

**MEETING**

**CHIPPING BARNET AREA PLANNING COMMITTEE**

**DATE AND TIME**

**THURSDAY 13TH OCTOBER, 2016**

**AT 7.00 PM**

**VENUE**

**HENDON TOWN HALL, THE BURROUGHS, LONDON NW4 4BQ**

**TO: MEMBERS OF CHIPPING BARNET AREA PLANNING COMMITTEE (Quorum 3)**

Chairman: Councillor Wendy Prentice  
Vice Chairman: Councillor Stephen Sowerby MA

Alison Cornelius  
Tim Roberts

Laurie Williams  
Reema Patel

Andreas Ioannidis

**Substitute Members**

Philip Cohen  
David Longstaff  
Brian Salinger

Kathy Levine  
Caroline Stock

Paul Edwards  
Pauline Coakley Webb

Please note that the below agenda may not reflect the order in which items will be heard at the meeting.

**You are requested to attend the above meeting for which an agenda is attached.**

**Andrew Charlwood – Head of Governance**

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Media Relations contact: Sue Cocker 020 8359 7039

**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	Minutes	To Follow
2.	Absence of Members (if any)	
3.	Declaration of Members' Disclosable Pecuniary interests and Non Pecuniary interests (if any)	
4.	Report of the Monitoring Officer (if any)	
5.	8 Poynings Way And Land Adj 8 Poynings Way London N12 7LP (Totteridge Ward)	5 - 24
6.	21 Harmsworth Way London N20 8JT (Totteridge)	25 - 32
7.	117 Park Road, Barnet (East Barnet)	33 - 38
8.	122 Woodville Road Barnet EN5 5NS (High Barnet)	39 - 52
9.	Fairlight Cottage, 7 Horseshoe Lane, London, N20 8NJ (Totteridge Ward)	53 - 60
10.	Land To The Rear Of West Walk Barnet EN4 8NU (Brunswick Park)	61 - 76
11.	Addendum (if applicable)	
12.	Any item(s) the Chairman decides are urgent	

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areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

4 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

5 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of the Classes of Part 1, of Schedule of that Order shall be carried out within the area hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

6 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

7 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3)

permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Policies document (2012).

- 8 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

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

- 9 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt and rear garden area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.
- c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 10 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason:

To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 11 Before the development hereby permitted is first occupied turning the parking spaces shall be provided and marked out within the front forecourt of the property in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 12 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 13 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.



b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 14 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 15 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 16 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

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

- 17 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 18 Notwithstanding the Structural Survey submitted and approved within this planning permission, a Basement Construction Method Statement shall be submitted to and approved in writing by the Local Planning Authority prior to the commencement of development. The development shall be carried out in accordance with this approved detail.

Reason: To ensure that the proposed development is carried out in a manner to protect the residential amenity of adjoining existing occupiers and to ensure that the proposed development can be implemented in accordance with the approved plans in accordance with policy DM01 and DM04 of the Adopted Local Plan Development Management Policies DPD (2012).

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £17255 payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £66555 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

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

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised that legal changes under The Water Industry (Scheme for the Adoption of Private Sewers) Regulations 2011 mean that the sections of pipes you share with your neighbours, or are situated outside of your property boundary which connect to a public sewer are likely to have transferred to Thames Water's ownership. Should your proposed building work fall within 3 metres of these pipes, we recommend you contact Thames Water to discuss their status in more detail and to determine if a building over/near-to agreement is required. You can contact Thames Water on 0845 850 2777 or for more information please visit [www.thameswater.co.uk](http://www.thameswater.co.uk).

- 8 The applicant is advised that there are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of a public sewer. The applicant is advised to contact Thames Water Developer Services on 0800 009 3921 to discuss the options available at this site.
  
- 9 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

## **Officer's Assessment**

### **1. Site Description**

The site is located on the southern side of Poynings Way at the far western end of the cul-de-sac. Poynings Way is accessed from Walmington Fold. It is one of three similar streets including Saddlescombe Way to the north and Steynings Way to the south. Poynings Way runs uphill from its junction to Walmington Fold, while the land level falls away from north to south. The street is located in a residential area, although there is a local retail parade at the junction of Walmington Fold and Lullington Garth.

The site consists of a detached dwelling within a very large garden to the side and rear of the property. There is a substantial gap between 6 Poynings Way and the only property on the site at 8 Poynings Way although part of this site is occupied by a large garage. Residential properties within the street are predominantly large detached dwellings however at the western end of each cul-de-sac, the plots and the dwellings within them become larger and more spacious as they wrap around the turning circle.

The site as well as the forecourt parking is accessed from the turning circle and because of the deviation in the building line at this point, the rear elevation of the property on the site diverges away from the flank elevation of 9 Poynings Way.

The site is not located in a conservation area and the site is not located within the setting of any listed or locally listed buildings. There are no Tree Preservation Orders in effect on or adjoining the site.

### **2. Site History**

Reference: N05640

Address: 8 Poynings Way

Decision: Approved with conditions

Decision Date: 2 December 1977

Description: Single storey front and side extension.

### **3. Proposal**

Planning permission is sought for the demolition of all outbuildings and the erection of a new detached two storey dwelling house with additional basement and roof accommodation adjacent to 6 Poynings Way and the erection of a two storey rear extension to the existing property at 8 Poynings Way. The scheme would result in a new 5 bedroom dwelling house and a larger four bedroom dwelling house within the existing site. The scheme proposes that three car parking spaces would be accommodated within the front forecourt within a shared space insofar as there would not be any division between the properties at the front of the site.

The initial planning application proposed that the new dwelling and the extension to the original property would be predominantly constructed in grey brick with some white render. However, the scheme has been subsequently amended to revert to red brick and white render. The street facing corners of the development would feature wrap around glazing which would be overlaid with solid grey louvres.

The new dwelling would feature a substantial basement area which would have the potential to be accessed separately from the exterior. The new dwelling would also have

roof level accommodation. The proposed dwelling would have a depth of 12.2m adjacent to 6 Poynings Way and a depth of 15m adjacent to the existing dwelling. The property would have a frontage width of 7.5m and a maximum width of 12.4m. There would be a single storey rear projection at the rear of 3.11m depth and 7.9m in width. The ground to ridge height would be 8.56m with total basement level to ridge height of approximately 12.6m. There would be a basement excavation adjacent to 6 Poynings Way. The property would have a rear dormer and a part single storey and part two storey rear extension. There would be a well recessed and shallow depth two storey side extension with a hipped roof. The basement would be alongside the boundary with 6 Poynings Way but 2.0m away from it. It would have a depth of 6.8m and a width of 3.9m. This has been amended through the lifetime of the application to ensure that the impact is reduced to 6 Poynings Way.

The existing dwelling would be extended in its entirety insofar as the existing rear elevation would be extended over both floors. The building would be extended by 4.0m along the boundary. The extension would then set in by a further metre at this point before projecting by a further 0.7m. The extension would have a maximum width of 8.94m. Due to the curvature of the road, the flank elevations diverge and at the rear of 9 Poynings Way, the flank elevation would be 3.5m apart. The projection of the extension would be approximately 3.5m beyond the rear of 9 Poynings Way.

Each property would have 220sq.m of rear garden space which would significantly exceed the requirements set out in both the London Plan and the London Borough of Barnet supplementary planning guidance notes.

#### **4. Public Consultation**

Consultation letters were sent to 42 neighbouring properties.

15 responses have been received, comprising 15 letters of objection.

The objections received can be summarised as follows:

- The proposed development would appear to be an overdevelopment of the site.
- Sunlight to the neighbouring properties would be significantly reduced.
- The greatest loss of VSC would be 60%.
- The survey also ignores the effect that the proposed development would have on upper floor windows.
- The proposed development would increase the overlooking into the garden.
- The proposal to use grey brick would not be in keeping with the current streetcene.
- Inadequate car parking provided with overpill onto Poynings Way.
- The proposal could potentially aggravate the existing problem of the accumulation of water within the soil.
- The proposed development would detract from the residential amenity and character of the neighbourhood.
- The supporting documents refer to the architectural style and character in the area as limited and unremarkable.
- There is potential for the properties to generate a parking demand for up to three or four cars per dwelling.
- Overspill parking on the street would be obstructive and the minimal width of the street would cause congestion.
- The scheme would result in the loss of trees.
- The proposed development is excessive in density, size and built form.

- Digging a basement could unnecessarily subject other houses on the road to structural complications and this should be avoided at all costs by removing the basement from the scheme.
- The proposed properties should not be developed as properties in multiple occupation.
- Site edge planting acting as natural screening should be sufficiently robust but should also not reduce the space available for off street car parking.
- The number of levels within a proposed development is unusual in this area. The scheme is over development.
- The construction of the dwelling in close proximity to adjoining dwellings would affect the structural integrity of adjoining buildings.
- Fencing to the rear should be raised to ensure the protection of amenity to the rear.

There have also been five speaking requests for Committee.

Irrespective of the number of objections to the planning application, the application has been called into Committee by Councillor Caroline Stock.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

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

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



## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

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

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.

### **5.3 Assessment of proposals**

Land use

Planning permission is sought for the erection of a new dwelling on garden land between 6 and 8 Poynings Way and the extension of the existing dwelling at 8 Poynings Way.

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value.

Policy 3.4 of The London Plan (2011) promotes the optimisation of housing output within different types of location. Policy 3.8 of the London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who required different types of housing. Consideration will also be given to the accessibility of the site to services and amenities. Having regard to the London Plan (2011) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

The application site is located within an existing residential area, where Policy DM01 directs new development to. The principle of residential development is therefore acceptable in terms of criteria set out in Policy DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

Design, character and appearance of the proposed development on the surrounding area

The NPPF attaches great importance to the design of the built environment, stating that, 'good design is a key aspect of sustainable development and should contribute positively to making better places better for people'.

It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take opportunities available for improving the character and quality of an area and the way that it functions.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well

as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.

Poynings Way is a small cul-de-sac which is largely representative of the character of the wider area in which the site is located. The site is located close to the upper end of the street. The street as a whole consists of large properties within large gardens. At the upper end of the road, the properties are set in more spacious plots with wider frontages. However, atypical for the area which consists of three similar culs-de-sac, Poynings Way features a gap between properties, which in this case accommodates a garage and garden area. Taking into account the removal of the garage, the distance between 6 and 8 Poynings Way is over 12m which is sufficient distance on the site frontage to accommodate a dwelling. The infilling of this original gap between properties with a detached dwelling house would be acceptable. The new dwelling would reflect the proportions and spacing between units that currently exist within Poynings Way. Streetscene analysis provided with the application demonstrate that the development would permit gaps between properties to reflect the detached dwelling character in the street and would retain a roof form and massing consistent with the street.

