

Location	Blocks 7- 9 Chandos Way And Blocks 1 To 6 Britten Close London NW11 7HW	
Reference:	21/3001/PNV	Received: 28th May 2021 Accepted: 1st June 2021
Ward:	Garden Suburb	Expiry 27th July 2021
Case Officer:	Josh McLean	
Applicant:	B and C Crestpearl Ltd	
Proposal:	Erection of single storey rooftop extension across all blocks 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. Amendment to the Traffic Management Order (TMO) to restrict future occupiers from obtaining residential parking permits

Contribution of £2022 towards the amendment of the Traffic Management Order to restrict future occupier of the new units from obtaining residential parking permits.

4. Monitoring of legal agreement

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:

- 1667-PD-GA-010 (Block One Ground Floor Plan, As Existing)
- 1667-PD-GA-011 (Block One Roof Plan As Existing)
- 1667-PD-GA-020 (Block Two Ground Floor Plan As Existing)
- 1667-PD-GA-021 (Block Two Roof Plan As Existing)
- 1667-PD-GA-030 A (Block Three Ground Floor Plan As Existing)
- 1667-PD-GA-031 A (Block Three Roof Plan As Existing)
- 1667-PD-GA-040 (Block Four Ground Floor Plan As Existing)
- 1667-PD-GA-041 (Block Four Roof Plan As Existing)
- 1667-PD-GA-050 (Block Five Ground Floor Plan As Existing)
- 1667-PD-GA-051 (Block Five Roof Plan As Existing)
- 1667-PD-GA-060 (Block Six Ground Floor Plan As Existing)
- 1667-PD-GA-061 (Block Six Roof Plan As Existing)
- 1667-PD-GA-070 (Block Seven Ground Floor Plan As Existing)
- 1667-PD-GA-071 (Block Seven Roof Plan As Existing)
- 1667-PD-GA-080 A (Block Eight Ground Floor Plan As Existing)
- 1667-PD-GA-081 (Block Eight Roof Plan As Existing)
- 1667-PD-GA-090 (Block Nine Ground Floor Plan As Existing)
- 1667-PD-GA-091 (Block Nine Roof Plan As Existing)
- 1667-PD-GA-210 A (Block One West Elevation As Existing)
- 1667-PD-GA-211 (Block One East Elevation As Existing)
- 1667-PD-GA-212 A (Block One North & South Elevations As Existing)
- 1667-PD-GA-220 A (Block Two West Elevation As Existing)
- 1667-PD-GA-221 A (Block Two East Elevation As Existing)
- 1667-PD-GA-222 A (Block Two North & South Elevations As Existing)
- 1667-PD-GA-230 A (Block Three North & South Elevation As Existing)
- 1667-PD-GA-231 B (Block Three East & West Elevation As Existing)
- 1667-PD-GA-240 B (Block Four North Elevation As Existing)
- 1667-PD-GA-241 (Block Four South Elevation As Existing)
- 1667-PD-GA-242 A (Block Four East & West Elevations As Existing)
- 1667-PD-GA-250 A (Block Five East Elevation As Existing)
- 1667-PD-GA-251 (Block Five West Elevation As Existing)
- 1667-PD-GA-252 A (Block Five North & South Elevations As Existing)
- 1667-PD-GA-260 A (Block Six East elevation As Existing)
- 1667-PD-GA-261 (Block Six West Elevation As Existing)
- 1667-PD-GA-262 (Block Six North & South Elevations As Existing)
- 1667-PD-GA-270 B (Block Seven North Elevation As Existing)
- 1667-PD-GA-271 A (Block Seven North Elevation As Existing)
- 1667-PD-GA-272 (Block Seven South Elevation As Existing)

1667-PD-GA-273 A (Block Seven West Elevations As Existing)
1667-PD-GA-273 (Block Seven West Elevations As Existing)
1667-PD-GA-274 (Block Seven East Elevation As Existing)
1667-PD-GA-280 A (Block Eight North Elevation As Existing)
1667-PD-GA-281 (Block Eight South Elevation As Existing)
1667-PD-GA-282 A (Block Eight East & West Elevations As Existing)
1667-PD-GA-290 B (Block Nine East Elevation As Existing)
1667-PD-GA-291 (Block Nine West Elevation As Existing)
1667-PD-GA-292 (Block Nine North & South Elevations As Existing)

