conservation Area make it clear under Section 6 that iron gates are not generally a feature of Suburb houses, although some have been approved in parts of Winnington Road where houses are larger. Driveway gates are not common features of properties within the Conservation Area and in most cases, will not normally be acceptable. There is therefore an in principle objection to the proposals.

It is considered that the gates proposed would represent a visually intrusive form of development within the informal garden setting of Norrice Lea. The gates would appear

prominent within the street scene and out of keeping with the established pattern of development. They would materially weaken the sense of spaciousness drawn from the open fronted setting of the houses. No property in Norrice Lea with the exception of the Synagogue currently has a gated entrance. It is recognised that consent was given by Members for the installation of gates at the neighbouring property 48 Norrice Lea at the May 2019 Finchley and Golders Green Area Sub-Committee, under reference 19/1450/HSE, however, this was due to particular circumstances and should not act as a precedent for the approval of such gates in the Suburb where they are not characteristic.

The applicant has stated that the gates are required to provide security at the property, following recent attacks. Officers are sympathetic to the security concerns of the applicant, however consider that the visual harm caused to the character and appearance of this part of the conservation area would be such that permission should be refused. As noted above, there has been consultation with the Police on the proposals. Concern was raised in regard to the height of the existing hedge as this feature results in the "obscuring the front of the house and creating a large area of concealment, as this is blocking any natural surveillance both into and out of this property." However, the hedge is not subject of this application and is considered to be an important visual feature which positively contributes to the "Garden Suburb" appearance of the application site as existing. The Police comments make note that if the scheme was approved then the gates must be capable of being operated remotely, this is something that could be conditioned.

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

The proposal, which is only for gates on the front boundary would not materially harm the amenity (light, outlook or privacy) of neighbouring occupiers.

#### Whether harm would be caused to trees of special amenity value

It is not considered that the installation of gates would not harm any existing trees at the application site.

### **5.5 Response to Public Consultation**

No objections received from neighbouring occupiers.

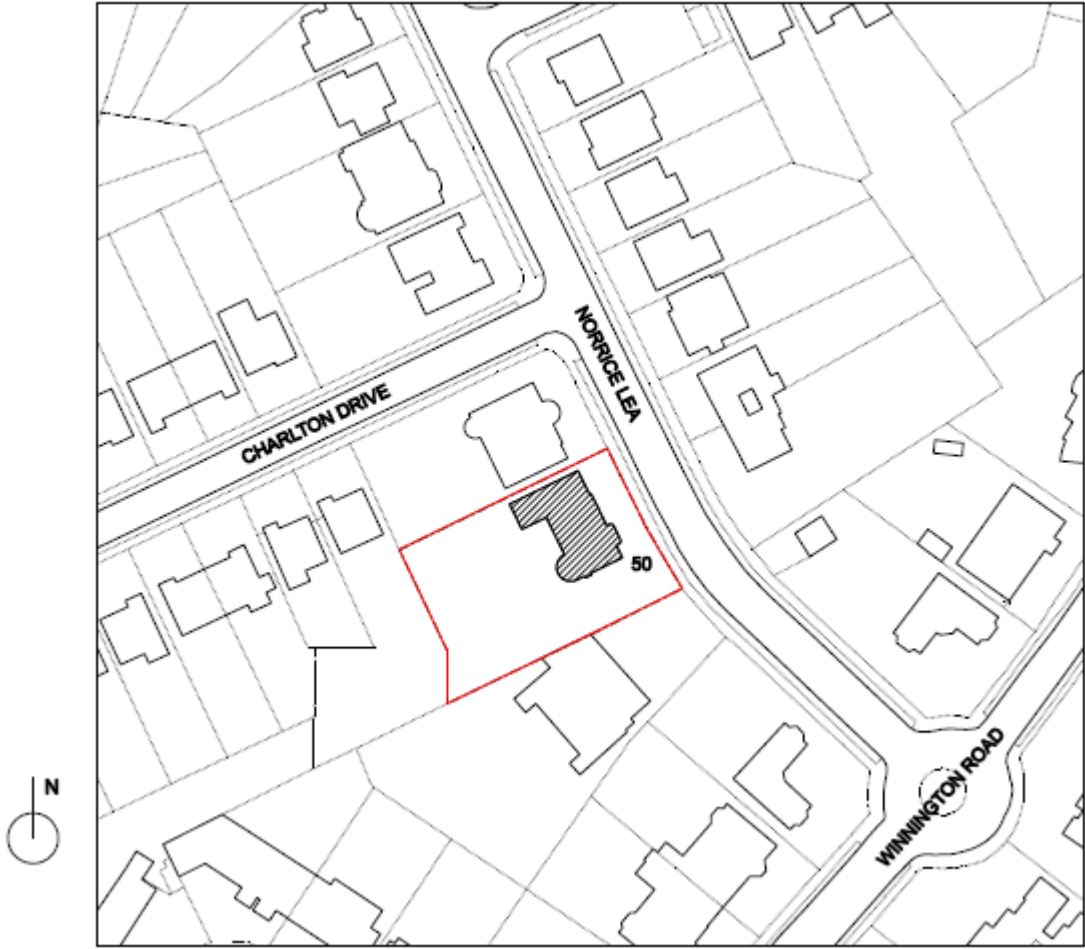
The comments made by the CAAC are noted and this application is recommended for refusal.