The new dwelling would feature a two storey bay window projection to the front elevation. It would be constructed from red brick with a white rendered two storey side element wrapping around the rear elevation and set back a considerable distance from the front elevation which would respond to the material palette in the street. Timber louvers would be installed over some non habitable room windows on the front and side elevation which would not detract from the character or appearance of the streetscene.

At the rear of the site the white rendered, two storey extension would contrast with the red brick. The fenestration style and pattern of the rear extension would also present as a contrast. However, it is considered that this would not harm the character and appearance of either building or the wider area.

The dwelling proposes a basement construction under part of the proposed footprint. This will have a visual manifestation towards the rear with a sunken patio accessed by way of a staircase from the rear garden of this property. The Adopted Supplementary Planning Document: Residential Design Guidance provides direction in relation to basements. For new residential development, basements should generally be limited to the proposed footprint and volume of the house or buildings. Although the Design Guidance seeks to resist sunken terraces or open lightwells, it is considered that as the basement will not be visible from the street, would not harm the character of the area and would not be situated within a Conservation Area and the harm that would arise would not be significant as to warrant the refusal of planning permission in this case.

In respect of the original dwelling, the application proposes an extension of the building. This would incorporate a wholesale projection rearwards of the existing rear elevation as well as a short single storey rear extension. The projection would be approximately 4.1m at the first floor level and 4.75m at the ground floor level. This is in excess of the standards

set out in the SPD, however, it is considered that given the comprehensive extension form which largely retains the appearance of the existing dwelling and the lack of harm to neighbouring residential amenity, it is considered that the proposed development would be acceptable.

Notwithstanding the above, in order to prevent the dwelling from being substantially extended to the detriment of the area or adjoining dwellings (existing and proposed) it would be reasonable to impose a condition on any planning permission removing permitted development rights relating to Class A (extensions), Class B (roof extensions) and Class E (outbuildings) so that an assessment can be made on any further or future additions to the properties. In addition, in order to ensure that the proposed dwellings would be of a suitable appearance, in keeping with the surrounding area, a condition requiring that sample materials of the external finishes be submitted to and be agreed by the Council prior to any works may be imposed to help ensure that the proposed development would assimilate into the site and its surrounding era.

In terms of design and siting, the development is considered to be of a scale, size, bulk and design that is in keeping with the character and appearance of the adjoining dwellings and within the context of the architectural design and visual appearance of the surrounding area and is not considered to result in any additional or harmful impact on the character and appearance of Poynings Way.

Taking all of the above into account, it is considered that the proposed dwellinghouse and the extension to the existing dwelling house at 8 Poynings Way are in proportion and character with the adjoining and nearby properties and would respect and relate to the spacing and character of the surrounding area. Accordingly, the proposed development, on balance, complies with Policy DM01 and DM02 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013).

Impact on the amenity of adjoining properties and the form of accommodation on the future occupiers of the dwelling

The National Planning Policy Framework states, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

Objections were principally received in connection with the impact of the proposed development on existing occupier amenity particularly to 6 and 9 Poynings Way.

In respect of daylight and sunlight, the applicants have submitted an assessment of relevant windows in all neighbouring properties which has determined that in accordance with the guidelines set out in the Building Research Establishment (BRE) Guidelines for Sunlight and Daylight in site layout and planning, there would be no perceptible impact on the amenity of neighbours in this regard.

In respect of privacy, the application does not propose any windows in the flank elevations of either property which would compromise existing levels of privacy. Furthermore, the proposed development would respond to the turn in the road. As such, the building line would create properties that diverge away from each other and also from the neighbouring properties. As such, the overlooking impact into neighbouring gardens would be minimised as much as possible.

In respect of outlook and possible sense of enclosure, the proposed dwelling adjacent to 6 Poynings Way has been amended during the lifetime of the application process and as a result, the extension does not project more than 4.0m beyond the rear elevation of this property. Taking into account the separation between properties at 4.5m, it is considered that the impact of the proposed development on the amenity of 6 Poynings Way would be acceptable, insofar as the proposal would be in accordance with the SPD. For 9 Poynings Way, the proposed dwelling would not run parallel with this property and its rear elevation would be angled away from the boundary with 9 Poynings Way. The proposed development would terminate at a point 4.5m beyond the rear of 9 Poynings Way. However, given the orientation, the impact would be much less. The room that the window serves is a large, generally open plan space with a number of openings within it. As such, it is considered that the impact would be less perceptible at this point.

The new dwelling adjacent to 6 Poynings Way would be constructed with a basement which would open up to a sunken terrace. This has been moved away from the boundary with 6 Poynings Way and would be smaller. The staircases adjoining the boundary have either been removed or relocated and such, the noise impact would be lessened. Ultimately, the sunken patio would be used as a garden just as the rest of the rear garden of the property, however, concern has been raised about the relationship between the patio and the boundary and land at 6 Poynings Way and whether there would be any harm to the stability of the land at this point and the implications for trees and other planting along the boundary.

For the reasons outlined above, the proposal is considered to have a satisfactory relationship to the adjoining properties subject to the attachment of appropriate conditions and is in accordance with the relevant policies outlined above.

#### Highways, parking and access

The site is located at the end of a cul-de-sac in a quiet predominantly residential area. The street is very narrow in width which therefore discourages on street parking to avoid blocking other vehicles and pedestrians. All properties therefore have front forecourt parking. The circle at the end of the street is for the purposes of turning for vehicles to go back down the street towards Walmington Fold.

The site is located within 400m of the nearest bus stops on Argyle Road and Chanctonbury Way. Both Woodside Park and West Finchley Stations are situated within 1km of the site. This is reflected by a low PTAL rating of just 1b. Therefore there is an expectation that the site would experience high car ownership and high car usage.

Policy DM17 sets out the parking standards for new dwellings and given that the proposal seeks to provide an additional four (possibly five) bedroom property in addition to the existing four bedroom property, the policy implication is that each property should be provided with the capacity to provide for two bedrooms per unit. The scheme layout has been designed to provide for four formal car parking spaces which would therefore allow the development to accord with this standard although it is possible to accommodate a fifth smaller car within this site without unduly blocking the other property. It is therefore considered that the scheme would accord with this standard. It is acknowledged however, that there would be occasions where the proposed parking demand may exceed the capacity for the site and that there would be overspill parking. Overspill parking would be difficult to achieve within Poynings Way and as a result, it is likely to occur on Walmington Fold where on street capacity exists to a wider extent.

Given the street's narrow width, it is acknowledged that construction may present a particular challenge with respect to delivery of materials and plant. It is highly recommended that a condition is placed on the planning permission which seeks to secure (prior to commencement) a highways logistics plan for the construction phase in addition to a construction method statement to ensure that these works do not have long terms impacts on the ability of other residents and visitors to use this street.

Access on to the site for future occupiers has also been carefully considered on the basis that the forecourt is a shared area and any physical division of this space to reflect ownership would render the space impractical for car parking use. In order to ensure that the crossover widths and layouts are acceptable for Barnet Highways it would be possible to utilise the existing crossover to the front of 8 Poynings Way. Vehicles would have to reverse out on to Poynings Way to be able to leave, however, given that this is a cul-de-sac, it is considered that there would not be any danger to other drivers. The front of the site currently consists of trees and other planting and much of this will need to be removed to allow for the parking to be accommodated.

### Sustainability

The proposed development has been designed to reduce water consumption to under 96 litres per person which is below the required standard and therefore acceptable. The proposal will also seek to make reductions to Co2 emissions below the 2010 Building Regulations standard.

### Accessibility

The submitted design and access statement indicates that the proposed development would satisfy the mandatory requirement to provide residential accommodation satisfying standard M4(2) of the Building Regulations.

### Flood risk and ground conditions

Various objectors have advised the Council through their written and verbal objections of the failure of existing rear gardens in Poynings Way and Steynings Way to facilitate natural permeability of groundwater particularly during the summer. Residents have advised that standing water exists from October to April every year. This gives rise to the concern that the proposed development would exacerbate this localised and unique effect, particularly as the proposal would require excavation of part of the site to form a basement. Furthermore, residents are concerned that the proposed construction of a dwelling, including its basement would harm ground stability and ground conditions around the site.

This impact is acknowledged, however it is unclear what the cause or reason for this effect, although the gradient of the slope may be facilitating natural drainage towards Dollis Brook which is situated to the east of Walmington Fold.

In respect of the Basement and its impact on local stability, the proposed development is supported by a Structural Survey which demonstrates (in accordance with relevant standards) that the measures undertaken will secure appropriate protection for both neighbouring dwellings and the application property. This application will be conditioned to ensure that it is constructed and implemented in accordance with the measures and recommendations set out there in.

## **5.4 Response to Public Consultation**

The matters raised within the public consultation exercise have been addressed in the body of the report above.

