

Location **Blocks 7- 9 Chandos Way and Blocks 1 To 6 Britten Close London NW11 7HW**

Reference: **20/3784/PNV** Received: 17th August 2020
Accepted: 17th August 2020

Ward: Garden Suburb Expiry 12th October 2020

Applicant: B and C Crestpearl Ltd

Proposal: Erection of single storey rooftop extension across all blocks, with external lift shafts to create 48no. self-contained flats with provision of 16 additional car parking spaces and 50 cycle spaces

OFFICER'S RECOMMENDATION

Approve subject to s106

AND the Committee grants delegated authority to the Service Director – Planning and Building Control 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 their absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1. Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2. All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3. Contribution of £2,022 towards the amendment of the Traffic Management Order to restrict future occupier of the new units from obtaining residential parking permits.
4. A contribution of £101.10 towards the monitoring of the legal agreement.

RECOMMENDATION II:

That upon completion of the agreement specified in Recommendation I, the Service Director for Planning and Building Control approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the

Service Director for Planning and Building Control:

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

PD-GA-010 (Block One Ground Floor General Arrangement As Existing)
PD-GA-011 (Block One Roof Plan General Arrangement As Existing)
PD-GA-020 (Block Two Ground Floor General Arrangement As Existing)
PD-GA-021 (Block Two Roof Plan General Arrangement As Existing)
PD-GA-030 A (Block Three Ground Floor General Arrangement As Existing)
PD-GA-031 A (Block Three Roof Plan General Arrangement As Existing)
PD-GA-040 (Block Four Ground Floor General Arrangement As Existing)
PD-GA-041 (Block Four Roof Plan General Arrangement As Existing)
PD-GA-050 (Block Five Ground Floor General Arrangement As Existing)
PD-GA-051 (Block Five Roof Plan General Arrangement As Existing)
PD-GA-060 (Block Six Ground Floor General Arrangement As Existing)
PD-GA-061 (Block Six Roof Plan General Arrangement As Existing)
PD-GA-070 (Block Seven Ground Floor General Arrangement As Existing)
PD-GA-071 (Block Seven Roof Plan Ground Floor General Arrangement As Existing)

PD-GA-080 A (Block Eight Ground Floor General Arrangement As Existing)
PD-GA-081 (Block Eight Roof Plan General Arrangement As Existing)
PD-GA-090 A (Block Nine Ground Floor General Arrangement As Existing)
PD-GA-091 (Block Nine Roof Plan General Arrangement As Existing)

PD-GA-210 (Block One West Elevation General Arrangement As Existing)
PD-GA-211 (Block One East Elevation General Arrangement As Existing)
PD-GA-212 A (Block One North & South Elevation General Arrangement As Existing)

PD-GA-220 (Block Two West Elevation General Arrangement As Existing)
PD-GA-221 A (Block Two East Elevation General Arrangement As Existing)
PD-GA-222 A (Block Two North & South Elevation General Arrangement As Existing)

PD-GA-230 A (Block Three North & South Elevation General Arrangement As Existing)
PD-GA-231 (Block Three East & West Elevation General Arrangement As Existing)

PD-GA-240 A (Block Four North Elevation General Arrangement As Existing)
PD-GA-241 (Block Four South Elevation General Arrangement As Existing)
PD-GA-242 (Block Four East & West Elevation General Arrangement As Existing)

PD-GA-250 (Block Five East Elevation General Arrangement As Existing)
PD-GA-251 (Block Five West Elevation General Arrangement As Existing)
PD-GA-252 (Block Five North & South Elevation General Arrangement As Existing)

PD-GA-260 (Block Six East Elevation General Arrangement As Existing)
PD-GA-261 (Block Six West Elevation General Arrangement As Existing)
PD-GA-262 (Block Six North & South Elevation General Arrangement As Existing)

PD-GA-270 A (Block Seven North Elevation 01 General Arrangement As Existing)

PD-GA-271 (Block Seven North Elevation 02 General Arrangement As Existing)
PD-GA-272 (Block Seven South Elevation General Arrangement As Existing)

PD-GA-273 (Block Seven West Elevations General Arrangement As Existing)
PD-GA-274 (Block Seven East Elevation General Arrangement As Existing)
PD-GA-280 (Block Eight North Elevation General Arrangement As Existing)
PD-GA-281 (Block Eight South Elevation General Arrangement As Existing)
PD-GA-282 (Block Eight East & West Elevation General Arrangement As Existing)

PD-GA-290 A (Block Nine East Elevation General Arrangement As Existing)
PD-GA-291 (Block Nine West Elevation General Arrangement As Existing)
PD-GA-292 (Block Nine North & South Elevation General Arrangement As Existing)

