

Location **1 Beechwood Avenue London N3 3AU**

Reference: **16/5934/FUL** Received: 8th September 2016
Accepted: 15th September 2016

Ward: Finchley Church End Expiry 10th November 2016

Applicant: Mr Rob Piggott

Proposal: Demolition of existing dwelling and erection of a three storey building with rooms in the roofspace to provide 6no residential units with associated amenity space. Provision of 7 no. parking spaces, cycle storage, refuse and recycling store and associated landscaping.
[AMENDED DESCRIPTION]

Recommendation: Approve subject to conditions

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

Existing Plans:

F848/P/01

F848/P/02

F848/P/03

F848/P/04

Proposed plans:

F848/P/10 - Revision L

F848/P/12 - Revision N

F848/P/13 - Revision P

F848/P/21 - Revision G

F848/22 - Revision H

F848/P/23 - Revision H

F848/P/24 - Revision J

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

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

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

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

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

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

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

- 4 The roof of the development hereby permitted, other than the balconies hereby approved, 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 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 2015.

- 6 Before the building hereby permitted is first occupied the first floor and second floor windows in the flank elevations facing No. 3 Beechwood Avenue and Beechwood Hall shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

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

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

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

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

- 9 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.

- 10 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 25 % 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.

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 12 Before the development hereby permitted is occupied the car parking spaces as shown on Drawing Nos. F848/P/10 - Revision L shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

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

- 13 a) Notwithstanding the details shown on the plans approved, 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.

- 14 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;

- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

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

- 15 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.
- b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

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

- 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) Before the development hereby permitted commences, details of the proposed front boundary shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in full accordance with the details as approved under this condition before the approved development is brought into use

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

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 £25,305 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 £97,605 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.

Officer's Assessment

1. Site Description

The application site is a detached dwellinghouse on the north side of Beechwood Avenue, in the ward of Finchley Church End.

It is not within a conservation area and is not a listed building.

The site is located within an established residential area. To the east of the site is a pair of semi-detached dwellings, the nearest being 3 Beechwood Avenue.

To the west of the site is a block of flats, Beechwood Hall (the Hall). The Hall is a broadly 'L' shaped building that wraps around the corner of Regents Park Road and Beechwood Avenue.

2. Site History

Reference: 15/01982/FUL

Address: 1 Beechwood Avenue, London, N3 3AU

Decision: Refused

Decision Date: 8 June 2015

Description: Demolition of existing dwelling and erection of a storey plus rooms in the roofspace detached building to provide 7no. self-contained flats. Provision of 7no. parking spaces. Associated amenity space, secure cycle parking and refuse/recycling store

Appeal decision: Dismissed

Appeal decision date: 02 February 2016

3. Proposal

The application proposes the demolition of existing dwellinghouse and erection of a three storey building with rooms in the roofspace to provide 6 no residential units with associated amenity space. Provision of 7 no. parking spaces, cycle storage, refuse and recycling store and associated landscaping.

4. Public Consultation

A site notice was erected 22 September 2016.

Consultation letters were sent to 74 neighbouring properties.

13 responses have been received, comprising 13 letters of objection.

The objections received can be summarised as follows:

- Will result in overlooking to neighbouring properties and subsequent loss of privacy. Requirement of screening should be made a requirement.
- Inadequate screening from trees
- Cycle storage will likely to be higher than boundary fence and appear unsightly from neighbouring properties
- Proposed development would be detrimental to the character and appearance of the general locality.

- Overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, to the detriment of visual amenities of these neighbouring occupiers
- Matters raised in Paragraph 20 by Inspector of the previous appeal not addressed in this application.
- Density of the proposed development will impact parking and traffic
- The proposal would fail to comply with Policy DM01 of the Development Management Policies Document DPD (2012) which that the introduction of flats in area characterised by single family dwellinghouses is not acceptable.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

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

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

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

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

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

5.3 Background

An application was previously refused at the site (reference: 15/01982/FUL, dated 8 June 2015) for the 'Demolition of existing dwelling and erection of a storey plus rooms in the roofspace detached building to provide 7no. self-contained flats. Provision of 7no. parking spaces. Associated amenity space, secure cycle parking and refuse/recycling store'.

