

**Location**                      **2 Dollis Road London N3 1RG**

**Reference:**                      **18/5802/S73**

Received: 27th September 2018

Accepted: 28th September 2018

Ward:                              West Finchley

Expiry 23rd November 2018

Applicant:                      Shahar Shahar

Proposal:                      Variation of condition 1 (Approved Plans) of planning permission 18/2369/FUL dated 19/09/2018 for 'Demolition of existing dwelling and construction of a three storey detached building plus rooms in roofspace comprising of 7no self-contained flats. Associated amenity space, refuse storage, cycle store and provision of 4no off street parking spaces.' Variations to include: provision of a rooflight to the pitched roof facing Dollis Road; extension to ground floor below corner tower; alterations and enlargement of fenestration and increase in height of building [AMENDED DESCRIPTION]

**Recommendation:** Approve following legal agreement

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:

Drawing No. 2DR-PP3-01

Drawing No. 2DR-PP3-02 A

Drawing No. 2DR-PP3-03

Drawing No. 2DR-PP3-04

Drawing No. 2DR-PP3-05

Drawing No. 2DR-PP3-06

Sustainability Statement dated 18 April 2018 by Tal Acr Ltd.

Transport Statement dated April 2018 by Caneparo Associates and accompanying drawing no. TR01 A

Design and Access Statement and Planning 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 the original permission (planning reference 18/2369/FUL, dated 19 September 2018).

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

- 3 The development shall be implemented in accordance with the levels as approved under planning reference 18/5679/CON, dated 16 November 2018.

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.

- 4 The development shall be implemented in accordance with the materials as approved under planning reference 18/5679/CON, dated 16 November 2018.

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.

- 5 a) The development shall be implemented in accordance with the scheme of hard and soft landscaping as approved under planning reference 18/5679/CON, dated 16 November 2018.

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 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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) and Flat 3 shall be constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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.

- 7 The development shall be implemented in accordance with the refuse and recycling details as approved under planning reference 18/5679/CON, dated 16 November 2018.

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).

- 8 a) The development shall be implemented in accordance with the privacy screen details as approved under planning reference 18/5679/CON, dated 16 November 2018.

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 October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 9 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.

- 10 The development shall be implemented in accordance with the Demolition and Construction Management and Logistics Plan as approved under planning reference 18/5679/CON, dated 16 November 2018.

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

- 11 Before the development hereby permitted is first occupied the parking spaces shown on the plans approved under Condition 1 shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development. The parking spaces and access to the parking spaces from the public highways shall be maintained at all times.

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.

#### **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. 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](http://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](mailto: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](http://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](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](http://legislation.gov.uk)

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

### 3 Thames Water have stated:

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

'We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Groundwater discharges typically result from construction site dewatering, deep excavations, basement infiltration, borehole installation, testing and site remediation. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. Should the Local Planning Authority be minded to approve the planning application, Thames Water would like the following informative attached to the planning permission:

"A Groundwater Risk Management Permit from Thames Water will be required for discharging groundwater into a public sewer. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing [wwqriskmanagement@thameswater.co.uk](mailto:wwqriskmanagement@thameswater.co.uk). Application forms should be completed on line via [www.thameswater.co.uk/wastewaterquality](http://www.thameswater.co.uk/wastewaterquality)."

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewaterservices>

The proposed development is located within 15m of our underground waste water assets and as such we would like the following informative attached to any approval granted. The proposed development is located within 15m of Thames Waters underground assets, as such the development could cause the assets to fail if appropriate measures are not taken. Please read our guide 'working near our assets' to ensure your workings are in line with the necessary processes you need to follow if you're considering working above or near our pipes or other structures. <https://developers.thameswater.co.uk/Developing-a-largesite/Planning-your-development/Working-near-or-diverting-our-pipes>.

Should you require further information please contact Thames Water. Email: [developer.services@thameswater.co.uk](mailto:developer.services@thameswater.co.uk) Phone: 0800 009 3921 (Monday to Friday, 8am to 5pm) Write to: Thames Water Developer Services, Clearwater Court, Vastern Road, Reading, Berkshire RG1 8DB Thames Water would advise that with regard to waste water network and waste water process

infrastructure capacity, we would not have any objection to the above planning application, based on the information provided

#### WATER COMMENT

With regard to water supply, this comes within the area covered by the Affinity Water Company. For your information the address to write to is - Affinity Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 4 The applicant must submit an application under Section 184 of the Highways Act (1980) for the proposed vehicular access. The proposed access design details, construction and location will be reviewed by the Development Team as part of the application. Any related costs for alterations to the public highway layout that may become necessary, due to the design of the onsite development, will be borne by the applicant.

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.