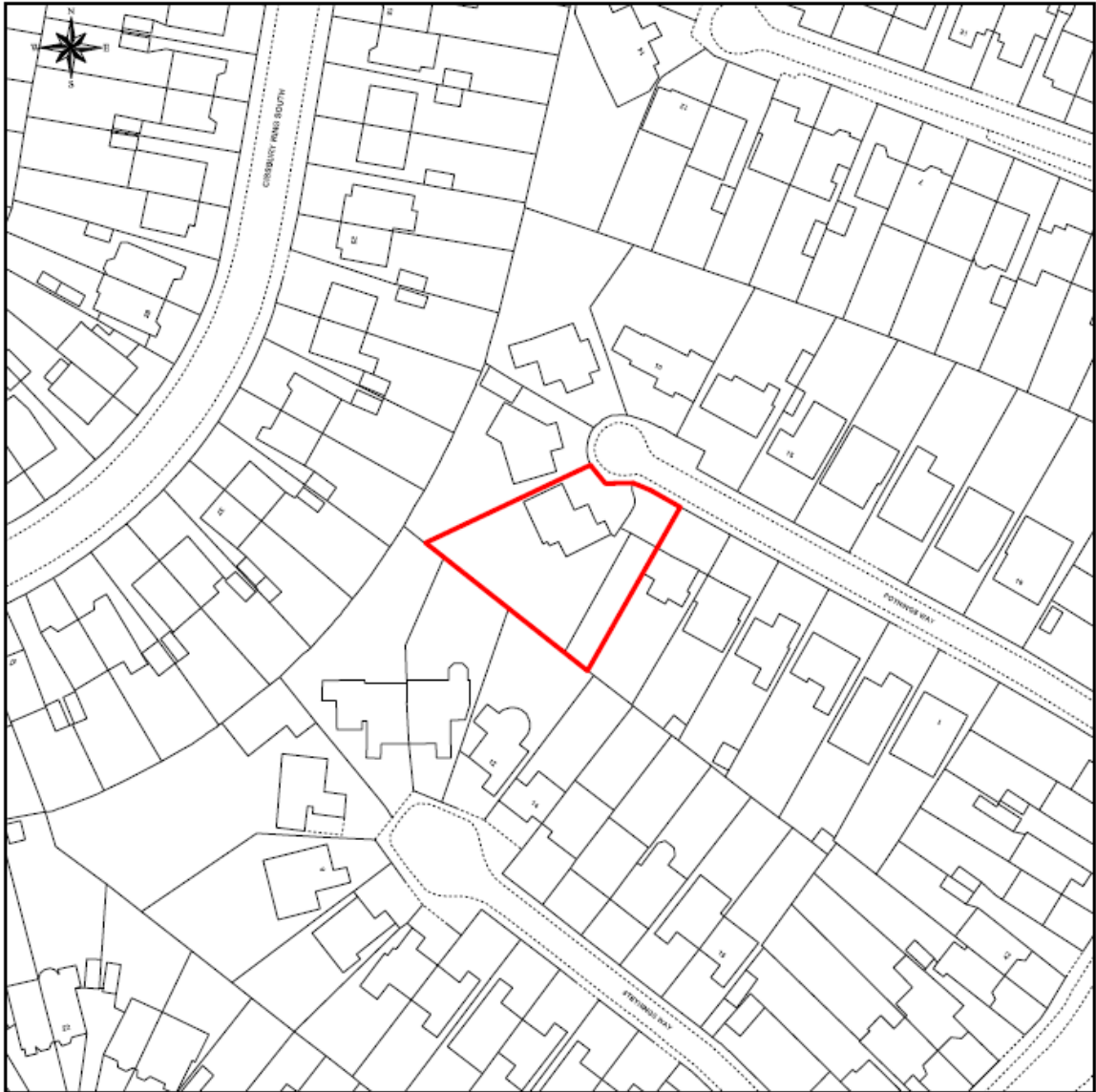
As a result of the consultation exercise, two modifications have been made to the submitted plans. These include a change to the material palette to enable the development to blend in better with the surroundings. This has seen the grey brick changed to red brick consistent with locality. In addition, the depth of the extension to the new dwelling has been reduced and the siting and extent of the basement adjacent to 6 Poynings Way. The parking area to the front of the property has also been increased so as to formally accommodate at least four parking spaces.

## **6. Equality and Diversity Issues**

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

## **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.



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**Location**                    **21 Harmsworth Way London N20 8JT**

**Reference:**                **16/0794/HSE**

Received: 8th February 2016

Accepted: 11th February 2016

Ward:                        Totteridge

Expiry 7th April 2016

Applicant:                 Mr M Cohen

Proposal:                    Addition of 1no skylight to existing ground floor rear extension, first floor rear extension; roof extension involving hip to gable, rear and side dormer windows with juliette balcony, 5no rooflights to front and side elevations to create additional living accommodation facilitate a loft conversion

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

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

ST\_DEC15\_21HAR\_00; ST\_DEC15\_21HAR\_01 Rev H; ST\_DEC15\_21HAR\_02 Rev H;

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 Notwithstanding the details shown on the hereby approved drawings, the rooflight(s) hereby approved shall be of a "conservation" type (with central, vertical glazing bar), set flush in the roof.

Reason: To safeguard the character and appearance of the Conservation Area in accordance with policy DM06 of the Development Management Policies DPD (adopted September 2012).

- 4 Before the building hereby permitted is first occupied the proposed dormer windows in the west and east elevation facing onto no. 19 and 23 Harmsworth Way shall be

glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 5 The materials to be used in the external surfaces of the building(s) shall match those used in the existing building(s).

Reason: To safeguard the visual amenities of the building and surrounding area in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

**Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

## **Officer's Assessment**

### **1. Site Description**

The application site is a two storey detached dwellinghouse located on the southern side of Harmsworth Way.

The application site is located within Totteridge Conservation Area. The application site does not contain a listed building.

### **2. Site History**

Reference: N00123H/01/TRE\_B

Address: 21 Harmsworth Way, London, N20 8JT

Decision: Trees: Not to Make TPO

Decision Date: 19 July 2001

Description: Black Poplar - reduce by 40%, Black Poplar - unspecified reduction & removal of leaning limb.

Reference: N00123G/99/TRE\_B

Address: 21 Harmsworth Way, London, N20 8JT

Decision: Finally Disposed Of

Decision Date: 10 January 2000

Description: Weeping Willow - reduce by half. Silver Poplar - reduce by half.

### **3. Proposal**

The erection of a dormer window on the rear of the existing two storey detached dwelling with a height of 1.5 metres, a width of 1.9 metres and a depth of 1.5 metres.

The erection of a dormer window on the eastern side elevation of the dwelling with a height of 1.5 metres, a width of 1.9 metres and a depth of 1.4 metres.

The erection of a dormer window on the western side elevation of the dwelling with a height of 1.5 metres, a width of 1.9 metres and a depth of 1.3 metres.

The application site has an existing rear outrigger on the eastern side of its rear elevation. The rear outrigger projects 3 metres from the rear elevation of the dwelling. The application proposes the erection of a hip to gable roof extension to this existing rear outrigger. The proposed hip to gable roof extension has a height of 3.4 metres when measured from the eaves and a width of 6.4 metres when measured between the eaves.

The erection of a first floor rear extension above the existing single storey rear extension. The proposed first floor rear extension would be positioned between the two existing rear outriggers. The outrigger that is positioned to the east of the proposed first floor rear extension has a depth of 3 metres when measured from the rear elevation of the main body of the dwelling. The proposed first floor rear extension projects 3 metres in depth from the rear elevation of the dwelling so therefore it is the same depth as the existing rear outrigger to the east. The width of the proposed first floor rear extension is 3 metres. The proposed first floor rear extension has a pitched roof with a gable projection with a height of 1.6 metres when measured from the eaves.

The installation of a rooflight into the roof of the existing single storey rear extension and the installation of no. 5 roof lights into the front and side elevations.

The original proposal included a roof terrace that could be accessed from the loft. After discussions with planning officers the applicant agreed to remove the proposed roof terrace. The proposed first floor rear extension is positioned where the proposed roof terrace was previously.

#### **4. Public Consultation**

Consultation letters were sent to 8 neighbouring properties.  
3 responses have been received, comprising 3 letters of objection.

The objections received can be summarised as follows:

- The proposal would create a roof terrace which is out of character with the locality and it would result in overlooking of neighbouring gardens.

##### Totteridge Residents' Association raises the following objection:

The side dormers of this proposal appear very dominant in the front and rear elevation drawings and could be detrimental to the house and street scene.

##### Totteridge Conversation Area Advisory Committee raises the following objection:

The side dormers would be detrimental to the house, street scene and the Conservation Area.

Neighbouring residents were consulted on the amended plans and no further replies have been received.

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

##### The Mayor's London Plan July 2011

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the

development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Policies 3.4; 4.1; 4.4

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS15.
- Relevant Development Management Policies: DM01, DM02, DM06.

### Supplementary Planning Documents

Residential Design Guidance (April 2013)

Sustainable Design and Construction (April 2013)

Totteridge Conservation Area Character Appraisal Statement (2008)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building and whether the proposal would preserve and enhance the character of the conservation area;
- Whether harm would be caused to the living conditions of neighbouring residents.

## **5.3 Assessment of proposal**

### Impact on character

In plans originally submitted for the proposal, the bulk of the three proposed dormer windows were considered to be excessive and amendments to their size were requested. The bulk of the proposed dormer windows were reduced so that they would appear to be subservient additions to the original dwelling and so that they would not harm the character of the conservation area. Due to their size, height and position the proposed dormer window on the rear elevation, the proposed dormer window on the eastern side elevation and the proposed dormer window on the western side elevation are not considered to dominate the existing roof of the original two storey dwelling.

The dwelling on the application site has an existing rear outrigger on the western side of its rear elevation with a rear projecting gable. The proposed hip to gable extension to the rear outrigger on the eastern side of the rear elevation would be the same height as the existing rear projecting gable and it would be only 0.5 meters narrower in width. For this reason the proposed hip to gable extension would respect the architectural integrity of the original dwelling.

The proposed first floor extension to the existing rear extension has a pitched roof with a rear gable projection and it would be positioned between two larger rear projecting gables. Due to its size and position the proposed first floor extension would be in harmony with the existing roof and the proposed hip to gable extension.

Due to their size and position the proposed roof lights on the front and side elevations are not considered to visually clutter the existing roof.

A condition will be included in the decision notice to ensure the materials to be used in the external surfaces of the building shall match those used in the existing building.

For these reasons the proposal is considered to be a subservient addition to the application site and it would preserve the character of the conservation area.

#### Impact on neighbour amenity

It is not considered that the proposed side dormer windows would adversely affect the amenities of neighbouring residents. A condition is recommended to require that these dormer windows are to be obscure glazed so as to avoid overlooking and a loss of privacy. The proposed first floor rear extension would be centrally positioned approximately 7.2 metres from the boundary with No. 19 Harmsworth Way and approximately 8.7 metres from the boundary with No. 23 Harmsworth Way and so therefore it would not affect the visual amenities of neighbouring residents. The proposed hip to gable extension to the existing rear outrigger on the eastern side of the rear elevation of the dwelling would be positioned approximately 0.6 metres from the boundary with No. 19 Harmsworth Way and approximately 12 metres from the boundary with No. 23 Harmsworth Way and so therefore it would not affect the visual amenities of neighbouring residents.

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

The plans have been amended so that the bulk of the proposed side and rear dormer windows have been reduced so that they do not dominate the roof of the original two storey detached dwelling and nor do they have a negative impact on the character of the street scene.