PD-GA-610 A (Block One Ground Floor General Arrangement As Proposed)
PD-GA-611 A (Block One 4th Floor Plan General Arrangement As Proposed)
PD-GA-620 A (Block Two Ground Floor General Arrangement As Proposed)
PD-GA-621 A (Block Two 4th Floor Plan General Arrangement As Proposed)
PD-GA-630 A (Block Three Ground Floor General Arrangement As Proposed)
PD-GA-631 (Block Three 4th Floor Plan General Arrangement As Proposed)
PD-GA-640 (Block Four Ground Floor General Arrangement As Proposed)
PD-GA-641 A (Block Four 4th Floor Plan General Arrangement As Proposed)
PD-GA-850 A (Block Five Ground Floor General Arrangement As Proposed)
PD-GA-651 A (Block Five 4th Floor Plan General Arrangement As Proposed)
PD-GA-660 A (Block Six Ground Floor General Arrangement As Proposed)
PD-GA-661 A (Block Six 4th Floor Plan General Arrangement As Proposed)
PD-GA-670 A (Block Seven Ground Floor General Arrangement As Proposed)
PD-GA-671 A (Block Seven 4th Floor General Arrangement As Proposed)
PD-GA-680 (Block Eight Ground Floor General Arrangement As Proposed)
PD-GA-681 A (Block Eight 4th Floor Plan General Arrangement As Proposed)
PD-GA-690 A (Block Nine Ground Floor General Arrangement As Proposed)
PD-GA-691 A (Block Nine 4th Floor Plan General Arrangement As Proposed)

PD-GA-696 A (Flat Type Plans General Arrangement As Proposed)

PD-GA-810 (Block One West Elevation General Arrangement As Proposed)
PD-GA-811 A (Block One East Elevation General Arrangement As Proposed)
PD-GA-812 A (Block One North & South Elevation General Arrangement As Proposed)
PD-GA-820 (Block Two West Elevation General Arrangement As Proposed)
PD-GA-821 A (Block Two East Elevation General Arrangement As Proposed)
PD-GA-822 A (Block Two North & South Elevation General Arrangement As Proposed)
PD-GA-830 A (Block Three North & South Elevation General Arrangement As Proposed)
PD-GA-831 A (Block Three East & West Elevation General Arrangement As Proposed)
PD-GA-840 A (Block Four North Elevation General Arrangement As Proposed)
PD-GA-841 A (Block Four South Elevation General Arrangement As Proposed)
PD-GA-842 A (Block Four East & West Elevation General Arrangement As Proposed)

PD-GA-850 A (Block Five East Elevation General Arrangement As Proposed)
PD-GA-851 A (Block Five West Elevation General Arrangement As Proposed)
PD-GA-852 A (Block Five North & South Elevation General Arrangement As Proposed)
PD-GA-860 A (Block Six East Elevation General Arrangement As Proposed)
PD-GA-861 A (Block Six West Elevation General Arrangement As Proposed)

PD-GA-862 A (Block Six North & South Elevation General Arrangement As Proposed)

PD-GA-870 A (Block Seven North Elevation 01 General Arrangement As Proposed)

PD-GA-871 A (Block Seven North Elevation 02 General Arrangement As Proposed)

PD-GA-872 A (Block Seven South Elevation General Arrangement As Proposed)

PD-GA-873 (Block Seven West Elevations General Arrangement As Existing)

PD-GA-874 A (Block Seven East Elevation General Arrangement As Proposed)

PD-GA-880 A (Block Eight North Elevation General Arrangement As Proposed)

PD-GA-881 A (Block Eight South Elevation General Arrangement As Proposed)

PD-GA-882 A (Block Eight East & West Elevation General Arrangement As Proposed)

PD-GA-890 (Block Nine East Elevation General Arrangement As Proposed)

PD-GA-891 A (Block Nine West Elevation General Arrangement As Proposed)

PD-GA-892 A (Block Nine North & South Elevation General Arrangement As Proposed)

PD-ST-000 (Site Location Plan General Arrangement As Existing)

PD-ST-002 A (Chandos Way Block Plan As Existing)

PD-ST-003 A (Britten Close Block Plan As Existing)

PD-ST-004 (Parking General Arrangement As Existing)

PD-ST-601 (Chandos Way Block Plan As Proposed)

PD-ST-602 (Britten Close Block Plan As Proposed)

PD-ST-603 (Parking General Arrangement As Proposed)

Daylight & Sunlight Study and associated Cover Letter, DRP (dated 11/08/20)

Flood Risk Assessment, Hilson Moran Partnership Ltd (dated 26/10/18)

Planning Cover Letter, iceni (dated 08/08/20)

Transport Assessment and associated Cover Letter, ttp consulting (dated 14/08/20)

Reason: For the avoidance of doubt and in the interests of proper planning.

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

Reason: To comply with the requirements of The Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020.

- 3 The materials to be used in the new external surfaces of the building shall match those used in the existing buildings.