- 5 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.
- 6 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 7 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

## **Officer's Assessment**

### **1. Site Description**

The application property is a semi-detached property sited at the junction of Dollis Road and Crescent Road.

It fronts Dollis Road, with its side elevation facing Nether Street, and rear elevation facing Crescent Road.

It is not located within a conservation area and is not a statutory or locally listed building.

There are no Tree Preservation Orders on site.

### **2. Site History**

Reference: 18/2369/FUL

Address: 2 Dollis Road, London, N3 1RG

Decision: Approved following legal agreement

Decision Date: 19 September 2018

Description: Demolition of existing dwelling and construction of a three storey detached building plus rooms in roofspace comprising of 7no self-contained flats. Associated amenity space, refuse storage, cycle store and provision of 4no off street parking spaces

Reference: 18/5679/CON

Address: 2 Dollis Road, London, N3 1RG

Decision: Approved

Decision Date: 16 November 2018

Description: Submission of details of conditions 3 (Levels), 4 (Materials), 5 (Landscaping), 7 (Refuse), 8 (Privacy Screens) and 10 (Demolition and construction management and logistics plan) pursuant to planning permission 18/2369/FUL dated 19/09/18

### **3. Proposal**

The applicant seeks to vary Condition1 (approved plans) of planning permission 18/2369/FUL dated 19/09/2018.

These variations include: provision of a rooflight to the pitched roof facing Dollis Road; extension to ground floor below corner tower; alterations and enlargement of fenestration and increase in height of building.

### **4. Public Consultation**

A site notice was erected 04 October 2018.

Consultation letters were sent to 228 neighbouring properties.

13 responses have been received, comprising 12 letters of objection and 1 letter of comment.

The representations received can be summarised as follows:

- Impact on surrounding properties value



- Queries regarding party wall agreements
- Queries whether the basement extension would affect the foundations of surrounding properties
- Proposal is already too big for this area. Any additional changes will make it even worse for people already living here. This is of no benefit to anyone except the developers.
- Highly congested area already. Impact of extension work on foundation of the road and nearby area.
- If construction work was permitted to begin, it will cause disruptions, inconvenience, pollutions to those live in the area.
- Concerns regarding parking and traffic, as well as safety of pedestrians and road users
- Any increase in height would be out of keeping with the terrace houses on Dollis Road. Regarding increasing the height of the overall structure which already is large enough, much was made of how the previous approved roof line was going to follow the roof lines and be marginally higher than the row of houses. This is now no longer the case and this is a ploy to circumvent the planning system with additional increments at every available opportunity. Represents overdevelopment. Will be out of scale.
- Strain on local services
- Proposals do not address the underlying cause of the housing problem, part of which is unaffordable housing, as it is unlikely that these units will be in the reach of most first time buyers.
- Impact on privacy- A side window directly overlooking the next door house and far above its roof line in contradiction to the originally approved plans.
- Visual impact of the development on the street scene. Will dominate the top section of Dollis Road.
- Posted signs around the house to inform neighbours of the proposed new plans have been torn down within days. The adjoining owners clearly did not know about the plans until very recently.
- Impact of additional height on natural light thus disincentivising (sic) neighbours from planting trees and gardens which this area needs for irrigation and air quality.
- Greater height will further increase degree of overshadowing and have an overbearing impact on neighbour.
- Adverse impact on the character and appearance of the area.
- Significant harm to the amenity of our property which is the semi-detached pair to 2 Dollis Road and is to be severed by this proposal without any apparent consideration given to the way its newly exposed flank is to be handled.
- The approved plans illustrate a very substantial increase in height, bulk and mass over the existing situation, and that the correct comparison is therefore the proposed profile with the existing - not with that previously approved.
- Inadequate parking provision: No additional parking spaces (net) are being made available to residents whereas a net increase of 6 dwellings is proposed. There is a net reduction of 2 spaces and an increase in competition for on-street spaces already subject to a "high" level of parking demand (as specifically recognised by the highway officer).
- No. 38 Granville Road, who are the joint freehold owners of the adjoining property No. 4 Dollis Road, were not notified of original application and would have strongly objected on several grounds had they known of it. They believe that had they, they could have made a substantial difference to the outcome of the application to express concerns at committee. They have requested the council to consider revoking the consent.
- Request to see Legal Agreement from previous consent
- Clarification of whether basement is included in the proposals

## **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 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.

The NPPF states that 'good design is a key aspect of sustainable development, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this'. 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.

