

**MEETING**

**HENDON AREA PLANNING COMMITTEE**

**DATE AND TIME**

**TUESDAY 24TH JULY, 2018**

**AT 6.00 PM**

**VENUE**

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

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

Chairman: Councillor Brian Gordon LLB  
Vice Chairman: Councillor Elliot Simberg

Councillor Gill Sargeant  
Councillor Golnar Bokaei  
Councillor Ammar Naqvi  
Councillor Helene Richman  
Councillor Nizza Fluss

**Substitute Members**

Val Duschinsky	Charlie O-Macauley	Mark Shooter
Zakia Zubairi	Lachhya Gurung	Linda Freedman
Alex Prager		

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**

Governance Service contact: Faith Mwende Faith.Mwende@barnet.gov.uk 020 8359 4917

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**ASSURANCE GROUP**

## ORDER OF BUSINESS

Item No	Title of Report	Pages
1.	MINUTES	5 - 10
2.	ABSENCE OF MEMBERS (IF ANY)	
3.	DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)	
4.	1 - 3 Charcot Road London NW9 5HG (Colindale)	11 - 18
5.	58 And Land Adjacent To 58 Shakespeare Road Mill Hill, London NW7 4BH (Mill Hill)	19 - 34
6.	10 And 11 Old Rectory Gardens Edgware HA8 7LS (Edgware)	35 - 48
7.	18 Tretawn Gardens London NW7 4NR (Mill Hill)	49 - 64
8.	Land And Access At Rear Of Devonshire Road, Aberdare Gardens And Osborn Gardens London (Mill Hill)	65 - 88
9.	The Vicarage Deans Lane Edgware HA8 9NT (Hale)	89 - 110
10.	186 High Street Edgware HA8 7EX (Edgware)	111 - 124
11.	2 Southfields London NW4 4ND (Hendon)	125 - 144
12.	Land At The Rear Of Page Court Page Street London NW7 2DY (Mill Hill)	145 - 160
13.	Any Item(s) the Chairman decides are urgent	
14.	Report of the Monitoring Officer (If any)	
15.	Addendum (if applicable)	

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## Decisions of the Hendon Area Planning Committee

13 June 2018

Members Present:-

AGENDA ITEM 1

Councillor Brian Gordon (Chairman)

Councillor Simberg (Vice-Chairman)

Councillor Gill Sargeant  
Councillor Bokaei

Councillor Fluss

Apologies for Absence

Councillor Ammar Naqvi

Councillor Helene Richman

### CHAIRMAN'S DECLARATION

At 10:00 pm the Council's Constitution, Article 7.26 and Article 7.27 on Suspension of business at Committee and Sub-Committee meetings was invoked.

Article 7.26 outlines that no business at any meeting of a Committee or Sub-Committee shall be transacted after 10 pm and any business transacted after that time shall be null and void.

While Article 7.27 states that at any meeting of the Council, Planning Committee and Area Planning Committees, the Chairman at their sole discretion may extend the period for the transaction of business to 10.30pm. The Chairman extended the period in accordance with Article 7.27.

#### 1. MINUTES

**RESOLVED** that the minutes of the meeting held on 24th April 2018 be approved as a correct record.

#### 2. ABSENCE OF MEMBERS (IF ANY)

Apologies were received from Councillor Helene Richman and from Councillor Amnar Naqvi who was substituted by Councillor Charlie O-Macauley.

#### 3. DECLARATION OF MEMBERS' DISCLOSABLE PECUNIARY INTERESTS AND NON PECUNIARY INTERESTS (IF ANY)

None.

#### 4. REPORT OF THE MONITORING OFFICER (IF ANY)

None.

#### 5. ADDENDUM (IF APPLICABLE)

The Committee noted the addendum.

**6. 127 THE BROADWAY LONDON NW7 3TJ - 18/1288/FUL**

The planning officer introduced the report which related to 127 The Broadway.

A representation in objection was heard from John Gillett and Anne Hewetson.

An oral representation was made for the applicant, by Fergus Sykes.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 0  
Against - 6  
Abstain - 0

As a consequence of the above vote, Councillor Bokaei moved a new motion that was duly seconded by the Chairman, Councillor Gordon to REFUSE the application for the following reasons:

Overintensification of food and drink premises leading to an unacceptable impact on the character of the area and the amenities of adjoining neighbours including noise and odours.

The votes were recorded as follows:

For - 6  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to REFUSE** the application for the reasons above.

**7. ST VINCENTS CATHOLIC PRIMARY SCHOOL THE RIDGEWAY LONDON NW7 1EJ - 18/1518/FUL**

The planning officer introduced the report and addendum which related to St Vincents Catholic Primary School.

A representation in objection was heard from Michael Heatlie and Andrew Dismore (GLA).

An oral representation was made on behalf of the applicant, Owen Griffins.

Following discussion of the item, The Chairman moved to vote on the recommendation in the cover report, which was to refuse the application for the reasons on the report.

Votes were recorded as follows:

For – 4

Against - 2  
Abstain - 0

The Committee therefore **RESOLVED to REFUSE** the application for reasons in the report and addendum.

**8. 14 RUNDELL CRESCENT LONDON NW4 3BP - 18/1606/FUL**

The planning officer introduced the report which related to 14 Rundell Crescent.

A representation in objection was heard from Gavin Littaur.

An oral representation was made for the applicant by Emily Benedek.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 6  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report and addendum.

**9. 27 AND 29 NEELD CRESCENT LONDON NW4 3RP - 18/1327/FUL**

The planning officer introduced the report which related to 27 And 29 Neeld Crescent.

A representation in objection was heard from Lisa Seifman.

An oral representation was made for the applicant by Joe Henry.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 0  
Against - 5  
Abstain - 1

As a consequence of the above vote, Councillor Bokaei moved a new motion that was duly seconded by the Councillor O'Macauley to REFUSE the application for the following reasons:

The proposed development would lead to an increase in kerbside parking and the waiting of cars on the highway, due to the installation and operation of the car park stacking system, detrimental to the free flow of traffic and pedestrian and highway safety.

The votes were recorded as follows:

For - 5  
Against - 0  
Abstain - 1

The Committee therefore **RESOLVED to REFUSE** the application for the reasons above.

**10. 366 WATFORD WAY LONDON NW4 4XA - 18/0289/HSE**

The planning officer introduced the report which related to 366 Watford Way.

A representation in objection was heard from Dr Jeannette Antonian.

An oral representation was made by the applicant, Mr Stephen Harris.

Following discussion of the item, Councillor Sargeant moved a motion that was seconded by Councillor O'Macauley to defer the item until it can be considered together with the HMO application.

Votes were recorded as follows:

For - 3  
Against – 3  
Abstain – 0

The Chairman used his casting vote to vote against the deferral and as such the motion was lost.

The Chairman then moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report.

Votes were recorded as follows:

For - 3  
Against – 3  
Abstain – 0

Chairman used his casting vote to vote in favour of the officer recommendation to approve the application.

The Committee therefore **RESOLVED to APPROVE** the application, subject to the conditions as per the officer's report.

**11. LAND REAR OF 18 MAXWELTON CLOSE LONDON NW7 3NA - 18/1077/FUL**

The planning officer introduced the report which related to Land Rear Of 18 Maxwelton Close.

An oral representation was made for the applicant by Tim Simon.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.



Votes were recorded as follows:

For - 6  
Against - 0  
Abstain - 0

The Committee therefore **RESOLVED to APPROVE** the application subject to the conditions as per the officer's report and addendum.

**12. SWEETTREE FIELDS MARSH LANE LONDON NW7 4EY - 17/7627/RCU**

The planning officer introduced the report which related to SweetTree Fields.

A representation in objection was heard from Dianne Murphy.

A representation in support was heard from David Cunnea.

An oral representation was made by the applicant, Barry Sweetbaum.

Following discussion of the item, the Chairman moved to vote on the recommendation in the cover report, which was to approve the application subject to conditions in the report and addendum.

Votes were recorded as follows:

For - 2  
Against -3  
Abstain - 1

As a consequence of the above vote, Councillor Simberg moved a new motion that was duly seconded by Councillor Fluss to REFUSE the application for the following reasons:

- Harm to character and openness of green belt by way of the activities and buildings taking place on the site and the construction of the site wide road network.
- Harm to amenity by way of noise, dust, odour and security for the adjoining neighbours.

The votes were recorded as follows:

For - 3  
Against - 2  
Abstain - 1

The Committee therefore **RESOLVED to REFUSE** the application for the reasons above.

**13. ANY ITEM(S) THE CHAIRMAN DECIDES ARE URGENT**

The meeting finished at 10.30 pm

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**Location**                      **1 - 3 Charcot Road London NW9 5HG**

**Reference:**                    **18/2719/FUL**

Received: 3rd May 2018

Accepted: 10th May 2018

Ward:                              Colindale

Expiry 5th July 2018

Applicant:                      Mr Chi Tang

Proposal:                        New shopfront

**AGENDA ITEM 4**

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: 18005 A (GA) P100; 18005 A (SO) P100.

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 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 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
  
- 2 The hereby approved development relates solely to the installation of the new shop front; alterations to or installations of new adverts on the site are liable to separate approval.

## **Officer's Assessment**

### **1. Site Description**

The application concerns a Ground floor retail-use property with residential units above Located at 1-3 Charcot Road. The surrounding area is comprised of similar units. The site is currently classified for uses A1-3, however is currently vacant. The building is not listed, nor is it situated in a conservation area.

### **2. Site History**

Reference: 15/01661/FUL

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved subject to conditions

Decision Date: 12 January 2017

Description: Erection of a footbridge linking Charcot Road to Montrose Park, including all enabling works.

Reference: 15/02252/CON

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved

Decision Date: 14 May 2015

Description: Submission of details of conditions 3 (Materials), 4 (Details - Glazing and window frames; Projection of oriel windows; Terracotta, timber and mesh spacing; Window openings) and 29 (Landscaping) pursuant to planning permission H/3131/14 dated 27/08/14

Reference: 15/03022/FUL

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved subject to conditions

Decision Date: 2 December 2015

Description: Application for brick built substation with flat roof (alternate design to H/04927/14) and proposed timber screen enclosure to ancillary plant

Reference: 15/05822/NMA

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved

Decision Date: 9 October 2015

Description: Non material amendment to planning permission H/03131/14 dated 27/08/2014. Amendments to include increase in D2 use

Reference: 15/07219/ADV

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved subject to conditions

Decision Date: 20 January 2016

Description: Installation of various non-illuminated signs including gantry signs, hoardings, fascias and window graphics (retrospective application)

Reference: 16/5188/CON

Address: 1 Charcot Road, London, NW9 5HG

Decision: Split Decision

Decision Date: 16 September 2016

Description: Submission of details for condition 18b (Contaminated Land Desktop Study) 28 (External Lighting) 31 (Car Parking) 32 (Car Parking Management Plan) 34 (Delivery and Servicing Management Plan) 35 (Electric Charging Points) 36 (Cycle Parking Facilities) 38 (Student Pick Up and Drop off Management Scheme) pursuant to planning permission H/01110/13 dated 03/04/14

Reference: 16/6243/CON

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved

Decision Date: 8 February 2017

Description: Submission of details for conditions 22 (Refuse and Recycling Plan) 23 (Indemnity agreement due to waste collection) and 28 (External Lighting Scheme) pursuant to planning permission H/03131/14 dated 27/08/2014, , , ,

Reference: 16/7357/FUL

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved subject to conditions

Decision Date: 3 March 2017

Description: Formation of external deck area with glass balustrade at first floor level

Reference: 17/2483/CON

Address: 1 Charcot Road, London, NW9 5HG

Decision: Approved

Decision Date: 11 May 2017

Description: Submission of details of conditions 25 (Extraction And Ventilation) pursuant to planning permission H/03131/14 dated 27/08/14

### **3. Proposal**

The application seeks full planning permission for the installation of a new shop front to 3 Charcot Road.

This would involve the replacement of an existing window with an entrance door (2.4 metres in height and 1.2 metres width) with surrounding windows. There will also be proposed signage zone above the door which will be the same as that of the existing signage.

### **4. Public Consultation**

Consultation letters were sent to 95 neighbouring properties. 5 responses were received, all of which were objections.

The objections can be summarised as follows:

- Noise pollution
- Devalue properties located above
- Disingenuous application - The site will be used as a restaurant
- Increased pedestrian footfall
- Increased risk of traffic and traffic accidents
- Work has begun in the unit
- No sufficient waste disposal
- Smell of food will be constant throughout the above buildings
- Not informed of the application

## **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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 October 2016)

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

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

The main issues for consideration in this case are:

- Whether 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**

This application proposed alterations to the existing shop front including the replacement of the existing window arrangement with a shop entrance and glazing of equal size to that of the existing window arrangement. The proposed new shopfront will be located along the principle elevation of the building fronting the main road.

It is considered that the proposed alterations to the existing windows and proposed signage zone will not have a detrimental impact on the character and appearance of the host property, neighbouring street scene and the wider locality.

The shop fronts surrounding the application site have similar designs and slight varying designs. The overall nature of the shopfronts is that of a glazed frontage with signage above or around the entrance. As such it is not considered that the proposed works would compromise or harm the character of the surrounding area.

The proposal is in line with the Design Guidance No. 10 Shopfronts and as such is recommended for approval.

Officers consider that the proposed changes to the shopfront windows will not have any physical impact that will affect neighbouring occupiers.

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

- The proposed shopfront will not create noise which would be considered to be harmful to the surrounding residents.
- The devaluation of the above properties is not a planning consideration, the application is also for a shopfront and does not relate to the use of the existing space. The use of the existing space is for Class A1-3. Works which may have begun within the unit are not associated with the application itself.
- Increased footfall is to be expected as a result of the proposed new shopfront, this however will not be detrimental or cause harm to the area. This will also not detrimentally increase the risks of traffic collisions within the area.
- The disposal of possible waste for this application is seen to be sufficient.
- The smell of food does not relate to the application for a new shopfront.
- All residents which would be affected by the proposed application have been adequately consulted.

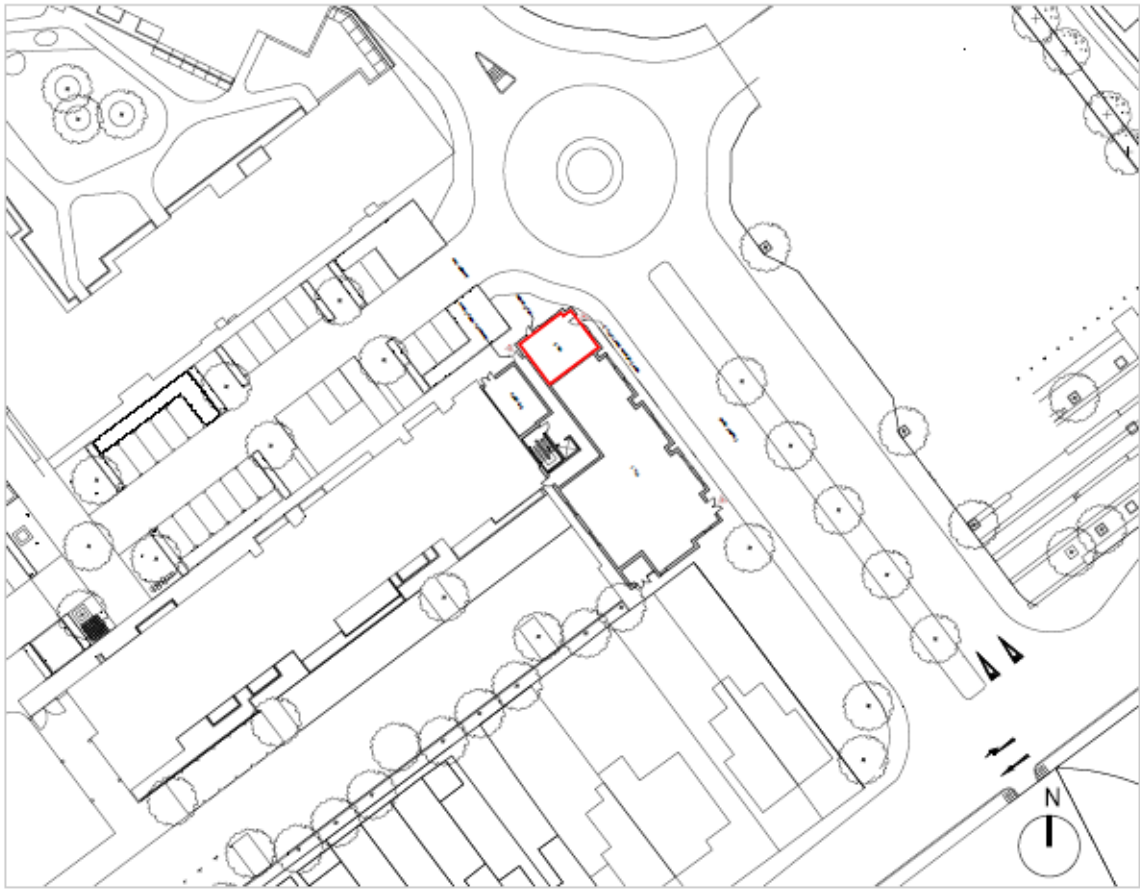
#### **6. Equality and Diversity Issues**

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**                               **58 And Land Adjacent To 58 Shakespeare Road Mill Hill, London NW7  
4BH**

**AGENDA ITEM 5**

**Reference:**                               **18/0529/FUL**

Received: 24th January 2018

Accepted: 24th January 2018

**Ward:**                                       Mill Hill

Expiry 21st March 2018

**Applicant:**                               Mr David Beal

**Proposal:**                               Erection of two-storey single family dwellinghouse with rooms in roofspace and provision of 1no parking space, cycle storage and refuse and recycling storage to land adjacent to 58 Shakespeare Road. Two storey side extension with associated changes to fenestration and soft and hard landscaping to 58 Shakespeare Road

**Recommendation:** Approve subject to conditions

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

- 1 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.

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

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

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

and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 a) No development 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 October 2016) and Policy 5.21 of the London Plan (2016).

- 5 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).

6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 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.

7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation of the new dwelling, facing No58 Shakespeare 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).

8 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).

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

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

10 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.

- 11 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.

- 12 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).

- 13 a) Before the development hereby permitted is first occupied, details of privacy screens/retaining walls to be installed on the rear terrace area shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 14 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 side elevation of either dwelling on the site.

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).

- 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-F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the entire 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).

- 16 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No.010 Rev K; 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.

- 17 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

E001 Rev E, E002 Rev N, E010 Rev D, E011 Rev B, E030 Rev D, E031 Rev C, E032 Rev C, E033 Rev C, E040 Rev B, E041 Rev B, 002 Rev M, 010 Rev M, 011 Rev K, 012 Rev M, 014 Rev L, 030 Rev J, 031 Rev K, 032 Rev J, 033 Rev J, 034 Rev C, 040 Rev J, 041 Rev J.

