

Location **Wessex Court 51 West End Lane Barnet EN5 2RA**

Reference: **18/2390/FUL** Received: 19th April 2018
Accepted: 20th April 2018

Ward: Underhill Expiry 15th June 2018

Applicant: Mr M BISHOP

Proposal: Demolition of an existing garage and removal of existing roof and creation of a new mansard roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level with balconies to front and rear elevations. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage

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:

423714-2 (Existing Elevations Sections and Roof Plan), 423714-4 Rev B (Proposed Second Floor Plan and Roof Plan), 423714-5 (Site Plan), 423714-5 Rev B (Proposed Elevations and Sections), 423714-10 (Existing Floor Plans) Proposed Site Plan, Landscaping Plan (18/08_01), OS Plan, Planning Statement prepared by Alan Cox Associates.

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 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).

- 5 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).

- 6 a) No development shall take place until details of mitigation measures to show how the development will be constructed/adapted so as to provide sufficient air borne and structure borne sound insulation against internally/externally generated noise and vibration has been submitted to and approved in writing by the Local Planning Authority.

This sound insulation shall ensure that the levels of noise generated from the **** as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am.

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

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and 7.15 of the London Plan 2015.

- 7 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 October 2016) and 7.21 of the London Plan 2016.

- 8 a) Before the development hereby permitted is first occupied, details of improvement to the amenity area(s) as detailed on the submitted Landscaping Plan (18/08_01) shall be submitted to and approved in writing by the Local Planning Authority.

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

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

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

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 10 Notwithstanding the plans submitted, before development commences, details of the operation of the gated vehicular access as indicated on the proposed site plan submitted with the planning application, including maintenance contract details if electronic ally operated gates are proposed, shall be submitted to and approved in writing by the Local Planning Authority. The development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

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

- 11 Before the development hereby permitted is occupied, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area

shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

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

- 12 Before the development hereby permitted is first occupied access to the parking area from the public highway, the access to the parking spaces, turning and parking spaces including a disabled space 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 that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

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 2015.

- 13 a) Prior to the first occupation or commencement of the use of the development hereby permitted, full details of the Electric Vehicle Charging facilities to be installed in the development shall be submitted to the Local Planning Authority and approved in writing. These details shall include provision for not less than ___ of the car proposed parking spaces to be provided with active Electric Vehicle Charging facilities and a further additional ___ of the proposed car parking spaces to be provided with passive Electric Vehicle Charging facilities.

b) The development shall be implemented in full accordance with the details approved by this condition prior to the first occupation of the development or the commencement of the use and thereafter be maintained as such in perpetuity.

Reason: To ensure that the development makes adequate provision for electric vehicle charging points to encourage the use of electric vehicles in accordance with policy 6.13 of the London Plan 2015.

- 14 Before the flats hereby permitted are first occupied the proposed windows in the flank and rear elevations detailed as obscure glazed on plan number 423714-5 Rev B shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

Officer's Assessment

1. Site Description

The site property is a two storey residential block of flats built in the 1980's as part of the redevelopment of an old factory Site. The development comprises of sixteen flats. The neighbouring properties are mainly 2 storey Victorian terraced Cottages on West End Lane. To the rear of the site are two storey developments and a 3 storey development with mansard roof fronting Bells Hill.

2. Site History

Reference: 17/7820/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 05.04.2018

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no additional flats at second floor level. Provision of additional 10no off street parking spaces. Provision of refuse, recycling and cycle storage.

Reason(s)

1. Insufficient amenity space has been provided which would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/4338/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 24 October 2017

Description: Demolition of an existing garage and removal of existing roof and creation of a new pitched roof with front and rear dormer roof extensions to provide 8no. additional flats at second floor level. Provision of additional 18 off street parking spaces. Provision of refuse, recycling and cycle storage

Reason(s)

1. The proposed roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such

information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. Insufficient detail has been submitted to show that the amenity space would adequately serve the existing residents of Wessex Court, the Bells Hill flats and future occupiers of the new flats and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Reference: 17/0453/FUL

Address: Wessex Court 51 West End Lane Barnet EN5 2RA

Decision: Refused

Decision Date: 10 May 2017

Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level. Addition of 18 off street parking spaces

Reason(s)

1. The proposed mansard roof due to its bulk, mass and excessive number of dormer windows would appear overly bulky, cluttered and out of scale with the prevailing character of West End Lane, relating poorly to neighbouring buildings and appearing obtrusive and incongruous. This would be detrimental to the character and appearance of the site property, streetscene and the local area contrary to policies CS1 and CS5 of Barnet's Adopted Core Strategy (2012), policy DM01 of the Adopted Development Management Policies DPD (2012) and the Adopted Residential Design Guidance SPD (2016).