Reason: To safeguard the visual amenities of the building and surrounding area.

- 4 a) No development or site works shall take place on site until a 'Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The 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, noise and good air quality.

- 5 Notwithstanding the parking layout submitted with the planning application, prior to occupation of the development; a revised parking layout plan showing the exact dimensions of the existing/proposed crossovers and off-street parking space in the development shall be submitted to and approved in writing by the Local Planning Authority.

Thereafter, the off-street parking spaces shall be used only as agreed and not to be used for any purpose other than the parking and turning of vehicles in connection with approved development. If new vehicle crossovers are to be introduced then a s184 licence will need to be obtained by the applicant from the council. The applicant will be required to bear the full cost of the works including the cost of any changes to the existing CPZ layout, trees and signage that may be required.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

- 6 Prior to the occupation of the development hereby approved, details of cycle parking including the type of stands, gaps between stands, location of cycle parking and type of store proposed shall be submitted to and approved in writing by the Local Authority. Thereafter, before the development hereby permitted is occupied, at least 50 cycle parking spaces in accordance with the London Plan Cycle Parking Standards and London Cycle Design Standards shall be provided and shall not be used for any purpose other than parking of vehicles in connection with the approved development.

Reason: To encourage sustainable forms of transportation in the interest of highway flow and safety.

- 7 Prior to installation, details of the sun tunnels shall be submitted to and approved in writing by the Local Planning Authority.

Reason: In the interests of the amenity of existing occupiers of the top floor units.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 31 December 2020, unless otherwise agreed in writing, the Service Director for Planning and Building Control REFUSE the application under delegated powers for the following reason(s):

The proposed development does not include a formal undertaking to meet the costs of provision of highways mitigation. The proposal would therefore not address the impacts of the development, contrary to CS9 of the Local Plan Core Strategy (adopted September 2012), policy DM17 of the Development Management Policies (adopted September 2012) and the Planning Obligations SPD (adopted April 2013).

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 and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The 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 £60 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.

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

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

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

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

- 5 The applicant is advised that the provisions of The Party Wall etc. Act 1996 may be applicable to this scheme. This relates to work on an existing wall shared with another property; building on the boundary with a neighbouring property; or excavating near a neighbouring building. Further information can be found at <https://www.gov.uk/party-wall-etc-act-1996-guidance>.
- 6 The surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.

OFFICER'S ASSESSMENT

This application is being referred to the Strategic Planning Committee under the following function of the Council's Constitution:

"Any other planning application or planning matter to this Committee by relevant Chief Planning Officer acting in his or her discretion, after consultation with the chairman."

The Service Director for Planning and Building Control has exercised this option, with agreement from the Chairman, in view of the history of the site, previous deliberations by Members at committee on previous applications and the level of public interest in this new application.

1. Key Relevant Legislation:

Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended) - Schedule 2, Part 20, Class A, inserted by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020 (as amended).

2. Application site

The application site is located within the Chandos Way estate, within the Garden Suburb ward. The estate, constructed in the mid-1970s, consists of nine, four-storey blocks comprising of 220 flats. Blocks 1-6 are situated around Britten Close at the eastern side of the estate, with blocks 7-9 situated at the western end of Chandos Way.

The existing buildings are visually imposing brick constructed structures with lead clad mansard roofs. The buildings are constructed with flat roofs and have a series of rooflights providing light to the upper floor flats. The site benefits from large areas of amenity space around the existing blocks, with large mature trees and shrubs planted around the site boundaries.

The site is accessed by a single access road (Chandos Way) from Wellgarth Road and is served by a total of 250 car parking spaces (220 allocated for residential use and 30 visitor parking spaces).

The site is located within an established residential area. The town centre of Golders Green is located approximately 500m to the south. To the north of site, lies the mansion block of Heathcroft and the properties of Reynolds Close. This area forms part of the Hampstead Garden Suburb (HGS) Conservation Area and contains a number of statutory listed buildings. To the east of blocks 3 and 4 is North End Road (A502) which comprises of two-storey and semi-detached properties. Wellgarth Road bounds the application site to the east, which comprises of predominately two-storey semi-detached or detached properties. This street lies within the HGS Conservation Area and consists of a number of locally listed buildings. To the south-west of the site and at the end of Chandos Way is a recently completed residential development of 45 dwellings (Hampstead Reach). To the south of blocks 1-6 and east of blocks 7-9 is the Northern Line Underground tracks with Golders Green Underground Station situated further to the south.

Planning History

Reference: 18/3187/FUL

Address: Blocks 1-6 Britten Close & Blocks 7-9 Chandos Way London NW11 7HW

Decision: Refused

Decision date: 18 January 2019

Description: Erection of part 1, part 2 storey rooftop extensions to seven existing blocks to create 19no. self-contained flats, with private amenity space and ancillary gym within Block 7 and external lift shafts to each block. Provision of 21 additional parking spaces, 50 cycle spaces, external childrens play space; photovoltaic (PV) panels and upgrading of existing refuse and recycling stores and new landscaping and access arrangements.