### **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 is therefore considered to detrimentally impact on the qualities of the building and the historic and architectural character of this part of the Hampstead Garden Suburb Conservation Area. The proposal would harm the character and appearance of the individual property, street scene, conservation area and area of special character and is recommended for refusal.



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**Location** 14 The Grove London NW11 9SH

**Reference:** 19/2118/FUL

Received: 10th April 2019

Accepted: 10th April 2019

**Ward:** Golders Green

Expiry 5th June 2019

**Applicant:** Mr Benjamin Solomon

**Proposal:** Single storey rear infill. Conversion of the existing dwelling into 3no self-contained flats. Associated refuse/recycling, amenity space, cycle store and storage area (Amended description)

AGENDA ITEM 12

**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:

Site Location Plan, Design and Access Statement. Received on the 10 April 19.

Parking Survey Report (SHF.1507.TR.R.001), prepared by enzygo environmental consultants. Received on the 04 July 19.

Drg.no.02a and Drg.no.04a. Received on 31 July 19.

Drg.no.01a, Drg.no.03c, Drg.no.05b. Received on 02 October 19.

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 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).

- 5 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.

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

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

- 7 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied

to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

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

- 8 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.

- 9 The proposed window(s) in the side elevation, at ground floor level, facing the side access leading to the rear garden, shall be glazed with obscure glass only and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of the ground floor, Flat 1 in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 05 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

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

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

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

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

#### **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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](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 a payment under Mayoral CIL.

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

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

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

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy,



please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries.

Applications are the responsibility of the developer or householder who wish to have an address created or amended.

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

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).

## **Officer's Assessment**

### **1. Site Description**

The application site is a large semi-detached property, located on The Grove.

The application site benefits from a side and rear dormer, and a single storey rear extension measuring 6m in depth. The property benefits from a rear garden that can be accessed via a side gate.

The properties on along this street are characterised by a mixture of single family dwelling houses and properties that have been converted into flats.

The site does not fall within a conservation area and the proposal property is not listed.

### **2. Site History**

Reference: 18/1219/FUL

Address: 14 -16 The Grove, London, NW11 9SH

Decision: Refused at committee

Decision Date: 20 June 2018

Description: Two storey rear extension. Creation of basement level with associated front and rear light wells

Reasons for refusal:

-The development, by reason of the size, siting, bulk and design of the proposed extensions would be an overdevelopment of the site and be detrimental to the character and appearance of the property and wider locality. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

-The development, by reason of the size, siting, bulk and design of the proposed extensions, would appear overbearing and detract from the residential amenities of the occupiers of the neighbouring properties. The proposal would be contrary to policy DM01 of the Barnet Local Plan Development Management Policies DPD (2012), policies CS1 and CS5 of the Barnet Local Plan Core Strategy DPD (2012), the Residential Design Guidance SPD (2016) and the Sustainable Design and Construction SPD (2016).