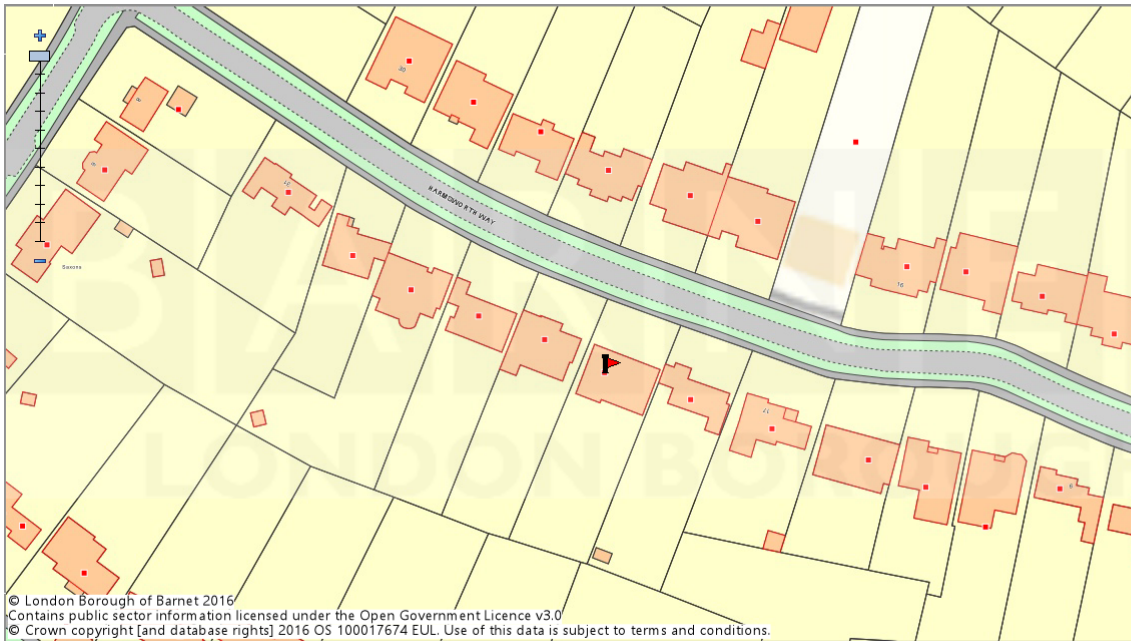
The plans have been amended so that the proposed roof terrace has been removed from the proposal.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, this proposal complies with the Adopted Barnet Local Plan policies and guidance and would be in keeping with the character and appearance of the surrounding area. It would preserve the character and appearance of the conservation area, and is not considered to have a detrimental impact on the residential amenities of neighbouring occupiers. This application is therefore recommended for APPROVAL.



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**COMMITTEE REPORT**

- LOCATION:** 117 PARK ROAD, BARNET, HERTS EN4 9QN
- REFERENCE:** 16/TPO/030
- WARD:** East Barnet
- PROPOSAL:** To seek authority for confirmation of Tree Preservation Order, without modification.
- RECOMMENDATION:**
1. That the Council, under Regulation 7 of the Town and Country Planning (Tree Preservation) (England) Regulations 2012 confirms the London Borough of Barnet 117 Park Road, Barnet, EN4 9QN Tree Preservation Order 2016 without modification.
  2. That the person(s) making representations be advised of the reasons.

**1. MATERIAL CONSIDERATIONS**

Relevant Planning Policies and Guidance Adopted

- Local Plan – Core Strategy (Adopted September 2012) – Policy CS7
- Local Plan – Development Management Policies (Adopted September 2012) – Policy DM01

Relevant Planning History

- Report of Planning Performance and Business Development Manager dated 18<sup>th</sup> August 2016
- 16/3778/FUL – 117 Park Road, Barnet, EN4 – Demolition of existing side extension and erection of a two storey dwellinghouse with associated hard and soft landscaping, provision of 2no parking space, refuse store cycle store
  - Refused under delegated powers 18<sup>th</sup> August 2016 for the reasons:
    1. The proposed development, by reason of limited plot size, design, scale, form and setting, would represent a visually incongruous cramped form of development which is unsympathetic and detrimental to the character and appearance to the setting of the existing dwellinghouse and the visual amenity of the surrounding properties and streetscape. The proposal would be contrary to policy DM01 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and the National Planning Policy Framework.

2. The proposals would result in the loss of a tree of special amenity value contrary to policies CS NPPF, CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).

### Background Information/Officers Comments

A Tree Preservation Order was made on 18<sup>th</sup> August 2016 in the interest of public amenity in the light of a planning application for redevelopment at the site (16/3778/FUL). No arboricultural information had been submitted as part of the planning documents, indeed no trees were marked on any of the plans – existing or proposed. However, it was clear from the extent of level changes that would be required to implement the proposal that trees would be lost / significantly damaged. An objector had raised concerns about implications for trees at the site and the Area Planning Manager requested that the trees be considered for possible inclusion in a Tree Preservation Order.

117 Park Road stands on the southern corner of the junction of Pilgrims Rise and Park Road, its southern flank boundary (with 119 Park Road) is directly opposite the junction of Park Road and Caddington Close. The land rises steeply to the east (so the cul-de-sac of Pilgrims Rise rises steeply uphill); the front driveway / parking area of the two-storey dwelling at 119 Park Road is set some 1.5 – 2 metres lower than that of 117 Park Road.

The principal trees at the site are a Scots Pine at the front and an outgrown Cypress hedge along the rear boundary which has been partially topped (to a very poor standard) - the hedge could not be included in a Tree Preservation Order.

The early mature Scots Pine, some 15 – 17 metres in height, stands approximately midway between the Park Road frontage and the garage of the site, close to the southern flank boundary with 119 Park Road. It is surrounded by shrubs which have been maintained as a mixed hedge, there is also a Silver Birch standing stump (which was clearly felled several years ago). Given its position, the Scots Pine is very prominent in the streetscape – being clearly visible along Park Road (especially when viewed from the north because it is a straight road with few street trees); Pilgrims Rise; and Caddington Close (forming a focal point as it is opposite the junction). The Scots Pine is an evergreen – so it makes a year-round contribution to the streetscape. The Pine has plenty of healthy foliage of good colour and appears to be in generally reasonable condition with no major faults apparent. There had been some lifting and relatively recent reduction back of low branches to provide clearance from a streetlight and telegraph pole (a dead hanging branch remains). Since the date of the October 2014 Google Streetview image, the branches overhanging 117 Park Road have been lifted to approx. 8 – 9m above ground level of the driveway. As the branches on the rest of the tree descend to perhaps 5m above ground level (n.b. sloping site), this has given the tree a somewhat lop-sided appearance to the lower crown when viewed from one direction – however, this is not obvious when viewed from other angles due to the distribution of the remaining branches; also, as the leader has pronounced horizontal growth (to give the characteristic flattened shape of mature Scots Pine rather than the conical younger form), a considerable percentage of the canopy as a whole is clearly visible and unaffected.

The Scots Pine is considered to be of significant public amenity value and, with appropriate cultural attention, might reasonably be expected to make a positive

contribution to local amenity for the foreseeable future - it was therefore included in a new Tree Preservation Order.

Notices were served on the persons affected by the Order in accordance with paragraph 1(a) of Regulation 5 of the Town and Country Planning (Tree Preservation) (England) Regulations.

A representation has been received from one of the residents of 117 Park Road.

The Tree Preservation Order secures the protection of the tree on a provisional basis for up to six months from the date of making, but an Order needs to be formally confirmed for it to have long-term effect. The Council is required to take into account all duly made objections and representations before deciding whether to confirm the TPO.

The representation can be summarised as:

- “It is extremely tall and lop-sided. When it is windy it leans towards house 119.”
- “We feel it does not add to the character of the area in fact in looks quite odd” adding that 5 neighbouring properties “have had substantial trees chopped down.”
- “The Scots Pine roots are very long and destructive they are pushing the driveway stones up making them uneven and dangerous for cars and people.”
- “The Pine needles which drop all year can be slippery when wet and clogs up cars.”
- “Our Pine tree at some point will most likely cause chaos if it continues to lean or blow over in a storm.....[if the tree blew over in a storm causing damage] will the Council undertake any expenses for damages as we feel the tree is unsafe and dangerous.”

In response the Council's Tree and Environment Officer comments as follows:

- (i) The inclusion of the Scots Pine in a Tree Preservation Order would not preclude application(s) for consent to treat a tree included in a Tree Preservation Order being submitted to the Council, in accordance with the planning legislation. Such application would be considered on its merits on the basis of the information submitted at the time. However, it would allow the Council some measure of control over treatment that was considered excessive. Trees naturally flex in windy conditions - however, there is nothing to suggest that the Scots Pine is unstable. Nor has any evidence been put forward to substantiate the suggestion that the tree is “unsafe and dangerous”. The dead hanging branch could be removed in accordance with exemption provisions. If there are concerns about the condition of the tree, either now or in the future, an application with appropriate supporting evidence could be submitted.
- (ii) As noted above, the recent lifting of branches overhanging 117 Park Road has contributed to a somewhat lop-sided appearance of the lower crown when viewed from one direction, however, a considerable percentage of the canopy as a whole is clearly visible and unaffected.

- (iii) The contention that the Scots Pine “looks quite odd” is subjective. There are various other Pines in the surrounding area, as well as a mix of other trees. There is a range of species in Tree Preservation Orders within a 100 metre radius of 117 Park Road including Birch, Rowan, Oak, Horse Chestnut, Beech, Hornbeam, Field Maple as well as Lawson Cypress both as a group and individually designated – such as the one at 120 Park Road immediately opposite. It does not appear that a comprehensive assessment of all the trees in the vicinity has been undertaken – rather that Tree Preservation Orders have been made in connection with redevelopment of land parcels (such as what is now Caddington Close and Keely Close). None of the removals referred to in the representation were of protected trees and some pre-date 2008.
- (iv) The driveway at 117 Park Road is surfaced with brick paviours and bordered by vegetation comprising shrubs of various heights as well as the Scots Pine and Silver Birch stump. There was no obvious sign of paviour displacement to create uneven and dangerous conditions (and even if there was, it would be difficult to attribute causation wholly to the Scots Pine) – but it should be a relatively straightforward matter to relay any affected area using appropriate techniques without detriment to the tree.
- (v) Given the number of trees in the borough in proximity to property, overhanging driveways and gardens, there would be significant implications for the future of Barnet’s urban tree stock if trees were excluded from protection because they drop foliage. It is considered that the clearance of debris arising from a tree is normal householder maintenance and, regardless of the Scots Pine, there are a number of other shrubs immediately adjacent to the driveway with leaves that could “be slippery when wet and clog up cars”.

## **2. EQUALITIES AND DIVERSITY ISSUES**

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies requires the Council to have due regard to the need to eliminate discrimination and promote equality in relation to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

The Council have considered the Act but do not believe that the confirmation of the Order would have a significant impact on any of the groups as noted in the Act.

## **3. CONCLUSION**

The confirmation of the Tree Preservation Order is considered appropriate in the interests of public amenity and would allow the Council some measure of control over treatment that is considered excessive. As set out above, it is considered the Scots Pine tree identified in the Order contributes significantly to public amenity, and given normal arboricultural attention is capable of providing amenity value for a considerable time. It is therefore recommended that the Order be confirmed without modification.