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).

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

- 1 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.

## **Officer's Assessment**

### **1. Site Description**

The application site is located on the northern side of Shakespeare Road within the Mill Hill Ward. The site is currently occupied by a two storey, detached building, finished in red brick with a tiled roof. The building contains 2no. two bedroom flats (nos. 58 and 58a) one on each floor, and No.56. Access is gained to the ground floor flat via the entrance door on the side (west) elevation of the building, with access to the first floor flat via the external staircase, located to the rear (north) elevation. Gardens for the flats are provided to the rear of the site. The site also includes a parcel of land to the side of the dwelling. This area contains a number of prominent trees, some of which are statutory protected, and is currently grassed. The site slopes up towards the rear.

The site is not within a Conservation Area although the Mill Hill Conservation Area is located to the side and rear, and there is a statutory listed building to the northwest (Saint Joseph's College). The boundary of the Green Belt also extends to the side and rear of the plot. The immediate area is residential in character consisting mainly of detached dwellings, but with some terrace and flat developments.

### **2. Site History**

Reference: H/00677/14

Address: 58 Shakespeare Road

Decision: Refused.

Decision Date: 16.04.2014

Description: Erection of two storey dwelling house (outline).

Appeal: Appeal dismissed (18.09.2014). Reference: APP/N5090/A/14/2220549

Reasons for refusal:

By virtue of the siting, bulk and proximity to the neighbouring building the proposal will result in a loss of outlook to windows in the principal elevation of 58A and 58B Shakespeare Road which would be detrimental to the residential amenities of the occupiers of those properties, contrary to Policies CS NPPF and CS5 of the Local Plan Core Strategy (September 2012), DM01 of the Local Plan Development Management Policies DPD (September 2012) and the Residential Design Guidance and Sustainable Design and Construction SPDs (2013).

Insufficient information has been submitted to demonstrate that the proposal would not impact adversely on the health of the trees of special amenity value. The proposal would therefore fail to comply with Policies CS NPPF and CS5 of the Local Plan Core Strategy (September 2012) and DM01 of the Local Plan Development Management Policies DPD (September 2012).

Reference: 17/3253/FUL

Address: 58 Shakespeare Road

Decision: Withdrawn.

Decision Date: 13.10.2017

Description: Construction of a two storey dwelling with rooms in roofspace. Associated parking, cycle store, refuse and recycling store, landscaping and boundary works.

### **3. Proposal**

The application consists of two elements; the erection of a detached dwelling on the plot of land to the west of the existing residential building and an extension to the building.

#### *New Dwelling*

The new dwelling would be detached with a floor area of approximately 10.0m x 9.5m. The house would be served by its own separate curtilage with 1 parking space served by a crossover to the front. The dwelling would have a ridge height of approximately 9.2m. The building would be finished in render with a slate roof above. The house would be served by side and rear dormer windows with a balcony on the western flank.

#### *Extension*

A side extension would be added to No.58, this would be 0.90m deep x 8.0m in length. The extension would be two storeys with a hipped roof which would tie into the existing dwelling.

### **4. Public Consultation**

Consultation letters were sent to 58 neighbouring properties -13 representations were received raising the following issues;

#### *Objections*

- Proposal would be an over-development harmful to the character of the road.
- Concern about parking along the road.
- Design, size and appearance submitted in this revised application is still totally out of keeping within surrounding properties.
- The design would detract from and not contribute to the openness and visual amenity of the surrounding Conservation Area and Green Belt.
- Concern about impacts on adjacent trees.
- The proposed house is too modern and contemporary. It doesn't harmonise with other existing houses.
- The extension would impact on the amenity of future occupants in terms of outlook, loss of light etc.
- The trees have already been cut down and burned.
- Continued development of the road is having a negative impact on the character of the area, including the unique character of Poets Corner.

#### *Support*

- The development as proposed has been well designed and we have no objection to it being built. It fits well within the surrounding street-scene, and there is sufficient parking, bin storage for the proposed use.

### **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 2016

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

### Draft London Plan 2017

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS7, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM13, DM15, DM16, DM17.

### Supplementary Planning Documents

#### Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an

attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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.

Mill Hill Conservation Area Character Appraisal

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

The main issues for consideration in this case are:

- The principle of the development;
- Potential impacts on the adjoining conservation area/Green Belt;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether suitable amenity would be provided for future occupiers;
- Highways implications;
- Trees and landscaping;
- Other considerations, third party representations

## **5.3 Assessment of proposals**

The principle of the development

The general principle amounts to the construction of a new dwelling to the side of the existing building and an extension to No.58. The site is adjacent to, but outside the Green Belt, where there are tight restrictions on new buildings. The site is adjacent to the Mill Hill Conservation Area; therefore an appropriate design will be necessary. The plot also includes TPO'd trees within its boundary. Care intention should be paid to ensuring there health and well-being.

Potential concerns in relation to the amenity of existing and future occupiers has amounted to a previous reason to withhold consent and indeed the concerns about loss of and outlook to flank windows in the flats was upheld at appeal. Overcoming these concerns is critical if a reversal of the previous decision is to be successful.

As detailed the site is outside the boundaries of the Green Belt and located at the end of a residential street. Local plan policies DM01 and CM5 require that new development is mindful of the character of the immediate area and should aim to create or maintain high quality places within the district. Proposals should therefore preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. New development should reinforce local distinctiveness.

The application site is a previously developed plot in that it has served as the garden of No.58 and one of the core aims of national policy enshrined in the NPPF is to ensure the more efficient and effective use of such sites. Para. 53 of nationally adopted guidance in the NPPF states the following;

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

However such developments can be appropriate if the character of the area is maintained. Decision makers must also be mindful of the NPPF aim of promoting sustainable development and boosting significantly the supply of housing. Having regard to compliance with the above policy requirements, the general principle of development can be accepted.

#### Potential impacts on the adjoining conservation area/Green Belt

##### *Conservation Area*

Paragraph 7.2.2 of the Development Management Policies states that if a site lies within a conservation area or is located nearby, new development will not be allowed which neither preserves nor enhances that area.

The conservation area is characterised at this location by the open, spacious grounds of the adjacent Saint Joseph's College. This southern section of the conservation area is surrounded by low density suburban properties. The residential dwellings on Shakespeare Road are fairly typical sub-urban housing. It is not considered the location of another dwelling adjoining the boundary would erode this character, subject to design, which is discussed later in the report. The site would remain relatively well screened from the conservation area and any new building would be viewed in the context of the adjoining dwellings. There would be negligible effect on the setting of the listed building and the character and appearance of the adjacent conservation area would be preserved.

The two storey side extension to the existing property at 58 Shakespeare Road is considered to be of a scale that would not disrupt the adjacent Conservation Area. The gap maintained between the existing property and the proposed dwelling is such that glimpsed views towards the Conservation Area will be maintained.

The proposed extension by virtue of its set back from the front building line, distance maintained to the common boundary and set down from the main ridge line of the property is such that the scheme would comply with the guidance set out in Barnet's SPD Residential Design Guidance that indicates that extensions should appear as subordinate additions to the main dwellinghouse. It is also noted that the extension will not extend the full depth of the property which would ensure a proportionate and subordinate addition.

### *Green Belt*

The site is also in adjacent to the Green Belt. Part vi of Policy DM15 (Green Belt and open spaces) of the Local Plan states development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings. As discussed above, and for similar reasons in relation to the conservation area, it is not considered that the development of a well screened site, viewed in the context of adjacent residential development would be harmful to the visual amenity of the Green Belt. The visual character of the Green Belt adjacent to the site would not be harmed.

The openness of the Green Belt is not considered to be harmed by the introduction of the side extension to the existing property.

### Whether harm would be caused to the character and appearance of the street scene and the wider locality

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. As detailed above, the character of the area is typically sub-urban. Some neighbours of the development site have raised issue with the proposed finish of the building. The building would be finished in render with a slate roof. Whilst the predominant finish in the surrounding streets is red brick, the area is not devoid of render buildings and it is a common enough elevation finish locally. Furthermore a contrast in styles may offer some variation to the streetscene. It is not considered the materials palette would seriously offend local character. The more contemporary fenestration proposed would similarly not appear particularly jarring, and the more modern appearance of new build housing can be accommodated within most suburban streets.

The scale and massing is commensurate with existing development, and the proposed layout would be in keeping with the general character of the area. In layout, scale, mass, height and having regard to the pattern of surrounding buildings the proposed development would not appear out of character. The overall design and layout is therefore deemed acceptable.

The design of the two storey side extension raises no issues and is a relatively minor addition from a design perspective. The proposal will be set back from the main front building line of the existing property to appear subordinate and will leave a 1m gap between the proposal and the common boundary. The siting and scale of the extension is such that it would not result in a cramped form of development and would be subordinate to the main building.

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

The new dwelling would be located along the flank of the existing flats. A previous application at the site was refused in relation to outlook from the existing flats. The flats are

served by side elevation windows which would be located in close proximity to the proposed side elevation wall of the new house. Owing to the layout of the flats, the side elevation is in effect the principal elevation. This scheme proposes relocating bedroom windows to the front and (extended) sections of the dwelling. This would ensure that bedroom windows would not be facing a blank wall at close proximity. Reasonable outlook would now be guaranteed to the front and rear of the flats. Both flank walls would now effectively be blank elevations and there would be no adverse impact on amenity as a result. Reasonable outlook and light could be ensured for occupants of the flats.

There would be some overlooking of the garden area of the new property from first floor flank windows at No.58. This could be mitigated to a certain extent by boundary fencing, and the 3.0m distance to the common boundary, although not entirely eradicated. The refused scheme raised concern that any fencing would result in a significant loss of outlook to the flats and that site constraints meant a dwelling on the plot would be difficult to accommodate. However it is considered that the repositioned windows ensure that the host flats would retain adequate outlook. There is some concern about overlooking of the new property from first floor windows, but on balance the scheme can be accepted and a suitable level of amenity could be retained for all residents. The level of overlooking is expected and accepted given first floor windows of all neighbouring properties bring about a similar relationship and these existing relationships have never been seen to be detrimental and are to be accepted in a suburban residential location such as this. The level of overlooking is not considered to be harmful or out of context with the established relationship on this part of Shakespeare Road.

#### Whether suitable amenity would be provided for future occupiers

Barnet's Sustainable Design and Construction SPD states that for new dwellings, 60sq.m of external amenity space should be provided for units with 4 habitable rooms. The proposed amenity area proposes in excess of this. The policy also requires that the space is functional and sufficiently private. The trees located within the site will limit the functionality of the amenity space, but given the provision to the side and rear, the proposed balcony, and rear terrace area, the proposed provision is deemed acceptable.

The bedrooms meet the minimum space standards of 11.5sq. m (double) and 7.5sq.m. (single) respectively. The minimum widths of bedrooms could also be achieved. A 4 bedroom, 7 person unit should have a gia of 108 sq. m. and the proposal exceeds this requirement. The proposal would not be single aspect, and good outlook could be achieved. The floor to ceiling heights are considered suitable.

#### Highways implications

A new crossover would be created onto Shakespeare Road and 1 parking space would be provided. This is considered a suitable provision for a dwelling at this location. Cycle parking and refuse facilities, in line with London Plan standards, can be agreed by condition.

#### Trees and Landscaping

The site contains a number of trees protected by a Tree Preservation Order. A Tree survey has been submitted in support of the application. The council's Trees and Landscaping Officer has been consulted in relation to the scheme and advises that subject to tree protection measures, agreeable by condition, the scheme is acceptable. The application can be conditioned accordingly.



It should be noted that tree replacement notices are to be served on the property following the removal of TPO trees at the site, however, with the amendment to the scheme a 5m garden strip will be maintained between the proposed house and the site boundary and therefore there is adequate room for replacement trees to establish.

TPO trees have been removed along the boundary so that now the additional width is not constrained by trees. These removed trees will be replaced under a tree replacement notice. If this scheme is approved there will be a 5m garden strip for replacement plantings which should be enough space for trees to establish.

The impacts of this development on the remaining trees on site is low to moderate. A detailed arboricultural method statement and tree protection plan must be submitted and approved prior to commencement that will provide directions to the developer to ensure the impacts are kept to a minimum.

### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, any scheme has it be designed to achieve a 12.4% CO2 reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016.

Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

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

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

It is considered that the planning related comments from the neighbour correspondence have been addressed in the report above.

### **6.0 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.

### **7.0 Conclusion**

In light of the above appraisal, it is considered that the proposed development can be accepted in policy terms. It is therefore recommend that consent is granted subject to

conditions which can further tailor the scheme to ensure an appropriate development results.

### Site Location Plan



**Location** 10 And 11 Old Rectory Gardens Edgware HA8 7LS

**Reference:** 18/1250/HSE

Received: 26th February 2018

Accepted: 28th February 2018

**Ward:** Edgware

Expiry 25th April 2018

**Applicant:** Mr Syd Hathi

**Proposal:** First floor rear infill extension to both properties

AGENDA ITEM 6

**Recommendation:** Approve subject to conditions

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

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

RE/DA332/1 (received 26/02/2018)

RE/DA332/2 (received 26/02/2018)

Site Location Plan (received 26/02/2018)

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 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).

- 4 Before the building hereby permitted is first occupied the proposed window(s) in the rear elevation facing No.20 and No.22 Manor Park Gardens 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 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 rear elevation(s), of the extension(s) hereby approved, facing No.20 and No.22 Manor Park Gardens.

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).

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority (LPA) has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant did not seek to engage with the LPA prior to the submission of this application through the established formal pre-application advice service. In accordance with paragraph 189 of the NPPF, the applicant is encouraged to utilise this service prior to the submission of any future formal planning applications, in order to engage pro-actively with the LPA to discuss possible solutions to the reasons for refusal.

- 2 The plans accompanying this application are:

RE/DA332/1 (received 26/02/2018)

RE/DA332/2 (received 26/02/2018)

Site Location Plan (received 26/02/2018)



## Officer's Assessment

### 1. Site Description

The host sites at No.10 and No.11 Old Rectory Gardens are a pair of semi-detached properties located at the end of a cul-de-sac. The properties do not fall within a conservation area and are not listed building.

To the rear No.11 Old Rectory Gardens borders with the properties at No.22, No.24, and No.26 Manor Park Gardens whilst No.10 Old Rectory Gardens border with No.16, No.18, No.22, and No.22 Manor Park Gardens.

There are no tree preservation orders on site.

### 2. Site History

Reference: 15/06585/PNH

Address: 10 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 7 December 2015

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/4437/PNH

Address: 10 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 8 August 2016

Description: Single storey rear extension with a proposed maximum depth of 4.8 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Appeal: APP/N5090/D/16/3160163

Appeal Decision: Allowed

Date of Decision: 18 January 2017

Reference: 17/4057/HSE

Address: 10 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Approved subject to conditions

Decision Date: 24 August 2017

Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration

Reference: 17/1115/HSE

Address: 111 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Approved subject to conditions

Decision Date: 31 March 2017

Description: Single storey rear extension. Part single, part two storey side extension. Associated roof alterations

Reference: 15/06584/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 19 November 2015

Description: Single storey rear extension with a proposed depth of 5.07 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/0659/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Required and Refused

Decision Date: 22 February 2016

Description: Single storey rear extension with a proposed depth of 3.05 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: 16/5219/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Prior Approval Not Required

Decision Date: 9 September 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 3 metres

Reference: 16/6740/PNH

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Withdrawn

Decision Date: 18 November 2016

Description: Single storey rear extension with a proposed depth of 5 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres

Reference: W01570C/02

Address: 11 Old Rectory Gardens, Edgware, HA8 7LS

Decision: Refused

Decision Date: 7 October 2002

Description: Two storey rear and side extensions in relation to conversion of premises into two self-contained flats.

### 3. Proposal

The proposal seeks planning permission for an 'infill' first floor rear extension at No.10 and No.11 Old Rectory Gardens.

The extensions will both measure approximately 2.8 metres in depth and 3.5 metres in width.

In order to allow for the proposed extensions, the proposal would include alterations to the existing roof form which would allow for a moderate crown roof to extend along both properties.

### 4. Public Consultation

Consultation letters were sent to 11 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Previous objections have been ignored over the last years
- Further impact on privacy/ Loss of privacy
- Impact on security
- Out of character

- Overbearing
- Dominant
- Notifications for consultation not received/ No public consultation.
- Overdevelopment of site.

## 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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

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

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

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

## Supplementary Planning Documents

### Residential Design Guidance SPD (adopted October 2016)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

### Sustainable Design and Construction SPD (adopted October 2016)

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

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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

### Background

The current application seeks planning permission for a first floor rear extension to the properties at No.10 and No.11 Old Rectory Gardens. Following a site visit to the application site, it is noted that both properties are currently implementing extensions which have been granted under separate applications. The granted applications are as follows:

#### No.10 Old Rectory Gardens

Planning Reference: 17/4057/HSE

Description: Part single, part two storey side and rear extensions following demolition of existing garage. Changes to fenestration'

Date Decided: 24.08.2017

No.11 Old Rectory Gardens

Planning Reference: 17/1115/HSE

Description: Single storey rear extension. Part single, part two storey side extension.

Associated roof alterations

Date Decided: 31.03.2017

During the consultation period for the current application, concerns were raised with regards to the construction work and the extent of development undertaken so far. Comments, received during the consultation process, addressed issues regarding the impact of the extensions on the visual and residential amenities of neighbouring occupiers, especially those to the rear along Manor Park Gardens.

It must be noted that the above mentioned applications were determined by taking into consideration previous applications and permitted development fall back positions. The paragraphs below provide a short history relating to the two properties.

No.11 Old Rectory Gardens

The host site at No.11 benefits from a number of previous planning applications.

A prior approval application (16/5219/PH), for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 3 metres in maximum height, was submitted in August 2016. As part of the prior approval process, the adjoining properties, which share a boundary with No.11 Old Rectory Gardens, were consulted for 23 days. No objections were received.

It is noted that the property at No.11 already benefitted from a single storey rear extension which extended the full width of the original property. Additionally, both properties at No.11 and No.10 benefit from two storey rear outriggers which partially project past the original rear walls.

The extension, under reference 16/5219/PNH, would have extended past the existing outrigger. The proposed depth of 5 metres would have allowed the extension to abut the boundary with the neighbouring property at No.22 and No.24 Manor Park Gardens. As per permitted development regulation, if no objections are received during the consultation period, the application would not require prior approval and may be implemented on or before the 30th of May 2019.

A further application (17/1115/HSE) was subsequently submitted in February 2017 at No.11 for a part single storey rear extension, and a part single part two storey side extension. It is noted that the proposals for the single storey side and rear extensions partially included the single storey rear element which could have been implemented under prior approval 16/5219/PNH. The application was granted planning permission.

The proposed single storey element increased the foot print at ground floor by a maximum of approximately 71m<sup>2</sup>. This was compared to a total addition of 30m<sup>2</sup> if the prior approval extension (16/5219/PNH) was to be implemented on its own.