Reference: 18/6108/HSE

Address: 14 -16 The Grove, London, NW11 9SH

Decision: Refused at committee

Decision Date: 12 February 2019

Description: First floor rear extension to both properties. New front porch to no 16

Reasons for Refusal:

-The development, by reason of the siting, mass and scale of the proposed extensions would detract from the character and appearance of the pair of properties and be detrimental to the visual amenity of the area. As such, the proposal is contrary to Policies 3.5 and 7.4 of the London Plan (2016), Policies CS1 and CS5 of the Council's Core

Strategy DPD (2012), policy DM01 of the Development Management Policies DPD (2012) and the Residential Design Guidance SPD (2016).

Reference: 17/7319/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Withdrawn

Decision Date: 18 January 2018

Description: Conversion of existing properties into 7no. self-contained flats including creation of a new basement level with light wells to front side and rear, two storey rear extension and associated alterations to roof. Provision of amenity space, refuse storage, cycle store and 5no. off-street parking spaces

Reference: 18/0997/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 29 March 2018

Description: Extension to roof including, two side dormers and one rear dormer, 3no roof lights to front elevation

Reference: 18/1219/FUL

Address: 14 The Grove, London, NW11 9SH

Decision: Insufficient Fee

Decision Date: 4 July 2018

Description: Two storey rear extension. Creation of basement level with associated front and rear light wells

Reference: 18/4114/PNH

Address: 14 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Refused

Decision Date: 20 July 2018

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

Reference: 18/4656/PNH

Address: 14 The Grove, London, NW11 9SH

Decision: Prior Approval Required and Approved

Decision Date: 29 August 2018

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

Reference: 18/5706/192

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 25 September 2018

Description: Single storey rear extension

Reference: 18/6108/HSE

Address: 14 The Grove, London, NW11 9SH

Decision: Refused

Decision Date: 15 March 2019

Description: First floor rear extension to both properties. New front porch to no 16

Reference: C11282A/05

Address: 14 The Grove, London, NW11 9SH

Decision: Lawful

Decision Date: 11 April 2005

Description: Alteration to roof including partial hip-to-gable conversion and rear dormer windows to facilitate a loft conversion.

### **3. Proposal**

The proposal is for the following:

- Single storey rear infill. The property benefits from two separate extensions, measuring 3m and 6m in depth, which are separated by a gap of 0.5m.

The proposal involves infilling this gap with an extension measuring 2.1m in depth, 0.5m in width and 3m in height. It will not project beyond the existing extensions.

- Conversion of the existing dwelling into 3no self-contained flats. The proposal includes the following configuration:

Flat 1, 2 bed 3 person (GIA 90m<sup>2</sup>)

Flat 2, 2 bed 3 person (GIA 73m<sup>2</sup>)

Flat 3, 2 bed 3 person (GIA 75m<sup>2</sup>)

- 2 onsite parking spaces have been provided

- Associated refuse and recycling and cycle storage

- Outdoor amenity space for 3 flats

### **4. Public Consultation**

A Site notice was erected on the 18.04.2019.

Consultation letters were sent to 150 neighbouring properties.

10 responses have been received comprising 10 letters of objection.

A summary of public comments is as follows:

- Overdevelopment, no precedent of 3 no. flats

- Open the door to be followed by an application from the developers to do the same with no 16

- Provision of vehicular access point would result in the loss of 2 street parking spaces

- Concern regarding stress on existing parking

- Bin store necessary for 3 housing units is of insufficient width

- Apparent factual errors in the Planning Application form

### **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 19th 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.

### The Mayor's London Plan 2016

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

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

### Barnet's Local Plan (2012)

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

#### Core Strategy Policies:

- National Planning Policy Framework (NPPF) (2012): CS
- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM08 and DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (Adopted 2016)

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

properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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

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

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

The main issues for consideration in this case are:

- i. The principle of flats in this location
- ii. Whether the proposal provides satisfactory living accommodation for future occupiers
- iii. The Impact on the appearance and character of the area
- iv. The impact on the amenities of neighbouring occupiers
- v. Parking and highways
- vi. Refuse and recycling storage

### **5.3 Assessment of proposals**

#### Principle of flats in this location

In assessing whether flats are appropriate in this location, policy DM01 of Barnet's Development Management Policies states that consideration should be given to the character of the road and where proposals involve the loss of dwelling houses in roads characterised by dwelling houses, this will not normally be appropriate.

Section 2.8 of the Development Management Policies document addresses the issue of flat conversions, with 2.8.1 stating that "the conversion of existing dwellings into flats can have a cumulative effect that is damaging to the quality of the environment and detracts from the character of established residential areas".