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**Location**                    **122 Woodville Road Barnet EN5 5NS**

**Reference:**                **16/4746/FUL**

Received: 18th July 2016

Accepted: 21st July 2016

Ward:                        High Barnet

Expiry 15th September 2016

Applicant:                 Mr Javad Aghababazadeh

Proposal:                    Demolition of existing bungalow and erection of 2no, two-storey semi detached houses with rooms in roof space. Provision for parking and refuse

AGENDA ITEM 8

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 916065E, 916065, PL01B, PL02B, PL03A, PL04A, PL05A, Site Location Plan and the Design and Access Statement.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3 Before the building hereby permitted is first occupied the proposed windows to the side elevations facing properties at nos. 120 and 124 Woodville Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

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

- 4 a) No development shall take place until a scheme of hard and soft landscaping to the site, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 5 Before the development hereby permitted is occupied, parking spaces shall be provided in accordance with a revised parking layout drawing to be submitted to and approved in writing by the Local Planning Authority. Thereafter, the parking spaces shall be used only as agreed and not be used for any purpose other than the parking and turning of vehicles in connection with approved development.

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 in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 6 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

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

- 7 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04



and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 8 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the site hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 10 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 11 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

- 12 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm pm on other days.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 16 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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 If the development is carried out it will be necessary for a vehicular crossover(s) to be constructed over the footway by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 3 The applicant is advised that Highways Licensing Team must be contacted to apply for a temporary crossover license. An estimate for this license can be obtained from the Highways Licensing Team, London Borough of Barnet, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.
- 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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The application property is a detached single family bungalow, on the eastern side of Woodville Road. The area in the vicinity of the application site is characterised predominately by two storeys semi-detached and link detached single family dwellings. Woodville Road sits on a slope and dips down towards the south.

The site is not subject to any specific planning restrictions.

### **2. Site History**

Reference: B/04763/08

Address: 122 Woodville Road, Barnet, EN5 5NS

Decision: Refused

Decision Date: 9 February 2009

Description: Demolition of existing bungalow and construction of three, 3 bedroom houses and associated off street parking. (OUTLINE APPLICATION)

Reference: B/04723/08

Address: 122 Woodville Road, Barnet, EN5 5NS

Decision: Refused

Decision Date: 16 March 2009

Description: Demolition of existing bungalow and construction of a residential care home of approximately 500sqm, with 10 - 12 bedrooms arranged on three floors, with the top floor accommodated within the roof space. 3no. parking spaces on front driveway. (OUTLINE APPLICATION)

### **3. Proposal**

The application seeks permission for the demolition of an existing bungalow and erection of 2no, two-storey semidetached houses with rooms in roof space, along with the provision for parking and refuse.

The proposal was amended, following pre application guidance and further discussions with planning officers during the assessment of the present case.

Each house would be of 7.5metres wide and 15metres long on the ground floor, and unit B would set back 1.3metres from no. 120 Woodville Road to the south and unit A would set back approximately 1metre from no. 124, which is on the northern side of the host site. The ground floor to both units would have a patio to the rear garden of 3metres depth and with width aligning with the proposed ground floor.

The first floor will align to the front and to the sides of the proposed ground floor to both houses but they will differ to the rear, setting back 5metres on house A, to the side boundary with no. 124 Woodville Road and 6.9metres on house B, to the side boundary with no. 120. There is 1no. bedroom to each house that set back 1.3metre from the rear wall on the ground floor, and which are located on the adjoining wall to both houses, being 8metres wide in total.

The roof to the ground floor would be flat with 3no. rooflights and the roof to the first floor would be pitched and of 2.4metres height on the front elevation of both houses A and B.

The roof plan would give place to 1no. bedroom to each unit and a storage to house A, and its overall height would be of approximately 9.8metres, considering the level on the southern boundary to no. 120 Woodville Road and 8.2metres to no. 124. Both houses would differ on the floor levels, adjusting to the natural features of the site, and unit A would be 60cm higher than unit B to all floors.

The proposal was also amended in order to fulfil Traffic & Development team requirements and plans now show 1no. garage to each house, with additional possibility for a second car to park in line to it, as well as the provision of bicycle racks for both houses A and B. There will also be provision of refuse storage to both units.

#### **4. Public Consultation**

Consultation letters were sent to 45 neighbouring properties.

9 responses have been received, comprising 6 letters of multiple objections, 1 letter of a single objection and 2 letters in support.

The issues raised in support to the proposal on the received letters can be summarised as follows:

- Improvement of general outlook and skyline, due to proposal matching in height with neighbouring properties;
- No loss of light or overlooking from windows in the front elevation, due to houses set back sitting;
- Proposal being blend very well with the rest of the houses in the road, making the general appearance of that part of the road more pleasing and more uniformed;
- Improvement on the value of the rest of the houses on the street;
- Appears sympathetic to the environment;
- Oak tree removal, due to shadowing, harmful visual impact and not keeping with the rest of the front gardens in the road.

The concerns referring to the proposal on the objection letters can be summarised as follows:

- Increasing of the current density in the area, constituting overdevelopment;
- Risk of flooding due to increasing of the current density;
- Increasing of car congestion and the lack of parking spaces;
- Overshadowing, overlooking and loss of privacy to neighbouring properties and gardens;
- Restriction of daylight and fresh air for neighbouring properties;
- Additional noise and pollution;
- Blocking of the view for neighbouring properties;
- Lack of local support for amenities such as schools and water;
- Over scale, height and size with impact to neighbours and the surrounding area;
- Out of keeping with the surrounding area.

#### **5. Planning Considerations**

##### **5.1 Policy Context**

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan March 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9;
- Relevant Development Management Policies: DM01, DM02, DM04, DM08, DM17.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

Sustainable Design and Construction SPD (adopted April 2013)

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

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

The main issues for consideration in this case are the:

- Principle of proposed development;
- Impact on the character and appearance of the surrounding area;
- Impact on the amenity of neighbouring residents;
- Provision of sufficient parking and the impact on highway safety;
- Impact on sustainability and green infrastructure.

## 5.3 Assessment of proposals

### Principle of proposed development

NPPF sets out that 'local planning authorities should plan for a mix of housing based on current and future demographic trends, market trends and the needs of different groups in the community'. Barnet has accommodated the national guidelines by setting out in CS4 that to provide Quality Homes and Housing Choice in Barnet means to maximise housing choice providing a range of sizes and types of accommodation that can meet aspirations and increase access to affordable and decent new homes.

Further to this matter, DM8 states that 'development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough'. It states that 4 bedrooms homes are the highest priority for market housing, among the dwelling size priorities for the borough.

The application site currently features residential accommodation and, therefore the principle of residential accommodation on the site has been established. In addition to that, the proposal constitutes of 2x4bedrooms houses, replacing a single family bungalow and, therefore, contributing to housing provisions' priorities in Barnet.

### Impact on the character and appearance of the surrounding area

The 2012 National Planning Policy Framework states that 'the Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. In addition to the NPPF, Policy CS5 of the Core Strategy states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

In addition to this, Policy DM01 of the Council's Development Management Policies 2012 states that 'development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets development (should) demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused'. Residential Design Guidance SPD also states that 'where uniform building heights form a distinctive character, major variations will not normally be appropriate, in particular in the middle of a row of buildings'.

Regarding this matter, the proposed buildings are considered to be a positive contribution to the local character by following the scale and height of the neighbouring properties and leading viewers to perceive the 'gap' in the street scene is filled and giving the skyline to this side of Woodville Road a sense of uniformity. The rearward projection of the proposed houses is regarded to be in keeping with the character of the neighbouring area, because they form similar massing to neighbouring properties, in comparison to the sitting of the existing bungalow.

It is noted that in the previous officer report for application reference: B/04723/08 makes reference to the relatively spacious character of this part of Woodville Road. However, these proposals related to a larger scheme for a care home which was at variance with the wider character of the area. The current proposals would not compromise this character.



The proposed houses being finished in bricks and tiled pitched roof is also considered to be in keeping with the character of the neighbourhood. There is a variety of finishing patterns to this part of Woodville Road but most of the houses are of brick and pebble dash rendered walls in their front elevations. Overall, the massing of the neighbouring properties in particular to the east side of Woodville Road where the host property is located are much larger than the existing bungalow, as perceived from the streetscene.

#### Impact on the amenity of neighbouring residents

The majority of the massing of the two houses is on the ground floor, which is set back from the neighbouring properties nos. 120 and 124 Woodville Road in 1.3metre and 1metre. To the front elevation, the walls to both proposed houses would align with the same neighbouring properties.

In reference to the rear wall of the neighbouring property at no. 124 Woodville Road, the proposals would project 4metres further. However, because this neighbouring site is 1.9metre higher than the host site, it is believed the impact to no. 124 amenities is significantly reduced. In respect to no. 120 Woodville Road, the proposed rear wall would set forward approximately 3metres if taken the neighbouring property's rear wall as a reference. Although at a lower ground level compared to the applicant property, the garden to no. 120 Woodville drops back to the rear, which makes the side boundary wall approximately 2.7metres high as seen from this property and therefore, also minimizing the impact of the proposed ground floor to no. 122.

With regards to what is being proposed to the first floor of both houses A and B, specific measures were taken so to avoid harmful impact on the neighbouring properties. The set back of approximately 7 metres to the rear of house B on the closest side to no. 120, sets both buildings close to alignment and reduces the impact on this neighbouring property. The side elevation to no. 124 Woodville Road would have only one window serving a non-habitable room and, therefore, keeping privacy to the neighbouring amenities. It is also considered that due to the setting back of the rear wall on the closest part to no. 124, the proposed first floor of house A would not significantly reduce the amount of light on this neighbouring property.

The roof design is set on similar features to the front of other properties on Woodville Road, particularly the neighbouring house at no. 120. Rear dormers are also common to that area and the size for both rear and side dormers are considered to be proportionate to the overall massing of the proposed houses. However, due to the existence of side windows to no. 124 and the difference in height between the two sites, it is believed that the windows facing north should be obscured in order to ensure neighbouring privacy.

Overall it is considered that the proposed buildings would not overlook or cause material loss of light, outlook or privacy, or loss of visual or residential to neighbouring occupiers.

#### Provision of parking and the impact on highway safety

In addition to CS4, policy CS3 refers to the distribution of growth in meeting housing aspirations within the borough. Saying so, the policy encourages higher density development, taking into account along with local context, design, transport accessibility and infrastructure. Referring to parking and highway safety, policy CS9 aims to ensure more efficient use of the local road network, in order to enable traffic to flow more smoothly by prioritising the reduction of congestion, and the implementation of parking management measures, among initiatives.