Whilst the difference in footprint was acknowledged, it was considered that the associated single storey side and rear element would have been set back from the rear boundary with No.22 and No.24 Manor Park Gardens by a maximum of approximately 1.4. It was considered that the set-back from the neighbouring boundaries would mitigate overbearing and visually intrusive impacts towards neighbouring occupiers.

On the other hand, the proposed first floor side extension was considered to comply with the Council's Residential Design Guidance (SPD) and was not considered to cause material harm to the visual and residential amenities of neighbouring occupiers.

#### No.10 Old Rectory Gardens

A Prior Approval Application (15/06585/PNH) was submitted in 2015 and refused on the 7th of December 2015. The prior approval sought permission for a single storey rear extension measuring 5 metres in depth, 3 metres to the eaves, and 4 metres in maximum height.

As per above, the proposed extension would have projected past an existing two storey outrigger. The overall depth would have allowed the element to abut the boundary with the neighbouring property to the rear at No.20 Manor Park Gardens. The application for prior approval was refused and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

A further application for prior approval was submitted, with reference 16/4437/PNH, for a single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height. The application was refused permission and the reason for refusal read as follows:

The proposed single storey rear extension by reason of its size, siting and rearward projection is considered to create unacceptable harm to the character and appearance of the area and the visual amenities of the neighbouring occupiers contrary to policies CS1 and CS5 of the Barnet Core Strategy, policy DM01 of the Development Management Plan DPD and the Barnet Residential Design Guidance SPD.

Subsequently, an appeal was allowed, under reference APP/N5090/D/16/3160163, for the single storey rear extension measuring 4.8 metres in depth, 3 metres to the eaves, and 3 metres in maximum height.

Due to the relationship with the neighbouring properties at No.9 and No.11, it was not considered by the Planning Inspector that harm would be caused to the neighbouring residents.

With regards to the impact on No.20 Manor Park Gardens the Inspector states in Paragraph 13 of the Appeal Decision:

'Given the relatively low height of the proposed extension, the existing boundary treatment and the distance to the rear of No.20, I do not consider that the proposed extension would cause any demonstrable harm to the living condition of the occupants at No.20. Although the proposed extension may be seen above the intervening fence this does not suggest there would be any material loss of privacy or overlooking, particularly given the height of the proposed extension relative to the boundary treatment and distance to the rear elevation of No.20.'

With regards to character, the Council indicated that the extension would not be subordinate to the host dwelling and due to the proximity to the neighbouring rear boundaries it would be like no other in the locality which would harm the character and appearance of the area.

The Inspector stated in Paragraphs 14 and 15 that, whilst it was recognised that the siting of the extension relative to the rear boundary would appear unusual in the area, the appeal property did benefit from a shallower rear garden and that any reasonable extension would need to be positioned closer to the rear boundary.

Taking the above into consideration, the Inspector stated in Paragraph 20 that 'Taking into account the above factors and in particular, the relations of the proposed extension to existing development; the presence of well-established boundary treatment in the locality; its single storey height and the fact that it would not be readily seen from any public views leads me to conclude that the proposed extension would not cause any overbearing, overshadowing, or loss of outlook impacts that could reasonably be interpreted to have a detrimental effect on the amenity of adjoining premises.'

Following Appeal APP/N5090/D/16/3160163, the application 17/4057/HSE was submitted for a part single part two storey side and rear extension. The approved extensions are currently being implemented on site. In this instance, it is noted that the proposed single storey side and rear element partially incorporates the approved extension under appeal APP/N5090/D/16/3160163. Whilst it was recognised that the footprint of the extensions at ground floor would be larger, it was acknowledged that the additional elements to the side elevation facing No.9 and as well as along the boundary with No.11 would have been adequately set back from the rear boundary and would have not appeared overbearing. It was further recognised that the maximum height of the rear elements closest to the boundary with No.20 would have measured a maximum of 2.7 metres; thus appearing subordinate against the rear boundary with No.20 Manor Park Gardens and mitigating harmful overbearing impacts.

With regards to the first floor side element, it was considered that due to the adequate separation from neighbouring boundaries, as well as a subordinate design, there would have been no significant loss of privacy or overlooking to a level which would materially detriment the amenity of neighbouring occupiers.

#### Proposed Extensions for No.10 and No.11 Old Rectory Gardens

With the benefit of a site visit, it is recognised that both properties are set -back along the party wall from the furthestmost rear elevation. Following the implementation of the granted planning applications, this original character feature would still remain. The current application seeks to infill the properties at first floor and allow for a flush rear elevation at both properties. The proposed extensions at first floor would allow for a walk-in wardrobe and en-suite bathrooms.

Approval has already been given for extensions of significant size, particularly at ground floor, taking into account permitted development fall back positions.

The proposed extensions at first floor would benefit from an overall depth of 2.8 metres from the original rear wall and a maximum width of approximately 3.5 metres; for a total width of approximately 7 metres.

On balance, due to the nature of the proposed extensions at first floor, it is not considered that the proposals would impact on the visual and residential amenities of the occupiers at No.10 and No.11 Old Rectory Gardens.

The extensions would be set-back by approximately 5.2/5.4 metres from the rear boundary with the neighbouring properties at No.20 and No.22 Manor Park Gardens. It must be noted that, as existing, the host properties benefit from two large windows to the rear directly facing the neighbouring dwellings. Whilst it is acknowledged that the building line will be pushed closer to the rear boundary, it is not considered that an additional depth of 2.8 metres will increase views to a level which would materially harm the residential amenity and privacy of neighbouring occupiers. It is further noted that the proposed windows would serve two bathrooms. A condition has been attached to ensure that the window will be obscure glazed in order to mitigate overlooking and privacy impacts towards neighbouring occupiers.

The proposed extensions at first floor will not project past the rearmost building lines at first floor at No.10 and No.11 Old Rectory Gardens. Taking into account the orientation of the neighbouring premises at No.9 and No.12 Old Rectory Gardens with relation to the rear elevation of the application sites, it is not considered that the extensions will cause harm to visual and residential amenities of the neighbouring occupiers. This is due to the fact the first floor infill extensions will not be visible from the neighbouring premises.

Planning officers acknowledge that the previous extensions approved at the host sites at No.10 and No.11 have considerably added size and bulk at ground floor level as well as to the side elevations at first floor level. Notwithstanding this, the current proposal to infill the existing gaps to the rear at first floor level will not lead to a material increase in bulk to the rear elevation at first floor. As stated, the extensions will not project past the rearmost elevation at first floor therefore allowing for flush elevations. As such, the extensions are considered to appear as subordinate additions which respects the size, massing, and bulk of the properties without becoming overly-dominant and obtrusive features.

It is noted that a number of properties within the immediate vicinity benefit from extensions at first floor level. This has been identified at No.20 and No.28 Manor Park Gardens where both properties benefit from larger first floor side and rear extension at first floor. It is therefore considered that the proposed infill extension will remain in-keeping with the character of the local surroundings and will not harmfully impact on the established pattern of the development.

Overall, taking into account the comments above, it is considered that the proposed extensions, under the current application 18/1250/HSE, will appear subordinate in size, massing, and siting and will not cause harmful impacts to neighbouring occupiers by appearing overbearing, obtrusive and causing harm to neighbouring privacy.

#### 5.4 Response to Public Consultation

Comments have been received with regards to planning procedures and how these have been implemented throughout the course of separate applications at No.10 and No.11 Old Rectory Gardens. These concerns have been taken into consideration as a separate matter and have been dealt elsewhere.

Further comments have addressed concerns with regards to the impact on security. The subject of the current planning application are the proposed extensions at first floor. It is

not considered that the addition of the proposed extension would materially impact on the neighbouring occupiers by increasing security risks.

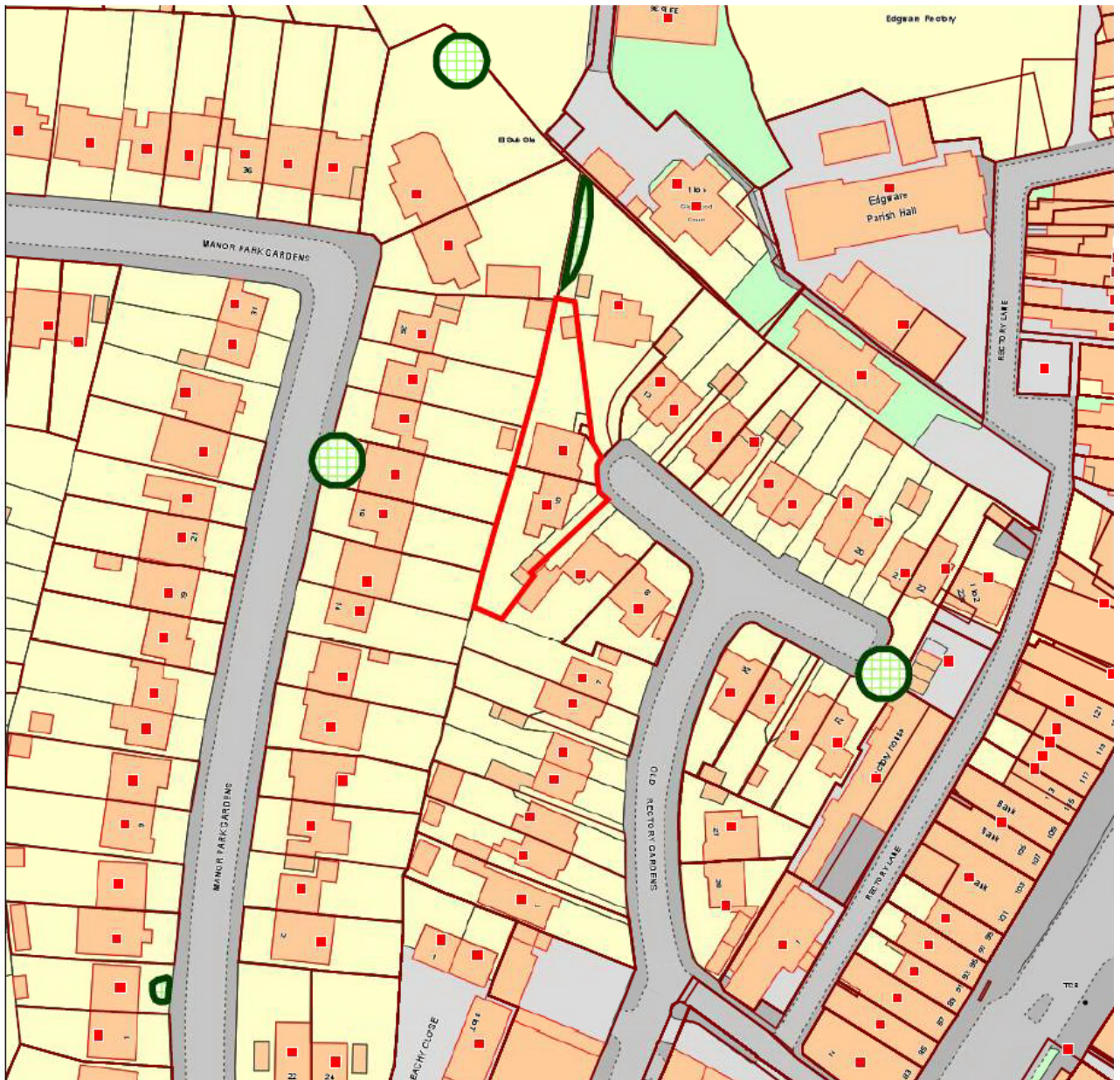
A separate application has been submitted for new boundary fences to the rear of properties at No.20, No.22, and No.24 Manor Park Gardens.

## 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**                    **18 Tretawn Gardens London NW7 4NR**

**Reference:**                **18/2048/HSE**

Received: 3rd April 2018

Accepted: 6th April 2018

Ward:                         Mill Hill

Expiry 1st June 2018

Applicant:                 Mr John Canavan

Proposal:                    Single storey front/side extension. Part single, part two storey rear extension. Excavation and creation of lower ground floor level to provide habitable space following removal of existing shed. Insertion of window to side elevation. Associated alterations to fenestration and installation of new rear terrace and access steps (Amended description.)

**Recommendation:** Approve subject to conditions

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

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

ADP17/P88/01  
 ADP17/P88/02B  
 ADP17/P88/03A  
 ADP17/P88/04A  
 ADP17/P88/05B  
 ADP17/P88/06D  
 ADP17/P88/07A

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 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).

- 4 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 5 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 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 side elevation(s), of the extension(s) hereby approved, facing No. 16 and 20 Tretawn Gardens.

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).

- 7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing No. 16 Tretawn Gardens 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).

- 8 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).

- 9 Prior to the commencement of the development hereby approved a Construction Management and Logistics Plan shall be submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented and constructed in full accordance with the details approved under this Plan. This Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of the measures to be implemented to manage the construction and minimise the impact of this process on the amenities of neighbouring occupiers and ground and surface water conditions in the area.
  - iv. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - v. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - vi. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vii. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - viii. noise mitigation measures for all plant and processors;
  - ix. details of contractors car parking arrangements; and
  - x. details of interim car parking management arrangements for the duration of construction.

Reason: To ensure that the construction of the proposed development does not prejudice the amenities of occupiers of neighbouring properties and ground and surface water conditions in the area and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13, CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 dwelling located on the south eastern side of Tretawn Gardens within the Mill Hill ward. Due to the topography of the site, the properties are higher on the east. The change in ground levels is more evident from the front to the rear of the site, with the host property being sited at a higher level than the garden level.

The property has already undergone a number of extensions on site since its original build, including a part single, part two-storey side extension and single storey front extension which dates back to the late 1980s.

### **2. Site History**

Reference: W06577A

Address: 18 Tretawn Gardens NW7

Decision: Lawful

Decision Date: 9 July 1982

Description: conversion of garage to playroom

Reference: W06577B

Address: 18 Tretawn Gardens NW7

Decision: Approved subject to conditions

Decision Date: 8 October 1984

Description: Single-storey side extension.

Reference: W06577BC

Address: 18 Tretawn Gardens NW7

Decision: Approved subject to conditions

Decision Date: 6 July 1988

Description: Single-storey front extension and part single, part two storey side extension

### **3. Proposal**

The applicant seeks planning permission for the following development:

- Single storey front/side extension
- Part single, part two storey rear extension
- Excavation and creation of lower ground floor level to provide habitable space following removal of existing shed
- Insertion of window to side elevation
- Associated alterations to fenestration and installation of new rear terrace and access steps

At ground floor, the single storey front/side extension would have a maximum depth of 1.9 metres with a width of 2.6 metres, to the boundary with no.16. The proposal would have an eaves height of 2.5 metres and a maximum height of 3.6 metres.

The proposed rear extension at ground floor would measure no deeper than the existing side/rear extension on site, which measures a maximum depth of 8.2 metres to the neighbouring boundary with No. 16 and 3.2 metres to the boundary with No. 20. The proposal would extend the width of the 8.2 metre deep rear extension to measure 4.7 metres

and a height of 3.2 metres from the height of the lower ground floor extension. The ground floor rear extension would benefit from a flat roof.

The proposed rear extension at first floor level would measure a depth of 2 metres, a width of 3.8 metres, an eaves height of 4.8 metres and a maximum height of 7 metres with a pitched roof. The proposed roof would be set down from the ridge of the main roof by 0.7 metres.

The proposed basement would measure a depth of 8.4, with a width of 8.3 metres and a maximum height of 3 metres. This exist below the existing and proposed rear extension. This would involve excavating 1.2 metres into the natural ground level to facilitate the basement extension.

A window will be added to the side elevation to face No. 16 Tretawn Gardens. Changes will be made to the fenestration with the replacement of windows to the side and rear elevations of the ground floor rear extension. Additionally, a new window would be positioned to the ground floor front extension.

The new rear terrace and access steps would measure a height of 3 metres from the excavated ground level. The rear terrace would measure a width of 3.6 metres and a depth of 3.4 metres. The proposals would be 0.2 metres lower than the natural ground level indicated at the neighbouring property of No. 20.

It is worth noting that the plans have undergone amendments since the original submission to reduce the width of the part single, part two-storey rear extension whilst the roof extension through the proposed dormer windows and rooflights have also been removed from the plans.

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

Consultation letters were sent to 9 neighbouring properties. 8 responses have been received, comprising 7 letters of objection and 1 letter of representation.

The objections received can be summarised as follows:

- Proposals larger than the Residential Design Guidance SPD
- Sense of enclosure
- Loss of outlook
- Dominant, bulky and prominent appearance of the extension
- Impact on neighbouring amenity
- Siting of terrace
- Requirement for privacy screens due to loss of privacy
- Roof extensions appearing overbearing and disproportionate
- Location of trees
- Submitted plans
- Behaviour of applicant/neighbours
- Proposed first floor rear extension
- Additional window to first floor side elevation
- Overdevelopment
- Noise
- Dust Pollution
- General loss of privacy

- Failure to preserve the character of the surrounding area
- Disruption from construction

## **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 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.

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5, CS9, CS13.
- Relevant Development Management Policies: DM01, DM02, DM04, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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.

#### Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that extensions should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that extensions should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

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 in this case are considered to be covered under two main areas:

- 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**

### **Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality**

It is of note that the proposed extension replicates a similar scheme existing at the neighbouring property of No. 16 Tretawn Gardens. The proposed extensions at the neighbouring property constituted the demolition of existing ground floor side and rear extension and erection of part single, part two storey side and rear extensions; conversion of garage into habitable space; construction of a new crown roof including increase in ridge height one dormer to each side elevation and 1no rooflight to the rear elevation and the creation of lower ground floor with insertion of high level windows to rear elevation to serve the lower ground floor. These extensions were granted permission under the most recent permission 16/3231/HSE which was approved at planning committee dated 1 August 2016.

This permission consolidated both 15/07849/HSE and application 16/1444/HSE with the addition of the lower ground floor including insertion of the high level windows. The former was recommended for approval by delegated powers but then overturned at committee and subsequently allowed under appeal ref. APP/N5090/D/16/3148002. The application 16/1444/HSE amended 15/07849/HSE through the removal of the lower ground floor, the reduction in the depth of the first floor rear extension, and reduction in the width of the first floor side extension.



## **Single storey front/side extension**

The proposed single storey front and side extension would be a subordinate addition to the front of the property, only extending in width from the existing front porch in situ. The proposed side and front extension would extend no further in depth than the maximum depth existing front and side extension and as such, the proposed extension would fit with the existing architectural style of the house and would not conflict with the existing bay window at the property.

Other properties located along the street scene, including the neighbouring property of No. 16 and 20 have both extended to the front and side of the property and as such, the proposals would be considered to preserve the street scene of Tretawn Gardens and not detrimentally impact the appearance of the property.

## **Rear Extension**

The proposed two-storey rear extension is not found to unduly harm the character of the dwelling or the surrounding area. The rear extension over both storeys would not be immediately viewable from the street scene.