Refusal Reasons:

1. The proposed development by reason of its size, siting and design would result in an incongruous form of development that would erode the uniformity of the buildings and the estate as a whole to the detriment of the visual amenities of the area and the character and appearance of the streetscene, would be harmful to the setting of the adjoining Hampstead Garden Suburb Conservation Area and would be detrimental to the visual amenities of occupiers of surrounding properties. As such, the proposed development would be contrary to policies CS1, CS5 and CS NPPF of the Adopted Core Strategy (2012) policies DM01, DM02 and DM06 of the Local Plan Development Management Policies Development Plan Document (2012) and the Residential Design Guidance SPD (2016).

2. The proposed development by reason of its siting over existing rooflights serving the top floor flats would lead to significant reduction of natural light being received to these flats and result in a substandard quality of accommodation giving rise to an unacceptable loss of existing residential amenities. As such, the proposed development would be contrary to policies CS1, CS NPPF of the Adopted Core Strategy (2012), policies DM01 and DM02 of the Local Plan Development Management Policies Development Plan Document (2012), the Residential Design Guidance SPD (2016) and Sustainable Design and Construction SPD (2016).

3. The development does not make any provision towards affordable housing. The proposal would therefore not provide the maximum viable amount of affordable housing, contrary to Policy DM10 of the Adopted Development Management Policies (2012), the Adopted Affordable Housing SPD (2007), the Adopted Planning Obligations SPD (2013) and Policy 3.12 of the Mayor's London Plan (2016).

4. The proposed development does not include a formal undertaking to provide a contribution towards carbon off-setting to achieve net zero carbon dioxide emissions from the residential component of the development. The proposal would therefore not address the impacts of the development, contrary to Policy 5.2 of the Mayor's London Plan (2016), Policy CS13 of the adopted Local Plan Core Strategy (2012), Policy DM04 of the Adopted Development Management Policies DPD (2012), the Adopted Sustainable Design and Construction SPD (2016) and the Adopted Planning Obligations SPD (2016).

Appeal Reference: APP/N5090/W/19/3229368

Appeal Decision: Dismissed

Appeal Decision Date: 04 February 2020

The appeal decision is attached as an appendix to this application. The third and fourth reasons for refusal relate to the absence of a legal agreement to secure agreed contributions

towards affordable housing and carbon off-setting. However, a signed S106 agreement was received as part of the appeal and the Council confirmed that its completion addressed its objection in relation to those matters.

The appeal considered the effect on the character and appearance of the host buildings; the effect on heritage assets and the effect of the proposal on the living conditions of the occupants of the existing flats, with particular regard to access to daylight.

The conclusion of the appeal decision was that the proposal would harm the character and appearance of the host buildings. However, the proposal would not result in harm to the designated and non-designated heritage assets and neither would it result in unacceptable harm to the living conditions of the occupants of the existing flats in terms of access to daylight.

Reference: 15/03208/FUL

Address: Blocks 4 And 5, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of an additional floor at fourth floor level to create four no. 3-bedroom flats, the erection of lift and stair access and the provision of cycle storage.

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: 15/03207/FUL

Address: Blocks 7 And 8, Chandos Way, London, NW11 7HF

Decision: Refused

Decision Date: 29.01.2016

Description: Erection of additional fourth floor level to create four no. 3-bedroom flats, erection of lift and stair access and provision of cycle storage

Reference: F/01319/12

Address: Chandos Lawn Tennis Club, Chandos Way, Wellgarth Road, London, NW11 7HP

Decision: Approved following legal agreement

Decision Date: 22.09.2014

Description: Erection of 45 self-contained units with associated car parking, cycle storage, amenity space, landscaping, refuse/recycling access, following demolition of existing building and structures.

4. Description of the proposal

The applicant has made an application to the Local Planning Authority to determine if prior approval is required for proposed new dwellinghouses on detached blocks of flats.

The proposal comprises of the rooftop extension across the entirety of the existing Chandos Way and Britten Close Estate, providing 48no. self-contained units. The proposal will also provide 16 car parking spaces and 50 cycle parking spaces on the site. Refuse and Recycling Storage is currently provided at ground floor level and this proposal does not require any amendments to the existing refuse provision.

5. Public Consultation and responses

Consultation on the application has been carried out in accordance with the requirements of the Order, including a site notice and letter to neighbouring properties.

A site notice was posted on 03 September 2020.

400 neighbours were consulted.