The London Plan is currently under review. 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 adopted 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, DM04. DM08, DM17

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the proposed variations would fall within Section 73 of the Town and Country Planning Act 1990
- Whether the proposed variations are acceptable in planning terms

### **5.3 Assessment of proposals**

Planning Practice Guidance states that new issues may arise after planning permission has been granted, which require modification of the approved proposals. [Paragraph: 001 Reference ID: 17a-001-20140306] The applicant has sought to amend the conditions attached to the planning permission by seeking to make a minor material amendment.

The covering letter by the agent dated 27 September 2018 states that the amendments are as follows:

- provision of rooflight to the pitched roof slope facing Dollis Road to provide dual aspect and additional natural light to the Master bedroom of Unit 7;
- extension to the ground floor below corner tower to simplify the structural design; enlargement of fenestration; and
- increase of building height (300-400mm) to accommodate lift-overrun and structure, sound and thermal insulation and services to comply with Building Regulations, as well as ensuring to maintain minimum 2500mm clear headroom at all levels.

Planning Practice Guidance advises that there is no statutory definition of a 'minor material amendment' but it is likely to include any amendment where its scale and/or nature results in a development which is not substantially different from the one which has been approved. [Paragraph: 017 Reference ID: 17a-017-20140306]

Where an application under section 73 is granted, the effect is the issue of a new planning permission, sitting alongside the original permission, which remains intact and unamended [Paragraph: 015 Reference ID: 17a-015-20140306].

Case law has established that the test is whether the new conditions are ones "which the council could lawfully have imposed upon the original permission in the sense that they do not amount to a fundamental alteration of the proposal put forward in the original application".

The proposed variation would not conflict with the description of development of the original application. The character of the scheme would remain broadly similar to that of the previous consent, with an extension at ground floor and increase in height between 300mm-400mm.

The development will have a greater height than the neighbouring property at No. 4 Dollis Road. However, the land rises as Dollis Road progresses south-easterly towards the roundabout, and the building has been designed with a stepped roof form to follow and continue the rhythm and increase of the ridge heights. Considering the context, and surrounding buildings at the junction of Dollis Road/Crescent Road/Nether Street, which are all of differing heights, these variations are considered acceptable in planning terms and would comply with the relevant development plan policies.

For these reasons the proposed variations do not amount to fundamental alteration of the proposal put forward in the original application and would fall within the scope of Section

73 of the Town and County Planning Act 1990. The application is therefore recommended for approval.

In regards to conditions, to assist with clarity, decision notices for the grant of planning permission under section 73 should also repeat the relevant conditions from the original planning permission, unless they have already been discharged. Conditions have been attached accordingly.

#### **5.4 Response to Public Consultation**

- Impact on surrounding properties value

Planning Practice Guidance states that the protection of purely private interests such as the impact of a development on the value of a neighbouring property could not be a material planning consideration. [Paragraph: 008 Reference ID: 21b-008-20140306]

- Queries regarding party wall agreements

This is a Party Wall matter and not a planning matter.

- Queries whether the basement extension would affect the foundations of surrounding properties

The basement has been removed from plans and does now not form part of this proposal.

- Proposal is already too big for this area. Any additional changes will make it even worse for people already living here. This is of no benefit to anyone except the developers.

The previously consented scheme approved under reference 18/2369/FUL, 19 September 2018, was found acceptable on planning grounds. It is considered that the minor variations do not alter this position.

- Highly congested area already. Impact of extension work on foundation of the road and nearby area.

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.

- If construction work was permitted to begin, it will cause disruptions, inconvenience, pollutions to those live in the area.

A degree of noise and disturbance may arise from demolition and construction works, however this will be temporary and is expected from development of any size. A condition has been attached to secure details of Demolition and Construction Management and Logistics Plan before site works commence.

- Concerns regarding parking and traffic, as well as safety of pedestrians and road users

The report for the previously consented scheme stated:

"The proposal is for demolition of the existing single family dwelling and the construction of a three storey building accommodating 7 self-contained units comprising of 3x1bed, 3x2bed and 1x3bed self-contained units. The applicant is proposing to make provision for 4 off-street car parking spaces including 1 disabled car parking space.

The site lies within a PTAL 4 site, which is considered as good public transport accessibility. Controlled parking zone CE is in operation in the vicinity of the site Mon-Fri between 2pm-3pm.

In accordance with requirements set out on Policy DM17 of the London Plan, for a site such as this the car parking provision requirement should be 6 off street car parking spaces.

The applicant has provided a car parking beat survey which demonstrates that although parking demand in the vicinity of the site is high, there is possible availability to accommodate the potential overspill of parking that may result from the proposed development."

The case remains the same in this instance.

- Any increase in height would be out of keeping with the terrace houses on Dollis Road. Regarding increasing the height of the overall structure which already is large enough, much was made of how the previous approved roof line was going to follow the roof lines and be marginally higher than the row of houses. This is now no longer the case and this is a ploy to circumvent the planning system with additional increments at every available opportunity. Represents overdevelopment. Will be out of scale.