2. Insufficient information has been provided in respect of refuse and recycling storage facilities together with cycle storage facilities to demonstrate that the facilities required by the 8 additional flats, could be satisfactorily provided within the curtilage of the application site. In the absence of such information the proposal would be detrimental to the character and appearance of the street and harm the living conditions of both neighbouring occupiers as well as future occupiers of the development contrary to policies DM01 and DM17 of the Adopted Barnet Development Management Policies DPD (2012) and CS9 and CS14 of the Adopted Barnet Core Strategy DPD (2012), the Sustainable Design and Construction SPD (adopted October 2016) and Residential Design Guidance SPD (adopted October 2016).

3. No additional amenity space is proposed to serve the residents of the new flats, and the development would therefore fail to provide satisfactory living conditions for existing and future occupiers, contrary to policy DM02 of the Adopted Barnet Development Management Policies DPD (2012) and the Sustainable Design and Construction SPD (October 2016).

Appeal: Dismissed on the basis of amenity space and provision of refuse and recycling facilities.

Appeal Decision Date: 07.11.2017

Reference: C04719

Address: Wessex Court Wessex Way NW11

Decision: Refuse
Decision Date: 23 January 2017
Description: Erection of 4 three-room flats

Reference: 16/3985/FUL
Address: Wessex Court 51 West End Lane Barnet EN5 2RA
Decision: Withdrawn
Decision Date: 22 August 2016.
Description: Removal of existing roof and creation of a new mansard roof to provide 8no. additional flats at second floor level.

Reference: C04719A
Address: Wessex Court Wessex Way London NW11
Decision: Refuse
Decision Date: 28 March 1985
Description: Single storey rear extension to form self-contained flat.

Reference: N02251K
Address: Factory Site West End Lane; Bells Hill Barnet
Decision: Approved
Decision Date: 24.05.1984
Description: Redevelopment of factory site comprising two-storey block of sixteen flats fronting West End Lane, with 16 garages and two parking spaces, part three part four-storey block of 26 flats fronting Bells Hill with 14 integral garages and 16 parking spaces.

3. Proposal

The proposed development is a revised scheme and follows a number of recent attempts to develop the roof area of the building (as detailed above). The most recent application (17/7820/FUL) was refused planning permission having been referred from the Chipping Barnet sub-committee meeting to the main Planning Committee meeting (28.03.2018) as a result of concerns around private amenity space, as detailed in the planning history.

This application aims to overcome this concern by providing individual inset balconies in lieu of dormer windows for the 8 No. proposed flats in order to provide some outside space and a formal landscaping plan has also been provided detailing the layout of proposed communal amenity space.

The scheme would once again involve alterations to the roof to create a mansard style finish, including front and rear dormer windows, to provide the 8 additional units. 10 additional parking spaces would also be provided. The dwelling mix would be 3 studios, 1 x 1 bed flats and 4 x 2 bed flats.

4. Public Consultation

Consultation letters were sent to 330 neighbouring properties, 28 replies were received (24 objections/4 support). The comments received can be summarised as follows;

Objection

- Concern about overlooking from balconies and loss of privacy.

- Excessive noise and disturbance from additional residents.
- Insufficient private amenity and parking space provision.
- Level of parking in real terms is insufficient.
- The proposal will put a strain on the already strained local sewage system.
- The proposal is out of keeping with the character of the area.
- The proposal and proposed amenity space does not overcome previous concerns.
- The proposal will result in an overdevelopment of the area.
- Inadequate provision is made for refuse storage.
- Amenity area proposed is already used by existing properties.
- The houses opposite will be overlooked.
- The proposal would be imposing and lead to overlooking.
- Noise impacts on the flats below.
- The proposal of 10 new car parking spaces would cause significant congestion to what is already a congested area.
- Concern about the loss of trees.
- Significant disturbance will arise during the construction phase.

Representation from Barnet Residents Association

- The density is at the upper end of what is suitable for a PTAL 2 area.
- Contrary to policy which outlines the harm flats can do to the character of an area.

Support

- The proposal will have minimal impact on the area.
- This is a minor development in comparison to other approved schemes.
- This area is hardly an architectural or visual utopia - Tidying up Wessex Court will improve the aesthetic.
- If hospital / non-resident parking is prevented with barriers, there is (and will continue to be) ample parking for residents.
- The building will be lower than the existing height.
- I am not a planning officer, so I defer to actual experts on issues like sewage, etc. which have been covered ad-nauseam and were not raised as issues by the planning officer.
- Garden improvements look amazing and would make the communal space more useful and pleasurable for residents.
- I fully support this application and believe it will only enhance the building and the surrounding area.