265 responses were received, comprising 265 letters of objection. The comments are as follows:

- Conflict with NPPF policies;
- Impact on appearance of existing buildings;
- Change the architectural uniformity;
- Incongruous design;
- Overdevelopment;
- Top-heavy proposed appearance;
- Unbalance between lead and brick materials;
- Increased density;
- Visual impact from proposed extensions to all blocks;
- Inappropriateness of glazing on the proposed top floor;
- Difficult to match material to existing;
- Visual impact of proposed external lift shafts;
- Impact on Hampstead Garden Suburb Conservation Area;
- Impact on residential Amenity;
- Overlooking;
- Loss of natural light;
- Loss of skylights;
- Proposed sun tunnels do not align with the roof lights below to be removed;
- Sun tubes are not a usable solution;
- Disagreement with proposed trip generation stated within the submitted Transport Assessment;
- Lack of parking provision within the proposed scheme;
- Increased traffic;
- Stacked car parking is inappropriate;
- Insufficient refuse facilities;
- Loss of green space;
- Removal of green space;
- Increase in pollution;
- Noise pollution;
- Disturbance of dormant asbestos;
- Disturbance during construction of nuisance and noise;
- Building instability to accommodate proposed extensions;
- Inadequate servicing and stress on existing services;
- Lack of detail submitted with the application;
- Impact on existing ventilation to existing top floor flats.

Mike Freer MP

I am writing to object to the proposed development. My objections are based on the intended mass and scale of the proposed development. The area has already undergone significant development recently, with further building work risking a quiet suburban neighbourhood

becoming overdeveloped. The plans as they are will also likely increase the pressures on parking around Chandos Way, especially as there are already tight controls in place around eligibility for parking permits.

Hampstead Garden Suburb Trust

Objection on the basis of the proposed extensions will alter the massing, appearing top heavy, the proposals will overextend the lead mansards so that their proportions will relate poorly to the brickwork. The proposed glazed lift towers, jutting out of the courtyard elevations, would damage the present harmony of the elevations with their consistent stair towers, similarly the glazed extra floor would introduce an alien element. The proposed development would also have a harmful impact on the setting of the Hampstead Garden Suburb Conservation Area and adjacent listed buildings.

Hampstead Garden Suburb Conservation Area Advisory Committee

Object on basis of impact on scale of buildings, excessive bulk, loss of light, impact on existing character, increased density and parking excess.

6. Assessment of Policy Considerations

PART 20 - Construction of New Dwellinghouses

Class A - New dwellinghouses on detached blocks of flats

Permitted development

A. Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats, together with any or all—

(a) engineering operations reasonably necessary to construct the additional storeys and new dwellinghouses;

(b) works for the replacement of existing plant or installation of additional plant on the roof of the extended building reasonably necessary to service the new dwellinghouses;

(c) works for the construction of appropriate and safe access to and egress from the new and existing dwellinghouses, including means of escape from fire, via additional external doors or external staircases;

(d) works for the construction of storage, waste or other ancillary facilities reasonably necessary to support the new dwellinghouses.

Paragraph A states development is permitted for:

"Development consisting of works for the construction of up to two additional storeys of new dwellinghouses immediately above the existing topmost residential storey on a building which is a purpose-built, detached block of flats..." [together with any or all of a range of other operational development necessary to construct or support the additional storeys and new flats to be created].

The Order defines the following terms:

"block of flats" - means a building which is divided horizontally and consists of separate and self-contained premises constructed for use for the purposes of a dwellinghouse, and

any ancillary facilities constructed solely for use by occupiers of the building;

"detached" - means that the building does not share a party wall with a neighbouring building.

"purpose-built" -in relation to a building (whether a block of flats or a dwellinghouse), means built as such and remaining as such.

The local planning authority are satisfied that the existing buildings complies with the above definitions and therefore meet the requirements of Paragraph A of the Order.

Development not permitted

A.1. Development is not permitted by Class A if—

(a) the permission to use any building as a dwellinghouse has been granted only by virtue of Class M, N, O, P, PA or Q of Part 3 of this Schedule;

The proposal complies.

(b) above ground level, the building is less than 3 storeys in height;

The existing blocks are 4/5 storeys above ground level.

(c) the building was constructed before 1st July 1948, or after 5th March 2018;

The date of construction was 1978. Therefore, the proposal complies.

(d) the additional storeys are constructed other than on the principal part of the building;

The proposal complies.

(e) the floor to ceiling height of any additional storey, measured internally, would exceed the lower of—

(i) 3 metres; or

(ii) the floor to ceiling height, measured internally, of any storey of the principal part of the existing building;

The proposal complies.

(f) the new dwellinghouses are not flats;

The dwellinghouses are flats. Therefore, the proposal complies.

(g) the height of the highest part of the roof of the extended building would exceed the height of the highest part of the roof of the existing building by more than 7 metres (not including plant, in each case);

The proposal complies.