1667-PD-GA-610 B (Block One Ground Floor Plan As Proposed)
1667-PD-GA-611 B (Block One 4th Floor Plan As Proposed)
1667-PD-GA-620 B (Block Two Ground Floor Plan As Proposed)
1667-PD-GA-621 B (Block Two 4th Floor Plan As Proposed)
1667-PD-GA-630 B (Block Three Ground Floor Plan As Proposed)
1667-PD-GA-631 A (Block Three 4th Floor Plan As Proposed)
1667-PD-GA-640 A (Block Four Ground Floor Plan As Proposed)
1667-PD-GA-641 B (Block Four 4th Floor Plan As Proposed)
1667-PD-GA-650 A (Block Five Ground Floor Plan As Proposed)
1667-PD-GA-651 B (Block_Five_4th_Floor_Plan_As_Proposed)
1667-PD-GA-660 B (Block Six Ground Floor Plan As Proposed)
1667-PD-GA-661 B (Block Six 4th Floor Plan As Proposed)
1667-PD-GA-670 B (Block Seven Ground Floor Plan As Proposed)
1667-PD-GA-671 B (Block Seven 4th Floor Plan As Proposed)
1667-PD-GA-680 A (Block Eight Ground Floor Plan As Proposed)
1667-PD-GA-681 B (Block Eight 4th Floor Plan As Proposed)
1667-PD-GA-690 B (Block Nine Ground Floor Plan As Proposed)
1667-PD-GA-691 B (Block Nine 4th Floor Plan As Proposed)
1667-PD-GA-695 B (Flat Type Plans As Proposed)
1667-PD-GA-810 A (Block One West Elevation As Proposed)
1667-PD-GA-811 B (Block One East Elevation As Proposed)
1667-PD-GA-812 B (Block One North & South Elevations As Proposed)
1667-PD-GA-820 A (Block Two West Elevation As Proposed)
1667-PD-GA-821 B (Block Two East Elevation As Proposed)
1667-PD-GA-822 B (Block Two North & South Elevations As Proposed)
1667-PD-GA-830 B (Block Three North & South Elevation As Proposed)
1667-PD-GA-831 B (Block Three East & West Elevation As Proposed)
1667-PD-GA-840 B (Block Four North Elevation As Proposed)
1667-PD-GA-841 B (Block Four South Elevation As Proposed)
1667-PD-GA-842 B (Block Four East & West Elevations As Proposed)
1667-PD-GA-850 B (Block Five East Elevation As Proposed)
1667-PD-GA-851 B (Block Five West Elevation As Proposed)
1667-PD-GA-852 B (Block Five North & South Elevations As Proposed)
1667-PD-GA-860 B (Block Six East Elevation As Proposed)
1667-PD-GA-861 B (Block Six West Elevation As Proposed)
1667-PD-GA-862 B (Block Six North & South Elevations As Proposed)
1667-PD-GA-870 B (Block Seven North Elevation As Proposed)
1667-PD-GA-871 B (Block Seven North Elevation As Proposed)
1667-PD-GA-872 B (Block Seven South Elevation As Proposed)
1667-PD-GA-873 B (Block Seven West Elevations As Proposed)
1667-PD-GA-874 B (Block Seven East Elevation As Proposed)
1667-PD-GA-880 B (Block Eight North Elevation As Proposed)
1667-PD-GA-881 B (Block Eight South Elevation As Proposed)

1667-PD-GA-882 B (Block Eight East & West Elevations As Proposed)
1667-PD-GA-890 B (Block Nine East Elevation As Proposed)
1667-PD-GA-891 A (Block Nine West Elevation As Proposed)
1667-PD-GA-892 A (Block Nine North & South Elevations As Proposed)

1667-PD-ST-000 (Site Location Plan As Existing)
1667-PD-ST-002 A (Block Plan Chandos Way As Existing)
1667-PD-ST-003 A (Block Plan Britten Close As Existing)
1667-PD-ST-004 (Site Parking As Existing)
1667-PD-ST-601 A (Block Plan Chandos Way As Proposed)
1667-PD-ST-602 A (Block Plan Britten Close As Proposed)
1667-PD-ST-603 A (Site Parking As Proposed)

Daylight & Sunlight Study and associated Cover Letter, DRP (dated 24/05/21)
Flood Risk Assessment, Hilson Moran Partnership Ltd (dated 26/10/18)
Planning Cover Letter, iceni (dated 25/05/21)
Transport Assessment and associated Cover Letter, ttp consulting (dated 19/05/21)

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.

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

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

- 3 a) Prior to the first use or installation of relevant details, samples of the external finishing materials to be used are to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be constructed in accordance with the approved details.

Reason: To ensure a satisfactory external appearance in the interest of visual amenity.

- 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 contractor's 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; an updated 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, 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.

- 8 The approved dwellinghouses in the buildings must remain in use as a dwellinghouse within the meaning of Class C3 of the Schedule to the Use Classes Order and for no other purpose, except to the extent that the other purpose is ancillary to the primary use as a dwellinghouse.