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. 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.

Draft London Plan 2017

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

Barnet's Local Plan (2012)

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

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

Residential Design Guidance SPD (adopted 2016)

Sustainable Design and Construction SPD (adopted 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development - Site history/recent applications/appeal
- Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality
- Whether the proposals would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway and pedestrian safety.

5.3 Assessment of proposals

Principle of the development - Site history/recent applications/appeal

As discussed and detailed above there has been a recent planning history to develop the site by extending the roof. This has included committee and appeal determinations. The planning history of a site is a material consideration as is the recent history of similar developments. It is important that the Local Planning Authority take account of this in terms of the way that they deal with this current application.

Whilst there has been some frustration expressed within third party representations in relation to repeat applications, this is not an uncommon scenario and there is nothing that the Council can do apart from to consider the new proposals on their own individual merits. Previous reasons for refusal related to the design of the extension to the roof, inadequate refuse storage facilities and insufficient amenity space. The concerns about amenity space and refuse facilities were subsequently upheld when the application was taken to appeal. The overall principle of extending the building to provide 8 residential units has never been resisted or mentioned as a specific reason for refusal and the most recent decision which refused planning permission had a single reason for refusal which related to the insufficient detail to demonstrate that the level of private amenity space would adequately serve existing and future residents.

Any future decision taken must be mindful of the recent planning history and recent determinations, whilst recognising that some planning issues have been raised in the past and others have not. This application amounts to an attempt to address the reason for refusal such that it would now be reasonable to grant planning permission as a result of the additional information. Obviously, it could be the case that the alterations could create additional considerations which require further assessment. Notwithstanding this, the general principle of the development has generally been settled.

Whether the proposals would have a harmful impact on the character and appearance of the streetscene and general locality

The Appeal Inspector (APP/N5090/W/17/3179632) concluded that "the proposed development would not have a negative impact on the character and appearance of the area". The previous report to committee (177820/FUL) records the Appeal Inspector's conclusion, on what is a very similar scheme, thus;

"The Inspector was of the opinion that the proposed dormer would transform the buildings somewhat institutional appearance into one that would be more recognisably domestic, and would relieve its massing".

Furthermore, he expressed the view that "the part of the building with the bulkiest appearance would be the side elevations but, as these would not directly face West End Lane and would be close to the side boundaries, their impact on the street scene and surrounding properties would be limited. When viewed in the context of the street scene, the building would not appear out of character with the varied styles of its surroundings. Although it would be clearly visible and noticeable, it would not appear incongruous or obtrusive, and would represent an improvement to the building's current appearance".

These views, whilst not likely to be shared by all parties, are now material for all future submissions. In this context, it should be noted that Members at the main Planning Committee meeting in March 2018 when considering the most recent application did not refuse consent on design, despite previous objections, and accepted the Inspector's findings on this point. It is not considered that the addition of small inset balconies would materially affect the overall design of the building and the aesthetic appearance is deemed acceptable.

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

One of the core principles set out in the National Planning Policy Framework is that planning should always seek to secure a high standard of amenity for all occupants of buildings. The proposed alterations retain the same distance to the terrace properties across West End Lane, and owing to the separation distance there would be no significant impact. Whilst balcony areas could increase a perception of overlooking it is not considered that any impact would be excessive or amount to a reason to refuse consent. It is not considered that any overlooking of front garden areas across the road would seriously impact on existing amenity. In the majority of cases it is the rear private amenity space that provides the most useful and useable space. In this particular case the rear garden areas of nearby houses would be unaffected.

Once again it is considered that neighbour concerns in relation to noise and disturbance could be addressed with a construction management plan and sound insulation condition.

Amenity of future occupiers

The scheme does not impact on the recent conclusions that;

- The application complies with the space standards for new development outlined in Policy 3.5 (table 3.3) of the London Plan 2016 and is considered to provide adequate internal space.
- The proposed internal stacking is considered appropriate and acceptable, helping to ensure a minimum of noise disturbance between the units. However sound insulation between units should be incorporated into the scheme which should be in compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission). The applicant would have been required to achieve the required sound insulation levels and an appropriate condition has been attached.

External Amenity Space

The single reason for refusal related to the level of private amenity space provided, recorded as such in the Committee Report;

More amenity space has been shown in the proposed plans in response to the reasons for refusal which was also upheld by the appeal Inspector. The Appeal Inspector dismissed the appeal on the basis that the amenity space represents an under provision and the intensification of use of the current space could detrimentally affect the privacy of existing residents as a result of the communal space directly abutting the ground floor windows of habitable rooms.