Paragraph 2.8.2 continues: "Where conversions are acceptable any external alterations should seek to minimise their impact on the external appearance of the property and local character. Conversions must also be able to satisfactorily address all other relevant policies in the DPD including the need to consider the dwelling size priorities set out in Policy DM08 and the approach to parking management set out in Policy DM17. Further guidance on conversions will be set out in the Residential Design Guidance SPD."

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.

The Grove comprises of approximately 36 properties, out of which approximately 8 properties have been converted into flats. From records available, it appears that the following properties received planning consent to convert the property into flats;

2A The Grove (F/04761/14) (purpose built block of 7 flats)

2B The Grove (F/02305/13 ) (purpose built block of 9 flats)  
25 The Grove (2flats) (C05627)  
27 The Grove (2flats) (C09832)  
16 The Grove, was being used as 2 flats until 2006 and recently converted back to a single family dwelling (C16485A/06).

Furthermore, VOA records indicate that the following properties have been converted into flats;

1 The Grove (2 flats)  
3 The Grove (2flats)  
6 The Grove (2 flats)  
15 The Grove (2 flats)

Therefore, it has been established that flat conversions are acceptable on this part of The Grove and would not be contrary to policy DM01 or the established character of the street.

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

In terms of the amenity for future occupiers, the Planning Authority would expect a high standard of internal design and layout in new residential development in order to provide an adequate standard of accommodation. Table 3.3 within Policy 3.5 of the London Plan 2016 provides minimum space standards for new dwellings. Policy 3.4 of the London Plan states that while taking into account local context and character, the design principles in Chapter 7 and public transport capacity, development should optimise housing output for different types of location within the relevant density range shown in Table 3.2. Development proposals which compromise this policy should be resisted.

#### Floor Area:

The London Plan (2016) and Barnet's policies and Sustainable Design SPD (Oct 2016) set out the minimum GIA requirements for residential units as follows:

- 2 bedrooms, 3-person, 1 storey - 61m<sup>2</sup>

The applicant's drawings show each flat has provided:

Flat 1 - 2 bed 3 person (GIA 90m<sup>2</sup>)  
Flat 2 - 2 bed 3 person (GIA 73m<sup>2</sup>)  
Flat 3 - 2 bed 3 person (GIA 75m<sup>2</sup>)

Flat 1, 2 and 3 each meets the minimum space standards.

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/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms for flat 1, 2 and 3 meet and exceed these requirements.

#### Floor to ceiling height:



Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

Flat 1, 2 and 3 each comply with this standard.

Glazing:

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 proposed habitable rooms meet this requirement.

Light/outlook:

Flat 1 and Flat 2, both have provided sufficient outlook to both these flats. Whilst officers had concerns with regards to the outlook provided to Flat 3, on the second floor at roof level, the applicant has provided a cross section plan (Drg.no.04a), indicating the siting of the proposed rooflights, in context with the proposed rooms. It is considered that the rooflights are at an appropriate height and angle and will provide adequate outlook to the occupiers of Flat 3.

Privacy:

Flat 1, 2 and 3, would have acceptable amount of privacy and would not be overlooked by neighbouring occupiers. Whilst officers raised concerns with regards to lack of privacy to the occupiers of the ground floor Flat 1, the internal layout was amended and the unit will have non habitable or secondary windows sited along the side elevation facing the common access to the rear garden. Furthermore the proposed window(s) in the side elevation, at ground floor level, facing the side access leading to the rear garden, will be glazed with obscure glass only and shall be permanently retained as such thereafter. This will be secured by a condition.

Room stacking:

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 is acceptable. Sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). This is due to its relationship both horizontally and vertically to neighbouring residential units. This will be secured by a condition.

Amenity Space:

Section 8.2 of the Residential Design Guidance SPD (2016) states that, 'private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses and flats wherever possible'.

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.

Flat 1 requires: 20m<sup>2</sup>

Flat 2 requires: 15m<sup>2</sup>

Flat 3 requires: 15m<sup>2</sup>

The property benefits from a large garden to the rear of the property, which has been subdivided to provide private amenity space for all 3 flats.

Flat 1, would have private use of one part of the rear garden (approximately 33m<sup>2</sup>), immediately adjacent to the rear wall of the building.