(h) the height of the highest part of the roof of the extended building (not including plant) would be greater than 30 metres;

The proposal complies.

(i) development under Class A.(a) would include the provision of visible support structures on or attached to the exterior of the building upon completion of the development;

The development does not include any visible support structures.

(j) development under Class A.(a) would consist of engineering operations other than works within the existing curtilage of the building to—

(i) strengthen existing walls;

(ii) strengthen existing foundations; or

(iii) install or replace water, drainage, electricity, gas or other services;

The proposal does not consist of engineering operations outside the curtilage of the building.

(k) in the case of Class A.(b) development there is no existing plant on the building;

There is no existing plant on the building.

(l) in the case of Class A.(b) development the height of any replaced or additional plant as measured from the lowest surface of the new roof on the principal part of the extended building would exceed the height of any existing plant as measured from the lowest surface of the existing roof on the principal part of the existing building;

There is no proposed replacement plant.

(m) development under Class A.(c) would extend beyond the curtilage of the existing building;

The proposal complies.

(n) development under Class A.(d) would—

(i) extend beyond the curtilage of the existing building;

(ii) be situated on land forward of a wall forming the principal elevation of the existing building; or

(iii) be situated on land forward of a wall fronting a highway and forming a side elevation of the existing building;

The proposal complies.

(o) the land or site on which the building is located, is or forms part of—

(i) article 2(3) land;

(ii) a site of special scientific interest;

(iii) a listed building or land within its curtilage;

(iv) a scheduled monument or land within its curtilage;

(v) a safety hazard area;

(vi) a military explosives storage area; or

(vii) land within 3 kilometres of the perimeter of an aerodrome.

The proposal complies.

Conditions A.2

(1) where any development under Class A is proposed, development is permitted subject to the condition that before beginning the development, the developer must apply to the local planning authority for approval of the authority as to -

(a) transport and highways impacts of the development:

The site lies in an area of PTAL of 2 (low) and both Chandos Way and Britten Close operate a residential CPZ Mon-Fri between 11am-12noon. However, the site is a short walk from the Golders Green Town Centre where there are bus and London Underground services.

Paragraph 109 of the NPPF states *"Development should only be prevented or refused on highways grounds if there would be an unacceptable impact on highway safety, or the residual impacts on the road network would be severe."*

Policy DM17 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) states in regarding to parking management (point g) states that:

"The council will expect development to provide parking in accordance with the London Plan standards, except in the case of residential development, where the maximum standards will be:

- i. 2 to 1.5 spaces per unit for detached and semi-detached houses and flats (4 or more bedrooms);
- ii. 1.5 to 1 spaces per unit for terraced houses and flats (2 to 3 bedrooms); and
- iii. 1 to less than 1 space per unit for development consisting mainly of flats (1 bedroom).

2. Residential development may be acceptable:

ii. with limited or no parking within a CPZ, where it can be demonstrated that there is insufficient capacity on street the applicant will be required to enter into a legal agreement to restrict future occupiers from obtaining on street parking permits. For proposals in close proximity to the edge of a CPZ a survey will also be required to demonstrate that there is sufficient on street parking capacity on streets outside the CPZ."

The applicant has submitted a Transport Assessment (TA) which states that the proposal provides for an additional 16 car parking spaces on site including 2 wider spaces suitable for use by blue badge holders. Visitor parking will be provided by way of the existing 30 visitor spaces. The report concludes that whilst the proposal seeks more units, it is providing marginally fewer cars parking spaces, however, the applicant is prepared to enter into a legal agreement to prevent new occupiers from obtaining residential parking permits.

The TA has been reviewed by the Council's Traffic and Development service and comments that there is no objection to the proposed development subject to the completion of a legal agreement for parking permit restrictions. The proposed trip generation is not expected to be significant and thus unlikely to have a network impact. Subject to the completion of a legal agreement and relevant conditions relating to bicycle storage, there would be no objection on transportation or highways grounds to the proposed development.

(b) air traffic and defence asset impacts of the development:

There are no air traffic and defence asset impacts arising from the development.

(c) contamination risks in relation to the building;

The proposed development does not comprise any excavation works that could give rise to any contamination risks. The applicant has confirmed that there is no asbestos at the site.

The Council's Environmental Health service has reviewed the information submitted and is satisfied there is no contamination risks.

(d) flooding risks in relation to the building;

The application site is located within Flood Zone 1 (low probability). According to the Environment Agency's data, the site also indicates that the majority of the site is considered to be at a very low risk of surface water flooding with areas of the site being at low and high risk of surface water flooding at parts of the existing access road.

A Flood Risk assessment has been submitted by the applicant and this is considered to be acceptable.

