

Location **1 And 2 The Approach London NW4 2HT**

Reference: **17/8103/FUL**

Received: 21st December 2017

Accepted: 2nd January 2018

Ward: Hendon

Expiry 27th February 2018

Applicant: C/O Agent

Proposal: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Recommendation: Approve subject to conditions

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

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

Location Plan as Existing Drawing No 20302-00
Site Plan as Existing Drawing No 20302-01
Rear Elevation as Existing Drawing No 20302-09 Rev C
South Side Elevation as Existing Drawing No 20302-13
Front Elevation as Existing Drawing No 20302-08 Rev D
North Side Elevation as Existing Drawing No 20302-14

Site Plan Drawing No P01 Rev B
Block Plan Drawing No P11 Rev A
Front Elevation as Proposed Drawing No P06 Rev B
Rear Elevation as Proposed Drawing No P07 Rev B
Basement Floor Plan as Proposed Drawing No P02 Rev C
First Floor Plan as Proposed Drawing No P04 Rev B
Ground Floor Plan as Proposed Drawing No P03 Rev B
Second Floor Plan as Proposed Drawing No P05 Rev B
Left Hand Elevation as Proposed Drawing No P09 Rev B
Right Hand Elevation as Proposed Drawing No P08 Rev B
View from Front Drawing No P10 Rev B
Views from Brent Street and Golders Rise Drawing No P13 Rev A

Approach from Brent Street Drawing No P14 Rev A

Sunlight/Daylight Assessment (Prepared by Point 2 Surveyors)

Design and Access Statement (Prepared by Freeson and Tee Chartered Surveyors)

Received 21 December 2017

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

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

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

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

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

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

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

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

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

- 5 a) Before the development hereby permitted is first occupied, details of the enclosures and screened facilities for the storage of recycling containers, wheeled refuse bins and any 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. Refuse collection points should be located within 10 metres of the Public Highway, at ground floor level, otherwise, the development access needs to be designed and constructed to allow refuse vehicles to access the site and turn around within the site, including access road construction to adoptable standards.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

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

6 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.

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

Reason: In the interests of highway safety 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 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

7 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, 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).

8 Before the development hereby permitted is first occupied or the use first commences the parking spaces and cycle spaces shown on Drawing No. P02 Rev C 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.

9 Before the development hereby permitted is first occupied, details of the signaliser/traffic light system shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and shall be implemented in accordance with the details approved.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2016.

10 a) Before the development hereby permitted is first occupied, the amenity area(s) shall be subdivided and shall be implemented in accordance with the details indicated on Drawing No P03 Rev B 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).

11 a) The site shall not be brought into use or first occupied until details of the box hedge as indicated on Drawing No P03 Rev B 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 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 (2016).

- 12 The layout of the residential units as indicated on the hereby approved plans shall be implemented 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).

- 13 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).

- 14 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.

- 15 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 20 % 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.

- 16 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.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered 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 applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

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

- 3 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase

to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

- 4 The applicant is advised the scheme does not appear to comply with part B5 of the building regulations.
The London Fire Brigade strongly recommends that sprinklers are considered for new developments.

Officer's Assessment

1. Site Description

The application site is a pair of semi-detached houses on the prominent corner of The Approach, Brent Street and West Avenue within the Hendon ward. To the east of the site lies no. 2 West Avenue which is a two storey residential dwelling and to the south lies Ambassador Court, a part two storey part three storey apartment building.

The north - eastern side of the site features a flat roofed, single storey, detached garage. The buildings are not listed nor does the site lie within a Conservation Area.

The site is within an area of Special Archaeological Significance.

2. Site History

Reference: H/03122/14

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 06 November 2014

Description: Demolition of existing building and erection of a building to provide 6no. self-contained flats. Associated parking and works.

Reasons for refusal: 1.The proposal by virtue of its scale, siting and design would result in the property forming a dominant addition to the application site and street frontage, to the detriment of the character and appearance of the site and surrounding area, particularly the frontage of West Avenue/ The Approach.

Appeal Decision: Appeal dismissed on bulk, scale and design of the proposed development.

Reference: 16/4460/FUL

Address: 1&2 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 15 September 2016

Description: Demolition of existing dwellings and erection of a two storey building with basement and rooms in roofspace to provide 6no. self-contained flats with associated parking, cycle storage, refuse and recycling storage and amenity space

Reasons for refusal: The proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach.

Appeal Decision: Appeal Dismissed on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

Reference: W08953B/04

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 20 December 2004

Description: Part single, part two-storey rear extension.