Flat 2, would have private use of one part of the rear garden (approximately 32m<sup>2</sup>), it would be sited to the end of the garden.

Flat 3, would have private use of one part of the rear garden (approximately 24m<sup>2</sup>), it would be sited in the middle of the two amenity spaces allocated to Flat 1 and Flat 2, respectively.

It is considered that the proposed layout meets the outdoor amenity space standards included in section 2.3 of the Sustainable Design and Construction SPD (2016).

#### The Impact on the appearance and character of the area

The property benefits from two separate extensions, measuring 3m and 6m in depth, which are separated by a gap of 0.5m.

The proposal involves infilling this gap with an extension measuring 2.1m in depth, 0.5m in width and 3m in height. The extension is considered to be subordinate in scale and in keeping with the character and appearance of the application site and the immediate vicinity. It is considered to be in accordance with the Residential Design Guidance, given the existing extensions, and would not constitute overdevelopment of the site.

#### The impact on the amenities of neighbouring occupiers

The proposed infill extension would sit between two existing extensions. It will not project beyond the rear wall of the existing extensions, nor would it extend in height beyond the height of the existing extensions.

Due to the siting of the extension, it will not be visible to the neighbouring occupiers and therefore it is considered that the proposed infill extension will not have a detrimental impact on the amenities of neighbouring occupiers.

Although the comings and goings from 3 flats, when compared to a single family house, is likely to be greater, officers do not consider in this case that the additional activity would cause undue harm to the amenities of neighbouring residents.

#### Parking and Highways

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

Policy DM17 concerns the parking standards for new developments. It states that flats with 2 to 3 bedrooms are required to have 1.5 to 1 parking space and flats with 1 bedroom are required to 1 to less than 1 space. The proposal involves the conversion of the property

into 3no. (2bed) self-contained flats. In accordance with policy DM17, 4 to 4.5 parking spaces should be provided.

The proposal proposes 2 on site parking spaces for the proposed 3no.flats. The applicant has submitted a car parking survey of the area, which was conducted on Tuesday 6th and Wednesday 7th of February 2018, which indicates that there is just over 44% car parking stress on streets surrounding the site. Therefore, it is considered that there appears to be sufficient availability on streets surrounding the site to accommodate the potential overspill of 2 car parking spaces.

The application proposes 6 secure cycle spaces located to the rear of the property. Whilst the location appears to be acceptable, details of the cycle shed have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

Furthermore, Highways officers were consulted and they have no objection to the proposal.

#### Refuse and recycling storage

The Council provides a free recycling collection for houses and flats in the borough in line with its recycling and waste policies which can be found on the Council's website. The Council is committed to ensuring residents recycle as much as possible. The recycling of waste will be promoted by ensuring that there is an adequate network of recycling facilities in the borough and by requiring the provision of recycling facilities as part of new commercial, industrial and leisure developments and residential properties. Recycling is collected from 240 litres or 1100 litre bins dependent on type of property. Refuse and recycling provision should comply with Barnet's Waste and Recycling Guidance (2019-20).

A plan has been submitted showing the location of the bins, however details of the bin sizes and collection points have not been provided. It is suggested that a condition can be attached requiring details to be submitted for approval.

#### Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6 % CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy.

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

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

#### Community Infrastructure Levy

As the proposal would result in the creation of a new residential unit Community Infrastructure Levy (CIL) would be payable. The local charge is £135 per sqm and the

Mayoral change is £60 per sqm (indexed linked). Further details of what these would be can be found on the Council web site.

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

- Overdevelopment, no precedent of 3 no. flats

Each application is decided on its own merits. The application site, is large enough to provide 3no. flats. Furthermore, the proposed units meet the space standard requirements set out in the London Plan.

- Open the door to be followed by an application from the developers to do the same with no 16

Flat conversions are established on this part of the street. The feasibility of 3no. flats has been decided on its own merits.

-Provision of vehicular access point would result in the loss of 2 street parking spaces

-Concern regarding stress on existing parking

Vehicular crossover will need a separate application, which will be assessed by the Highway department and does not form part of this application. Highways officers have been consulted and they have raised no objection to the proposal.

- Bin store necessary for 3 housing units is of insufficient width

Bin stores have been allocated to the rear of the property. Details of the bins will be secured by condition.

