

Location **47 Finchley Lane London NW4 1BY**

Reference: **18/4419/FUL**

Received: 17th July 2018

Accepted: 27th July 2018

Ward: Hendon

Expiry 21st September 2018

Applicant: Even Hotel Management Ltd

Proposal: Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking

Recommendation: Approve subject to conditions

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

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

001 - Site Location Plan

110 Rev E - Proposed Site Plan

111 Rev C - Plan to show Comparisons between Existing and Proposed Footprints

210 Rev C - Proposed Floor Plans

410 Rev C - Proposed Elevations

411 Rev D - Street Elevations

910 Rev D - 3D Views

Design and Access Statement

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted

September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 6 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.
- b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. 110 Rev E 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.

- 8 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.

- 9 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).

- 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 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 11 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.

- 12 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).

- 13 No works on public highway as a result of the proposed development shall be carried out until detailed design drawings have been submitted and approved by the Highway Authority and works shall only be carried out in accordance with the approved plans.

The applicant will be expected to enter into with the Highways Authority under Section 184/278 Agreement of the Highways Act, for works affecting public highway including creation of new accesses and consequential damage to public highway as a result of the proposed development.

Reason: To ensure that the works on public highway are carried out to the satisfaction of the highway authority in the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 a) Notwithstanding the details submitted with the application and otherwise hereby approved, before the development hereby permitted is first occupied, details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

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 October 2016).

- 15 The building shall not be occupied until a means of vehicular access has been constructed in accordance with the approved plans.

Reason: To confine access to the permitted points in order to ensure that the development does not prejudice the free flow of traffic or conditions of general safety on the public highway and 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.

Informative(s):

- 1 In accordance with paragraphs 38-57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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.

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

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

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

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

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

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

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 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 5 Refuse collection points should be located within 10 metres of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site comprises a triangular shaped plot of land, located on the northern side of Finchley Lane and bounded by Tenterden Grove to the north.

The site lies on the outside of the north-eastern edge of the Brent Street Town Centre. The existing property is not listed and the site does not lie within a conservation area.

There are purpose built blocks of flats to the east (Natalie Court) and to the north (Raymead and Winsford Court). Opposite the site, on the south side of Finchley Lane, is Hendon Baptist Church and Nancy Reuben Primary School.

2. Site History

Reference: 17/4134/FUL

Address: 47 Finchley Lane

Decision: Refused and dismissed at appeal.

Decision Date: Refused 01.11.2017. Appeal dismissed 26.06.2018.

Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking (AMENDED PLANS)

Reasons for refusal:

1. The proposed development would by virtue of its size, height, bulk and massing would constitute an overdevelopment of the site harmful to the character and appearance of the surrounding streetscene. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

2. The proposed development would by virtue of its footprint, siting, layout and density would result in an overly cramped form of development with substandard internal and external amenity space detrimental to the amenity of future occupiers of the proposed development. As such, the proposed development would be contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012) and policy CS1 and CS NPPF of the Local Plan Core Strategy (2012).

Reference: 17/1174/FUL

Address: 47 Finchley Lane

Decision: Refused

Decision Date: 27.4.2017

Demolition of the existing house and workshop and erection of three storey building plus basement to provide 8no self-contained flats. Associated refuse and recycling, cycle store, amenity space and parking

3. Proposal

Demolition of the existing house and workshop and erection of a two storey building plus basement and rooms in roof space comprising of 5no self contained flats. Associated refuse and recycling, cycle store, amenity space and associated on site parking

The proposed external materials are a red brick, painted render and slate roof. Balconies will have glass balustrade balconies.

4 no. off street parking spaces would be provided, accessed from Tenterden Grove.

The current application follows refused application reference 17/4134/FUL, which was also dismissed at appeal.

The current application differs from the refused application reference 17/4134/FUL in the following ways:

- Reduced overall building footprint
- Circulation core rationalised allowing Western wing to be set in from west end of site in by 1.5m
- Western wing of building reduced in width by 0.5m, setting it back from Finchley Lane boundary by the same distance.
- Eastern wing of building rotated away from Tenterden Grove boundary
- Increased setback from Finchley Lane and Tenterden Grove boundaries
- Additional landscaping and relief to boundaries
- Pedestrian access from Tenterden Grove is removed, and the lightwells serving the basement accommodation reduced in area which enables significantly more soft landscape area along the Tenterden Grove elevation.
- In removing the rear access, steps are now incorporated between the parking spaces to provide pedestrian access down to Finchley Lane.
- More traditional appearance through increased use of brick and reduced glazing
- Rationalisation of balcony and window positions to give a more coherent, symmetrical design appearance.