A single storey rear extension currently exists at the property with a staggered depth of approximately 8.2 metres at its maximum depth to the common boundary with No. 16 which reduces to approximately 3.3 metres to the common boundary with No. 20. The proposed rear extension at ground floor level would not extend any greater in depth. The proposals indicate that the width of the part of the extension with a depth of 8.2 metres would extend to measure 4.7 metres in width. Whilst the existing depth at the property, where the extension meets the common boundary with No. 16, extends further than typically considered acceptable under the Residential Design Guidance SPD, the proposals would extend no further than the existing. Extending an additional 1.8 metres in width would be considered an acceptable and subservient addition to the existing rear extension at the detached host property which would not appear to overdevelop the property, in the context of the existing extensions on site.

Whilst the neighbouring property of No. 20 fails to benefit from a single storey rear extension, the adjoining occupier of No. 16 benefits from a single storey rear extension of a similar depth but at a width of 6.2 metres which extends just under 2 metres wider than the proposed single storey extension at the application site, approved recently under permission 16/3231/HSE. Larger single storey rear extensions are also prevalent in the surrounding area, as indicated from the council's GIS maps and satellite imagery, with No. 14 and 22 also benefit from larger staggered rear extensions. As such, the proposed extension would not be considered detrimental to the character and appearance of the surrounding area.

At the first floor, a depth of 2 metres is proposed at a width of 3.8 metres which would measure just over half of the rear elevation of the property. Under the Residential Design Guidance SPD, a maximum depth of 3 metres is considered acceptable where enough space exists between the properties. As such, the proposed first floor rear extension would be compliant with the aforementioned guidance and therefore, would not appear as a bulky and overdominant addition to the rear of the property with significant space remaining between neighbouring dwellinghouses. The proposed pitched roof would be sympathetic to the design of the existing roof slope and its set down of greater than 0.5 metres would be considered to comply with the Residential Design Guidance and ensure the proposed two-

storey rear extension remains sympathetic. The proposals would not be found to result on unduly harm on the existing property, site and surrounding area.

First floor rear extensions are also characteristic of the surrounding area. No. 16 benefits from a first floor rear extension, similar to that proposed on site, which was approved under the most recent permission 16/3231/HSE granted on this adjoining site. This permission follows a precedent granted on this site and as such, would not be considered detrimental to the appearance and character of the surrounding area as decided under this permission.

The site also benefits from approximately 252 square metres of rear amenity space in situ with the existing extensions on site. The proposed two-storey rear extension would measure and additional 8.6 square metres of area at ground floor level. Therefore, it is not considered that the rear extension would have a detrimental impact on the appearance of the property or the amenity space for existing and future occupiers.

### **Excavation and creation of lower ground floor level to provide habitable space following removal of existing shed**

The Residential Design Guidance states that basement extensions which do not project further than 3 metres from the rear wall of a house or more than half its width beyond each side elevation are usually considered acceptable. Whilst it is acknowledged that the proposed lower ground floor level would extend deeper than usually considered acceptable, this would exist directly below the footprint of the proposed and existing ground floor rear extension and terrace. The proposed basement would also exist in the footprint of a previous shed, due to the steep sloping ground level to the rear of the application site. Additionally, the proposed lower ground floor extension would reflect the proposal existing at the neighbouring site of No. 16, granted permission under ref. 16/3231/HSE. 4no. vertical glass panel windows will be inserted in the lower ground floor which would only be visible from the rear of the property which would not be considered to dominate the rear elevation of the property nor would these extend the full width of the property due to the width of the proposed rear extensions, thus compliant with the Residential Design Guidance SPD. As such, the proposed lower ground floor level would not be found to result in a detrimental impact on the character and appearance of the property.

### **Alterations to fenestration**

The alterations to fenestration on all elevations including an insertion of a window to the first floor side elevation facing No. 16 Tretawn Gardens, the insertion of the window to the single storey front and side extension and changes to fenestration to the rear of the property would be sympathetic in their change and as such, would not be considered to have a detrimental impact on the appearance or character of the property or surrounding area.

### **Installation of new rear terrace and access steps**

The proposed rear terrace and access steps would be a subordinate addition to the rear of the property to exist above the proposed lower ground floor extension, of which a rear terrace and access steps already exist on the site due to the sloping ground levels to the rear of the property. These would provide access to the excavated ground level at the property and would be of similar design to the terrace and access steps existing at the neighbouring property of No. 16. Additionally, the proposals would not be visible from the streetscene. As such, due to the characteristics of the neighbouring site and the existing terrace and access steps, the proposed extensions would not be found to result in

detrimental harm on the character and appearance of the surrounding area and existing property.

In summary, the proposed extensions and alterations to the property would not be considered to result in unduly harm on the appearance or character of the existing property and surrounding area.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

It is not felt that a detrimental impact would result on the neighbouring properties of No. 16 and 20 Tretawn Gardens as a result of the single storey front/side extension; part single, part two storey rear extension; excavation and creation of lower ground floor level to provide habitable space following removal of existing shed; insertion of window to side elevation and associated alterations to fenestration and installation of new rear terrace and access steps.

### **Single storey front/side extension**

The proposed single storey front and side extension would be a subordinate addition to the front of the property. This would exist to the shared common boundary with No. 16 Tretawn Gardens with 0.4 metres to the closest flank wall. It is acknowledged that due to the natural sloping level of the properties along Tretawn Gardens, the host site sits at a higher level of 0.7 metres in relation to the neighbouring property of No. 16. However, at a subordinate depth of 1.9 metres, it would not be found to result in any sense of enclosure or overbearing or a detrimental loss of amenity.

This aspect of the proposal would exist at a distance of 3.8 metres from the common boundary shared with No. 20 and 3.9 metres to the closest flank wall. As such, the proposed single storey front and side extension would not be found to result in any impact on the amenity of this adjoining occupier.

### **Rear Extension**

At single storey, the proposed extension would extend no further than the existing side and rear extension at the site which measures a depth of 8.2 metres, which in situ, meets the shared common boundary with No. 16 Tretawn. The maximum height of the proposed extension would also be reduced from an existing maximum height of 3.5 metres with a pitched roof to a maximum height of 3.1 metres with a flat roof. As such, it is not found that the proposed ground floor rear extension would result in any additional impact to the existing extension on site to this neighbouring occupier.

The proposed single storey rear extension will increase in width to the existing maximum depth of 8.2 metres, this increased width of 4.7 metres would exist 4 metres from the shared common boundary and 4.2 metres from the closest flank wall of the neighbouring property of No. 20 Tretawn Gardens. As such, due to the distance proposed between the increased size of the extension and this neighbouring property, it is not found that the proposed ground floor extension would result in a loss of light, outlook or a sense of enclosure on this neighbouring property. Whilst a large window is proposed to the side elevation of the ground floor rear extension, a 1.8 metre high close boarded fence is proposed to the side elevation

which will ensue no detrimental loss of privacy on the neighbouring occupiers of No. 20, who fail to benefit from a single storey rear extension, although these neighbours benefit from a higher natural ground level, as indicated by the submitted plans, to the host site.

At first floor level, the proposed two-storey rear extension is of a subordinate depth of 2 metres. This would exist at a distance of 0.9 metres to the shared common boundary and 1.2 metres from the closest flank wall to the neighbouring occupier of No. 16 Tretawn Gardens. In relation to the neighbouring property of No. 20, the proposed first floor extension would measure a distance of 4 metres to the shared common boundary and 4.7 metres from the closest flank wall at first floor level. This depth would be considered acceptable under the Residential Design Guidance SPD which states that proposed two-storey rear extensions should not extend more than 3 metres in depth when there is a distance of less than 2 metres to the neighbouring boundary, to protect the amenity of adjoining occupiers. As such, the proposed extension would not be considered to appear bulky to result in a sense of overshadowing or enclosure on either neighbouring properties or rear amenity space, nor would it result in a loss of light or outlook to the closet habitable first floor window to the rear elevation at No. 20. The proposed depth and height, set down 0.7 metres from the main roof, would ensure the proposed extension is subordinate to not unduly harm the amenities of neighbouring properties.

### **Excavation and creation of lower ground floor level to provide habitable space following removal of existing shed**

The proposed basement, facilitated through the excavation of the existing sloping ground level, will not be visible from the neighbouring properties of No. 16 and 20 Tretawn Gardens due to it being built into the ground. It is noted that the proposed basement would extend the full width of the original dwellinghouse and would be a considerable depth, like that in situ at No. 16 Tretawn Gardens. However, due to the siting of the lower ground level, this aspect of the proposals would not be found to result in any loss of outlook or privacy nor would it appear overbearing or result in a sense of enclosure. However, owing to the scale of the development it is acknowledged that potential nuisance may occur during the construction phase. As a result, a condition will be attached which will make allowances for the following: 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.

It is considered that the proposed basement will not cause demonstrable harm to the residential amenities of either neighbouring occupier to an extent that would warrant a reason for refusal.

### **Alterations to fenestration**

The alterations to fenestration would not be found to have a detrimental impact on the amenity of neighbouring occupiers.

A 1.8 metre high boundary fence is proposed from the base of the proposed rear terrace to prevent overlooking towards the neighbouring property of No. 20 from the proposed windows to the side elevation of the ground floor rear extension. Additionally, the proposed window to the first floor side elevation facing No. 16 will be conditioned to be obscure glazed to prevent overlooking

In summary, it would not be considered that the proposed extensions; alterations to fenestration; additional windows; excavation works and the rear terrace with access steps would result in a detrimental impact on the amenities of the occupiers adjoining the application site.

### **Installation of new rear terrace and access steps**

The proposed rear terrace and access steps would not be visible from the adjoining occupier of No. 16 Tretawn Gardens as these would be hidden to the side of the existing and proposed side and rear extension. As such, this aspect of the proposals would not result on any impact on this property.

The proposed rear terrace and access steps would exist at a height of 3 metres from the excavated ground level of the application site. However, due to the natural higher ground level of the neighbouring property at No. 20 Tretawn Gardens and the proposed 1.8 metre high privacy screen, it is not found that the proposed rear terrace and access steps to be located above the proposed basement would result in a loss of privacy or overlooking on this adjoining occupier.

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

- Proposals larger than the Residential Design Guidance SPD

Concerns were raised that the proposals would be larger in depth and height than acceptable under the Council's Residential Design Guidance SPD. This issue has been addressed in the main body of the report.

- Sense of enclosure

Concerns were raised that the proposed extensions to the rear of the property would result in a sense of enclosure on neighbouring properties. This issue has been raised in the main body of the report.

- Loss of outlook

During the consultation period, issues were highlighted about a potential loss of outlook on neighbouring properties to the rear windows that serve neighbouring habitable rooms such as kitchens and living rooms. The proposals have been amended since the original submission and as such, it is not considered that the extensions would result in a loss of outlook on neighbouring properties, as addressed in the main body of the report.

- Dominant, bulky and prominent appearance of the extension

Issues were raised during the consultation period that the proposed extensions would have a detrimental visual impact though appearing dominant, bulky and prominent. It has been addressed in the main body of the report that the proposals would not have a detrimental visual impact and would have an acceptable impact on the appearance and character of the surrounding area.

- Impact on neighbouring amenity

As addressed in the main body of the report, the proposals were not found to result in a detrimental impact on the amenity of neighbouring properties in terms of appearing

overbearing or resulting in a sense of enclosure. Additionally, it was not found that the proposed extensions would result in an additional detrimental impact through a loss of light, outlook or privacy.

- Siting of terrace resulting in a loss of privacy

Concerns were raised about the siting of the terrace in relation to the neighbouring property which could result in a loss of privacy. Since the original submission of the application, a 1.8 metre high fence has been positioned on the terrace 0.4 metres from the boundary with No. 20 to prevent any potential overlooking into neighbouring gardens, particularly with the sloping gradient of the ground level characteristic of the rear amenity space of properties located along Tretawn Gardens.

- Roof extensions appearing overbearing and disproportionate

Regarding concerns towards the roof extension, all dormer windows and rooflights to facilitate a roof extension have been removed from submitted plans.

- Location of trees

Concerns were raised regarding the trees located close to the boundary of the application site. From an assessment of the site, the tree in question, a large Holly tree, is not covered by a tree protection order and therefore, would not be a consideration in the assessment of the application.

- Submitted plans

Concerns were raised about the submitted plans failing to include the neighbouring properties. It is only a validation requirement of applications that site location plans include neighbouring properties. However, it is noted that other submitted plans do show neighbouring properties, including drawing no. ADP17/P88/06D and ADP17/P88/07A.

Additionally, concerns were also raised that the submitted plans fail to show the levels and the change in these at the application site from the construction of the lower ground floor level and garden excavation to facilitate this. The council feel that it is clear when comparing the differences between the proposed elevations and existing elevation plans that the change in ground level is evident.

The consultation period suggested that the application was also missing information including a Construction Management Plan as per the Draft London Plan; Basement Impact Assessment; Hydrogeological Assessment to understand the impact on drainage and a Sunlight/Daylight Report. However, as part of the validation requirements of a householder planning application, it is not considered that this information is required to assess this type of application.

- Behaviour of applicant/neighbours

The behaviour of the applicant and other occupiers of the surrounding area would not be a material assessment in the consideration of this application.

- Proposed first floor rear extension

Concerns were raised regarding the proposed first floor rear extension at the site being of excessive width and depth. The proposals have been amended since the original submission with a reduction in depth of the first floor rear extension to 2 metres and a reduction in width to just over half the width of the dwelling.

- Additional window to first floor side elevation

The consultation period raised concerns that the window to the first floor side elevation should be obscure glazed. A condition will be added, should the application garner approval, to obscure glaze the window at first floor level.

- Overdevelopment

The consultation period raised the issue of the proposals resulting in overdevelopment of the property. This issue has been addressed in the main body of the report.

- Noise

Concerns were raised that the proposals would result in increased levels of noise. It would not be found in the assessment of the application that the proposed plans would result in significantly raised levels of noise at the property.

A condition has been attached to the application to enforce working hours to reduce the impact of noise from the construction period.

- Dust pollution

Dust pollution was raised as a concern during the consultation period. The application will be conditioned with a construction management and logistics plan to reduce the impact of the construction period of the works on neighbouring properties.

- General loss of privacy

Issues with the proposals were raised to be a loss of privacy on neighbouring properties. This concern has been addressed in the main body of the report and the amended plans have reduced the potential impact of a loss of privacy on neighbouring properties.

- Failure to preserve the character of the surrounding area

Concerns have been raised regarding the proposals failing to preserve the character of Tretawn Gardens and the wider area. As addressed in the main body of the report, it is not considered that the proposed extensions would detrimentally impact the existing character of the surrounding area.

- Disruption from construction

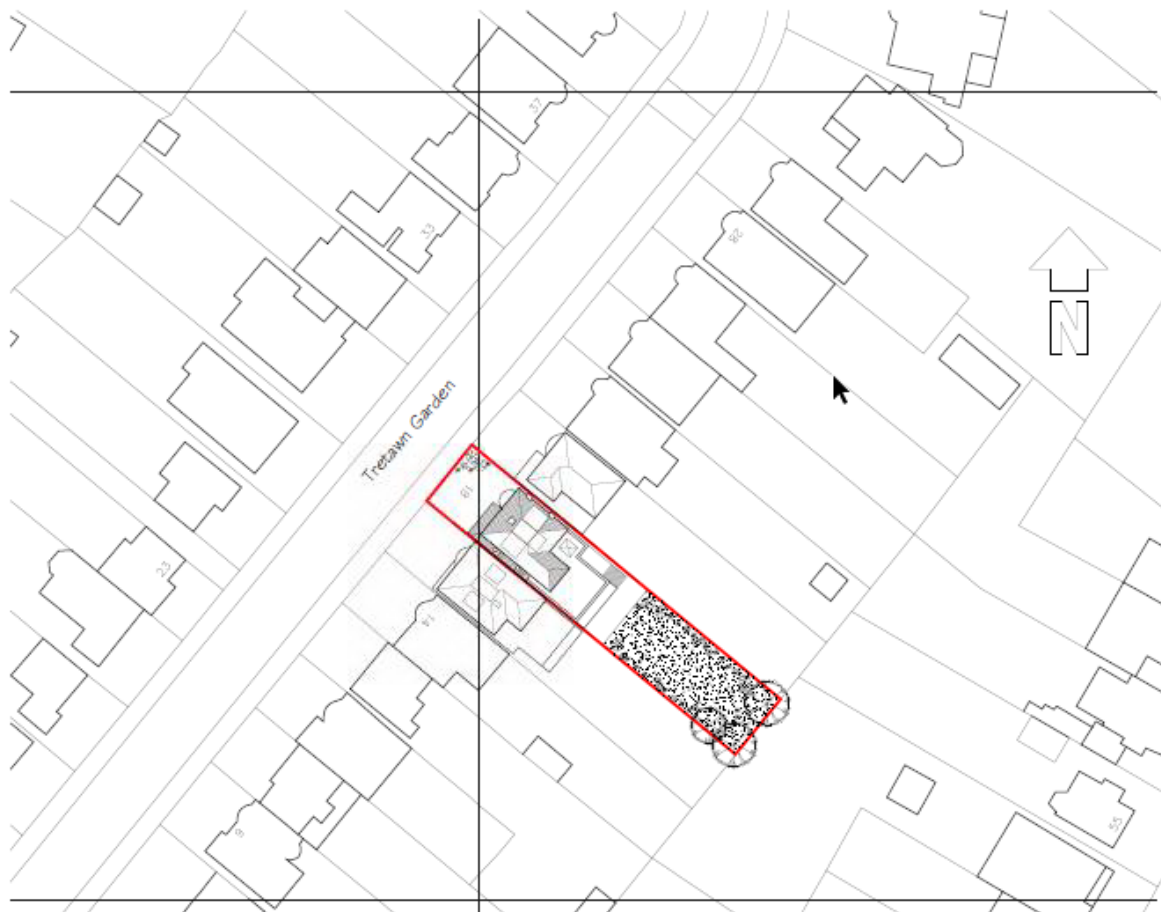
The consultation period raised concerns regarding the disruption caused during the construction period of the proposals particularly about neighbours having to temporarily move from their properties during the development. As previously stated, issues caused during the construction period would not be a material consideration in the assessment of the application.