- Apparent factual errors in the Planning Application form

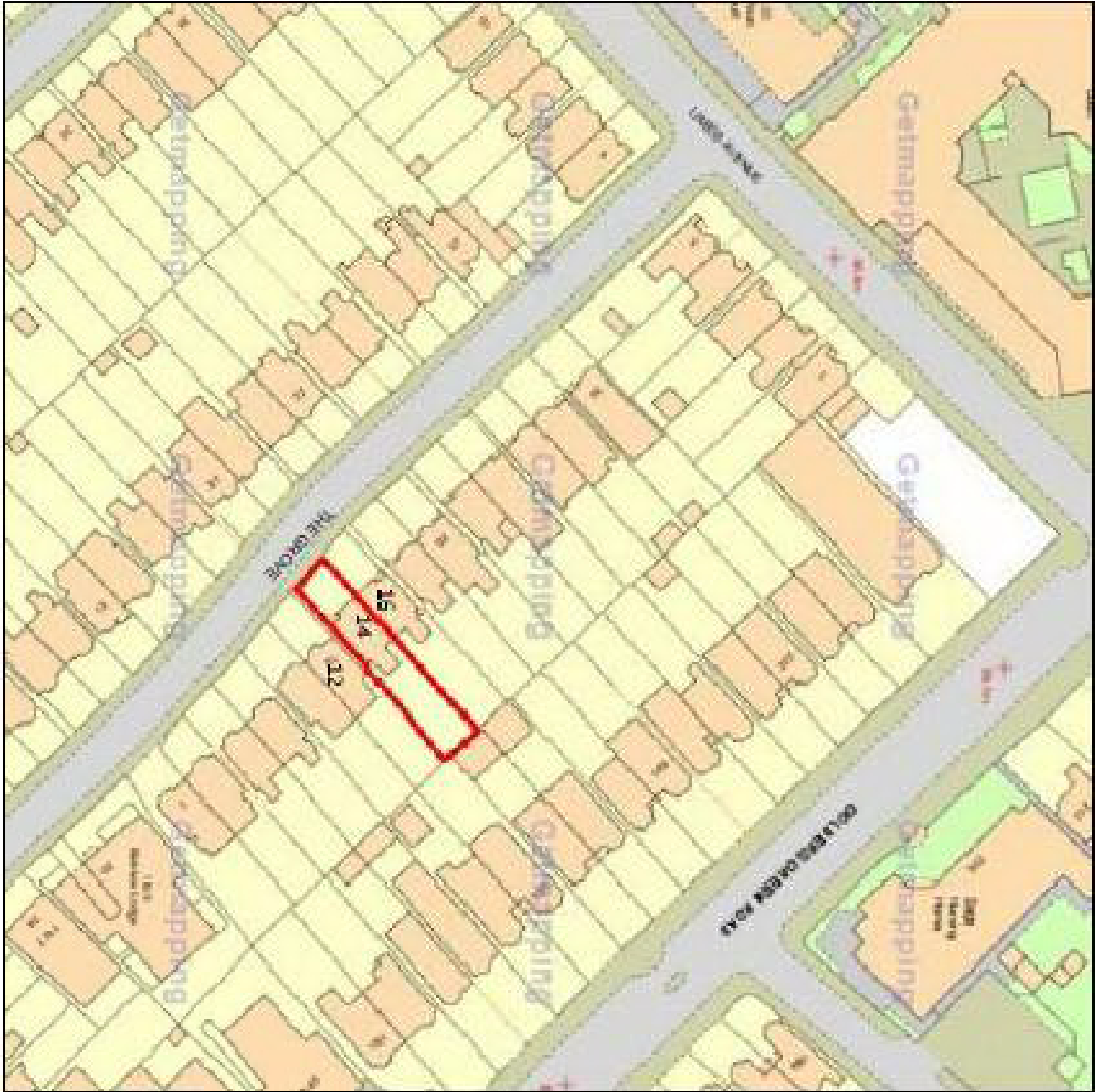
There does not appear to be any errors in the application form.

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

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that the proposed development, subject to conditions would be acceptable. This application is therefore recommended for approval.