The proposed amenity space would be 1017sqm.

Currently Wessex Courts has 6 x 1 bed and 10 x 2 bed flats resulting in 48 habitable rooms

Bells Hill development has 13 x 1 bed and 13 x 2 bed resulting in 65 habitable rooms.

The proposal for Wessex Court is for 2 studios, 1 x1 bed and 4 x 2 bed flats, resulting in 20 habitable rooms. Council policy requirement is 5sqm per habitable room. The amount of communal amenity space that would be required for 133 habitable rooms would be 665sqm.

Although the space shown takes into account all residential flats in Wessex Court and Bells Hill Flatted development and the provision would exceed the space standard, the additional area of grass to the side of the building next to the road way is not considered useable space providing the quality of outside space that the Council would normal seek in residential developments. In view of this, to ensure that the proposed communal space would meet the need of existing and future occupiers the applicant has agreed to a condition being attached (if approved) requesting that the quality of the amenity space should be improved by planting shrubs in the area near the roadway, providing benches in the area nearest to Bell Lane block of flats as this is considered to be the most useable space.

As detailed above, Members refused the application in relation to a lack of private amenity space. In light of the refusal, the applicant has submitted a Landscape Plan (drawing number 18/08_01), which provides in depth detail of how the existing areas of open space would be transformed to provide useable areas of private amenity space. The amenity space exceeds the policy requirement for the extended Wessex Court and Bells Hill developments. Furthermore the inclusion of formalised landscaped communal areas would be more user friendly than the existing areas. The submission also adds private balcony areas for occupants of the extended roof flats. It is considered that the proposed development provides a policy compliant level of private amenity space for existing and future occupants of the site. Although these areas are not large they do add to the overall offer for residents and when considered alongside the improvements to the communal areas outlined above overcome previous concerns. It is considered that it is difficult to justify a refusal on the point of the size of the balconies, bearing in mind that flatted developments often struggle to meet the policy requirement on amenity space provision.

Once again refuse and recycling storage facilities would be by the existing access to the parking area. The proposal is to provide a formal refuse storage area for the existing and proposed flats in Wessex Court. The proposed provision is for 3 x 1100 litre recycling bins) and 3 x 1100 litre refuse bins.

The Council's requirement for refuse and recycling bin storage would be met and would be an improvement to the existing arrangement. A condition requesting details of the storage area will be attached.

A garage will be demolished to provide 12 cycle storage places.

Impact on on highway and pedestrian safety

The application has previously been assessed by Highways, and they have indicated that the 26 parking spaces proposed for the existing and proposed use will be in accordance with the DM17 Policy. This application proposes no changes

Furthermore, the proposed application with the revised access arrangement with 4.2m wide access is acceptable on highway grounds. However information is required as to how the gated access is to be operated. Highways preference is for an electronic operated gate as it would ensure that vehicles will not be waiting on public highway whilst the gated has to be opened manually. Further information regarding the gated access will be required and a condition to this effect would be attached.

In addition Highways have requested that Electrical Vehicle Charging Points and Disabled Parking provision should be provided in accordance with the London Plan Parking Standards

In view of the above, the proposal is once again recommended for approval on Highways ground subject to conditions and informatives.

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, except for the provision of a lift due to layout and ownership of the existing flats, the viability and service charge implication associated with providing a lift. A request has been made that there should be some flexibility given in this case. As the issues mentioned relates to control outside of the planning regime, the applicant is advised to liaise with Building control in seeking concessions in complying with the condition which is attached and 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 10% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

5.4 Response to Public Consultation

The letters of support and objections are noted and are taken into account in the sections above. It is not considered the proposal would result in an overdevelopment and the Barnet Residents Association concern about the effect flats could have on the character of the area is unfounded in an area where flats are part of the established character. There is no substantive evidence to suggest the development could impact on the existing sewerage system to any great degree. Whilst the loss of trees is regrettable they are not statutorily protected and it is considered, on balance, that there will be a net gain in relation to what the trees would be replaced with - a formalised garden area for the benefit of residents.

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

In light of the above appraisal it is considered that the previous shortcoming identified by Members (inadequate amenity space) has been clarified by the submission of a landscaping plan identifying the provision of a formalised private amenity space, which would be supplemented by balcony areas. The submission does not raise other issues that have not previously been raised and assessed. The proposed unit sizes, car parking provision and layout are policy compliant, in keeping with the character of the area and would not impact adversely on existing residents. It is, therefore, recommended that consent is granted subject to conditions.

Site Location Plan