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

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

## 7. Conclusion

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





**Location** Land And Access At Rear Of Devonshire Road, Aberdare Gardens And Osborn Gardens London NW7

AGENDA ITEM 8

**Reference:** 18/2546/FUL

Received: 26th April 2018

Accepted: 1st May 2018

**Ward:** Mill Hill

Expiry 26th June 2018

**Applicant:** Lake

**Proposal:** Construction of 3no. two-storey dwellinghouses with green roofs, associated amenity space, refuse storage, cycle and car parking

**Recommendation:** Refuse

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

- 1 The proposed houses by reason of their size, design and siting, including the pattern of development with no street frontage and lack of front garden, would appear as an incongruous and alien development within the area. Given the close proximity to and visibility from the rear windows of the surrounding properties the properties would be highly visible in views outside of the application site. The proposal is considered harmful to the character and appearance of the area, contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies DPD (2012), policies 7.4 and 7.6 of The London Plan (2015) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2016).
- 2 The proposed development of three dwellings to this site surrounded by rear gardens would have an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours and particularly to the ground floor window of 29 Aberdare Gardens facing the accessway. Furthermore, the development will be overbearing to neighbouring properties and especially dominate the outlook from No. 25 Aberdare Gardens. Due to the proximity of windows facing the rear gardens of 107 and 109 Devonshire Road and 26 Aberdare Gardens, these properties are also considered to be impacted by a loss of privacy as a result of the development.

- 3 The proposed development of three houses in close proximity to the protected Oak Tree, would be likely to result in pressure for regular tree pruning/felling applications to reduce impacts such as; overshadowing/shade to the residential properties and gardens, falling tree debris (leaves, dead twigs, acorns etc) and insect mess and to address perceived or real risks of harm from whole tree/branch failure that will result in the loss of visual tree amenity contrary to CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Adopted Development management Policies DPD (2012).
- 4 The construction activities will have an impact on a specially protected tree contrary to CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012).
- 5 Insufficient information has been provided to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance, and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Green Roof Plan Drawing No UK34-P-13 Rev 1  
Outlook Study Drawing No UK34-P-08  
Lane Safety Improvements Drawing No UK34-P-10 Rev 2  
Shadow Studies Drawing No UK34-P-09  
Typology Study Drawing No UK34-P-07

Design and Access Statement Rev 4

Landscape Plan Drawing No UK34-P-20 Rev 2  
Landscape Statement Rev 2 dated March 2018

Daylight and Sunlight Study Drawing No UK34-P-04 Rev 2

Character Study Drawing No UK34-P-02 Rev 2  
Character Study Drawing No UK34-P-06

Transport Technical Note dated April 2018

OS Plan Drawing No UK34-OS-01

Received 26 April 2018

Pre-development Arboricultural Survey and Report, Report No WAS 100/2018  
Received 25 May 2018

Site Plan Drawing No UK34-P-01 Rev 1  
Proposed First Floor Plan Drawing No UK34-P-12 Rev 3  
Proposed Ground Floor Plan Drawing No UK34-P-11 Rev 4  
Received 21 June 2018

Proposed Elevations Drawing No UK34-P-15  
Flood Risk/Surface Runoff (SuDS) Assessment version 1.0  
Received 24 June 2018

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: [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 Extension: 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 [www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil](http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil) for further details on exemption and relief.

## **Officer's Assessment**

### **Officer Assessment:**

The application has been called into committee by Councillor John Hart. The reasons given are; the design of the 3 timber houses is exceptional; the land is back-fill, disused except by rubbish-tippers; the houses would not hinder the outlook of the rear-facing neighbouring houses; amenity would be increased and along with security for existing neighbours; the constructions would be environmentally friendly and the architects have gathered some 70 signatures in a petition in favour of the proposal.

### **1. Site Description**

The application site comprises a triangular shaped plot of land which is bounded by the rear gardens of properties on the three roads of Aberdare Gardens, Osborn Gardens and Devonshire Road, which are predominantly residential in character. The land is overgrown and access is gained via a narrow unmade track that runs across the front of the site with access points at Osborn Gardens and Aberdare Gardens. The site lies within the ward of Mill Hill.

The property is not located within a conservation area and it is not a listed building. It lies within a critical drainage area and within Flood Zone 1, as defined by the Environmental Agency. Flood zone 1 is defined as low probability of flooding.

An Oak tree is located in the southern corner of the site and this has recently been made the subject of a Tree Preservation Order.

### **2. Site History**

Reference H/03936/14

Address: Land To The Rear Of Aberdare Gardens, Osborn Gardens, NW7

Decision Date: 09/10/2014

Description: Construction of single storey detached dwelling house. Associated off-street car parking spaces, bin and cycle stores and hard and soft landscaping.

Decision: Refused

Appeal Decision: Dismissed

Appeal Decision Date: 18/07/2015

Reasons for Refusal:

1. The proposed single storey dwellinghouse would, by reason of its design, size and siting would relate poorly to the existing pattern of development in the area and cause significant harm to the established character of the locality. In this regard the proposal fails to comply with Policy DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012, Policy CS5 of the Barnet Local Plan Core Strategy (Adopted) 2012 and the Supplementary Planning Document 'Residential Design Standards' (November 2012)

Reference W00615G/07

Address: Strip Of Land Located To North-West Side Of Aberdare Gardens, Mill Hill NW7 Enclosed On Other Sides To The Rear Of Osborn Gardens And Devonshire Road NW7

Decision: Refused

Decision Date: 27/02/2008

Description: Erection of a single storey building for storage use.

Reasons for Refusal:

1. The development, by reason of the proposed use and the siting, size, and design of the proposed building, would be poorly related to existing houses and would be detrimental to the visual and residential amenities currently enjoyed by occupiers of those properties, contrary to policies GBEnv1, GBEnv2, D2 and D5 of the Barnet Adopted Unitary Development Plan (2006).
2. Insufficient information has been submitted concerning the level of activity and type of vehicles that would use the site, to properly assess whether the existing access is suitable to serve the development, contrary to policies M13 and M14 of the Barney Adopted Unitary Development Plan (2006).

Reference W00615F/06

Address: Land R/O Aberdare Gardens, Osborn Gardens & Devonshire Rd London NW7

Decision: Refused

Decision Date: 29/01/2007

Description: Erection of a single storey detached dwelling house.

Reasons for Refusal:

1. The proposed development, by reason of its siting, size and design, would be poorly related to existing houses and would be detrimental to the visual and residential amenities currently enjoyed by occupiers of those properties, contrary to policies GBEnv1, GBEnv2, D2, D5 and H16 of the Barnet Adopted Unitary Development Plan (2006).

Reference W00615D

Address: Land At Rear Of Devonshire Road Between Osborn Gardens And Aberdare Gardens NW7

Decision: Refused

Decision Date: 11/01/1989

Description: Erection of detached house (Outline Application)

Appeal Decision: Dismissed Appeal

Decision Date: 22/02/1990

Reasons for Refusal:

1. The irregular shape of this backland site and its relationship with surrounding properties are such that it is unsuitable for development in the manner proposed because the proposed development would be out of character with and detrimental to the visual and residential amenities of neighbouring residential properties.
2. The proposed access is unsatisfactory and inadequate in that no acceptable pedestrian, car and service vehicle access arrangements would be provided.

Reference W00615C

Address: Land At Rear Of Devonshire Road Between Osborn Gardens And Aberdare Gardens NW7

Decision: Refused

Decision Date: 13/06/1979

Description: Dwellinghouse and garage.

Reasons for Refusal:

1. The means of access to the site is unsatisfactory and inadequate to serve the proposed development.
2. The proposed development would have a cramped appearance on such a restricted site, and would overlook the rear gardens of adjacent houses.
3. The proposed development would have inadequate private amenity space for its occupants.

4. The proximity of the proposed development to the rear access roads would result in an unreasonably low level of privacy for the occupants of the proposed dwelling.

Reference W00615B

Address: Land Rear of Devonshire Road; Osborn Gardens and Aberdare Gardens NW7

Decision: Refused

Decision Date: 27/10/1976

Description: Use of land for the parking of new cars.

1. That the proposal, involving the stationing, ingress and egress of a number of cars in excess of the normally associated with the residential area of which it forms part, would tend to give rise to noise nuisance and disturbance prejudicial to the enjoyment of their properties by the occupants of the surrounding homes.
2. That the development, by introducing this commercial use into a residential area would be in conflict with the provisions of the Initial Development Plan for Greater London, and in so doing would be to the detriment of the residential amenities of the neighbouring premises.

Reference W00615A

Address: Land Rear of Aberdare Gardens Osborn Gardens Road NW7

Decision: Approve subject to conditions

Decision Date: 24/10/1973

Description: Conditions relating to use for storage of containerised plants and shrubs

Reference W00615

Address: Rear of Devonshire Road, NW7

Decision: Refused

Decision Date: 05/05/1966

Description: erection of single-storey research workshop.

Reasons for Refusal:

1. That the development is contrary to the provisions of the Initial Development Plan wherein the site is allocated primarily for residential purposes.
2. That the proposal involving activities of an industrial nature is contrary to the Industrial Policy set out in the Written Statement of the Initial Development Plan, which policy seeks to restrict the growth of industry in Greater London and achieve its location on land allocated for Industrial purposes.
3. That the introduction of an industrial use onto a site adjacent to a residential area would, by reason of noise and general activity, be prejudicial to the existing aural and visual amenities of the inhabitants of the neighbourhood.

### **3. Proposal**

The proposal is to construct 3 two-storey dwellinghouses with green roofs, associated amenity space, refuse storage, cycle and car parking.

The houses would be positioned close to the northern boundary of the site adjacent to the unmade access road and would arc around an existing oak tree. The design includes a detached 3 bed property which would be located near the north western boundary and a pair of semi-detached 3 bed houses positioned in the north eastern part of the site.

House 1 is a detached, 3 bedroom, 4 person property which lies to the north western boundary. The total height is 6.8 metres with a staggered roof of 6.2 metres. The building has a width of 10.3 metres and maximum depth of 8.4 metres. The total floor area of House 1 is 117m<sup>2</sup>.

House 2 and 3 are semi-detached, 3 bedroom dwellings positioned in the north eastern part of the site with a staggered roof height of between 6.2 metres to 6.8 metres.

House 2 has a total width of 10.8 metres and incorporates a rounded design to the alleyway and staggered front elevation. The total depth is 9.1 metres. House 2 is a 3 bed, 4 person dwelling with a total floor area of 120m<sup>2</sup>

House 3 has a total width of 8.4 metres with a tapered corner and slight setback in the front elevation. The building has a maximum depth of 12 metres. At the rear, the property has a staggered rear elevation with a projection of 4.8 metres in width and a further wing of 3 metres in width with a reduced depth of 5.5 metres. House 3 shows as a 3 bed, 5 person dwelling with a total floor area of 132m<sup>2</sup>.

The properties have been designed with limited fenestration to the northern flanks (front elevation) fronting the rear gardens of Devonshire Road with the main fenestration facing inwards towards the Oak Tree and the rear gardens of Osborn Gardens. The ground floor would be open plan in nature. The bedrooms are located to the first floor. The design of the buildings has incorporated tapered corners, staggered roof heights, flat roofs and the exteriors are proposed as weathered timber wooden facades.

The dwellings incorporate green flat roofs.

The main entrance to the houses would be via the track fronting the site which would be upgraded to a shared surface for cars and pedestrians. Three car parking spaces, cycle parking and bin stores would also be located adjacent to the northern boundary. Each house is allocated private amenity space.

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

Consultation letters were sent to 159 neighbouring properties. 23 responses have been received, comprising 13 letters of objection and 8 letters of support. A petition of support with 78 signatures was also provided.

The objections received can be summarised as follows:

- Overdevelopment on a small site
- The enclosed triangular site is too small to accommodate a 3 No. 2-storey development.
- Access to the site is via narrow lanes from the east and west. The lanes are not wide enough to take vehicles and pedestrians. Even fire engines will find it difficult to negotiate the narrow lanes in an emergency.
- Because of the restricted access there will be huge disruptions to the neighbourhood during the construction stage.
- Neighbours in area have access to garages via these narrow lanes. How will access be preserved and who will maintain the access?



- Impact on parking
- Noise impacts to neighbouring gardens as a result of increased activity within the site.
- Similar schemes have been refused in the past
- The site has a beautiful oak tree, home to various birds nesting there. The tree has a Tree Preservation Order. Development of the site will damage its roots, leading to its eventual destruction, and loss to the environment.
- Loss of privacy for neighbouring gardens and properties
- There will be loss of light for neighbours with south-facing houses are facing the site.
- There will be increased traffic and noise. Devonshire Road is already congested with traffic after the development of the former gas site.
- Loss of nature and wildlife habitat
- The proposed development will lead to not only overshadowing and overlooking with loss of privacy and light to neighbouring properties, but will also negatively affect on visual amenity. The proposed development will be completely out of character with the local area including not being keeping with the houses currently on the 3 roads adjoining the current open land.
- Agent has written to neighbouring properties 'I note that you have built a loft extension and roof extension without either planning permission or Lawful Development Certificate. The extension has been built contrary to planning guidance. Furthermore, an application was refused for this in the past. You may feel entitled to build without planning permission, however, as correct procedure, we have sought planning permission with a policy compliant design". This is not correct.

The representations (including the petition) received can be summarised as follows:

- Approve of these plans to develop on this land. The site has had persistent problems with rats, weeds, dumping-fly tipping of beds-sofa's etc and would prefer to see the land being used for housing.
- The view for neighbouring properties would be improved to see 3 lovely low scale 2 storey houses, instead of a " dump ".
- The sensitive housing design also respects the magnificent Oak tree & the privacy of the 39 residents that back onto the site.
- Surrounding the site are many ad-hoc loft extensions and overlooking along the majority of Devonshire Road - many with poor design merit, most contrary to guidance and some perhaps without planning permission?
- Likely to win awards
- Green roofs and nesting boxes for birds are included.

Summary of public consultation:

Officers have reviewed the comments received and the petition of support. Officers have given consideration to all comments as detailed in the assessment section below. It is noted that the majority of the objections have come from directly adjoining neighbours whereas support for the scheme has been more widespread.

Officers have given some weight to the petition of support but do not consider the public support justifies or outweighs the degree of harm caused by the development including harm to immediately adjoining neighbours; a number of whom have objected.

Internal consultations:

Highways: No objection provided access for refuse and emergency vehicles is agreed separately and a waiver to indemnify Council is signed. Conditions are suggested for the application.

Landscape: Objection to the scheme. Concerns for the construction impact on the TPO Oak Tree and future development pressures.

Thames Water: No objection. Informative suggested regarding future water and waste connections.

Drainage: Further information is required before this scheme can be supported. Additional information was provided but has not addressed the matters raised to the applicant. This includes clarification on the calculations for the surface water runoff and the required attenuation storage.

## **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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

The London Plan is currently under review. Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the adopted London Plan

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

### Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

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

The main issues for consideration in this case are:

- The principle of development and whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether harm would be caused to the living conditions of future occupiers.
- Highways
- Refuse and Recycling
- Flood and Drainage
- Trees
- Sustainability

### **5.3 Assessment of proposals**

Principle of development and whether harm would be caused to the character or appearance of the area.

Policy DM01 of the adopted Development Management Policies (2012) states, that 'development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The supporting text to Policy DM01, which results in part from the characterisation study undertaken as part of the production of the Local Plan sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused.

The typology map in the DMP (sourced by the Characterisation Study) shows that the host site falls within the category of "suburban". The site is located in a suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare. The proposal has a density of 27 units/hectare and therefore the density of the scheme is below the range however it is considered to be acceptable. Density should not drive development however, it is an important factor to take into account along with local context and design.

Amongst other things, the character of an area relates to the established pattern of development, which refers to the arrangement of plots, buildings and open spaces around

the buildings which form part of that area's character and identity. It is considered that the character of the area that the application site is located within is largely that of two storey semi-detached single-family dwelling houses, with round bays and front gable features within the roof slope, in a traditional street frontage layout with each house having a common main front building line set back from the road frontage with a front garden area and a modest size garden to the rear. Views between the properties including of trees and vegetation are also a characteristic of the local area. The immediate surrounding area to the application site comprises single family dwellings that face the three streets of Aberdare Gardens, Osborn Gardens and Devonshire Road and is suburban in nature set in the pattern previously described. At the ends of Osborn Gardens and Aberdare Gardens are located a single storey detached bungalow and a single storey pair of semi-detached bungalows. The single storey nature of these houses reduces their visual prominence on the street corners and to the rear gardens of the properties behind.

Two appeals have previously been dismissed on the application site for the erection of a detached dwelling. The most recent (reference: APP/N5090/W/15/3004406) which was dismissed on the 18th July 2015 was for a single storey detached dwelling which was found to have a negative impact on the character of the area. The Inspector described the character as follows: "the dwellings surrounding the appeal site have a planned layout which is characteristic of the wider area, with consistent building lines and two storey dwellings of similar character and appearance, although many have large roof extensions to the rear. These properties on the three sides of the appeal site also have rear gardens of broadly similar length, many with ancillary outbuildings in them."

The Inspector continued to comment "that in contrast to these characteristics, the proposed dwelling would be of a smaller scale and height to the surrounding properties and would be a standalone building isolated from the established pattern of built development. This awkward positioning is exemplified by the fact that the dwellings frontage would face the rear boundaries of the surrounding dwellings. Due to the relatively short gardens and height of the surrounding properties, the dwelling would be highly visible from their rear windows from which it would appear as an incongruous and alien feature. Given that its design reflects the proposed residential use, it cannot be compared directly with the smaller scale of adjacent outbuildings....Indeed, its proximity to these outbuildings with limited separation would further accentuate the incongruous nature of the proposal."

Whilst the scheme now currently before members arguably contains a height more akin to the established character and locality, it is not considered that the proposal overcomes the matters as previously set out in the appeal decision and as a result, the proposal is considered to result in harm to the established character of the area. Whilst it is accepted that paragraph 60 of the National Planning Policy Framework states that 'planning decisions should not attempt to impose architectural styles.... and they should not stifle innovation.... It is proper to seek to promote or reinforce local distinctiveness'. The development is on a restricted site with access via a rear alleyway to gain access to outbuildings to the rear of the properties of Osborn Gardens, Devonshire Road and Aberdare Gardens. Even with this track being upgraded as proposed, it is considered that this cannot be considered a traditional street frontage and would still be read as a narrow single lane access road. Furthermore the proposed "two storey flat roof mews style housing" is not a characteristic building type of the area. The proposed houses size, design and siting to fit the shape of the site is not characteristic to the area. It does not provide a uniform building line, has no front garden typical to the area, but set largely immediately on to the access road, with no street frontage characteristic to the area, being set instead facing rear gardens. For the same reasons given by the previous Inspector the

proposed "mews" would still be highly visible from the rear windows of the surrounding properties and would appear as an incongruous and alien development within the area.

The applicant has proposed a Mews houses design and considers this would be supported by Barnet's Characterisation Study as it states that "certain parts of the borough include very generous urban blocks with back lanes providing access to the rear of existing large gardens. It may be appropriate to consider the creation of mews development in this context." This is a term used by the applicant- for the avoidance of doubt, the Council does not concede that the proposal constitutes a 'mews development' in the true sense of the word. Officers consider that this would not relate to the proposal site as the surrounding properties do not have existing large gardens, this is supported by the previous Inspector who stated that the surrounded properties have moderate length gardens. Even if the gardens were extended to include the application site it is still considered that the houses of Osborne Gardens, Devonshire Road and Aberdare Gardens would not represent "very generous urban blocks" and therefore the application site is not considered suitable for such a development.