4. Public Consultation

Consultation letters were sent to 168 neighbouring properties.

Amended drawings were received on 27th September 2018 and neighbours were re-consulted on 09.10.18 for 14 days.

8 responses have been received, comprising 7 letters of objection and 1 letter of support.

The objections received can be summarised as follows:

- Size, bulk, mass and height is too large for the proposed site;
- Out of keeping with the other buildings in the area;
- Overdevelopment of the site;
- Increase in traffic;
- Inadequate parking provision
- Highway Safety issues
- Loss of residential amenity
- Loss of visual amenity
- Balconies too large
- No geological report submitted, basement should not be allowed, impact on the water table.

The letter of support received can be summarised as follows:

- About time this site was developed, it's a real eye sore, we are in need of some new quality housing, so I support this redevelopment.

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.

Planning law requires that applications for planning permission be determined in accordance with the development plan, unless material considerations indicate otherwise. The revised National Planning Policy Framework (NPPF) was published on 24th July 2018. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth. It is a material consideration in planning decisions. Similar material considerations are the Government's planning policy for traveller sites, and its planning policy for waste as well as Written Ministerial Statements where relevant to planning decisions.

Existing policies in Barnet's Local Plan (2012) and the London Plan (2016) should not be considered out-of-date simply because they were adopted prior to the publication of the revised NPPF. Due weight should be given to them, according to their degree of consistency with the revised NPPF.

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.

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, CS9.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development for flats;
- The appeal decision relating to refused application 17/4134/FUL
- 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 adequate accommodation is provided for future occupiers;
- Highways and parking provision.

5.3 Assessment of proposals

Principle of development for flats

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

From conducting a site visit and a desk-based analysis, it is evident that along this stretch of Finchley Lane, there is a mixture of single family units, flat conversions and new flatted developments. Planning Officers are therefore of the opinion that the loss of a single family dwelling can be accepted in this instance and the principle of redeveloping the site for flats is considered appropriate.

The location of the site on the edge of the Brent Street Town Centre designation is considered to hold further favourable weight in terms of the appropriateness of flats. However, while the principle may be considered acceptable, the overall acceptance of any scheme on this site will be dependent on all other matters being considered acceptable.

The proposed development would provide a mix of dwelling types, comprising 1 x 1 bedroom studio unit, 2 x 2 bedroom units and 2 x 3 bedroom units. The proposed mix of dwellings is considered to be appropriate and does not raise any specific concerns.

The appeal decision relating to refused application 17/4134/FUL

Application 17/4134/FUL was refused by the Local Planning Authority on 1st November 2017. The applicant then appealed to the Planning Inspectorate. The appeal was dismissed on 26th June 2018.

The Inspector's Decision forms a material planning consideration for the current application.

In summary, the Inspector found the development proposed by refused application 17/4134/FUL to be acceptable in all respects other than impact on Character and appearance of the area.

Key extracts from the Planning Inspector's Report are as follows:

Character and Appearance

Paragraph 4 - "The existing area contains a number of two and three storey buildings including a nearby parade of shops, Hendon Baptist church, 48-50 Finchley Road, Edwardian housing and more modern apartments. The appeal site sits amongst these. In particular I appreciate that the site is at a point where there is a transition between the residential areas and the edge of Brent Street Town Centre. The new flats would be contained within a building that would be part three storey and part four storey. It would sit amongst the existing buildings. The plans indicate that the ridge height of the building would be broadly in line with the eaves of the nearby building known as Raymead. The ridge height would be above the eaves of Winsford Court and the overall height of the adjacent Natalie Court apartments"

Paragraph 5 - "The building would have a substantial bulk and mass. I appreciate the ridge height would be comparable to some nearby buildings and that the eaves height would be consistent with nearby buildings and it would be below Hendon Baptist Church. Nevertheless the form and appearance of the new building would be derived from the footprint. It would have a duality in its appearance linked by a lower element. There would be very limited distinction between the front and back of the building. There would not be a clear focal point to the front elevation with a large circulation area and large areas of glazing dominating. Whilst I accept that appropriate materials could be used and there are examples of dormer windows in the area the detailing compounds the lack of coherence in design with a large balconies and windows with differing proportions."

Paragraph 6 - "The site is irregular in shape tapering away to the west where Tenterton Grove meets Finchley Lane. Along Tenterton Grove the building would be located close to the site boundary. I appreciate that along Finchley Road there would be some landscaping in front of the building and in the west corner of the site and that the building would be positioned within the deepest part of the site. However, this would be minimal and moving west the building would be closer to the site boundary. Overall, the shape and resultant constraints of the site mean that there would be no setting or relief to the new building within the street scene."