Reasons for refusal: The proposal would by reason of its size, design and prominent siting be unduly obtrusive, and detrimental to the character of area, the streetscene and the residential and visual amenities of neighbouring occupiers contrary to Policies G1, G18, T1.1 and H6.1 of the Barnet Adopted Unitary Development Plan (1991), policies GBEnv1,

GBEnv2, D1, D2, D3, D5, D7 and H16 of the Barnet Revised Deposit Draft Unitary Development Plan (2001) and Design Guidance Note 5: Extensions to Houses.

Appeal Decision: Appeal Dismissed

Reference: W08953A/02

Address: 1 The Approach, London, NW4 2HT

Decision: Refused

Decision Date: 10.10.2002

Description: Single storey rear extension, loft conversion and extensions including front and rear dormers, addition of window in front floor rear elevation.

Reasons for refusal: The proposed extensions, by reason of their size, design and siting would appear unduly obtrusive and would be detrimental to the appearance of the property and the visual and residential amenities of the surrounding area contrary to policies T1.1 and H6.1 of the Barnet unitary Development Plan (adopted 1991) and policies D2, D3, D4, D7 and H27 of the Revised Deposit Draft Unitary Development Plan (11/1/01).

Reference: W08953C/05

Address: 1 The Approach, London, NW4 2HT

Decision: Approved subject to conditions

Decision Date: 25 July 2005

Description: Single storey rear extension.

3. Proposal

The application proposes the demolition of the existing pair of semi-detached properties and the erection of a new building which would feature six flats. At the front, due to the curved nature of the road, the building is divided by two projecting wings with bay windows, and at the side closest to no.2 West Avenue is a further projecting wing. The entrance section is set back and has a traditional styled porch.

The proposed building is two storeys with a basement level and roof level accommodation. The proposed building would feature hipped roofs and would measure approximately 9.09 metres tall, between 10.7m deep (at the boundary with no 2 West Avenue) and 11.1m deep (at the boundary with Brent Street) , and has a width of approximately 23 metres.

The proposed development features dormer windows and chimneys. The dormers measure approximately 2.1 metres in height, 1.3 metres in width and have dual pitched roofs.

The indicative materials proposed are brickwork, rendered masonry walls, traditional sash windows, and red clay tiled roof.

To the rear of the site is a 110.5m² communal garden. Flats 1 and 2 have separate terrace areas of approximately 15m² within the front garden. The site is enclosed with a timber fencing to the rear and a low-height brick wall at the front.

The proposal would provide a basement which would accommodate 6 car parking spaces, a waiting area, 12 cycle parking spaces and refuse storage facilities.

The proposal seeks to accommodate 6no flats comprised of 3 x 1 bed, 1 x 2 bed and 2 x 3 bed.

4. Public Consultation

Consultation letters were sent to 72 neighbouring properties.

15 responses have been received, comprising 14 letters of objection and 1 representation.

The objections received can be summarised as follows:

- o The development is going to impact on parking stress already evident in the area. The proposal has provided parking at the lowest end of the required range but will not account for additional car ownership
- o The ramp for the carpark basement is close to the neighbouring property and will impact the neighbouring occupiers as a result of fumes, noise and vibrations.
- o The development is out of character with the area
- o Detrimental impact on neighbouring properties and rights to light and air.
- o The site is in an area of Special Archaeological Significance and Historic England may wish to recommend an archaeological condition.
- o This area is not suitable for flatted development
- o Disturbance to neighbours as a result of noise, dust and pollution and construction
- o There is no precedent of a building of this scale and appearance in this road.
- o Removal of 4 large trees
- o This has been refused previously
- o Dental practice sited opposite would be substantially affected by construction of development
- o The previous application and appeal were misled with an incorrect light report
- o The development will increase the risk of flooding.

A site notice was also erected on the 11 January 2018.

The London Fire and Emergency Planning Authority were consulted on the proposal. The Fire Authority is not satisfied with the proposal for fire-fighting access as compliance with part B5 of the Building Regulations is not shown. The Authority strongly recommend the use of sprinklers.

Highways were consulted on the proposal and raised no objection subject to conditions.

Historic England were consulted and raised no objection.

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 Local Plan Core Strategy DPD (Adopted 2012) Policies: CS NPPF, CS1, CS4, CS5, CS15.

- Relevant Local Plan Development Management DPD (Adopted 2012) Policies: DM01, DM02, DM03, DM04, DM08 and DM17.