There were four reasons for refusal were as follows:

1. The proposals would result in the loss of a single family dwellinghouse and would introduce flats within an area characterised by single family dwellings, which would be harmful to the established character of the locality. The proposals would be contrary to policy CS5 of the Adopted Barnet Core Strategy and policy DM01 of the Adopted Barnet Development Management Policies 2012.

2. The proposed development by reason of the appearance of the rear elevation, design of balconies and roof terrace would be detrimental to the character and appearance of the general locality. It would be contrary to policies CS5 of the Adopted Barnet Core Strategy 2012 and policy DM01 of the Adopted Barnet Development Management Plan 2012, and policies 7.4 and 7.6 of the Mayor's London Plan (FALP) 2015.

3. The proposed development would appear overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, and would result in harmful loss of outlook and appear overbearing and visually dominating as perceived from the rear windows from the nearest windows at Beechwood Hall; being detrimental to the visual amenities of the occupiers of these properties. The proposals would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012, and the Supplementary Planning Document: Residential Design Guidance.

4. The proposed development by reason of the proposed balconies and roof terrace would result in harmful overlooking of the rear garden of no.3 Beechwood Avenue and communal areas to Beechwood Hall. This would be contrary to policy DM01 of the Adopted Barnet Development Management Policies 2012 and Supplementary Planning Document: Residential Design Guidance.

The application was appealed by the applicant to the Planning Inspectorate (decision reference: APP/N5090/W/15/3133225, dated 02 February 2016). It was subsequently dismissed by the Planning Inspectorate.

5.4 Assessment of proposals

Principle of flats in this location :-

Principle of flats in this location :-

In regards to the introduction of flats in a road characterised by houses in the first reason for refusal, Paragraph 15 of the Inspector's decision read:

'In my opinion, the new building would resemble a large detached dwelling and, when seen from the road, it would not look out of place among the varied built form along Beechwood Avenue. While frontage parking and bin storage might indicate its use as flats, the existing dwelling on the site has a large forecourt as do other nearby dwellings and the bin store would be to one side of the site and would not be conspicuous in the local street scene. For all of these reasons, I consider that the proposal would stand comfortably within the site and relate well to nearby buildings. Taking into account the presence of the Hall nearby, it would not be an uncharacteristic addition to the local area.'

Impact on character and appearance :-

In regards to second reason for refusal, Paragraph 16 of the appeal decision read:

'The inclusion of balconies on the proposed rear elevation would reveal the use of the new building as flats. However, views of these features would be largely confined to the rear of the Hall and that of No 3, as the Council accepts. From these general directions, the new rear elevation would be likely to be seen in the context of the Hall itself and would not look out of place even with the removal of some trees that would increase the prominence of the new building.'

The Inspector concludes in Paragraph 17:

'Overall, it is my opinion that the proposed development would be compatible in its context, which includes both single-family houses and a block of flats. On the second main issue, I therefore conclude that the proposal would be in keeping with the character and appearance of the local area. Accordingly, it complies with DMP Policy DM01, Policy CS 5 of Barnet's Local Plan (Core Strategy) and Policies 7.4 and 7.6 of The London Plan. These policies broadly aim to ensure that new development represents high quality design, respects the local context and preserves or enhances the area's character.'

Impact on neighbouring amenity :-

Outlook -

In regards to reason 3 and the proposed development's impact on the outlook of No. 3 Beechwood Avenue, Paragraph 10 of the appeal decision read:

'Like the dwelling to be replaced, the new addition would project beyond the rear elevation of No 3 and so part of the new sidewall would be evident from the rear-facing windows of this adjacent property and their back garden. The proposal would be noticeably taller and more substantial in built form than the existing dwelling on the site with a greater depth at the upper levels. Even so, the house to be replaced is already close to this part of the shared boundary with No 3 and the new sidewall that would be visible from the rear of No 3 would be relatively modest in length.'

Paragraph 11 continues:

'With these points in mind, on balance, I consider that the main direction of outlook would not be significantly affected nor would the new sidewall feel oppressive to the occupiers of No 3. As the central rear-projecting element of the new building would be set back much further into the site, there would be no undue sense of enclosure caused by the presence of this built form.'