(e) the external appearance of the building;

The site comprises of nine, four-storey blocks which are set in two 'horseshoe' layouts at both Chandos Way and Britten Close. The lower sections of the blocks are constructed in facing red brickwork with metal cladding on the top two floors. The previous Inspectors report commented that the uniform height and architectural details of the blocks are integral components of the design and such features give the buildings a strong sense of rhythm and uniformity.

The application comprises of a single-storey extension to all blocks which would be extended in the same way. This is considered to address the rhythm and uniformity issue with the front facing elevations having a gradual step back similar to the existing top floors. The proposed palette of materials seeks to reflect the existing blocks with red facing brick and lead cladding. This is considered to address the Inspector's comments that having a different material palette would cause harm to the host buildings.

In terms of additional bulk and mass, a single-storey extension is considered to be acceptable and the subordinate stepped design is not considered to detract from the interesting architectural features that are unique to the blocks. The existing staircase towers will be extended up to be 1100mm above the new finished floor level, with a new canopy and glazed element above.

The proposed lift shafts would be stepped in from the existing staircase towers and would also have a glazed finish with new canopies above to connect the two elements. Whilst they will introduce a new tall element within the estate, their glazed design is considered to help reduce their visual impact. In addition, only one lift shaft will be constructed to each block, which will reduce any cluttered appearance of the front elevations and within the courtyards. The applicant has confirmed that the proposed glazing will be low ion and specified to ensure it does not cause glare.

Taking into account, it is considered that the proposal would sympathetically reflect the existing architectural features of the blocks and that the proposed extensions would be much more visually aligned with the external appearance of the existing blocks.

(f) the provision of adequate natural light in all habitable rooms of the new dwellinghouses;

The Order defines 'habitable rooms' by "any rooms used or intended to be used for sleeping or living which are not solely used for cooking purposes, but does not include bath or toilet facilities, service rooms, corridors, laundry rooms, hallways or utility rooms.

The proposed units share a similar layout across of all of the blocks to be extended. The proposed units are mostly designed with an inset section to the rear which provides dual-aspect outlooks, as well as windows to each bedroom. Those units which are located at the edges of each block, also benefit from a proposed side window.

The development would provide well positioned, unobstructed openings that would allow for good levels of natural light to habitable rooms. Therefore, the development would ensure the provision of adequate natural sunlight to habitable rooms of the proposed flats.

(g) impact on the amenity of the existing building and neighbouring premises including overlooking, privacy and the loss of light;

The general arrangement of the proposed units is that the layouts are orientated so that their main outlooks would face towards the rear of the buildings and the edges of the site. The front facing elevations which front onto the internal courtyard comprise of the gallery areas to access the proposed units. In terms of the rear elevations, these would be generally positioned away from the existing blocks. The exception to this is Blocks 6 and 7 which have direct views towards each other. However, these blocks have a separation distance of approx. 30m between them and the proposal would not result in this separation being reduced. Therefore, it is not considered to give rise of any harmful effects of overlooking within the estate between existing blocks. The distances between the neighbouring boundaries along Wellgarth Road, Heathcroft and Reynolds Close are approx. 25-30m, which is far in excess of the 10.5m stipulated in Barnet's Residential Design Guidance SPD (2016). Any window to window distances would exceed the advised 21m separation distance. Therefore, the proposal is not considered to have any harmful effects on the residential amenity of the surrounding properties.

The blocks within the estate would be uniformly extended by a single-storey and this is not considered to result in a significant overbearing nature that would be harmful to the existing residents of Britten Close / Chandos Way. Due to the separation distances between neighbouring sites, the proposal is not considered to have significant overbearing impacts.

In terms of loss of light, this report will address two aspects: impact of light caused by the proposed development and impact caused through loss of rooflights.

The applicant has submitted a cover letter as an update to the previously submitted daylight and sunlight report which formed part of the previously refused application 18/3187/FUL. Officers conclusion of that report was that it had been demonstrated that the existing residential units will continue to receive good levels of light and that justification has been proposed that the existing design of the blocks had an existing impact on daylight/sunlight levels. The updated cover letter from the applicant's consultants states that the proposed development will not create any greater impacts on neighbouring properties around the site and all neighbours will continue to comply with the BRE guidelines. This proposal is smaller in scale and designed with a flat roof instead of pitched roofs. Therefore, considering that a much larger scale of development was previously considered acceptable, Officers are satisfied that existing residential units and neighbouring properties will continue to receive

good levels of light.