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**Location**                                **8 Heathfield Gardens London NW11 9HX**

**Reference:**                                **19/3286/RCU**

Received: 11th June 2019

Accepted: 1st July 2019

Ward:                                         Golders Green

Expiry 26th August 2019

Applicant:                                 Mr A Nejabat

Proposal:                                    Erection of a single storey outbuilding. Creation of two side walls, door and window in side elevation, two rear brick columns. Insertion of door at rear at first floor level and juliette balcony. (Retrospective Application)

**AGENDA ITEM 13**

**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:  
201906/8HG/01 Pre-existing floor plans  
201906/8HG/02 Pre-existing elevations  
201908/8HG/S1 Location and block plans  
201910/8HG/0B/01 Pre-existing, Existing and Proposed Plans dated Oct 2019, received with annotation 08/10/2019  
201910/8HG/0B/02 Proposed rear and side elevations dated 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     The use of the outbuilding hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

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

3 a) Within three months of the date of the hereby approved development, details of the proposed green roof shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

**Informative(s):**

1 In accordance with paragraphs 38-57 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 a two storey semi-detached single family dwellinghouse located on Heathfield Gardens; a residential road which lies within the Golders Green ward. The dwelling is not listed and is not located within a conservation area.

### **2. Site History**

Ref: 18/2386/RCU

Proposal: Erection of conservatory to rear. Erection of rear outbuilding (Retrospective Application)

Decision: Refuse

Date: 05.07.2018

Ref: 16/5402/HSE

Proposal: Single storey rear extension and alterations.

Decision: Approve subject to conditions

Date: 21.09.2016

Ref: 16/7124/192

Proposal: Erection of outbuilding to rear of property following demolition of existing outbuilding

Decision: Lawful

Date: 16.11.2016

Ref: C04621

Proposal: a single-storey rear extension

Decision: Approved subject to conditions

Date: 8 August 1973

Ref: C04621A

Proposal: Single storey rear extensions.

Decision: Approved subject to conditions

Date: 24 April 1985

### **3. Proposal**

Erection of a single storey outbuilding (5.3m x 3.0m x max. 3.1m high). Creation of two side walls, door and window, two rear brick columns and insertion of door at rear at first floor level and Juliette balcony. (Retrospective Application)

### **4. Public Consultation**

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

The objections received can be summarised as follows:

- Loss of privacy
- Impact on views
- Overhanging gutters onto property
- Blocks light
- Height and size bigger than pre-existing outbuilding
- The extension is built over adjacent land

## 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, DM02.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

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

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

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

### **5.3 Assessment of proposals**

#### Impact on the character of the area

The history of building and additions on this small residential site is complex. However, the issue for consideration is as to whether the amendments following the refusal ref 19/2386/RCU are adequate enough to justify their retention. Further to this, an appeal against an enforcement notice was dismissed 17th January 2019 (Appeal ref: 3200497. The breach of planning control as alleged in the notice is:

- 1) The construction of a single storey outbuilding in the rear garden.
- 2) The construction of a brick and plastic canopy extension linking the outbuilding to a pre-existing single storey rear extension.
- 3) The installation of railings on the roof of the pre-existing extension and of a door at first floor level to provide a roof terrace.

There are therefore essentially three elements to the works at the rear. They are the single storey full width rear extension, the elements retained following the partial removal of the conservatory and thirdly the outbuilding (formerly the garage) now in use as a gym for the property.

The single storey pre-existing rear extension remains essentially as built. The former railings at first floor level have been removed and a Juliette balcony is proposed off the rear first floor bedroom. This is considered acceptable as it is flush with the façade and does not materially add to clutter at the first floor level. A condition will secure the use of the roof for maintenance and access only.

The conservatory structure (the brick and plastic roof construction) has been removed although some elements including corner brick piers and an arch across the garden remain. There is still a degree of clutter and certainly little sense of spaciousness. However, on balance, the retained structure is considered acceptable and not unduly harmful to the character and appearance of the locality.

The third element is the rear outbuilding which is retained and in use as a gym. It has dimensions of 5.3m long x 3.0m wide. Its height varies depending on adjoining ground level but is a maximum of 3.1m. The current proposal would add a sedum (brown green) roof which would improve it visually when viewed from upper floors around the site.

#### Impact on the amenities of neighbours

No. 8 is a semi-detached property and the existing outbuilding abuts a similar outbuilding at no. 10 which has a shared driveway. Given the fact the the 2 properties are separated

by the driveway, it is considered that the existing development does not have a harmful impact on the amenity of occupiers at no. 10.