In regards to appearing overbearing when viewed from the Hall, the Inspector stated that:

' Unlike the existing dwelling on the site, the proposed flank wall would project forward of the rear elevation of that part of the Hall that faces Beechwood Avenue. As a result, the proposal would visually enclose the outdoor space just beyond the rear façade of the Hall that is nearest to the site. The plans show that the new flank wall would be set back from the common boundary with the Hall at this point. Nevertheless, the proximity of what would be a substantial amount of new built form close to the rear windows of the Hall that are nearest to the site's western boundary would result in an over dominant impact on outlook. Furthermore, due to its considerable height and depth, the proposed flank wall would be so imposing as to overbear on the occupiers of those flats that are nearest to the western boundary of the site.'

Privacy -

In regards to reason 4 and the proposed development's impact on privacy of occupiers at No. 3 Beechwood Avenue and the Hall, the Inspector stated in Paragraph 5:

'The new flats at first and second floor levels would be served by steel balconies with glazed balustrades, which would be on the rear elevation of the proposed building. A rear roof terrace would also serve the new unit at the third floor level. These features would

have the effect of forming a platform on which people would be able to gather together and sit out. As a result, some overlooking from these vantage points towards the rears of the properties on each side of the site in particular would be possible.'

Paragraph 6 continues:

'Specifically, the elevated position and outward projection of the balconies serving the new unit 6 would allow a significantly greater level of overlooking towards the rear garden of No 3 than would be likely to be evident from the first floor rear-facing windows of the dwelling to be replaced...this instance, views towards the back garden of No 3 from these balconies would be direct and at a reasonably close range. The high level position of the rear roof terrace that would serve new unit 7 would also allow views across towards the rear garden of No 3. To my mind, these arrangements would seriously harm the neighbours' enjoyment of their rear garden due to an unacceptable loss of privacy.'

The Inspector concluded in Paragraph 7 that due to a heightened perception of being overlooked, 'the introduction of privacy screens, which could be achieved by condition, would have little effect in diminishing the sense of being overlooked insofar it would be experienced by the occupiers of No 3.'

The Inspector considered in Paragraph 8 that on the basis that the rear windows of the Hall already overlook the communal areas serving the Hall to the rear, 'any additional overlooking possible from the rear of the new building would cause no significant loss of privacy for the occupiers of the Hall.'

Summary and further assessment of new scheme :-

In summary, the Inspector found the previously refused scheme acceptable and policy compliant in regards to reason 1 and reason 2. The Inspector also found that the scheme would not cause detriment to the outlook enjoyed by occupiers at No. 3 Beechwood Avenue, nor would it result in harmful overlooking to the communal areas of the Hall.

Therefore, the matters for consideration for this application are:

- The proposed development's impact on overlooking and loss of privacy experienced by occupiers at No. 3 Beechwood Avenue
- The proposed development appearing overbearing when viewed from the Hall

The scheme has been amended since the previous refusal.

In regards to impact on overlooking and loss of privacy, the rear roof terrace at third floor level and balconies serving the first floor and second floor flats which were located close to the boundary adjacent to No. 3 Beechwood Avenue have been removed under this application.

Furthermore the central rear balconies serving the first floor and second floor flats have been designed with a store/utility projection which prevents direct overlooking onto the garden area of No. 3.

For the above reasons it is considered that the applicants have sufficiently addressed the previous concerns of overlooking and loss of privacy to occupiers at No. 3 Beechwood Avenue.

In regards to the proposed developments impact on the Hall, the proposed flank wall adjacent to the boundary of the Hall has been reduced from a depth of 21 metres to 14.8 metres. Furthermore, the front projection of the building would be set at a distance of 3 metres from the boundary adjacent to the Hall and thus sited at a greater distance from the rear windows of the Hall closest to the site than the previously refused scheme.

It is therefore considered that these changes have addressed previous concerns and is deemed that the proposed development would preserve the residential and visual amenities enjoyed by occupiers of the Hall.

In conclusion, it is considered that the re-designed scheme would safeguard residential amenity, with particular regard to privacy, outlook and visual amenities, in accordance with Policy DM01 of Barnet's Local Plan 2012 (Development Management Policies) (DMP), the advice contained with the Council's Residential Design Guidance SPD (updated 2016) and principles of the National Planning Policy Framework (2012).