Any scheme for the site needs to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development policies in these respects. This includes suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan) 7.4 and 7.6 (both of the London Plan).

Policy 7.6 of the London Plan (2016) states that buildings should be of the highest architectural quality and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. Policy CS5 of the Core Strategy which 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'.

The design of the 3 houses features flat roofs which is a departure from the traditional hipped roof forms of the dwellings on the surrounding streets. While it is noted that there are flat roof extensions to a number of properties, including dormer windows, the predominant roof form of the neighbouring buildings is of hipped roofs. The presence of flat roof rear extensions and outbuildings does not justify the development of 3 larger scale dwellings with flat roofs. The proposed buildings are made of weathered and recycled wooden facades which have been designed to 'assimilate with the weathered materials in surrounding gardens'. The design and materials of the proposed buildings are out of character with the established setting and further accentuate the development as an incongruous feature.

The Council welcome that the design has been created to retain the oak tree on the site and introduce new planting to maintain the vegetation in the area. However as will be discussed in greater depth, the development is likely to put pressure on the oak tree and is likely to result in its loss or substantial pruning. This would result in the development being further visible to the surrounding houses and would further impact on the character of the area. The Character Study states "that the most significant threat to the character of the existing residential streets in Barnet is the loss of existing vegetation."

The proposed development of 3 'mews' style houses with flat roofs are not considered to be a suitable development. The proposed houses by reason of their size, design, lack of street frontage, and siting to fit the shape of the site is not characteristic to the area. The proposal would be highly visible from the rear windows of the surrounding properties and

would appear as an incongruous and alien development within the area. The proposal is considered harmful to the character and appearance of the area.

### Impact on Amenity of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies in respect of the protection of the amenities of neighbouring occupiers. This will include taking full account of all neighbouring sites. Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.' The Residential Design Guidance (SPD) is consistent with this. It advises that schemes should not have a significant impact in relation to outlook, daylight or sunlight. New development should be sited and designed to avoid any detriment to existing garden space through dominance or overshadowing. It is considered that the proposal would result in some overshadowing of the rear gardens of Devonshire Road but this is not considered to be so significant to warrant refusal of the scheme.

The proposed houses would be two storey in nature, albeit designed with a flat roof to reduce the height of the development. The proposed houses will be built within close proximity to neighbouring properties which surround the application site. House 3 would be located some 1.7 metres from the boundary with No. 24 and No. 25 Aberdare Gardens, House One would be located 3 metres from the boundary with the 14 and 16 Osborn Gardens and Houses One and Two would be set approximately 3 metres from the rear garden fence of 109,111,113 Devonshire Road. Some of these properties have outbuildings which would partially block the view of the new houses but others do not. It is considered that the proposed houses would visually dominate the outlook from some of these rear gardens. The proposed houses would especially dominate the outlook from No. 25 Aberdare Gardens. It is considered that the proposal would be unduly prominent, dominating the outlook from the rear garden, unacceptably harming the living conditions of the adjoining neighbours.

The Design and Access statement has argued that the layout of the houses respects the existing pattern of development. It is accepted that No 2 Osborn Gardens rear garden is set at a similar distance from the flank wall with No. 22 Aberdare Gardens as the proposed House No. 3 would be with No. 25 Aberdare Gardens and No. 14 Osborn Gardens with proposed House No. 1 but this is considered a different situation. In the original construction of the estate the properties would have been constructed together and designed with this relationship from the outset. The current proposal differs in that this relationship does not currently exist and the scheme is introducing a loss of outlook that would adversely impact the relationship between the existing and proposed property. Furthermore, these properties are in corner plots where this relationship with a rear garden adjoining the side of the property is a more common arrangement where each house fronts a different street.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. The applicant has had pre-application advice and has designed the scheme with minimal windows facing neighbouring properties. Despite this, the guidance for distance from habitable room windows to neighbouring gardens is not always achieved by the proposal. At ground floor of House 3, the living

room window measures approximately 6.5 metres to the boundary 26 Aberdare Gardens. A window is proposed in the north eastern flank of House No. 2 at first floor level. This window is not set 10.5 metres from the neighbouring gardens. Officers measure a separation of approximately 8.8 metres. It is considered that as this window lights a habitable room and benefits from an elevated position, it would result in an unacceptable loss of privacy to the gardens of 109 and 107 Devonshire Road and would not comply with local plan policies. Bedroom 3 in House 3 is within 7 metres of the rear boundary of 26 Aberdare Gardens which does not comply with guidance. It is not appropriate to obscurely glaze this windows given they are the only windows for habitable rooms.

Currently there are a number of garages and out buildings located along the existing access track. Fences and outbuildings separate the rear gardens from the track and No. 29 Aberdare Gardens has an extension adjacent to the track which has a window in the flank wall that directly looks onto the access road. At present the site is overgrown and currently access along the whole length of the track is not possible. Therefore it would appear that currently there is limited activity associated with the track at the present time. The introduction of 3 dwellings and establishment of the access will have a detrimental impact on the amenity of neighbouring occupiers particularly 29 Aberdare Gardens.

Previously an appeal (T/APP/N5090/A/89/129519/P2) was dismissed on the site in 1989 for one property. Albeit this is a historical decision and made under a previous policy regime and therefore has limited weight, the comments made by the Inspector are still considered relevant. In paragraph 3 the Inspector states "... The erection of a dwelling here, would generate a considerable amount of residential activity and although additional screening may reduce its impact to some extent, I am not convinced that this would be sufficient to effectively safeguard the privacy and absence from noise and disturbance, that the occupiers of adjoining dwellings have a right to expect within their rear gardens." It is considered that the introduction of three houses and the associated increased intensity of residential activity and associated traffic, cycle and pedestrian movements along the upgraded access way would result in an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours.

The Design and Access statement that accompanies this application makes reference to other cases of approved 'backland' development. However it is considered that these applications do not set a precedent and each site is treated on their own merits. The site at 26A Devonshire Close is different from the application site as this involved replacing an existing non-residential building on the site with a residential property. The access road was already present to gain access to the existing building. In terms of 7 Summit Close, this related to only one dwelling with access from a cul-de sac with sloping ground levels and a design which would limit its impact on the adjoining neighbours. The development site was adjoined by three gardens which are considered to be more substantial than those surrounding the application site. Overall, it is considered that the residential activity and comings and goings associated with three dwellings compared to one dwelling is considered to be substantially more.

Concerns have been raised by members of the public related to increased noise and disturbance as a result of residential development in this site in close proximity to neighbouring gardens. It is noted that public comments have also raised concerns for how properties will maintain access to garages around the site. The agent has advised that approximately only three of the garages are actively accessed by vehicles. The applicant has explained that all properties with rights to the access way will not be impacted. This is not a planning matter but the concerns are noted.

Overall, the development of 3 dwellings to this site surrounded by rear gardens would have an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours and particularly to the ground floor window of 29 Aberdare Gardens facing the accessway. Furthermore, the development will be overbearing to neighbouring properties and especially dominate the outlook from No. 25 Aberdare Gardens. Due to the proximity of windows facing the rear gardens of 107 and 109 Devonshire Road and 26 Aberdare Gardens, these properties are also considered to be impacted by a loss of privacy as a result of the development.

While substantial support has been received for the scheme, this does not outweigh the harm identified to neighbouring properties. The concerns identified by the LPA have been expressed by a number of residents and these are considered valid concerns to be weighed against any benefits derived from the development of this site.

### Impact on Amenity of future occupiers

National and London Plan (2016) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 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 goes on to list the council's dwelling size priorities with the highest priority being 3 bed homes for social rented, 3/4 for intermediate affordable housing and 4 bed for market housing. The scheme does not include the highest priority homes for market housing, but would provide three units of medium priority and this type of provision would be supported.

#### Floor Area:

The London Plan (2016) and Table 2.1 of Barnet's Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (GIA) requirements for residential units. The houses would be 3 bedroom units.

House 1: 3 bed, 4 person: 117m<sup>2</sup>

House 2: 3 bed, 4 person 120m<sup>2</sup>

House 3: 3 bed, 5 person 132m<sup>2</sup>

The minimum GIA for 3 bed houses is set out in the London Plan. For a 3 bed, 4 person house over 2 stories the required GIA is 84m<sup>2</sup> and for a 5 person dwelling the required GIA is 93m<sup>2</sup>. The dwellings are well in excess of the requirements under the London Plan. There is also a requirement to provide 2.5 metres of built-in storage which has been identified within the floor plans.

6.24 Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (2016) sets out the following sizes for single and double bedrooms:

- A double bedroom: minimum area should be 11.5 sqm and be at least 2.75m wide and every other double/twin bedroom be at least 2.55m wide;
- Single bedroom: minimum area should be 7.5sqm and at least 2.15m wide;

The bedrooms comply with this standard.

National standards set a minimum height of 2.3 m for 75% of the GIA, but in London 2.5 m is strongly encouraged. Table 2.2 also states that development proposals should avoid single aspect dwellings that are north facing. Although the proposal includes one window



at first floor to each house the development is largely read as single aspect properties. The applicant considers this is a characteristic of the 'mews' style design that is being proposed. Despite this, the development would be south-westly facing. As stated above some of the first floor windows are considered unacceptable due to the loss of privacy to the adjoining neighbours gardens. Their removal would result in single aspect properties and habitable rooms without a window which is considered to be unacceptable.

In terms of private amenity space Table 2.3 of the SPD Sustainable Design and Construction sets a space standard based on the number of habitable rooms within a dwelling. A habitable room of over 20m<sup>2</sup> is counted as 2. Each dwelling has 5 habitable rooms and requires a minimum outdoor amenity space of 55m<sup>2</sup>. Each dwelling achieves over the minimum required and the plans show private amenity are of approximately 70m<sup>2</sup> for House 1, 67m<sup>2</sup> for House 2 and over 100m<sup>2</sup> amenity area for House 3.

Outdoor amenity space provides opportunities for recreation, leisure, tranquillity and overall quality of life as well as interaction with the natural environment. Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses where possible. In designing high quality amenity space, consideration should be given to privacy, outlook, noise, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. The fundamental design considerations for amenity space should be its quality and usability. The amenity space has been designed to arc around the existing oak tree on the site. As shown in the tree plan, the crown reach of the tree extends to the rear of the buildings and covers the majority of the garden for Houses 1 and 2 and a significant portion of the garden for House 3. Shading of buildings by trees can be a problem, particularly where there are rooms which require natural light. Proposed buildings should be designed to take account of existing trees, their ultimate size and density of foliage, and the effect that these will have on the availability of light. Oak trees tend to cast a heavy shade during the summer months, the buildings are positioned up to the outer crown edge limiting future growth. The design has provided large windows facing onto the trees. The applicant has provided a shading study demonstrating shading to the neighbouring properties as a result of the development and shading to the rear gardens as a result of the canopy of the tree. The assessment included in the shadow study is that the 'houses receive more than the 2 hour sunlight requirement to over 50% of their amenity space on March 21st. This complied with the BRE Guidance. It is unclear whether this shading assessment is only assessed at March and whether this takes into account the leaf cover which would be present in summer and the shading during summer as a result of the canopy. As discussed further below, the reliance of future occupiers on rear amenity space which is dominated by the Oak Tree may result in perceived overshadowing and occupiers may be impacted by tree debris, shading and insects with little respite. However given the garden area complies with the space standards and has demonstrated compliance with the British Standard and in the absence of evidence that the gardens do not receive the minimum sunlight required, this is not considered a reason for refusal.

#### Light/outlook:

The impact of development on the availability of daylight/sunlight to occupiers of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The requirements of table 2.4 Daylight, Privacy, Outlook and Light Pollution Requirements of the Sustainable Design and Construction SPD should be complied with. Elevations have not been provided so it is not possible to assess glazing requirements to habitable rooms. A daylight and sunlight study has been provided, which

indicates that the proposal would meet the BRE recommended maximum of 25 degrees from the centre point of the nearest habitable window. It also demonstrates that there would be some overshadowing of the rear gardens of Devonshire Road, although it shows that all the surrounding gardens would receive more than two hours of sunlight on 21st March.

In terms of privacy, the distance of 21 metres between facing windows of habitable room and 10.5 metres distance to a neighbouring garden is not always met by the proposal. House 1 has a dining room window measuring 6.8 metres from the boundary with House 2. This window faces toward the garden of House 2. Likewise the dining and living windows have been angled with an outlook toward the rear garden of House 1 and a separation of less than 10.5 metres from window to garden has been achieved. These windows are at ground level and subject to details provided for boundary fencing, this relationship could be effectively managed. The dwellings have been designed with windows angled away to avoid any directly facing window to window relationships between the three dwellings. At ground floor of House 3, the living room window measures approximately 6.5 metres to the boundary with 26 Aberdare Gardens. This window is a secondary window for the living room and at ground floor can be screened by boundary treatments to ensure adequate privacy.

### Impact on Trees

In accordance with policy DM01 of the DPD it is important to protect visual tree amenity in the local area. The policy states that trees should be safeguarded and landscaping schemes should adequately protect existing trees and their root systems.

A large mature oak tree that has prominence in the landscape is located on the site which has recently been protected by Tree Protection Order. The Council's Landscape consultant has reviewed this proposal and was involved in pre-application discussions. At the time of the pre-application, officers raised significant concerns with the construction impacts to the Oak Tree and ongoing post development pressures on the tree.

The application proposes light wooden houses to reduce the need for large/deep foundations. Low impact foundations such as pile and beam are proposed. The installation of such foundations on the trees will require an excavation to accommodate the beam. Officers sought more information on the method of works. The details of the foundations are to be finalised but would be based on pile and beam and final details could be addressed by a suitable worded condition should the application be recommended for approval. However the information provided to Officers is that a 500mm deep trench will be needed to accommodate the beam. As the majority of tree roots are present within the topsoil, the surface roots are likely to be impacted by these works.

The applicant has provided a tree report which includes Tree Protection Plan Drawing Number UK34-P-21. This plan shows the extent of the crown and the Root Protection Area (RPA). House 1 and 3 are shown to have a building footprint within the crown reach. All 3 houses are also within the RPA. House 1 encroaches approximately 1 to 2 metres into the RPA with a width of 6 metres. House 2 encroaches approximately 2 metres into the RPA with a building width of 5 metres. House 3 to the east encroaches approximately 3 metres into the RPA of the tree with a width of approximately 3.5 metres.

The houses are positioned around the tree with some structures already evident within the RPA of the tree on the other side. Accumulatively, the impact of the three houses impacts on 180 degrees of the trees RPA and encroaches into the RPA between 1 and 3 metres in depth in places. The extent of the works around a significant section of the trees diameter and RPA would have a detrimental effect on tree health.

The submitted Root Protection Plan UK34-9-21 shows the upper crown covers most of the garden amenity space of all three proposed dwellings. To install these buildings access pruning will be required. The impact of this work will not have a significant impact on tree health and only a moderate impact on visual tree amenity.

However, with a large proportion of the crown spread over the gardens it is highly likely to lead to regular requests for tree pruning/maintenance to reduce shade, general tree debris falling onto the ground and to prevent branches from damaging buildings. The applicant has provided a shading study to support the application. The shading study shows House 1 (northern house) to be under shade for most of the day. House 2 will be shaded during the afternoon. This is highly likely to lead to persistent applications to prune/remove the tree to mitigate these negative effects. As such there is an ongoing unacceptable pressure on a specially protected tree.

Research has been published in the International Journal of Urban Forestry (Vol. 36 No. 4 pages 197-215 Why home owners reduce the size of their front garden trees and the consequences for the urban forest by Cullum Andrew and Duncan Slater) which sets out the reasoning of the benefits of large trees and the importance of retaining trees of stature in the urban environment. The study considers the reasons the why large trees are not retained in the urban environment which is applicable to this site. One conclusion from the research is that "trees whose top does not exceed a height greater than the distance from the base of the tree to the property were not seen by most residents as in need for any significant pruning. Trees that grow above this 45-degree angle of view are far more likely to be seen as too tall or too large by the typical resident in this form of housing, and allotted a heavy pruning treatment or potentially mark for removal". This finding concurs with earlier recommendations by Rodney Helliwell in 1983 who suggests that in a 10m long garden a tree should not grow larger than 10m. This research suggests that large trees of 10m or more should be positioned at least 10 m from any property to reduce the risk of frequent pruning or felling applications. This would not be the case for the proposed scheme as the properties would be within 10 metres. Houses 1 and 2 are within 8m, and House 3 is within 6m metres of the tree. Given that the upper crown of the tree would extend out to the building line this would result in the houses being overly shaded leading to the need for additional tree pruning resulting in the loss of visual tree amenity. Furthermore as stated above the gardens would be dominated by the tree which would lead to applications for removal/pruning to reduce shading and falling debris.

It is noted that the Tree Report included by the applicant refers to the condition of the tree. The report states 'the tree itself is now mature with some potential decay issues at the base...but is still in reasonable condition and has a SULE of 20+ years along with future management. There shall be a need to carefully remove the dumped material around the base of the tree and down to the existing ground level only- by hand is preferable especially within 2 metres of stem. It is generally accepted that to ensure health and longevity of trees it is beneficial to be within ownership of houses who then take responsibility for maintenance and care. This can be evidenced by the current condition of the tree, which has been dumped around badly pruned and neglected. The tree would

benefit from appropriate remedial pruning to maintain tree health and structure in the future...'

In response, the applicant is proposing that the tree is jointly owned by the three properties. The intention is that this approach prevents unilateral decision making and helps ease the pressure on the maintenance. While joint ownership may be preferential, there are still constraints with this approach and three owners may still jointly apply for removal of the TPO and this does not remove post development pressures.

Given the above it is considered that the proposal would have an unacceptable impact on the oak tree both in construction activities and in post-development pressure.

## Highways

The Council's Highways department have been consulted on the proposal. Highways officers note that the proposal site is a triangular piece of vacant undeveloped land accessed from an unadopted rear access road / driveway. The access serving the site serves as access to driveway for the rear garages and pedestrian access for dwellings on Devonshire Road, Aberdale Gardens and Osborn Gardens and is still in use by some properties although the site itself is overgrown and suffers from "fly tipping".

The site is within an Events Day residential Controlled Parking Zone (CPZ) which is operational during the Saracens Rugby matches.

The site is located within a Public Transport Accessibility Level (PTAL) of 1a and 2 which is considered as poor accessibility. The submitted drawings show one parking space for each house to be provided adjacent to the access track. In accordance with the Parking standards as set out in the Development Management Policy DM17, a range of parking provision between 3 to 4.5 parking spaces needs to be provided. 3 parking spaces are proposed which is within the parking standards set out in the Barnet Local Plan.