The adjoining property at no. 6 Heathfield Gardens lies to the east of the existing single storey rear extension. No. 6 has not been extended. Following the removal of the rear conservatory structure on the shared boundary, it is considered that the remaining wall of 2m in height plus trellis does not appear overbearing or create an increased sense of enclosure to the detriment of the amenities of occupiers at no. 6 Heathfield Gardens.

The existing outbuilding is sited at the end of the rear garden. As this is a retrospective planning application, the size of the existing outbuilding is considered modest and appears subordinate to the main house and adjacent outbuilding at no 10. The outbuilding is sited approximate 10m from the rear elevation of no 38 Western Avenue and given this sufficient distance of 10m, it is considered that the outbuilding does not result in any loss of light to the detriment of the amenity of occupiers at no 38 Western Avenue. There are no amenity concerns regarding the existing outbuilding.

In conclusion, the existing situation with the removal of the conservatory and extraneous detail should ensure that the retained structures do not appear overbearing nor create a sense of enclosure to the detriment of the amenities of occupants at no 6.

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

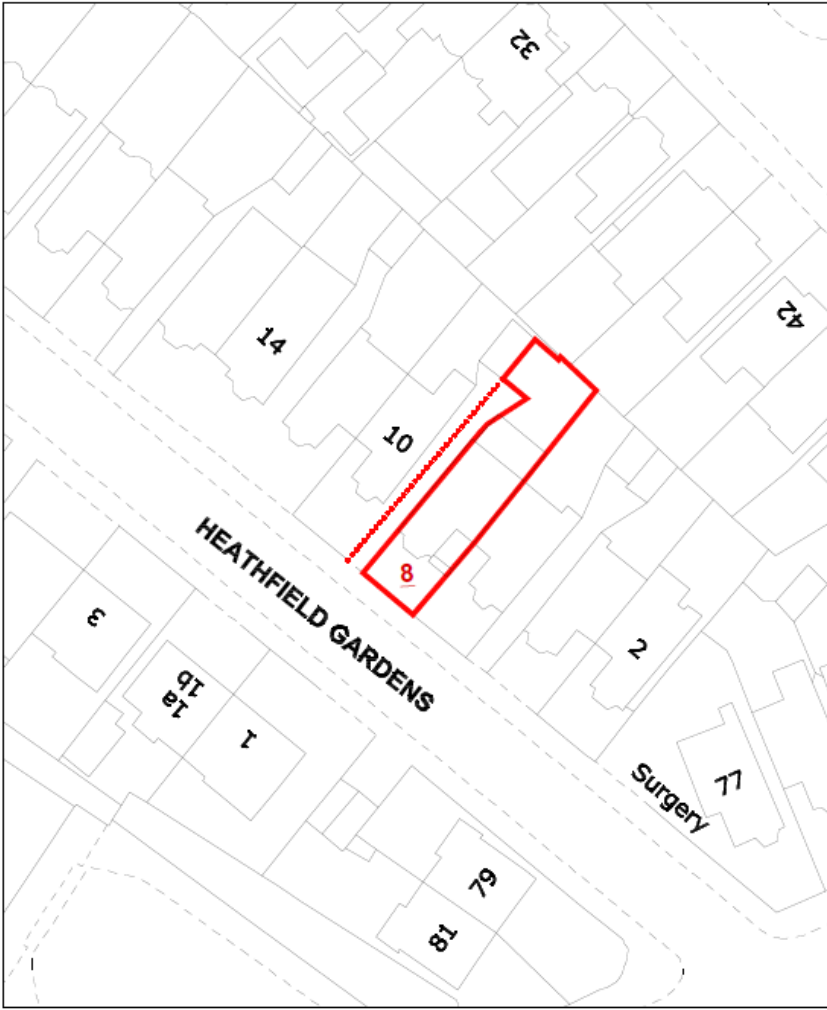
The alterations to the structure in the rear garden and the removal of the use of the roof of the first floor rear extension are considered, on balance, to be sufficient enough to ensure neighbour amenity is not unreasonably harmed.

#### **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 is considered, on balance, to accord with the requirements of the Development Plan and is therefore recommended for approval.



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