Although the appearance of front and rear elevations of the proposed development differs from the previous scheme, it is not considered that these elevations would cause any greater harm to the character and appearance of the surrounding area or wider locality than the previously refused proposal, which was deemed acceptable by the Planning Inspector in this regard.

The depth and siting of the proposed flank wall adjacent to boundary of No. 3 Beechwood Avenue has not changed from the previously refused scheme. As such, the development is deemed to have an acceptable impact on the amenity of these occupiers, in line with the Inspector's conclusions.

The redesigned scheme has resulted in the reduction of units proposed from 7 to 6. It has also resulted in a reconfiguration of the layouts of the units proposed. The units proposed will meet the floorspace standards as set out in the London Plan (MALP 2016). All future occupiers of the unit would benefit from an acceptable degree of light, outlook and privacy.

The proposed development would provide 7 no. parking spaces for 6 units. The previous scheme proposed 7 no. car parking spaces for 7 units and was found acceptable in regards to impact on highways and parking. This remains the case in this instance.

5.5 Response to Public Consultation

- The proposal would fail to comply with Policy DM01 of the Development Management Policies Document DPD (2012) which states that the introduction of flats in an area characterised by single family dwellinghouses is not acceptable and proposed development would be detrimental to the character and appearance of the general locality.

As abovementioned in the report, the Inspector concluded in Paragraph 17 of his decision:

'Overall, it is my opinion that the proposed development would be compatible in its context, which includes both single-family houses and a block of flats. On the second main issue, I therefore conclude that the proposal would be in keeping with the character and appearance of the local area. Accordingly, it complies with DMP Policy DM01, Policy CS 5 of Barnet's Local Plan (Core Strategy) and Policies 7.4 and 7.6 of The London Plan. These policies broadly aim to ensure that new development represents high quality design, respects the local context and preserves or enhances the area's character.'

It is therefore clear the Inspector did not consider that the introduction of flats in this location, and subsequent loss of a house, would be harmful to the character of the road. The Inspector's decision has substantial material weight in this instance and the Local Planning Authority therefore cannot raise objection to the principle of flats under this application.

- Will result in overlooking to neighbouring properties and subsequent loss of privacy. Requirement of screening should be made a requirement.

As addressed in the main assessment above, the re-designed scheme is considered to safeguard the privacy of neighbouring occupiers.

Details of privacy screening has been attached as a condition to this recommendation.

- Inadequate screening from trees

There are no Tree Preservation Orders on site. Therefore permission from the Council to remove or cut back any trees on site is not required. A condition has been attached to secure adequate details of hard and soft landscaping in the proposed development.

- Cycle storage will likely to be higher than boundary fence and appear unsightly from neighbouring properties

Notwithstanding the details shown on the plans approved, a condition has been attached to secure acceptable details in regards to the proposed cycle storage.

- Overbearing and visually dominating as perceived from the rear windows and garden of 3 Beechwood Avenue, to the detriment of visual amenities of these neighbouring occupiers

The Previous Inspector deemed that the scheme would not impact the visual amenities enjoyed by No. 3. The depth and siting of the proposed flank wall adjacent to boundary of No. 3 Beechwood Avenue has not changed from the previously refused scheme. As such, the proposed development remains acceptable in this regard.

- Matters raised in Paragraph 20 by Inspector of the previous appeal not addressed in this application.

Paragraph 20 of the appeal decision states:

'Interested parties raise several additional objections to the proposal including light, precedent, density of development, parking, traffic, smells from refuse storage, air quality, subsidence, potential disturbance during the demolition and construction phases, and the effect of the scheme on the living conditions of future occupiers and those of other nearby residential properties. These are all important matters and I have taken into account all of the evidence before me, including the petition against the scheme. However, given my findings on the first main issue, these are not matters on which my decision has turned.'

It is considered that the findings of the Inspector have been adequately addressed under this amended proposal.

Under the previous application, the Council considered matters raised by interested parties but considered that they did not constitute grounds for refusal. The Inspector appears to

have come to the same conclusion. This remains the case in this instance. Furthermore, Officers consider that remaining issues can be sufficiently addressed through conditions.

- Density of the proposed development will impact parking and traffic

The proposed development would provide 7 no. parking spaces for 6 units. The previous scheme proposed 7 no. car parking spaces for 7 units and was found acceptable in regards to impact on highways and parking. This remains the case in this instance.

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.