The Traffic and Development team have reviewed the application and confirmed the proposed 2 x 4 bed semi-detached houses should provide a maximum of 2 spaces for each property in accordance with the Barnet's maximum parking standards. The garage and the driveway would count as two spaces, and the plans provided were amended so to ensure the front part to the proposed TV rooms on the ground floor of both houses would have landscaping instead of a 3rd parking space. Therefore amended plans now meet policy requirements and are conditioned to further detailing. Cycle racks are also shown on plans to ground floor for both houses A and B and further detailing is conditioned to be submitted, ensuring provision of 2no. cycle parking spaces to each house and compliance with the London Plan.

#### Impact on sustainability and green infrastructure

As set out in Surface Water Management Plan 2011 established for Barnet, Brent and Harrow, 122 Woodville Road is part of a Critical Drainage Area. However, the site is not considered to be an area at risk of flooding and the environmental considerations for development as set out in Barnet' Development Management Policies DPD considers surface water flooding in Barnet as presenting a low to moderate risk.

The topography of the site makes it possible that although increasing the amount of impermeable area on the site, the developments proposed do not avoid water natural run. Groundwater flooding was also found to be a relatively low risk due to the impermeable geology (primarily London Clay) and depth of the groundwater table. The proposal should be conditioned to the submission of landscape layout of the site, showing Sustainable Urban Drainage techniques as set out on Sustainable Design and Construction SPD should be used where possible to reduce flood risk.

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

All the relevant concerns were considered to assess the current application.

Issues concerning the removal of the oak tree existing in the site were raised. There were concerns that the removal of the tree being related to the subsidence of properties on no. 126, as expressed by the residents. It is understood properties are being monitored due to risk of subsidence.

The oak tree, since it was not present on site at the time the application was registered and no Tree Preservation Orders relate to the application site.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site. The development is not considered to have an adverse impact on the amenities of

neighbouring occupiers. The proposals would also contribute to housing within Barnet Borough. This application is therefore recommended for APPROVAL.

### Site Location Plan



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**Location**                      **Fairlight Cottage, 7 Horseshoe Lane, London, N20 8NJ**

**Reference:**                      **16/5440/CON**

Received: 16th August 2016

Accepted: 16th August 2016

Ward:                              Totteridge

Expiry 11th October 2016

Applicant:                      Mr Melvin Robinson

Proposal:                      Submission of details of condition 11 (Landscaping) pursuant to  
planning permission B/05539/14 dated 08/12/14

AGENDA ITEM 9

**Recommendation:** Approve

**Informative(s):**

- 1      The plans accompanying this application are: Sorbus Design Drawing Nos. 2706
- 2      The applicant is reminded that Condition 6 requires the site to be enclosed in accordance with details which have been previously submitted to and approved in writing by the Local Planning Authority. Such details should be submitted to the LPA for approval, and installed, prior to the first occupation of the dwelling hereby approved.

## 1. Site Description

The application site is located at the northern end of Horseshoe Lane and is the final plot along Horseshoe Lane, which continues north as a footpath only beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works have commenced on the construction of a new building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties, and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

## 2. Site History

16/2448/S73: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping. Refused - The proposed replacement house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually intrusive impact when viewed from No. 5 Horseshoe Lane. The proposal would not preserve or enhance the character or appearance of the conservation area, would be detrimental to the amenities of neighbouring occupiers.

16/0249/CON: Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14. Refused - The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area.

15/04496/CON: Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14. Split decision issued - application approved in respect of conditions 3, 4 and 5. Application refused in respect of condition 11 - landscaping on the grounds that the landscaping would harm the character and appearance of the conservation area.

15/00603/CON: Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18 (Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14, dated 08/12/2014. Details approved March 2015.

B/05539/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved December 2014.

B/02926/14: Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping. Approved at Chipping Barnet Area Planning Committee in September 2014.

B/05763/13: Demolition of existing dwelling and erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping and refuse. Refused March 2014.

B/02497/12: Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage. Approved November 2012.

### **3. Proposal**

This application relates to the submission of details pursuant to Condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14.

Condition 11 reads as follows:

*A scheme of hard and soft landscaping, including details of existing trees to be retained, shall be submitted to and agreed in writing by the Local Planning Authority before the development, hereby permitted, is commenced.*

*Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and 7.21 of the London Plan 2011 and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).*

### **4. Public Consultation**

This application concerns the submission of details pursuant to a condition attached to the original grant of planning permission. Five neighbouring residents were consulted on this application. Six responses have been received:

- The original permission is for the property to be enclosed with a fence with a central pedestrian entrance and a vehicle entrance at the bottom corner where there is a circle for turning. The current application is for an open site. This would change the character and appearance of the lane and would be contrary to the Totteridge Conservation Area Character Appraisal and Management Document, which states: "The most important views and vistas (including Horseshoe Lane) should be maintained and enhanced. Proposals for new development on prominent sites or elevated land must contain sufficient information to enable the impact on longer distance views and the setting of the conservation to be addressed. Any new development must respect the sensitivities of the area".
- There are no other properties in the lane with an open frontage.
- An open frontage would allow the owner to cross the verge at any point to access their property.
- A tree has been removed which was supporting the neighbouring driveway, and it is not clear how the driveway will now be supported.
- The hedgerow that has always been in place at the boundary is shown on the drawings as being mainly open to the Green Belt.
- The boundaries must be enclosed with the entrance driveway clearly defined.

Totteridge Residents' Association: So that there is a clear demarcation between the boundary of the property and the Barnet owned verge a boundary fence should be installed. Also to clearly define the access to the property from the public track a pier should be erected each side of the access point and a simple timber gate installed.

In response to the comments above, the applicant's agent has provided the following additional information:

- On review of the five objections raised in respect of the current planning application for condition 11 landscaping, the general overview of objections raised relates to enclosure of the site. These objections have no bearing on the current landscaping application as enclosure of the site will be subject to a separate application under condition 6.
- We would therefore kindly request that these objections are discounted in respect of the current application and can be dealt with when we make a formal application under condition 6.
- In respect of comments regarding tree removal. The report issued as part of the original application by DF Clark references G2 trees as Cherry & Quince (page 10 of 37). If you refer to page 12 of 37 paragraph 2.9 This refers to tree removal and surgery works. This indicates that trees G2 are proposed to be removed. We have therefore removed these trees as indicated in the report.
- We would also like to note that the objectors make reference to the site boundary between No 7 Horseshoe and the adjoining field and that no enclosure is indicated. This statement is in fact incorrect. The drawing issued with the landscaping application indicates a hedge to be planted along the first section of the boundary from the site entrance to the property line including flowering cherry trees with a hedge to the rear section of the boundary. The only open section of planting along the boundary will be along the elevation of the house which is to be planted with wild flowers in keeping with the attached field. This section cannot be viewed from Horseshoe lane.
- The objections also state that the property can be viewed from the adjacent field. I find this hard to believe due to the fact that there is a full tree line enclosing the adjacent field to which the public have no access. The public right of way at the bottom of Horseshoe lane which is tree lined offers no view of No 7.
- With the above in mind we would kindly request that the current application is recommended for approval.

Totteridge Conservation Area Advisory Committee: Any response will be reported at the committee meeting.

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan July 2015



The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM06.

#### Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

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

As noted above, landscaping details have previously been submitted for the LPA's consideration. The details were refused for the following reason:

*The proposed hard landscaping, by reason of its site coverage and proximity to Horseshoe Lane would be excessive and would detract from the open and rural character of the street scene. The proposal would not preserve or enhance the character or appearance of the conservation area and would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policies DM01 and DM06 of the Development Management Policies DPD (adopted September 2012).*

Therefore, the main issue for consideration in the current application is whether the submitted details overcome the previous reason for refusal and are acceptable pursuant to the existing grant of planning permission.

### **5.3 Assessment of proposals**

The proposed scheme of soft landscaping includes new tree planting to the rear of the site and hedgerow. The front boundary includes five trees, to replace those previously removed. There would be a greater number of trees to the front of the site than existed prior to development works commencing. The type and quantity of proposed planting to the front of the site is considered to preserve the rural character and appearance of this part of the Totteridge Conservation Area.

In respect of the hard surfacing, the current scheme proposes one single point of vehicle access to be taken from the northern-most part of the site frontage, in the location of the previous vehicular access to the original dwelling on the site. The driveway would then sweep back into the site up to the proposed integral garage. The driveway would relate acceptably to the soft landscaping in the form of lawn and trees, to ensure that the resultant site retains a rural and verdant appearance in keeping with the sensitive location of this site in the Green Belt and Totteridge Conservation Area.

It should be noted that planning application 16/2448/S73 was refused on the grounds that the proposed house, by reason of its design, appearance, size, bulk, height and rooftop PV panels would appear as an incompatible structure in this part of the Totteridge Conservation Area and would result in a loss of outlook and an overbearing and visually

intrusive impact when viewed from No. 5 Horseshoe Lane. That application included a proposed landscaping scheme which matches that submitted as part of the current application. No objections were raised in the committee report to that application in respect of the proposed landscaping scheme, and the reason for refusal for that application did not refer to any element of the proposed landscaping scheme.

On the basis of the above, the submitted details are considered to preserve the character and appearance of the site and this part of the conservation area and are considered acceptable.

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

A number of responses make reference to Condition 6 attached to the original grant of planning permission which requires details of the means of site enclosure to be submitted to and approved in writing by the Local Planning Authority before the development is first occupied, and shall be installed in accordance with the approved details.