The proposed variations would increase the height of the building by 300mm - 400mm. However, the land rises as Dollis Road progresses south-easterly towards the roundabout, and the building has designed with stepped roof form to follow and continue the rhythm and increase of the ridge heights. The development would therefore not detrimentally impact the character and appearance of the street scene or surrounding area.

Furthermore, as explained by the agent, a height increase is required to meet Building Regulations and provide a clear internal headroom of the prescribed 2.5 metres. On balance, this is considered acceptable.

- Strain on local services

This is not considered to constitute a reason for refusal in this instance.

- Proposals do not address the underlying cause of the housing problem, part of which is unaffordable housing, as it is unlikely that these units will be in the reach of most first time buyers.

Paragraph 63 of the National Planning Policy Framework (2018) states: Provision of affordable housing should not be sought for residential developments that are not major

developments, other than in designated rural areas (where policies may set out a lower threshold of 5 units or fewer).

Major development is defined in the NPPF as development where 10 or more homes will be provided or the site has an area of 0.5 hectares or more.

The scheme is for a residential development that is not a major development and is not in a designated rural area. As such, affordable housing is not required in this instance.

- Impact on privacy- A side window directly overlooking the next door house and far above its roof line in contradiction to the originally approved plans.

It is not clear what window or property the objector is referring to however regarding the new roof light, it is facing Dollis Road and is not directly overlooking any neighbouring property or garden.

- Visual impact of the development on the street scene. Will dominate the top section of Dollis Road.

Addressed above.

- Posted signs around the house to inform neighbours of the proposed new plans have been torn down within days. The adjoining owners clearly did not know about the plans until very recently.

The Local Planning Authority have no evidence that the site notice was removed. In accordance with statutory publicity requirements for planning and heritage applications, an application of this type would require a site notice or neighbouring notification letter and notification on the website. All three types of publicity were undertaken. The council have therefore exceeded statutory requirements.

- Impact of additional height on natural light thus disincentivising (sic) neighbours from planting trees and gardens which this area needs for irrigation and air quality.

The development subject to this application has an associated landscaping plan.

It is not considered that this development would detrimentally impact natural light received at the neighbouring property(/properties).

- Greater height will further increase degree of overshadowing and have an overbearing impact on neighbour.

The report for the previously consented scheme stated:

"The existing dwelling adjoins Number 4 Dollis Road. The new building would be built off the boundary. It would follow the general front building line of Dollis Road. It would not project significantly beyond the rear main wall of No. 4 Dollis Road. The balconies facing Crescent Road are indicated to have 1.8 metre high obscure glass screen.

The development will be greater in height than the existing building. Due to the orientation of the properties, the development would cause a degree of overshadowing, but this would be confined mainly to the mornings of the summer months."

The extension to the ground floor is away from the boundary adjacent to No. 4 Dollis Road. The increase of height proposed is between 300mm-400mm. It is not considered this would have a detrimental impact on the neighbouring occupiers at No. 4 Dollis Road.

- Adverse impact on the character and appearance of the area.

Addressed above.

- Significant harm to the amenity of our property which is the semi-detached pair to 2 Dollis Road and is to be severed by this proposal without any apparent consideration given to the way its newly exposed flank is to be handled.

This would be a building control matter.

- The approved plans illustrate a very substantial increase in height, bulk and mass over the existing situation, and that the correct comparison is therefore the proposed profile with the existing - not with that previously approved.

The previous permission is extant, and therefore the Local Planning Authority are required to attach a degree of weight to what was approved in the previous consent.

Compared to the previous scheme, it results in a height increase of 300mm-400mm and a small increase of footprint. These variations are considered acceptable.

- No. 38 Granville Road, who are the joint freehold owners of the adjoining property No. 4 Dollis Road, were not notified of original application and would have strongly objected on several grounds had they known of it. They believe that had they, they could have made a substantial difference to the outcome of the application to express concerns at committee. They have requested the council to consider revoking the consent.

In accordance with statutory publicity requirements for planning and heritage applications, an application of this type would require a site notice or neighbouring notification letter and notification on the website. All three types of publicity were undertaken. The council have therefore exceeded statutory requirements.

The Council consult the adjoining properties by letter, not the freehold owners.

Furthermore it is noted that a comment was received by the Local Authority in support of the original application by a neighbour at No. 4 Dollis Road.

- Request to see Legal Agreement from previous consent

This request is being dealt with by the Planning Officer.

- Clarification of whether basement is included in the proposals

The proposed basement has been removed from the plans and does not form part of this application.

## **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.





Site Location Plan  
Scale 1:1,250