

Location **20 Hoop Lane, London, NW11 8JL**

Reference: **F/04373/14** Received: Graham Robinson
Accepted: 12th August 2014

Ward: Childs Hill Expiry 7th October 2014

Applicant: Mr Sam

Proposal: Creation of new basement level to provide additional accommodation.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 01, 02, 03, 04C (Received 12/12/2014), 05B, 07C.

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 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).

- 3 Before the basement hereby permitted is brought into use, details of the external appearance of the proposed lightwells shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with these details.

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 use of the basement extension 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).

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £1,995 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 £7,695 payment under Barnet CIL.

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

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

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

'Assumption of Liability' notice, which is also available from the Planning Portal website.

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

Officer's Assessment

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

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

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

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

The Mayor's London Plan July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Relevant Local Plan (2012) Policies

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02 DM08, DM17.

Supplementary Planning Documents and Guidance

Residential Design Guidance SPD (2013)
Sustainable Design and Construction SPD (2013)

Relevant Planning History:

Planning applications picked up in spatial search

Site Address:20 Hoop Lane LONDON NW11

Application Number: C11111

Application Type: Full Application

Decision: Approve with conditions

Decision Date: 03/03/1992

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Creation of vehicular access onto Hoop Lane

Case Officer:

Site Address:20 Hoop Lane, London, NW11 8JL

Application Number: 06129/13

Application Type: Prior Approval Householder Notification

Decision: Prior Approval process not applicable

Decision Date: 21/01/2014

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Single storey rear extension with a proposed depth of 6 metres (including existing s/s 4.85 metres extension) and flat roof with maximum height of 3 metres.

Case Officer: Denisse Celi

Site Address:20 Hoop Lane, London, NW11 8JL

Application Number: F/00029/14

Application Type: Full Application

Decision: Not yet decided

Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies

Appeal Decision Date: No Appeal Decision Date exists

Proposal: Conversion of existing dwellinghouse into 4 self-contained flats following single storey rear extension to replace existing rear extension. Roof extension including hip to gable and rear dormer window to facilitate extension of the existing loft conversion.

Case Officer: Graham Robinson

Site Address:20 Hoop Lane, London, NW11 8JL

Application Number: F/00704/14

Application Type: Prior Approval Householder Notification
Decision: Prior Approval Not Required
Decision Date: 03/04/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Single storey rear extension with a proposed maximum depth of 6 metres from original rear wall and flat roof with maximum height of 3 metres.
Case Officer: Denisse Celi

Site Address: 20 Hoop Lane, London NW11 8JL
Application Number: F/02486/14
Application Type: Material Minor Amendment/Vary Condition
Decision: Approve with conditions
Decision Date: 27/06/2014
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: Conversion of house to four flats (2 one bedroom and 2 two bedroom). Provision of refuse stores.
Case Officer: Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 24 Replies: 6
Neighbours Wishing To Speak 1

The objections raised may be summarised as follows:

No other houses on street have a basement
Traffic congestion
Will set precedent for future developments
Conversion of houses to flats harms the character of the area
Excessive bulk
Quality of building work
Impact on stability of neighbouring buildings
Impact in terms of flooding.
Elderly residents nearby will be unduly affected by construction works
This is an attempt to get an extra unit in the basement

Internal /Other Consultations:

N/A

2. PLANNING APPRAISAL

Site Description and Surroundings:

The site property is a two storey semi-detached house on the east side of Hoop Lane. The site area is mixed in character with houses and dwellings converted to flats. The site is located close to Golders Green Town Centre.

Proposal:

The proposals are for the creation of a basement to serve the existing approved flats. This would involve the creation of lightwells to the side and rear elevation.

Planning Considerations

Planning permission has been approved for conversion of the property to 4 flats under reference F/02486/14. This is currently being undertaken however no conditions have been discharged.

The main issues are considered to be:

Whether the proposed basement would harm the character and appearance of the general locality

The proposed basement has been reduced from that initially submitted. The proposed front parking area at basement level has been removed.

To the rear, the size of basement lightwells has been reduced. These would be partially sunken into the ground. Given the relatively limited impact of the changes visually, it is not considered that these would be harmful to the appearance of the area. It would not be unusual for such a visual manifestation of a basement to the rear of a building in this area.

It is not considered that the proposals would be materially harmful to the character and appearance of the streetscene and general locality.

Whether the proposed basement would harm neighbouring amenity

The proposals involve additional basement accommodation in relation to the ground floor flat. The proposed basement level would include storage and utility rooms, storage, study area and bathroom. It is not considered that refusal could be justified on the basis of any additional noise and disturbance from the use of these rooms given that the property remains in use as 4 units.

A condition is suggested to prevent the unit from being occupied as habitable accommodation which would not be acceptable at basement level given the quality of outlook.

The proposals would result in additional residential accommodation, but would not increase the number of residential units at the property or materially increase noise and disturbance caused.

The plans have been amended to ensure that the basement is linked to the ground floor by an internal staircase and to remove habitable rooms.

The additional fenestration would not result in additional overlooking to neighbouring occupiers.

It is considered that the proposals would provide an acceptable level of amenity for future and neighbouring occupiers.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Generally addressed in main report.

No other houses on street have a basement - Noted, but it is not considered the visual impact of the revised scheme would warrant refusal.

Traffic congestion - The proposed traffic impact would not materially increase above the previously approved scheme to convert to 4 flats.

Will set precedent for future developments - Planning applications are assessed on their own merits.

Quality of building work - The Local Planning Authority cannot control the quality of the construction.

Impact on stability of neighbouring buildings - This is principally a building control issue. A construction method statement would be required by condition.

Impact in terms of flooding. - The site is not located within a flood risk area. In terms of local hydrogeology, the site is located within an area of London Clay and it is not anticipated that harmful impacts would result.

Elderly residents nearby will be unduly affected by construction works - Any development is likely result in noise and disturbance during construction to a degree, and this is not considered reason to refuse planning permission.

This is an attempt to get an extra unit in the basement - A condition is suggested restricting the use of the basement. The Local Planning Authority can only consider the proposals on their merits, and cannot consider what 'might' happen. In any event the applicant has applied for planning permission for storage rooms, study area and a bathroom.

4. EQUALITIES AND DIVERSITY ISSUES

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

The comments in relation to disabled residents being affected by construction works are considered above. Whilst this issue has been considered it is not considered that this is reason to withhold permission.

5. CONCLUSION

The application is recommended for **APPROVAL**.



©Crown Copyright. All rights reserved. Licence No.100017674, 2014