The vehicular and pedestrian access to the site is via a 3m wide vehicular access designed to serve as access to the rear garages. The applicant has proposed in the Transport Assessment submitted with the application that the existing access would be upgraded altering the flow of vehicle movements to one-way. This would also facilitate access for the refuse vehicles and fire appliances to access the site. The London Fire Brigade were consulted and raised no objection however did advise that as the access road is maximum 3m in width for the entire route it is contrary to guidance and the only acceptable solution is a residential sprinkler system to comply to BS 9251:2014 for all dwellings. This would be included as an informative for the applicant but does not constitute a reason for refusal as this is primarily a building control matter.

Highways safety will be considered and the applicant has demonstrated a number of signs proposed to the entrances to indicate the entry and egress. These signs are not specifically part of this application.

Highways have not objected to the scheme subject to a number of conditions. If the application were recommended for approval, these conditions and informatives would be included.

The plans show 9 cycle spaces are proposed with 3 allocated for each house. The provision of cycle spaces is supported and should the application be approved, a condition requiring the final details of the enclosures should be included.

### Refuse and Recycling

As the access road is narrow for refuse vehicles to access, and the bins are shown to be stored within the site and away from the public road, Highways have advised that the refuse collection arrangements should be confirmed from the appropriate service. This could be dealt with by an appropriately worded condition requiring the confirmation of a refuse strategy. This should include a waiver of liability to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

### Flood risks

The site is located within Flood Zone 1 but is also located entirely within a Critical Drainage Area. The proposal was reviewed by Council's Drainage consultants. The consultants advised that from an initial review of publically available data, the development site does not appear to be at significant risk of flooding. However, as the development will replace an existing permeable area with impermeable buildings, it has the potential to increase flood risk. A Flood risk assessment was requested which would include runoff calculations for pre and post development area and details of the drainage strategy.

The applicant has currently undertaken the surface water runoff calculations using the Rational method. This method is not appropriate for a Full application - calculations should be carried out with IH 124 analysis or use statistical FEH. The Applicant should also include the Green roof area as impermeable area when calculating the post- development surface water runoff. Calculations for the surface water runoff and the required attenuation storage are required.

To adhere to Policies S2 of the Non-statutory technical standards for sustainable drainage systems (March 2015), for greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event. To adhere to Policies S4 and S5 of the Non-statutory technical standards for sustainable drainage systems (March 2015), the applicant should provide calculations for the current runoff volume and proposed post-development runoff volume for a 1 in 100 year, 6 hour rainfall event. The consultants have also sought confirmation of an agreement with Thames Water for discharge of surface water and foul to the main sewer. The applicant must provide proof that Thames Water will accept surface and foul discharges from the site at the agreed maximum discharge rate to the foul and surface water sewers.

This information is necessary to ensure surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice. In the absence of this information, it is recommended the proposal is refused.

### Sustainability

The proposal includes a green roof. The SPD Sustainable Design and Construction considers them to 'enhance local ecology and their growing (substrate) provides temporary storage of storm water'. Moreover, the SPD states that green roofs ensures 'significantly

less water will flow from the roof and more slowly due to absorption by the substrate and through the evaporation and evapotranspiration from the substrate and plant surfaces'. The LPA welcomes green roofs in appropriate settings and it acknowledges that the site would benefit from alternative solutions to natural drainage such as green roofs, as Barnet's mapping system shows the property lies within a Critical Drainage Area. If the proposal were acceptable, a condition would be suggested to require the details of the green roof.

Conditions would be included in the event of an approval to require the houses to meet the minimum standards for water, carbon and accessibility.

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

The matters raised in the public comments are addressed in detail above.

It is noted that both comments in support and opposition were received to the proposal. All comments have been considered. Despite the support, there is no justification for the harm identified of this proposal.

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

One submission has been received which refers to an elderly disabled user of the accessway.

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**

This application is recommended for REFUSAL.



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**Location**                      **The Vicarage Deans Lane Edgware HA8 9NT**

**Reference:**                    **18/1871/S73**

Received: 23rd March 2018

Accepted: 23rd March 2018

Ward:                              Hale

Expiry 18th May 2018

Applicant:                      Diocese of London

Proposal:

Variation of conditions 1, 2, 3, 4, 5, 6, 7, 9, 10, 11, 13, 14, 15 and 16 of planning permission 16/7594/FUL- dated 12/05/2017 for 'Demolition of existing vicarage and garage buildings and redevelopment to provide a replacement vicarage plus 8no. additional two storey dwellinghouses with associated access, amenity space, hard and soft landscaping, refuse stores and cycle storage. Provision of 15no. off-street parking spaces.' Variation to allow phased development, separating the new vicarage from the other eight new dwellings

AGENDA ITEM 9

**Recommendation:** Approve subject to conditions

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

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

850/P/1011  
850/P/1010  
Landscape masterplan  
850/P/300  
850/P/1000  
850/P/010  
850/P/1101  
850/P/1012  
850/P/4001  
850/P/2100  
850/P/2101  
850/P/2102

850/P/3003  
850/P/4000  
850/P/1010  
850/P/0001  
850/P/1103 Phasing Plan  
Design and Access Statement Part 1  
Design and Access Statement Part 2  
Heritage Statement  
Transport Assessment  
Planning Statement  
Tree Survey  
Ecology appraisal

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 commenced within three years from the date of the extant planning permission (LB Barnet ref. 16/7594/FUL which was granted on 12 May 2017).

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

- 3 a) No development or site works shall take place until a 'Demolition and Construction Management and Logistics Plan' which includes details of how the two phases of the approved development would be constructed has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
  - ii. site preparation and construction stages of the development;
  - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
  - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
  - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
  - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
  - vii. noise mitigation measures for all plant and processors;
  - viii. details of contractors compound and car parking arrangements;
  - ix. details of interim car parking management arrangements for the duration of construction;

- x. details of a community liaison contact for the duration of all works associated with the development;
- xi. details of temporary enclosures or security hoardings;
- xii. confirmation that all Non Road Mobile Machinery (NRMM) of net power of 37kW and up to and including 560kW used during the course of demolition, site preparation and construction phases shall comply with the emission standards set out in chapter 7 of the GLA's SPD "Control of dust and emissions during construction and demolition" JULY 2014 or subsequent guidance. The developer shall keep an up to date list of all NRMM used on the online register at <https://nrmm.london>.

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

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

4 a) Other than demolition works, no development shall take place for the relevant phase until details of the materials to be used for the external surfaces of the buildings and hard surfaced areas in that phase 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 and retained as such for the lifetime of the development.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

5 Before either phase of the permitted development is occupied the refuse storage and collection arrangements shall be in place in accordance with the approved planning application.

Reason: In the interest of highway safety and the amenities of future occupiers of the development, 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 a) A scheme of hard and soft landscaping for each phase, 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 that phase is commenced.

b) All work comprised in the approved scheme of landscaping for each phase shall be carried out before the end of the first planting and seeding season following occupation or completion of the of the relevant phase, whichever is sooner.

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

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

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

- 7 Neither phase of the development shall be brought into use or first occupied until details of the means of enclosure, including boundary treatments, of that phase have been submitted to and approved in writing by the Local Planning Authority and approved details have been implemented. The approved means of enclosure, and boundary treatments shall be 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).

- 8 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).

- 9 Prior to the first occupation of either phase of the development, the dwelling or dwellings in that phase shall have been constructed to have 100% of the water supplied by the mains water infrastructure to be provided through individual water meters, and each new dwelling shall have 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. A fittings-based approach shall be used to determine the water consumption of the proposed development. The development shall be maintained as such for the lifetime of the development.

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

- 10 Prior to the first occupation of the relevant phase of the development, all dwellings in phase shall 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 for the lifetime of the development.

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.

- 11 Prior to the first occupation of the relevant phase of the development all dwellings in that phase shall have been constructed incorporating carbon dioxide emission reduction measures that achieve an improvement of not less than 20% 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 for the lifetime of the development.

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.

- 12 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 each residential curtilage hereby approved.  
Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).
- 13 Neither phase in the development shall be occupied until details of the vehicular access as indicated on Drawing No. 850/P/1000 for the proposed development has been submitted to and approved in writing by the Local Planning Authority, and the approved details have been implemented in full. The details shall include the reinstatement of the existing access.  
Reason: To ensure that the access is satisfactory in terms of highway and pedestrian safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.
- 14 Prior to occupation the either phase of the development, secure cycle storage facilities shall be provided for that phase in accordance with details that have first been submitted to and approved in writing by the Local Planning Authority. The approved facilities shall be retained for the lifetime of the development.  
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.
- 15 Prior to the occupation of the relevant phase of the development a Waiver of Liability and Indemnity Agreement signed by the developer for that Phase, which shall indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises, shall have been submitted to and approved in writing by the Local Planning Authority.  
Reason: To ensure that the access is satisfactory in terms of highway safety development and to protect the amenity of the area and in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.
- 16 Unless the development, including demolition works, have commenced by 28 October 2018, an additional wildlife survey of the site shall be carried out and a survey report shall be submitted to and approved in writing by the Local Planning Authority. The report shall update mitigation and biodiversity enhancement measures, with phases within the development clearly identified, and the development shall be implemented in accordance with the approved details.

Reason: To ensure that nature conservation interests are not prejudiced by the development in accordance with Policy DM16 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted October 2016).

- 17 Prior to the commencement of development and unless alternative tree protection details have first been submitted to and approved in writing by the Local Planning Authority, the Tree Protection Plan in the approved Arboricultural Report Impact Assessment & Method Statement (Crown Consultants Arboricultural ref. 09545, dated 10 November 2016) shall be put in place, and maintained until the development has been completed. Any alternative details submitted under this condition shall reflect the proposed phasing of the development, including possible phasing of landscaping. No materials, soil or equipment shall be stored within the fenced / protected 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 2016.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 In case if a new crossover access is required or any modification is proposed or required to the existing access off the public highway then it will be subject to a detailed investigation by the Crossover Team in Development Regulatory Services. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of any existing street furniture. This would need to be done by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on public highway from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team/Tree Section as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

The applicant is advised that any consequential damage to public highway as a result of the construction of the new proposed development will be reinstated under S130 of the Highways Act at the applicant's expense. The applicant is advised to carry out photographic survey of the public highway before commencing any development work in the vicinity of the development.

- 4 There is a bus stop in the close proximity of the existing site entrance which is likely to be affected by the proposed development. The applicant is advised that TfL Buses needs to be consulted to ensure that any impact on the bus operation is mitigated prior to commencement of development.
- 5 Any details submitted in respect of the Demolition Construction and Traffic Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.
- 6 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.



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

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

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

## Officer's Assessment

### 1. Site Description

The site contains the vicarage for the John Keble Church (grade II listed) and is bound by the Baden Powell Centre and John Keble Church to the south west of the site. To the east and south are the rear gardens of residential properties on Sefton Avenue and Church Close respectively. The Vicarage is accessed via a crossover from Deans Lane to the north.

Deans Lane is defined by dwellings of varying density and design, ranging from purpose built flats, to semi-detached and terraced dwellings. Dwellings within Deans Lane largely follow the orientation of the street. Deans Lane also contains an eclectic mix of business units that include, A1/A2/A5/D1 and D2.

The site is not located within a Conservation Area and with the exception of the John Keble Church, there are no other protected features. The site is in Flood Zone 1, where there is a low probability of flooding.

### 2. Planning History

16/7594/FUL - Demolition of existing vicarage and garage buildings and redevelopment to provide a replacement vicarage plus 8no. additional two storey dwellinghouses with associated access, amenity space, hard and soft landscaping, refuse stores and cycle storage. Provision of 15no. off-street parking spaces. Approved, 9 May 2017

### 3. Proposal

The application seeks to amend conditions of the existing planning permission, which results from the above planning permission. As such, the application is not to determine the acceptability of the proposals in principle, and it is only the changes to the conditions as sought by the applicant which are for consideration. To provide a full background, the proposal as described in the report for the previous application is provided in this section of the report, followed by a summary of the changes to the conditions in the extant permission.

The existing vicarage building has reached the end of its useful life because of the poor standard of the original build quality. It requires significant on-going maintenance, and suffers from subsidence. As a result, the Diocese wishes to build a replacement vicarage to modern building standards. The 2017 planning permission provides for the construction of a new 4-bedroom Vicarage toward the southern end of the site. It will be located 1.5m from the western boundary, 8.1m from the eastern boundary and 7m from the southern boundary. The Vicarage as approved will measure 11m in width and 14.3m in depth.

The extant permission also provides for a terrace of (8) two storey units (1 x One bed, 2 x Two-bed, 5 x Three-bed), as follows:

1B/2P - 54sqm  
2B/4P - 76sqm  
2B/4P - 73sqm  
3B/5P - 141sqm  
3B/5P - 141sqm  
3B/5P - 141sqm  
3B/5P - 141sqm  
3B/5P - 141sqm

The new terrace will be 62.3m in depth with a maximum width of 15.8m. It will be set in 16m from the northern boundary, 4m from the eastern boundary and 7m from the western boundary (all measured at the minimum separation points from the respective boundaries.) The 4m separation from the eastern boundary will be to a single storey structure, with the first floor level on this site set 10m in from the eastern boundary.

All of new units will have private rear gardens, which will be located adjacent to rear gardens of Sefton Avenue.

The site area is 0.3 ha and the current proposal would provide 46 habitable rooms. The proposed density would therefore be 161 habitable rooms and 30 dwellings per hectare.

Fifteen off-street parking spaces will be provided, located at the northern end of the site, in close proximity to Deans Lane, where the site will be accessed.

Two trees within the application site are subject to a Tree Protection Order. These form part of a wider group of trees extending beyond the application boundary which are protected. These trees are being retained, and proposals have been designed to prevent any damage to the trees or their roots during construction or use.

#### The amendments to conditions that are sought by the applicant

In order to be able to implement the application, the applicant seeks essentially to divide the site into two parts, with each of them to be developed as a separate phase. The two parts would be

- Phase A: The terrace of eight dwellings in the front and centre part of the site, and
- Phase B: The new Vicarage.

The intention of the application is to allow either phase in the development to be completed and occupied before the other is fully implemented (not necessarily in the order listed here). This is not possible under the terms of the conditions in the extant permission, as full implementation of most aspects controlled by conditions is required prior to the occupation of any part of the development. The matters covered by the following conditions all required the relevant matters to be implemented prior to the first occupation of the development:

- Condition 4 Details of the materials
- Condition 5 Refuse collection arrangements
- Condition 6 Hard and soft landscaping
- Condition 7 Boundary treatments
- Condition 9 Water meters and consumption
- Condition 10 Part M4(2) accessibility of units
- Condition 11 Carbon dioxide emissions
- Condition 13 Vehicular access and parking
- Condition 14 Cycle store
- Condition 15 Waiver of liability and indemnity
- Condition 16 Highway reinstatement and completion of the new access

Some but not all of these conditions also require further details to be submitted and approved prior to implementation, and this would not change in the conditions as amended.

It is understood that the key reason for the changes sought is that the development of the new Vicarage is intended to be self-funding, with the proceeds of the sale of the site for eight town houses financing the construction of a new Vicarage.

Changes are also sought to the following conditions:

Condition 1 Approved plans

Condition 2 Time frame for implementation

Condition 3 Demolition and Construction Management and Logistics Plan

A new drawing would be added to Condition 1, a phasing plan. Condition 2 would change as it is necessary for a section 73 application not to extend the timeframe for implementation beyond that in the original application, so the precise wording would be changed. Condition 3 is a pre-commencement condition; the application seeks to amend this to allow phasing of approval of the Demolition and Construction Management and Logistics Plan details.

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

Consultation letters were sent to 114 neighbouring properties. The Council has received 10 objections and these are summarised as follows:

- Lack of disabled access to the new Vicarage
- Loss of privacy
- Loss of light
- Increase in congestion
- Increase in noise pollution
- Decrease in off-street parking
- Request for further involvement with designing a scheme that is more suited to the area

Highways: No objections subject to conditions

Trees: No objection.

Conservation Officer: No objection subject to their being no separation between the Vicarage and the rest of the development.

Lead Local Flood Authority: No objection

#### **5. Policy 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 2016

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

#### *Consultation Draft London Plan December 2017*

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS3, CS5, CS13, CS14
- Relevant Development Management Policies: DM01, DM02, DM04, DM06, DM07, DM14

#### Supplementary Planning Documents

- Sustainable Design and Construction SPD (October 2016)

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 (October 2016)

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

The main issue for consideration in this case is:

- The principle of the development;
- Whether the intended phasing of the development as envisaged in the application to amend conditions would have any detrimental impacts on the acceptability of the proposal;
- Whether the amendments would give rise to any other impacts that need to be controlled by an additional condition or conditions; and
- Consideration of the issues in the extant permission.

### **5.3 Assessment of proposals**

#### The principle of the development

The principle of redeveloping the site has been established by the extant permission, which gave a detailed consideration to the quantity and density of the development, appearance, design, impacts on neighbours and building sustainability. Given that the site has an extant planning permission, these issues are not for re-consideration in this report, and it is only the issue of whether the intended phasing would be acceptable or not, as sought by the changes to conditions as applied for.

## Whether the intended phasing of the development as envisaged in the application to amend conditions would have any detrimental impacts

The acceptability of phasing the development, to allow occupation of one phase ahead of the other being completed, is dependent on any additional impacts that would arise which could not be adequately controlled by the amended conditions. These are considered here in turn:

### Condition 1 - Approved plans

The application seeks to add a single drawing to the list of approved drawings, namely a phasing plan ref. 850/P/1103. This is necessary to clarify the physical division between the two phases, and as such is integral to the acceptability of the proposal.

### Condition 2 - Time frame for implementation

The change sought would amend the wording so that, instead of providing for implementation to commence within three years of the permission, implementation would be required to commence within three years of the date on which the extant permission was issued, i.e. 12 May 2017. As such there will be no impact from amending this condition.

### Condition 3 - Demolition and Construction Management and Logistics Plan

This provides for separate Demolition and Construction Management and Logistics Plan (DCMLP) for the two phases. There is however a difficulty with allowing for separate approval of details for the two phases, as if the larger part of the site was developed ahead of The Vicarage, this may lead for example to a greater to parking construction vehicles on the public highway than would otherwise be the case. For that reason, it is considered that changes to this condition are only acceptable if the DCMLP for the development of both phases of the site is considered as a single document.

### Condition 4 - Details of the materials

Considering the materials separately for the two phases is considered to be acceptable.

### Condition 5 - Refuse collection arrangements

The approved plan shows a communal refuse / recycling store. In order to be able to comply with bin-carry distances for Council staff and a reasonable proximity of the facility for future occupiers of the whole development, it is important that the communal store is available for or that reason it is not considered that the condition itself should be changed; however, the reason as recommended above is clarified by the addition of a reference to the amenities of future residents.

### Condition 6 - Hard and soft landscaping

In order for a phased consideration and implementation of landscaping for the two phases to be acceptable, it will be necessary to ensure any landscaping provided in the first phase is not compromised by works being carried out in the second. The condition as recommended above takes this into account.