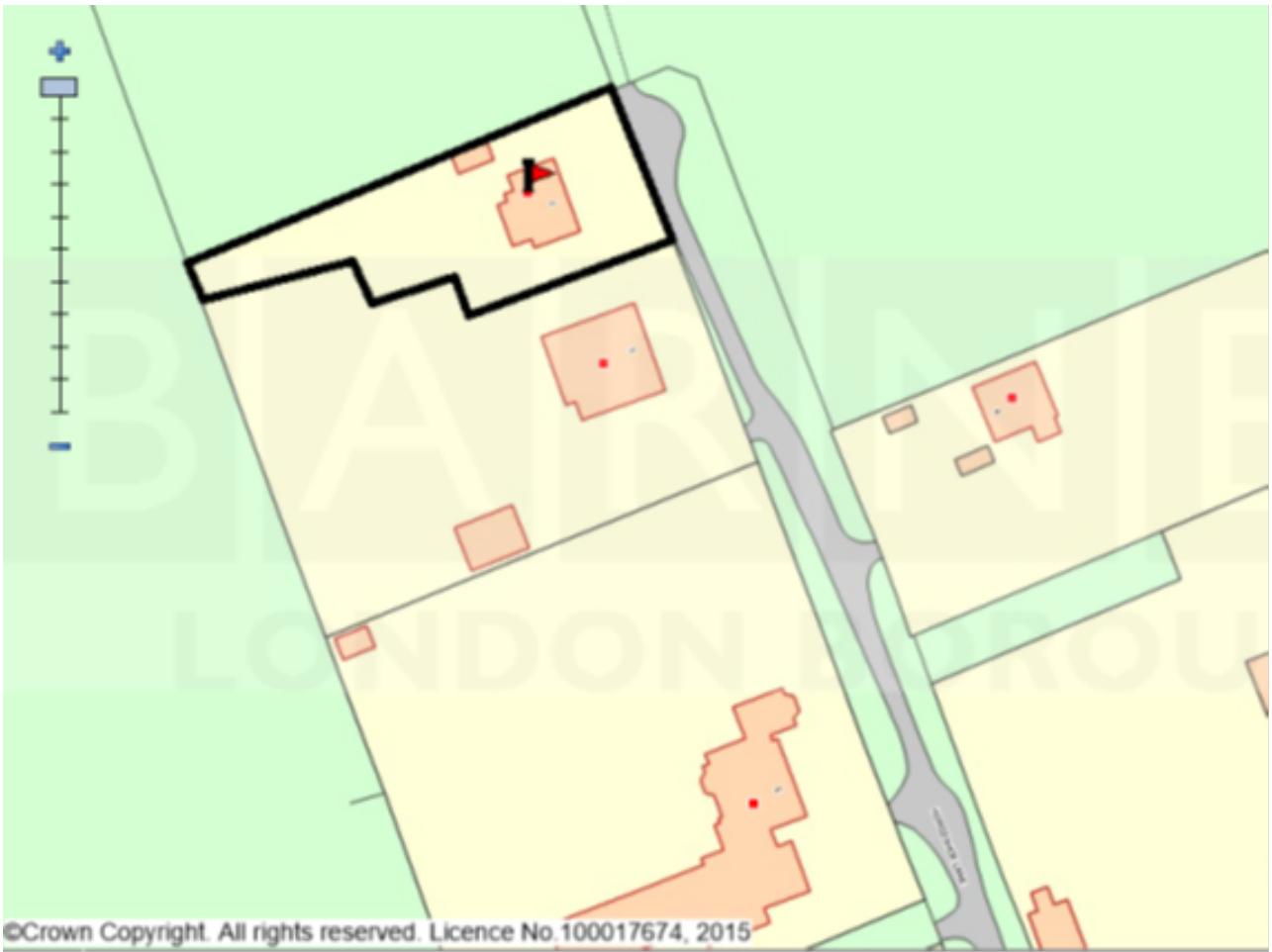
The comments raised are noted, however the current application refers to condition 11 only, and therefore is concerned only with hard and soft landscaping at the site. There is no requirement to submit details of the proposed means of enclosure as part of the current application, as this is covered by condition 6 which remains outstanding.

#### **6. Equality and Diversity Issues**

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

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that the details submitted as part of this application are acceptable pursuant to the planning condition referred to, and would ensure the approved building and its setting would not be detrimental to the character and appearance of the conservation area. This application is therefore recommended for approval.



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**Location** Land To The Rear Of West Walk Barnet EN4 8NU

**Reference:** 16/4682/FUL

Received: 15th July 2016

Accepted: 10th August 2016

**Ward:** Brunswick Park

Expiry 5th October 2016

**Applicant:** Mr Freeds Developments Freeds Developments

**Proposal:** Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments)

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: TPP/LR0WWB/010D, Ecology Report, Flood Risk Report, 5932(P) 301, 5932(P) 500, 5932(P) 001 Rev A, 5932(P) 100, 5932(P) 300,

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.  
b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2015.

- 3 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2015).

4 This development must be begun within three years from the date of this permission.

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

5 a) Notwithstanding the details submitted with the application and otherwise hereby approved, no development other than demolition works shall take place until details of (i) A Refuse and Recycling Collection Strategy, which includes details of the collection arrangements and whether or not refuse and recycling collections would be carried out by the Council or an alternative service provider, (ii) Details of the enclosures, screened facilities and internal areas of the proposed building to be used for the storage of recycling containers, wheeled refuse bins and any other refuse storage containers where applicable, and (iii) Plans showing satisfactory points of collection for refuse and recycling, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented and the refuse and recycling facilities provided in full accordance with the information approved under this condition before the development is first occupied and the development shall be managed in accordance with the information approved under this condition in perpetuity once occupation of the site has commenced.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy CS14 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

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

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

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 5932(P) 001 Rev A; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 8 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 9 Prior to occupation hereby permitted a Community Use Agreement Plan for the allotments shall be submitted to and approved in writing by the Local Planning Authority. The Community Use Agreement submitted shall include, but not be limited to, details of the following:

- (i) Hours of opening for the allotments provided at the site.
- (ii) Pricing policy on charging for use of the facilities provided at the site.
- (iii) Policy on access and availability to the sites facilities for non-residents and non-members.
- (iv) Management arrangements for the site and facilities provided, including a mechanism for review of the Community Use Agreement.
- (v) Parking arrangements for users of the site.
- (vi) Code of conduct for users of the site.

The development shall be occupied in full accordance with the approved Community Use Agreement.

Reason: To secure well managed access and appropriate availability to the community facilities provided by the scheme in accordance with policy CS10 of the Barnet Local Plan.

- 10 a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2015.

- 11 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the



Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 40% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

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

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A - E of Part 1 of Schedule 2 of that Order shall be carried out within the area of \_ hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 16 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the East and West elevation facing.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 17 The premises shall be used for \_ and for no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order, 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area.

- 18 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until the temporary tree protection as detailed in the approved Arboricultural Report dated November 2014 has been erected around existing trees on the site. This protection shall remain in position

until after the development works are completed and no material or soil shall be stored within these fenced areas at any time

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 19 a) No site works or works in connection with the development hereby approved shall be commenced until details of the no-dig construction technique for the construction of the hereby approved new hardstanding and driveway have been submitted to and approved in writing by the Local Planning Authority.
- b) The development shall be implemented in accordance with the approved details.

Reason: To safeguard the health of existing trees which represent an important amenity feature.

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 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](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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

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

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

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

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

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

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://legislation.gov.uk)

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

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

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

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

Further details and the application form can be downloaded from:  
<http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via [street.naming@barnet.gov.uk](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 7294.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

## **Officer's Assessment**

### **1. Site Description**

The application site, a triangular vacant plot historically used as allotment land is located between West Walk, Woodfield Drive and Uplands Road. Whilst the site benefits from several access points, the development that is the subject of this report will be accessed via a private road from West Walk, only. This road also serves garages that belong to properties on West Way. The site is over-grown and is in a derelict state. The property does not benefit from any special designation.

### **2. Site History**

Planning application (Ref No: 15/02741/FUL) for the 'Construction of 5 no. two storey terraced dwellinghouses. Provision of 8 no. off-street parking spaces, associated refuse storage, amenity space (Including allotments)' was granted permission on the 17th of September 2015.

### **3. Proposal**

The current submission seeks planning permission for the 'Construction of 5 no (Four-bed). two storey (plus habitable space in the roof) terraced dwellinghouses, provision of 6x allotments plots, 8 no. off-street parking spaces, associated refuse storage and amenity space'

The proposed terrace of 5 houses will contain a depth, width and height of 10m x 26m x and 8.5m (At its highest point), respectively. The new block will have an combined internal floor area of circa 260m<sup>2</sup>. Each four bedroom house will contain an internal floor area of circa 104m<sup>2</sup> and external amenity space of 73m<sup>2</sup>. The proposed building will be located 2m from the Eastern, 5m from the Western boundary, 14.1m from the Southern boundary and in excess of 50m from the Northern boundary. 6 allotments plots, 8 parking spaces and refuse storage would be located to the North of the building. The new terrace will be of a fairly traditional design with hipped roofs, modest porches with georgian fenestration.

The only changes from the previous to the current submission are noted to be an increase in height from 7.7m to 8.4m (Increase of 0.7m) and the introduction of one new rear dormer per unit. When compared to the previous submission, each new dormer will accommodate an additional bedroom. These new dormer windows will contain a width, height and depth of 1.4m , 1.6m and 2.3m, respectively.

### **4. Public Consultation**

132 neighbouring properties were consulted on the 10th of August 2016. , 34 letters of objection were received. The objections are outlined as follows:

The objections received can be summarised as follows:

- The site is not accessible via the private road (width and absence of turning facilities).
- Risk of flooding
- Who will maintain streetlighting
- Loss of privacy
- Noise and disturbance
- Impact on wildlife
- Loss of daylight
- The application form states no change to access (Section 6)
- Insufficient refuse and recycling provision

- Insufficient parking
- No details of pedestrian access has been provided.
- The proposal constitutes a backland development with no justification.
- The proposal will fail to respect the character of the area.
- The removal of trees will result in a loss of a landscaped area.
- Poor layout form and architectural vernacular
- No access for emergency vehicles
- Installing services beneath the access road is not permitted and would result in trespassing
- Construction work will result in damage to the access way.
- Increased traffic which could result in accidents
- The use of the property until 2006 was an allotment.

Internal:

Highways: No objection

Trees: No objection

Other:

Fire Services: No objection

Environment Agency: No comment

## **5. Planning Considerations**

### **5.1 Policy Context**

#### National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

#### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

#### Barnet's Local Plan (2012)

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

- Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS4, CS5, CS7, CS9
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM07, DM08, and DM15, DM17

#### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted April 2013)

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

Residential Design Guidance SPD (adopted April 2013)

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

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

The main issues in this case are considered to be covered under five main areas:

- Principle of Development
- Whether harm would be caused to the character and appearance of the locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the proposal would provide adequate amenities for future occupants;
- Whether harm would be caused to highway safety;
- Whether harm would be caused to trees.

These shall be addressed in turn:

### **5.3 Assessment of proposals**

As outlined in the 'History' section of this report a similar proposal has been granted permission in 2015. The current application seeks planning permission for the same development plus an additional dormer to each house to accommodate an additional bedroom. Each house will now accommodate 4-bedrooms and not 3-bedrooms as was the case in the previous submission.

#### Principle of Development

The discussion around the principle of development centres around two key issues. Firstly, the concept of a back-land development and secondly the loss of allotment or open space.