Paragraph 7 - "The appellant submits that there are taller buildings in the area. However, even taking this into account, the predominant scale of the street scene is a suburban one. I agree with my colleague who comments in the previous decision '...the site has a close relationship with the two and three storey buildings surrounding it on three sides...' Therefore, overall, I consider that the new building would represent a stark contrast to the existing buildings. It would appear overly prominent rather than providing and transition and

therefore appear incongruous in the street scene. In particular when approaching the junction the building would be particularly prominent. This would be compounded by the lack of setting."

Paragraph 8 - "I therefore conclude that the provision of the apartment building would have a harmful effect on the character and appearance of the area. It would be in conflict with policies DM01 of the Development Management Policies DPD (DMP) and CS1 of the Core Strategy (CS) which amongst other things seek a high standard of design which respect local character and the established pattern of development."

Planning balance and Conclusion

Paragraph 13 - "I have found that the scheme would not harm the living conditions of future occupiers. However, this does not outweigh my findings on character and appearance and the conflict with the development plan in this regard."

Paragraph 14 - "For the above reasons and having regard to all other matters raised including the fact that the scheme was recommended for approval by Council's officers I conclude that the appeal should be dismissed."

In order for the proposal to be considered acceptable the applicant is required to have addressed the Inspector's concerns in respect of Character and appearance.

Impact on the character and appearance of the site, streetscene and wider locality

Compared to the refused and dismissed 17/4134/FUL scheme, the current scheme application has been amended as follows:

- Reduced overall building footprint
- Circulation core rationalised allowing Western wing to be set in from west end of site in by 1.5m
- Western wing of building reduced in width by 0.5m, setting it back from Finchley Lane boundary by the same distance.
- Eastern wing of building rotated away from Tenterden Grove boundary
- Increased setback from Finchley Lane and Tenterden Grove boundaries
- Additional landscaping and relief to boundaries
- Pedestrian access from Tenterden Grove is removed, and the lightwells serving the basement accommodation reduced in area which enables significantly more soft landscape area along the Tenterden Grove elevation.
- In removing the rear access, steps are now incorporated between the parking spaces to provide pedestrian access down to Finchley Lane.
- More traditional appearance through increased use of brick and reduced glazing
- Rationalisation of balcony and window positions to give a more coherent, symmetrical design appearance.

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

When assessing the context of the street, Finchley Lane consists of a variety of densities and property styles, with the middle and eastern end of the street being of a lower density, comprising mainly of large two-storey detached and semi-detached properties. Whereas,

the western end of the street consists of a higher density and commercial premises, with the beginning of the boundary of the Brent Street Town Centre.

The application site has an unusual form which is wider at the eastern end and becomes narrower and awkward in shape towards the western tip. At present, the building is sited on the wider end of the plot and has a fairly long, narrow footprint with a central two-storey element and is set back within the plot from the public footpath. Due to the topography of the whole site, the western end of the site is built up with a large retaining brick wall, with a further timber fence on top to provide privacy of the garden.

The current scheme proposes two gable ended block linked by a central circulation core. Accommodation is spread over 4 floors including both at basement level and within roof space.

Both blocks are dual pitched with a north south orientation, the front and rear gables facing towards Finchley Lane and Tenderden Grove respectively, with the primary aspect to the south onto Finchley Lane.

In order to address the concerns of the Local Planning Authority (LPA) and Planning Inspector in respect of the 17/4134/FUL scheme, a number of changes have been made as listed above.

The overall footprint of the building has been reduced and the Eastern wing has been rotated away from Tenderden Grove. It is considered that the reduction in footprint and rotation of the eastern wing, along with the introduction of additional boundary planting serves to provide satisfactory setback and relief to the boundaries of the site as viewed in the streetscene. As such, it is considered that the proposed development would no longer appear cramped within the site, overcoming the second reason for refusal of 17/4134/FUL and the Appeal Inspector's concerns in this respect.

The design of the building is now more traditional in appearance through use of more brick and less glazing. Rationalisation of balconies and windows now also results in a more coherent, symmetrical appearance.

The Appeal Inspector was critical of the 17/4134/FUL scheme stating that there would be very limited distinction between the front and back of the building and would not be a clear focal point to the front elevation with a large circulation area and large areas of glazing dominating.

It is considered that the removal of the rear entrance, reduction in the area of the circulation core and changes in terms of design and materials has resulted in proposed building with a single entrance and focal point fronting Finchley Lane. The reduction in amount of glazing and more symmetrical arrangement of windows and balconies would give the building a more traditional appearance, reducing its prominence and providing a suitable transition between the surrounding residential areas and the edge of Brent Street Town Centre.