To comply with the provisions of Schedule 2, Part 20, Class AA of the GPDO the Town and Country Planning (General Permitted Development) (England) (Amendment) (No.2) Order 2020 And S.51 of the Planning & Compulsory Purchase Act 2004.

RECOMMENDATION III:

- 1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 30 November 2021, 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 The developer must notify the local planning authority of the completion of the development as soon as reasonably practicable after completion. The notification must be in writing and must include—
 - (a) the name of the developer;
 - (b) the address or location of the development; and
 - (c) the date of completion.

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 of the SPC and FGG committees 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 north-west with the Golders Green Town Centre Conservation Area extending towards the site but stopping around the perimeter of the London Underground tracks. To the north-east 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 south 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 north-west of the site and at the end of Chandos Way is a recently completed residential development of 45 dwellings (Hampstead Reach). To the north 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 north.

3. Planning History

Reference: 20/3784/PNV

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

Decision: Prior Approval Required and Refused

Decision Date: 18 December 2020

Description: 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

Refusal Reasons:

1. The proposed development, because of the projecting rear balconies, would not be immediately above the existing topmost residential storey, failing to meet Class A of Part 20 of the Town and Country Planning (General Permitted Development) (England) Order 2015 (as amended), as inserted by the Town and Country Planning (Permitted Development and Miscellaneous Amendments) (England) Regulations 2020 (as amended).

2. The proposed development, by reason of the proposed use of materials, would have an unacceptable visual impact through the distortion and unbalancing effect of the external appearance of the existing buildings. In addition, the massing, projection and materials of the proposed glazed lift shafts and staircase canopies would be of a poor design and would create further adverse harm, in terms of distortion and unbalancing, to the external appearance of the existing buildings, contrary to paragraph 127 of the NPPF, Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Residential Design Guidance SPD (2016).

3. The proposed lift shafts, by reason of their siting, massing, height, projection and materials would have an adverse impact on the residential amenity of existing residents and the visual amenity of neighbouring premises, contrary to paragraph 127 of the NPPF, Policy CS5 of Barnet's Core Strategy DPD (2012), Policy DM01 of Barnet's Development Management Policies Document DPD (2012) and the guidance contained within Barnet's Residential Design Guidance SPD (2016).

4. In the absence of a legal agreement securing appropriate mitigation by restricting future occupiers of the proposed development from obtaining parking permits within the Controlled Parking Zone, the proposed development would unacceptably increase on-street parking stress. The proposal would therefore not address the transport and highways impacts of the development, contrary to paragraph 108 of the NPPF, Policy CS9 of Barnet's Core Strategy DPD (2012), Policy DM17 of Barnet's Development Management Policies Document DPD (2012) and the Planning Obligations SPD (2013).

Appeal Reference: APP/N5090/W/3269709

Appeal Decision: Pending appeal consideration

Appeal Date: N/A

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 10 October 2021.

346 neighbours were consulted.

192 responses were received, comprising 191 letters of objection and 1 letter of support. The comments are as follows:

- Conflict with NPPF policies;
- Conflict with Class A.2 of the GPDO
- Failure to comply with Barnet policies on heritage and conservation;
- Impact on appearance of existing buildings;
- Height and massing is out of keeping with the estate:
- Overdevelopment;
- Creation of an overbearing or unduly obstructive bulk atop the existing blocks;
- Top-heavy proposed appearance;
- Unbalance between lead and brick materials;
- Increased density;
- Visual impact from proposed extensions to all blocks;
- External walkways are out of keeping;
- Difficult to match material to existing;
- Impact on Hampstead Garden Suburb Conservation Area and listed buildings;
- Overcrowding
- Intensification of existing stair towers;
- Impact on residential Amenity;
- Overlooking;
- Loss of natural light;
- Overshadowing;
- Loss of skylights in terms of light and ventilation;
- Proposed sun tunnels do not align with the roof lights below to be removed;
- Sun tubes are not a usable solution;
- Use of external walkways would cause increased noise and footfall
- Disagreement with proposed trip generation stated within the submitted Transport Assessment;
- Inadequate provision of parking on site;
- Increased on-street parking stress;
- Increased traffic;
- Reduced availability of visitor parking;
- Insufficient refuse facilities;
- Intensification of existing outdoor garden areas;
- Loss of open/ green space;
- Impact on air quality;
- Increase in pollution;
- Noise pollution;
- Disturbance of asbestos;
- Construction will impact nature and wild animals;
- Disturbance during construction of nuisance and noise;
- Impact on security;
- Increased crime;
- Building instability to accommodate proposed extensions;
- Inadequate servicing and stress on existing services;
- Absence of elevators creates restrictions of barrier free access to the additional floor;

- Existing drainage will not cope with additional flats;
- Lack of detail submitted with the application;
- No consideration towards fire hazard issues and fire/emergency exit;
- Impact on existing ventilation to existing top floor flats.