Secondly, on the issue of the impact caused by the loss of rooflights, the upper level flats of the blocks benefit from a number of rooflights which serve as either the primary source of light to kitchens, bathrooms and stairwells or as secondary windows to bedrooms or living rooms. The rooflights vary in size depending on the room they serve, however those windows which serve kitchens are typically the largest. With the proposed development seeking to extend upwards, it is proposed to remove all rooflights and replace those which serve a kitchen with a tubular sun tunnel. These would run through vertical voids in the proposal, allowing for sunlight to penetrate down to the existing flats. The sun tunnels would protrude from the top of the roof slope with glass domes. Within the previous application, the Council felt this impact would be harmful and refused the application, amongst other matters, as a result of the loss of rooflights and the reduction of natural light to those top-floor flats. This matter was assessed at appeal where the Inspector made the following comments:

"The evidence before me shows that there would be a total of 237 rooflights across the estate which would be affected by the scheme. 22 of these serve habitable rooms. In line with the CS, for the purposes of this assessment I consider that a habitable room is a room within a dwelling, the primary purpose of which is for living, sleeping or dining. This does not include kitchens smaller than 13sq.m in area. My approach in this regard is supported by a previous Inspector.

The proposal would result in the loss of the 22 rooflights mentioned above. However, all of these are secondary light sources. Consequently, I am not persuaded that their removal would significantly diminish the living conditions within the habitable rooms they serve in terms of access to daylight. I also note that 49 rooflights within kitchens smaller than 13sq.m in size would be removed. However, they would be replaced by sun-tunnels which would provide access to some daylight within these rooms. In any event, these smaller kitchens constitute non-habitable rooms and it is unlikely that existing occupants would spend a significant amount of time within them compared to other, larger, rooms. I am therefore satisfied that the removal of the rooflights within them would not unacceptably diminish living conditions at the flats.

The scheme would also result in the loss of a number of rooflights which serve stairwells and circulation spaces within the flats such as hallways. However, these are transitional spaces and I am satisfied that they could be lit by artificial means without significantly comprising the living conditions of the occupants within the flats.

For the reasons given, I conclude that the proposal would not result in unacceptable harm to the living conditions of the occupants of the existing flats in terms of access to daylight. It would therefore accord with Policy DM01 insofar as it seeks to ensure that developments retain adequate daylight for adjoining users. It would also accord with the Framework insofar as it seeks to preserve a high standard of amenity for existing users."

Therefore, the local planning authority is satisfied that the loss of the top level rooflights are acceptable, as well as the proposed provision of sun tunnels. A concern has been raised that the proposed sun tunnels are sited in different locations as previously proposed and do not align with the kitchen sky lights below. However, the applicant has confirmed that although the drawings do not illustrate the termination position, they do in fact terminate above the existing skylights. The proposed light pipe technology is capable of extending over a long distance whilst maintaining light levels, including having 90 degree bends in the light pipe itself.

Concerns have been raised that further units will result in an increase in people within the site, resulting in overcrowding and increased noise. As the proposed development would be used for residential purposes, the use is considered to be compatible with the existing site and the levels of noise would be comparable to existing use.

The introduction of new lift shafts has the potential to generate new noise but given that its associated with a new residential use and would be fairly infrequently used, the level of noise is not considered to be significant. The lift shaft structures are not considered to have a harmful effect on the amenity of existing occupiers.

(h) whether because of the siting of the building, the development will impact on a protected view identified in the Directions Relating to Protected Vistas dated 15 March 2012(3) issued by the Secretary of State, and the provisions of paragraph B (prior approval) of this Part apply in relation to that application.

The proposal complies.

7. Response to Public Consultation

Concerns have been raised about the potential impacts and disturbances created during the construction of the extensions. It is a condition of the Order that before beginning the development, the developer must provide the local authority with a report for the management of the construction of the development, which sets out the proposed development hours of operation and how any adverse impact of noise, dust, vibration and traffic on occupiers of the building and adjoining owners or occupiers will be mitigated. This will be secured by condition.

Another issue raised by residents related to how their existing ventilation or extraction equipment would be affected by the proposal. The applicant has confirmed that the previous strategy proposed as part of the refused application would be followed. The existing boiler flues and extractor ducting at roof level would be maintained and re-routed. Therefore, the existing residents will continue to benefit from their existing ventilation.

Objections relating to the loss of property value, increases to service charges and ground rent, charges/ or impacts on existing covenants are not planning issues and cannot be considered to influence the planning outcome for this application. This is also the case of concerns relating to whether the increase of the number of units would harm the sense of community within the estate.

There are implications in the objections that the loss of existing light through rooflights (albeit to non-habitable rooms or spaces) would be theft or a loss of individual property rights. Property rights do not fall for consideration under the planning system. Neither does the Right to Light which is governed by separate legislation. These are matters of civil law and are not planning issues.

Objections concerning the ability of the building to tolerate the stress of additional rooftop extensions are not material planning considerations. Structural integrity of the buildings would be considered under building regulations.

8. Consultation

The proposal meets the limitations of the GPDP (as amended) and Class A of Part 20 of the

Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) (Coronavirus) Regulations 2020 (as amended).

It is therefore recommended that the development proposed is **PERMITTED DEVELOPMENT** and that **PRIOR APPROVAL** is required and approved.