Access into the building is from Finchley Lane.

Car parking is located to the western side of the building with access off Tenderden Grove. 4 no. spaces are proposed.

Lightwells are provided to the northern and southern sides of the building providing natural light and ventilation to basement accommodation. A combination of the lightwells and

suitable soft landscape also create defensible space to the ground floor accommodation which front onto both Finchley Lane and Tenterden Grove.

Dormers are included to the western elevation serving the top floor apartment located within the roof space of both blocks.

Balconies are proposed on the north, south and west elevations. All balustrades to balconies and around lightwells are to be glass.

In summary, it is considered that the scheme proposed by the current application has overcome the previous concerns of the Local Planning Authority and Planning Inspector and would not cause harm to the character and appearance of the existing site, streetscene and wider locality and is therefore acceptable in this respect.

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

The main amenity impacts to be assessed are to the adjacent building (Natalie Court) to the east and the residential blocks of Raymead and Winsford Court to the north. In terms of Natalie Court, there are 2 dormer windows which face onto the application site. The east elevation of the proposed development has no windows.

Ground and first floor balconies are proposed to the south and north elevations of the proposed development, however, subject to suitable privacy screening, it is not considered that these will result in cause harm to the living conditions of the occupants of Natalie Court to the east.

Both Raymead and Winsford Court are sited approximately 25 metres from the proposed development. Barnet's Residential Design Guidance SPD (2016) states in relation to privacy and outlook, that in new residential developments, there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking. The separation distances between the proposed development and the existing buildings to the north would meet this standard and as such Planning Officers do not consider that overlooking would be a significant issue in this instance.

The letters of representation also raise the concern of the potential overshadowing created from the proposed development. However, Planning Officers would consider that given the distance between the sites, it is unlikely that the proposed development would result in unacceptable impacts of loss of light or overshadowing.

Whether adequate accommodation is provided for future occupiers

The proposal consists of the following units:

Flat 1 - 2b4p (over 2 storeys)	86sq.m
Flat 2 - 3b6p (over 2 storeys)	122sq.m
Flat 3 - Studio (over 1 storey)	43sq.m
Flat 4 - 2b3p (over 1 storey)	61sq.m
Flat 5 - 3b5p (over 2 storeys)	102sq.m

All of the units would exceed the minimum London Plan space standards.

Two flats (units 1 and 2) are located partly within the basement but are arranged as a duplex unit with the accommodation at basement level being bedrooms. The overall quality of accommodation would therefore not be harmed.

Each of the proposed flats have been provided with a form of private amenity space. Barnet's Sustainable Design and Construction SPD states that for flats, 5sq.m of external amenity space should be provided per habitable room.

The private amenity space provision for each flat would be:

Flat 1 - 18 sq m
Flat 2 - 10 sq m
Flat 3 - 5 sq m
Flat 4 - 13 sq m
Flat 5 - 18 sq m.

Whilst the private amenity space provision would fall short of 5 sqm per habitable room, each unit would benefit from a balcony or terrace area and the overall level of amenity space is considered to be acceptable.

In summary, it is considered that the proposed development would provide suitable living conditions for future occupiers of the proposed dwellings.

Highways and parking provision

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

Policy DM17 sets out parking standards as follows for the residential use:

For 1 bedroom units	0.0 - 1.0 space per unit
For 2 and 3 bedroom units	1.0 - 1.5 spaces per unit

Based on the above parking standards, the parking requirement for the proposed development is calculated as follows:

1 x 1b = a range of (0.0 - 1.0) = 0.0 - 1.0 parking spaces required
2 x 2b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required
2 x 3b = a range of (1.0 - 1.5) = 2.0 - 3.0 parking spaces required

This equates to a range of parking provision of between 4 to 7 parking spaces to meet the Barnet Local Plan parking standards contained in Policy DM17.

4 parking spaces are being provided, accessed from Tenterden Grove which is considered to be acceptable.

A cycle store is proposed at lower ground floor level. 9 no. cycle spaces are required in accordance with the London Plan Cycle Parking Standards and a suitable planning condition will be attached to any planning permission in order to secure these.

The Council's Highways department has no objection to the proposal subject to conditions.

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 is attached 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 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

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

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

5.4 Response to Public Consultation

The issues raised within the letters of representations have been addressed throughout the report.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended scheme has addressed the concerns of the Local Planning Authority and Planning Inspector in relation to the refused / dismissed scheme and the proposal is now considered acceptable in terms of effect on the character and appearance of the site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and the quality of the living accommodation is satisfactory. This application is therefore recommended for approval subject to conditions.