The letter of support raises the following comments:

- Addition of much need housing supply;
- Increased cycle parking

Ward Councillor Rohit Grover

I would like to register an objection to this application, which I believe is now the fourth attempt at this development, with resident concerns around blocking of light, visual amenity, density, parking and traffic not having been addressed.

Mike Freer MP

This application is simply a copycat application of planning reference: 20/3784/PNV. Therefore, my objections stand based on the intended mass and scale of the proposed development. This area has already undergone significant development recently, with further building work risking a quiet suburban neighbourhood becoming over-developed. The plan 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. The developer has completely disregarded the concerns raised by local residents and has not demonstrated any effort to respond to the issues raised by the 266 residents who objected to the previous application. It is on that basis that I would encourage the Council to oppose this development for the second time.

Hampstead Garden Suburb Trust

This is a very poor conceived scheme that would do considerable damage to the architectural and environmental qualities of the existing 1970s buildings. On the inner face of the courts, the sloping lead mansards roofs give the architecture a surprisingly domestic feel. The proportion of lead mansard to brickwork suggests a 2/3 storey building with deep roof. The stair towers appear as buttresses to contrast to the stepping back of the lead roofs. The architecture of these buildings is distinctive and contextual and well considered. The proposal will overextend the lead mansards so that their proportions will relate poorly to the brickwork. Over half the height of the elevations will read as "roof".

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 previous Prior Approval (ref: 20/3784/PNV) was considered to fail Part A due to the proposed balconies across all units extending out beyond the topmost residential storey and therefore not considered to be in compliance of being 'immediately above'. In response, the proposed scheme has completely removed the balconies and the proposed footprint follows that the existing topmost storey.

Officers 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 existing buildings were purpose-built for flats and have not have not been converted under the above change of use classes. Therefore, 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. Therefore, the proposal complies.

(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 proposed additional storey is located on the principal part of the buildings. Therefore, 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 floor to ceiling heights of the proposed storey are 2.3m in height to match those of the existing building floor to ceiling heights. As such, proposal complies.

(f) the new dwellinghouses are not flats;

The proposed 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 extended building would exceed the height of the highest part of the roof of the existing building by 3.2m. As such, 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 proposed height from the highest part of the roof to the lowest ground level of the block's perimeter is 18.5m. As such, 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. Therefore, the proposal complies.

(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 development does not extend beyond the curtilage of the existing buildings. Therefore, 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. This area has a PTAL of 6a and 6b.

Paragraph 111 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."

The proposed development comprises of an additional 16 car parking spaces on site

including 2 wider spaces suitable for use by blue badge holders. This would equate to a provision of 0.33 spaces per flat.

The application is submitted by a Transport Cover Letter, Transport Assessment (TA) and existing and proposed parking plans. The proposed parking plan illustrates that the additional 16no. spaces will be provided across the site, as well as retaining the existing 30no. visitor parking spaces.

The submitted TA is based on the previous refused full planning permission scheme which proposed 21 parking spaces for 19no. flats. Within this document, it states that the existing residents of the site own 0.62 cars per dwelling, whilst the 2011 census indicates that car ownership in the wider area is 0.91 vehicles per household. The report findings state that the development should have no discernible effect on the operation of the local road network and the level of trips by other modes of transport is not considered to be of a scale that would change the nature of the operation of local transport services. It is also stated within this document and the submitted cover letter that the applicant is prepared to enter into a legal agreement to restrict future occupiers of the proposed development from obtaining parking permits within the CPZ.

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. Based on this, the development is not considered to have unacceptable impact on highway safety, or the residual impacts on the road network would be severe as set out by the NPPF.

(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 Inspector's 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 being stepped back to reduce the bulk/massing. The proposed palette of materials seeks to reflect the existing blocks with red facing brick and lead cladding.

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 stair towers have been extended upwards with a smaller lead extension at the top which is also stepped back. This is considered to subservient and is not considered to distort the existing external appearance.

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 and each living / kitchen / dining and bedroom would be provided with a separate window to each room.

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 windows of each proposed unit are set back and face into the horizontal circulation. 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 full planning application (ref: 18/3187/FUL), 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.

(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.

A considerable number of comments have been raised in relation to the development's impact on the adjacent conservation area, listed and locally listed buildings. However, the LPA can only consider the 'external appearance of the building' and not any assessment on the surrounding area. Therefore, as the site is not itself located within the conservation area and does not contain a listed building, heritage matters cannot be considered as part

of this prior approval.

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.