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

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

- 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
- Whether the development provides a satisfactory living accommodation for future occupiers.
- Impact on Highways
- Sustainability

5.3 Assessment of proposals

Principle of Development

The application site currently features two residential dwelling houses. The proposal would involve the demolition of the existing dwellings and the erection of a residential flatted development providing six units. The area surrounding the application site features some flatted development. The principle of C3 residential flats on the site is therefore considered acceptable, subject to the considerations below.

For the interest of clarity, the proposal follows two similar refused schemes. H/03122/14 was dismissed at appeal. The application was dismissed by the inspector on grounds that the bulk, scale and design of the proposed development would be detrimental to the character

of the area. 16/4460/FUL was dismissed at appeal on the effect of the glazed stairwell and pitch of the rear roof on the character of the area.

There was no objection to the principle of development previously and there are no new material considerations that change this assessment.

Impact on the character of the area

The proposed development follows on from two previously refused applications for similar schemes on the site. The applicant has also engaged with the LPA in pre-application advice to address the previous concerns that have been raised.

The most recent refused scheme was 16/4460/FUL which was also dismissed by the Planning Inspector. In refusing the scheme, the LPA stated 'the proposal by virtue of its bulk, massing, scale, siting and design would result in the building forming an unduly dominant addition to the application site and street frontage, to the detriment of the character and appearance of the streetscene, site and surrounding area, particularly the frontage of West Avenue and The Approach. The proposal would therefore be contrary to the National Planning Policy Framework 2012, London Plan (2016) Policies 3.5, 7.4, 7.6, Policy CS5 of Barnet's Core Strategy 2012, Policy DM01 of the Development Management Policies DPD 2012 and the council's Residential Design Guidance Supplementary Planning Document 2013.'

Although the application was dismissed at appeal, the inspector was clear that only two aspects of the development were unsuitable; the glazing to the rear staircase and the pitch of the roof at the rear. The inspector did not raise objection to the two storey wing adjacent to 2 West Avenue and considered that "the introduction of features such as a chimney and a dormer window and the use of sympathetic materials, ... [and] the side wing would generally reflect the existing residential character of the street scene" (para.7).

With regards to the connection between the side wing adjacent to no.2 West Avenue and the main building, the amount of glazing to the staircase at the front was deemed to be highly visible and the Inspector agreed with the Council in the view that it would "would represent an incongruous design which would fail to connect with the existing character of the street scene" (para. 9). The previously glazed element at the front has been removed and replaced with a solid material to match the palette of the rest of the building. This is accepted and welcomed, satisfying the previous objection raised by the Inspector.

The rooflight at the front adjacent to the two storey wing has also been reduced to reflect a hierarchy in the fenestration. The roof light to the living room of flat 6 has been reduced in size to approximately 980H x 780W to match other rooflights. All rooflights have been changed to thinner frames and a shallower profile, with a black/grey finish and central glazing bars.

The remaining concern noted by the inspector was to the rear roof pitch. The Inspector accepted that "given the scale of the proposal, it is not possible to view the proposal in its entirety from any one view point within the public realm". However the Inspector considered "that the pitch would represent a significantly bulky design feature when viewed from Brent Street". This feature was glazed also and the Inspector noted that "despite the lack of uniformity in terms of design on Brent Street... the glazed section would represent a highly visible and alien feature" (para. 10).

The siting of the lift core at the rear was discussed in pre-application discussions, taking into account the inspectors comments and including the required height/ associated pitch to allow for the lift overrun. The core of the building was scrutinised due to the incorporation of an elevator which naturally requires space. After careful consideration and brief testing, it was agreed that the core placement is optimum; the core also allows for a better internal configuration which makes vertical circulation for residents easier.

Concerns have been raised previously with the steeper angle of the roof at the rear of the building. It is accepted that on the drawings, the disparity between the roof pitches appear more incongruous, however the applicant has provided visualisations from the approach on Brent Street towards The Approach which indicated that there would be limited visibility of the steep roof. Given the positioning of the building, the additional bulk at roof level due to the steeper roof would be considered to have limited visual impact on the character, and it is not considered that this is sufficient to warrant refusal of the application. It is therefore considered that the amendments at the rear have addressed the previous objection.

The applicant has provided some indicative materials. The proposed materials should be carefully considered to ensure that the building makes a positive contribution, particularly in this prominent location. While the indicative materials suggested are considered appropriate, final review of the materials will be subject to a condition. This will provide for greater scrutiny of the materials to ensure these are of a high quality.

There are no protected trees on the site and therefore the removal of vegetation on the site would not itself warrant refusal of the application.