##### a) Back-land Development/Garden Grabbing

Core Principle 8 of the NPPF 2012 advises that housing should be located in suitable locations and that this should be achieved by 'encouraging the effective use of land by reusing land that has been previously developed (brownfield land), provided that it is not of high environmental value'. This would not preclude development on land that does not fall within the definition of previously developed land. As such, applications that are for development on land not defined as previously developed land should be assessed on their merits with reference to the development plan. In this case Development Management Plan Policy DM01 states:

*'Protecting Barnet's Character and Amenity states that development proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. In order to protect character Policy DM01: Protecting Barnet's Character and Amenity requires development to demonstrate a good understanding of the local characteristics of an area. Proposals which are out of keeping with the character of an area will be refused.'*

Policy DM01 does not preclude development on vacant space. The last sentence of this policy is very clear, '...Development that is out of scale and does not respect the setting of other buildings will not be acceptable'. Conversely, development that does respect the setting of other buildings and is of an appropriate scale could be acceptable in the locality. The proposal envisages an acceptable scheme (as discussed below)

'Back-land development' or 'Garden Grabbing,' relates to taking a rear garden of a house and seeking to build more houses. The Council supports London Plan Policy to limit the inappropriate development of back gardens that erode the character of suburban areas, as reflected in the Councils Development Management Policies. As discussed above, Policy DM01 does not preclude development of this nature, rather requires development to be of an appropriate scale and to respect the setting of surround buildings. The proposal seeks permission for a two storey terrace constituting 5 units with generous gardens and allotment space, thus making effective use of an underused site in a scale, mass and bulk that is relational to the locality. The proposal is considered to comply with all relevant policy and the principle of development is accepted.

a) Loss of Allotment/Open Space

Allotments, Open Space and recreational facilities are planned for, managed and maintained by a variety of agencies operating in a complex legislative and policy context. The NPPF (Para 74) prohibits the loss of open space except in exceptional circumstances. Exceptional circumstances constitute one of the following circumstances:

- i) An assessment has been undertaken which has clearly shown the open space, buildings or land to be surplus to requirements; or
- ii) The loss resulting from the proposed development would be replaced by equivalent or better provision in terms of quantity and quality in a suitable location; or
- iii) The development is for alternative sports and recreational provision, the needs for which clearly outweigh the loss."

It is noteworthy that DM15 echoes these requirements, however there is no explicit policy protecting allotment.

The Barnet 'Open Space, Sport and Recreational Facilities Needs Assessment' provides qualitative and quantitative evidence of the Boroughs open space network and its intrinsic values. It provides a basis for improving the quality and potential uses of open spaces to cater for increasing demand arising from growth and the changing needs of the community. The document does not identify site as an area of public amenity but does score the locality to have good access to public amenity.

The proposal seeks permission for new housing (x5) and allotment plots (x6). During the passage of time the pre-existing allotments ceased use and became derelict. As the proposal seeks to resurrect the pre-existing use, and provide much needed housing in a form that respects the character of the area, the principle of development is considered to be acceptable.

**Impact on the Character of the area**

Again, while the impacts on the character of the area has been accepted, the discussion and the impacts of the additional dormer windows will be discussed here.

Policies DM01 and DM02 seek to ensure that new development positively enhances the character and amenity of an area. The character of this area is generally suburban and defined by terraced and semi-detached of no more than 2-storeys immediately



surrounding the area. It is considered that there is no objection to a development on site however, this would be on the basis that the resulting development would not detract from the well-established character of the area, and would positively enhance the area.

The form of development on West Walk, Woodfield Drive and Uplands Road are characterised by short runs of terraced properties. Typically these terraces constitute circa 4 units. Given the proposal seeks planning permission for a row of 5 houses in a linear form closely resembling that of a traditional terrace, officers consider the character of pattern of development proposed to acceptable in the context of the immediate area.

The new terrace will be located on the Southern end of the site causing the proposed building to be positioned within its own landscaped setting. The two storey terrace is comparable in height with neighbouring properties located on West Walk, Woodfield Drive and Uplands Road. The architectural vernacular proposed is traditional in spirit with modest roofs, modest porches and traditionally designed windows. Overall the design of the proposal is considered to respect the character of the locality.

8 car parking bays will be provided to the front of the new terrace. The new forecourt will contain sufficient landscaping to ensure the forecourt is not dominated by parking and maneuvering. Details of landscaping shall be secured by condition.

The proposed bin storage would be located on the forecourt and subject to appropriate screening would not be detrimental to the character and appearance of the street.

Rear dormer windows are not alien features to the area. Viewing properties on Woodfield Drive, Uplands Road and West Walk a number of similar and indeed larger dormer windows exist. The proposed dormer windows are also considered to be of a size, design and siting that is considered to respect the proposed vernacular of the proposed houses. No objection is raised with the proposed dormer windows

### **Impact on Neighbouring Amenity**

Properties located on Woodfield Drive, West Walk and Uplands Road are separated by service roads. The new building will be located 6m away from the rear boundary with Woodfield Drive, 8m away from the rear boundaries with West Walk and 18m away from the rear boundaries with Uplands Road. Further it is important to note that actual neighbouring buildings will be further away, i.e 30m away from Woodfield Drive, 32m away from properties on West Walk and 41m away from Uplands Road. With a minimum separation of 30m from any part of the new building, it is not considered that neighbouring privacy will be harmed to a point of detriment

Further and again owing to the not insignificant separation distances the proposed building including the introduction of rear dormers and an increase of 0.7m in height would not appear overbearing or visually intrusive when viewed from neighbouring properties.

Concern has been raised with access arrangements during construction works. It is noteworthy that the Councils Highway Engineer considers the access to be sufficiently wide to accommodate service vehicles and whilst details of construction cannot constitute a reason for refusal, details of a construction method statement will be secured by condition - in the interest of protecting neighbouring amenity.

### **Highways**

The Councils highway engineer has reviewed the case found the access and parking provision to be sufficient to accommodate both adequate parking and access to

accommodate pedestrian, cars, emergency and service vehicles. The turning facilities within the site will allow vehicles to manoeuvre and leave in a forward gear.

### **Trees**

Whilst the subject site contains dense vegetation no tree within the site is covered by a tree protection order. One tree outside the site is noted to be protected. The application seeks to protect this tree during construction - as is normally required. The proposal also seeks to landscape the site. Details of which shall be secured by condition.

### **Other**

Whilst the majority of the site is located with zone 1, the edge of the site is located within Flood Zone 2. Notwithstanding the fact that a small portion of the site is located with zone 2, the development is not considered to be at risk of flooding.

Details of community access to the allotments shall be secured by condition.

There are no designated statutory or non-statutory wildlife sites on or immediately adjacent to site.

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

- The application (Section 6) form has been amended to correctly reflect changes in the access

- Construction work will result in damage to the access way.

Is not a planning consideration and therefore cannot constitute a reason for refusal.

- Loss of species

The applicant has provided an ecology report which demonstrates there will be no loss of protected species

- Installing services beneath the access road is not permitted and would result in trespassing

Ownership and access disputes do not form a merit planning consideration and therefore cannot constitute a reason for refusal.

It is also paramount to note that ownership disputes do not form a merit planning consideration and therefore cannot constitute a reason for refusal.

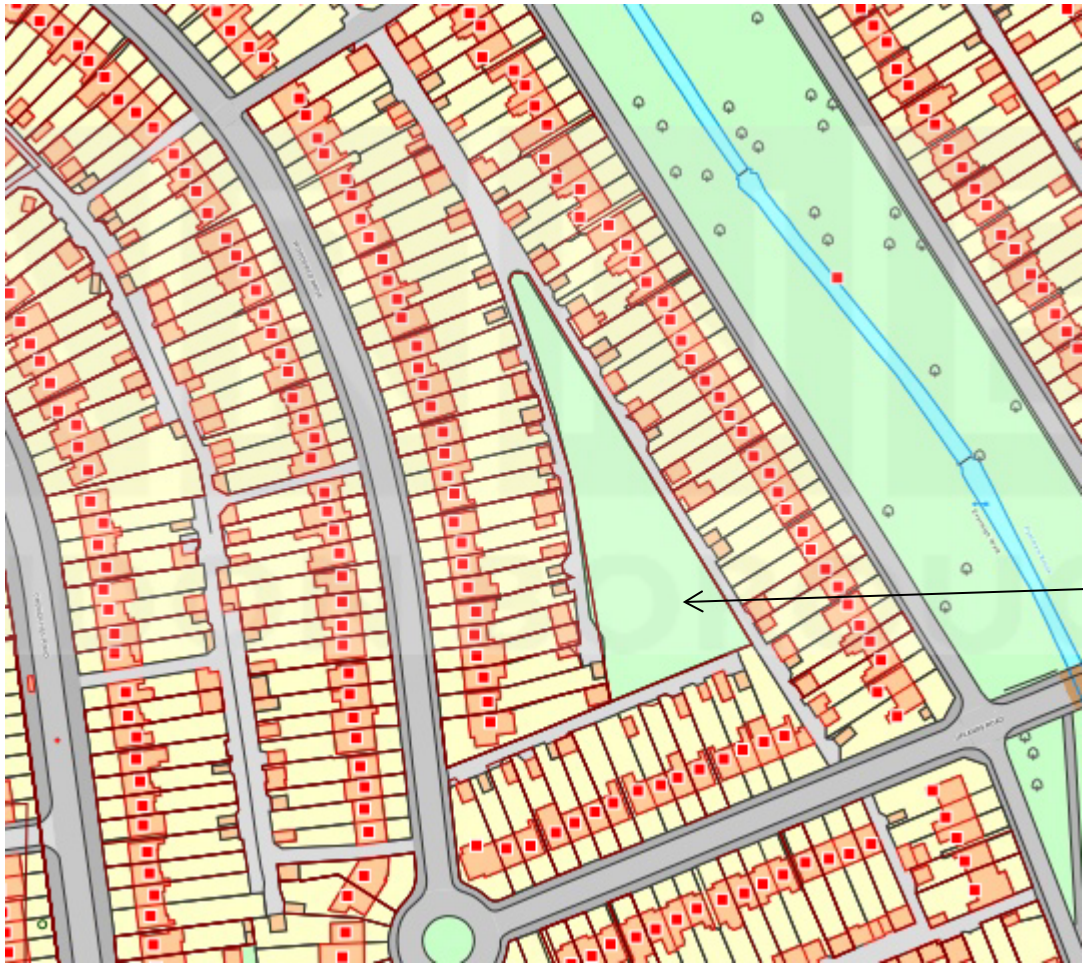
All other concerns have been addressed in the main body of this report.

### **6. Equality and Diversity Issues**

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

### **7. Conclusion**

Whilst the proposal would result in the loss of some open space, it would nevertheless bring 6 allotment plots back into use as well as provide 5 family homes that are policy compliant and provide family accommodation of medium priority to the Boroughs housing stock. The proposal is considered to be acceptable and approval is recommended



Site

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