The proposed application has been amended since the last refused scheme to include a pitched roof at the front and rear, and removal of the curtain glazing facades and replacement with fenestration to match the style of the rest of the building. These changes are considered to overcome the appeal Inspectors reasons for refusal. Given the changes made and in light of the Inspectors comments to the previous scheme at the site, the proposal is not considered to be detriment of the character and appearance of the streetscene, site and surrounding area.

Impact on Neighbouring Occupiers

One of the Councils key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policies DM01 and DM02, seeks to ensure adequate outlook for occupiers adjoining new development, and that new residential developments should provide and preserve adequate residential amenity. The relevant Residential Design SPD offers guidance for the assessment.

Policy DM02 states that 'Where appropriate, development will be expected to demonstrate compliance with the following national and London-wide standards supported by the guidance set out in the council's suite of Supplementary Planning Documents'.

In terms of the impact of the proposal on the amenity of neighbouring residents, Policy DM01 of the Development Management Policies 2012 states that all development should represent

high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

The proposed development would result in the north - eastern section of the building being located in closer proximity to the two storey neighbouring property at 2 West Avenue. There are several windows in the side elevation of the neighbouring property which look onto the north - eastern side of the site. The first floor element of the proposal that would be located in proximity to the north - eastern boundary of the site, would be set away from the adjoining boundary by approximately 1.3 metres and would be 2.9 metres away from the adjoining neighbouring property at 2 West Avenue. Whilst it is acknowledged that the building would be sited closer to the boundary, and the scale of the building would be noticeable from the neighbours garden (particularly at no.2 West Avenue) given the change in ground levels towards the rear of the West Avenue, the building line would reflect that of no.2 West Avenue, and it is not considered to that the impact would be demonstrable to warrant refusal. The applicant has demonstrated through the submission of a Daylight and Sunlight report, that the development would not have an adverse impact on neighbouring properties access to light, and in this regards, there is no objection by officers.

The LPA and Inspector, in considering the previous scheme, have not raised any concerns for the amenity of neighbouring occupiers. It is not considered there are any new circumstances which have arisen or changes to the scheme that would alter the previous assessment.

Based on these considerations, the proposal is not considered to impact adversely on the amenity of neighbours to an extent that would warrant the refusal of the application on these grounds.

Impact on Future Occupiers

All new residential development is expected to meet minimum space standards as outlined in Table 3.3 of the London Plan (MALP 2016). All the units would comply with the minimum standards.

In addition, all new residential units are expected to benefit from suitable outlook, privacy and outdoor amenity space. The proposal would generally provide suitable outlook to all the units. The proposal is considered to be acceptable with regards to the stacking of the units.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units. For flats, options include provision of communal gardens around buildings or on roofs or as balconies; in this case the latter would be unsuitable as it would result in direct overlooking. The communal garden at the rear would provide 110.5sqm of outdoor space and there would be two private terraces for the ground floor flats at the front, enclosed by boxed hedging. The combined provision of outdoor amenity space would be in excess of the minimum requirement (130sqm) and as such would be suitable. It is recommended that a condition is added requiring details of the box hedging to ensure sufficient levels of privacy are maintained for the ground floor units.

The London Fire Brigade have been consulted on this scheme and have advised the proposal is not satisfactory as it does not show compliance with the Building regulations. These matters are not a planning consideration but an informative will be included advising of the requirements for fire safety.

Highways

The Council's Highways officers were consulted on the scheme.

The application site has a PTAL rating of 3 and the council's parking standards guidance would indicate that there should be the provision of 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

In principle, the parking provision is considered to be acceptable.

It is recommended that a condition should be attached recommending details of the traffic signaliser.

The proposal is in accordance with Policy 6.9 of the London Plan requiring the provision of 2 cycle spaces per dwelling for any units of 2 or more bedrooms, and 1 cycle space for studios and 1 bed units.

There is therefore no objection on highways grounds.

Refuse and Recycling

The plans indicate that refuse storage would be provided in the proposed basement. In the event of approval, conditions could be attached requiring full details of the refuse store to be submitted to and agreed by the local planning authority.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 20% 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 would be attached in the event planning permission is granted to ensure compliance with the Policy.

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

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

5.4 Response to Public Consultation

"Flooding"- The site does not fall within a flood risk zone and therefore this is not considered to be a justified reason for refusal.

Archaeological significance- Historic England were consulted and raised no objection. No conditions were sought.

All other planning objections are considered to have been addressed in the report above.

The concern raised by the Fire Authority is noted but is a Building Control matter and is not for consideration in this planning application. An informative will be added to advise the applicant of the requirements of the London Fire Authority.

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.