### Condition 7 - Boundary treatments

Considering the boundary treatments separately for the two phases is considered to be acceptable.

### Condition 9 - Water meters and consumption

### Condition 10 - Part M4(2) accessibility of units

### Condition 11 - Carbon dioxide emissions

These three conditions are all amended to allow for the two phases to proceed and be occupied independently of each other. This approach is considered to be acceptable.

Condition 13 - Vehicular access and parking

Condition 16 - Highway reinstated and the new access

This pair of conditions in the extant permission are essentially duplicates, together with slightly different wording (condition 13 has a direct reference to one of the approved drawings, whereas condition 16 does not). The application seeks to amend both conditions to require the driveway details to be submitted and approved ahead of Phase A. While it appears likely that, for development finance reasons, Phase A will proceed ahead of Phase B, it is however important to ensure that the driveway is constructed to a satisfactory standard before either phase is occupied. In addition, it is considered that the requirements in the two conditions can be provided for in a single condition, which is recommended above as an amended condition 13.

Condition 14 - Cycle store

The change applied for in this condition would allow cycle storage details to be considered separately for the two phases. This is considered to be acceptable.

Condition 15 - Waiver of liability and indemnity

This condition requires the developer to indemnify the Council against damage to private roads by the Council's refuse and recycling service. This approach is considered to be acceptable.

Whether the amendments would give rise to any other impacts that need to be controlled by an additional condition or conditions

The approved Ecology Appraisal (Thomson Ecology Preliminary Ecological Appraisal, Preliminary Roost Assessment and Bat Emergence and Return to Roost Surveys ref. LSAV130/001 - 002) states that if more than two years elapse between these surveys and the commencement of works on site, the surveys detailed within this report will need to be updated. The survey report (rev. 001) was dated 28 October 2016, and a new condition 16 is recommended that sets out that, if development has not commenced within two years of that date, an additional ecology survey and mitigation strategy will be required.

A Tree Protection Plan is included in the approved Tree Survey in the extant permission (Crown Consultants ref. 09545, dated 10 November 2016). The phasing of the development may mean that the Tree Protection plan cannot be fully implemented as provided for in the approved document, particularly if one phase of the development is to be implemented ahead of the other. In addition, the landscape condition in the extant permission requires landscaping requires to be carried out within the first planting season following the completion of the development. Any time lag between the implementation of the two phases could result in works for the second phase having to take place around approved landscaping. It is therefore recommended that an additional condition be imposed that takes into account the possible need for a revised tree protection plan that takes into account the phasing of the development.

**The issues considered in and established by the extant permission**

Principle of Housing

For areas such as the application site policies CS1 and CS3 of the Barnet Core Strategy expect new developments to protect and enhance the character and quality of the area and to optimise housing density to reflect local context, public transport accessibility and the provision of social infrastructure. Further, policy DM01 states that 'Development proposals

should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The proposed development would result in the redevelopment of a site that has previously been used as the vicarage.

The application site has not been identified for any specific use in development plan planning policies, is previously developed land and is situated in an area characterised by residential housing, including purpose built flats.

In such circumstances, Planning Officers find that there is nothing to specifically preclude the redevelopment of the site in the broadest sense, subject to the scheme proposed being compliant with the relevant development plan policies.

As such the principle of redevelopment for housing of the site is deemed acceptable

#### The Vicarage

The vicarage is not considered to constitute a non-designated heritage asset under paragraph 135 of the National Planning Policy Framework. As such, the relocation of this feature is not objectionable in principle, subject to the scheme proposed being compliant with the relevant development plan policies.

#### Impact on the character of the area and setting of the listed building

The National Planning Policy Framework (published in 2012) makes it clear that good design is indivisible from good planning and a key element in achieving sustainable development.

Local Plan Policy DM01 states that all development should represent high quality design that is based on an understanding of local characteristics, preserves or enhances local character, provides attractive streets and respects the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The site (0.3 hectares) and located in a suburban area with a PTAL rating of 2. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 26 units/hectare. The London Plan advises that development should be at 150-250 habitable rooms/hectare. The proposals appear to be at 161 habitable rooms/hectare.

The residential element which will address the street will contain generous areas of private garden. The proposed development would be set back from the edge of the highway. This space in conjunction with parking on the forecourt would form defensible space for new dwellings.

The proposed development would be constructed from brick, and would feature partly flat and partly pitched roofs with a single rear projection on Unit 1. The massing of the terrace will be broken with recessed front walls. All fenestration will be simplistic in character and uniform in symmetry.

Given that the pattern of development is already disrupted by the existing development, the proposal whilst not mimicking the established pattern of development, does go some way to improve the situation by creating a residential terrace that addresses the wider character of the area in a traditional manner. Also found to be positive, were the creation of landscaped areas to the rear of the dwellings.



Within this residential area, the proposal retains a degree of spaciousness expressed by gardens and also through amenity spaces within the public realm. The architectural vernacular whilst more modern than the historic character of the street has gone a long way to respect the mixed character of the street.

It is considered that the proposed development in the form and appearance of a short terrace would respect and respond to these positive characteristics of the area which correspond to the local character.

#### Impact on the setting of the listed building

Section 66 (1) of the Act states, "in considering whether to grant planning permission for development which affects a listed building or its setting, the local planning authority or, as the case may be, the Secretary of State shall have special regard to the desirability of preserving the building or its setting or any features of special architectural or historic interest which it possesses."

The preamble to DM06 of the local plan is clear in its favour of the conservation of Listed Buildings with an emphasis on the retention of Listed Buildings in active use. The same presumption will apply to other external works which might harm the architectural and historic character and setting of such buildings.

John Keble Church, listed grade II and the only heritage asset close to the site, has a modest garden style setting, with an open aspect to the south and west. The church hall and Baden Powell Centre lie to its west and north-west. In terms of its setting it is views of the west front and tower of the church that contribute most to its significance, and to a lesser degree the west elevation as seen from Deans Lane. The Site does not contribute to the significance of the listed building other than by affording views towards the tower from the north along Deans Lane, and from the east, in between the properties along Sefton Avenue.

As detailed in the proposal section of this report, the application seeks to retain the listed building in its entirety. The site, comprising a former vicarage in a large overgrown garden, lies between the rear of John Keble Church (to the north-west) and the rear of the semi-detached houses along the south side of Sefton Avenue (to the east). The repositioning of the vicarage will not in itself harm the setting of the listed building. In fact its new positioning along with the proposed detailed landscape plan will improve the views and therefore the setting of the listed building. The modest height of the terrace is not considered to cause a detrimental impact on views to the church (As discussed above only glimpsed views via Sefton Ave are currently afforded.)

The proposal is not considered to cause a detrimental impact on the setting of the listed building.

#### Quality of accommodation for future occupants

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for potential occupiers. Policy DM02 identifies standards that development will be expected to meet in relation to a number of matters, including the internal floorspace of new dwellings and outdoor amenity space.

The London Plan contains a number of policies relevant to the provision of adequate amenities for future occupiers of new residential accommodation. The council also has adopted SPD's (entitled Sustainable Design and Construction and Residential Design Guidance) providing more detailed guidance on a range of matters related to creating new residential accommodation in addition to the Mayors adopted SPG's (entitled Housing).

The units proposed would have gross internal areas which would meet the requirements of the London Plan for a dwelling of that type. All new dwellings would feature private terraces and rear amenity space which would exceed the thresholds set out in the Adopted SPD (Sustainable Design and Construction). This private amenity area would be defensible space to the rear and would be functional space.

Development plan policy requires that new dwellings are provided with adequate outlook. The design approach proposed maximizes the outlook of occupiers of the new dwellings, while also taking account of the need to prevent unacceptable levels of overlooking from and to neighbouring properties. The new residential terrace will contain a minimum separation of 10m from the rear boundary.

It is considered that each of the units proposed in this instance have an acceptable degree of outlook with the main living areas being served by windows on two elevations. The main outlook for the living areas would be situated to the front and rear of the site.

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

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Concern has been raised that with the loss of privacy by reason of overlooking. However, all first-floor rear windows will be located at least 10m away from the common boundary with Sefton Avenue. Given the distances between buildings (directly facing windows will be located in excess of 21m) neighbouring amenity by way of overlooking is not considered to be harmed to a point of detriment.

Given the separation between directly neighbouring properties and rear gardens of Sefton Avenue, the new residential building is not considered to result in an overbearing impact on neighbouring amenity.

Concern has been raised with the loss of sunset views over the Church. Right is views are not material planning considerations.

Whether the proposals would have an acceptable impact on highway and pedestrian safety

Policy DM17 sets out parking requirements for residential developments. The proposal is for the demolition of the existing vicarage and garage buildings to provide a replacement vicarage and 8 additional dwellings comprising 2x2bedroom units, 5x3bedroom units and 1x4+bedroom unit. 15 parking spaces are proposed

Considering that the site is located within a high Public Transport Accessibility Level (PTAL) rating of 2, which is consider as a poor accessibility, parking provision of 15 parking spaces for the proposed development of predominantly 2, 3 and 4-bedroom residential units is acceptable on highway grounds.

The existing vehicular access to Deans Lane, which emerges onto the bus stop, will be permanently closed and a new vehicular access to Deans Lane is proposed to the south west. The proposal is considered to be an improvement on the existing situation by reason of reduced risk to highway and pedestrian safety.

19 cycle parking spaces will be provided in the basement area, and cycle stands are to be provided for each individual dwelling.

The provision of 19 cycle parking spaces is 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, however, 2 Cycle parking spaces per 4 bed residential unit are required in order to meet cycle parking standards

#### Emergency Access

The emergency access proposed is considered to be sufficient.

#### Refuse arrangement

The proposal seeks to have a refuse vehicle to enter the site for refuse collection. The access road would therefore need to be built to the Council's adoptable standards and the applicant will be expected to sign a Waiver of liability and indemnity agreement to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

#### Services

As assessment on the impact of services has revealed the proposal will not add an unreasonable levels of pressure on existing infrastructure.

#### Trees

The property contains a number of protected trees. The most significant of are being retained and protected which are T1, T7, T11 & T9 at the front of the property. A large group of elm trees along the frontage will be removed; however, it is highly likely that these trees will die of Dutch elm disease in the near future. Trees located to the rear of the site will be removed but these do not have a significant visual presence in the local environment. Hedgerows and trees in the boundary are retained which will help screen the new development. The landscaping plans set out in principle the level of new planting on the site and green spaces. A detailed landscape plan will be required that offsets the loss of trees and provides long term visual tree amenity. The draft arboricultural method statement provides sufficient information and measures to ensure that retained trees are maintained in good health.

As noted above, an additional condition is recommended to cover the phasing of the development.

#### Ecology

The Ecology Appraisal recorded nine habitat types within the site. Incidental sightings of seven faunal species were also recorded during the field survey.

The Preliminary Roost Assessment of buildings B1 and B2 recorded no bats or evidence of bats within either building. A number of external features were recorded for each building, and both buildings are considered to have moderate potential to support roosting bats.

All trees on site were assessed as having negligible potential for roosting bats, therefore no further surveys of this tree are required. An arboricultural survey is recommended for any trees to be lost to the development, and protection of trees to be retained.

Any habitat clearance should be carried out following a mitigation method statement specific to reptiles, and under an ecological watching brief. This will avoid impacts on reptiles,

hedgehog, common toad and common frog, all of which have been recorded within 1km of the site boundary.

No bats were recorded emerging from or returning to roost in the main building and associated garage of John Keble Vicarage, Deans Lane, Edgware, London during the dusk emergence and dawn return to roost surveys. These results indicate that bats are unlikely to be roosting within these buildings, and consequently the development will not contravene European legislation pertaining to bats.

As noted above and in accordance with the approved Ecology Appraisal, it is recommended that the survey should be updated if development including demolition has not commenced by 28 October 2018.

### CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail.

The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm.

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

The concerns raised by objectors and noted at Section 4 above relate to matters that were considered in the extant permission for the development, rather than to matters that result from the proposed phasing of the development. These were addressed in the assessment of the original application for the development, but nevertheless are considered above.

The request for further involvement with designing a scheme that objectors consider would be more suited to the area is noted, but again the fact that there is an extant permission means that the design for the proposal has already been considered and approved.

### **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 changes to the conditions would not result in any additional impacts on the character and appearance of the application site, the listed building, 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 subject to conditions.





**Location**                    **186 High Street Edgware HA8 7EX**

**Reference:**                **18/2146/FUL**

Received: 9th April 2018

Accepted: 16th April 2018

Ward:                        Edgware

Expiry 11th June 2018

Applicant:                Sam Hassan

Proposal:                Provision of a hand car wash to front of property

AGENDA ITEM 10

**Recommendation:** Approve subject to conditions

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

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

5003  
5011  
0502  
503  
5002  
501

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 The proposals hereby approved are granted for a temporary period of 2 years from the date of this decision.

Reason: To allow the Local Planning Authority to monitor the impacts of the proposals on local residential amenity in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 4 The use hereby permitted shall not be open to members of the public before 09.00 or after 18.00 on weekdays, before 11.00 or after 16.00 on Saturdays, Sundays and Bank and Public Holidays.

Reason: To safeguard the amenities of occupiers of adjoining residential properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2011.

- 5 The car wash facility shall be only carried out by hand and no mechanical equipment shall be used in the washing and cleaning process (with the exception of vacuums for internal valetting and external jet washers).

Reason: To protect the amenities of neighbouring residents in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 6 Prior to occupation details to ensure that no water shall drain from the car wash facility from the site on to public highway shall be submitted and approved in writing by the Local Planning Authority and the development shall not be carried out nor shall it be subsequently operated otherwise than in accordance with the approved details.

Reason: To ensure that the proposed development does not prejudice the free flow of traffic and conditions of general safety on the adjoining highway 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 other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 8 Before the use hereby approved commences, it shall be demonstrated that the surface water sewers will be able to accept surface water at the agreed maximum discharge rate.

Reason: To ensure that the development manages surface water in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and



changes to SuDS planning policy in force as of 6 April 2015 (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance and the Non-statutory Technical Standards for Sustainable Drainage Systems).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 situated at the junction of Hillside Drive and High Street, Edgware on the eastern side of the A5. The existing site is currently used as an operational car repairs garage and MOT station, dating back to a planning permission granted in 1979.

To the rear of the site is 2 - 4 Hillside Drive. To the immediate south on the A5 is Castleham Court which is a flatted residential development at the junction of Fernshurst Gardens. To the north of the site is Peter's Lodge, a 5-storey flatted development. The site is located approximately 400m to the north of the Edgware town centre retail frontage. Streets and properties to the rear of the site and to the east of the A5 principally consist of semi-detached dwellings whilst flatted development also exists along the A5. This constitutes the predominant character of the wider area, as one of residential properties.

The site is not in a conservation area and is not listed. There are no listed buildings or locally listed buildings which would be affected by the proposed development. There are no TPO trees on the site.

### 2. Site History

Reference: W02156Z

Address: 186 High Street

Decision: Lawful

Decision Date: 22 January 1979

Description: Use of garage for motor repairs, servicing and MOT vehicle testing

Reference: 16/2863/FUL

Address: 186 High Street, Edgware, HA8 7EX

Decision: Refused

Decision Date: 10 August 2016

Description: Redevelopment of site for 34 units of 'Retirement Living' apartments - (Category II Sheltered Housing) for the elderly with associated communal facilities, refuse storage, mobility scooter store, 20 off-street car parking spaces, hard and soft landscaping plus 152.77sq metres of office space (B1(a)) at ground floor level

Reference: 16/7355/FUL

Address: Land At 186 High Street And 2 - 4A Hillside Drive, Edgware, HA8 7EX

Decision: Refused

Decision Date: 2 March 2017

Description: Redevelopment of site for 32 units of 'Retirement Living' apartments - (Category II Sheltered Housing) for the elderly with associated communal facilities, refuse storage, mobility scooter store, 19 off-street car parking spaces, hard and soft landscaping plus 152.77sq metres of office space (B1(a)) at ground floor level

### 3. Proposal

This application seeks permission for the provision of a hand car wash at the front of the application site, to be used alongside the existing operational car repairs and sales garage and MOT station.

1no. container would be located to the front of the application site to be used as an office. This would measure a maximum height of 2.2 metres, with a flat roof, a depth of 3 metres and a width of 4.7 metres.

2no. canopies would be positioned also to the front of the site with 1no. used for a washing area for customer cars and 1no. used for a drying area to be positioned directly in front of the washing area canopy. These would measure an eaves height of 2.2 metres, a maximum height of 2.9 metres with a curved roof and a depth of 3.8 metres with a width of 3 metres.

The current access points to the car garage will be used with cars entering the site on the access from Hillside Drive and cars exiting the site on the access point on High Street.

An aqua drain is proposed closely to the washing area to remove excess water from the site.

A jet spray is the only equipment proposed to be used under the canopy on site whilst small domestic hoovers will also be in use. The car wash is proposed to be open between the hours of 08:00 to 19:00 each day of the week. The agent anticipates that between 25/30 customers will visit the car wash per day.

The application is for temporary use of the site for 3 years only.

#### 4. Public Consultation

Consultation letters were sent to 116 neighbouring properties/occupiers.

18 responses were received. These can be summarised below:

- Increased congestion from the proposals
- Air pollution from traffic
- Increased noise levels
- Missing/unrestricted business hours from the application
- Increased danger to drivers and pedestrians using the area
- The potential for the area to become commercial
- Impact on immediate neighbours
- Additional waste
- Construction works already taking place
- The number of car wash businesses in the local area
- Lacking Environmental Impact Assessment
- Lack of consultation for the re-opening of the garage
- Adding to existing drainage problems in the surrounding area/water damage
- Impact on surrounding area
- Refusal of previous proposals
- Impact on foundations of neighbouring properties
- Access to surrounding properties

Internal consultation with Highways, Drainage and Environmental Health Departments was also undertaken and comments received giving advice about the impacts of this development.

Highways: Advised that they would have no objections to the application provided that no traffic accessing the site queues on the A5 and that no water flows on to the highway.

Drainage: Advised that they would have no objections but where there is a connection to the drainage network, proof should be provided that the sewer can accommodate the discharge.

Environmental Health: The nearest windows are 10m away and the jetwash noise is audible to be annoying as it would be distinguishable from traffic noise. As a result, it is suggested that hours of use should be restricted including on weekends with a later start time.

External consultation took place with the London Borough of Harrow due to the close location of the proposed car wash to this neighbouring borough however, comments were received setting out no objections were received.

## 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

#### 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, DM04, DM06, DM17.

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.

## Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted 2016)

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

## 5.2 Main issues for consideration

1. Acceptability of the use proposed on this site.
2. Harm to the character and appearance of the area
3. Harm to the amenity enjoyed by neighbouring properties
4. Impact on drainage
5. Impact on traffic and highways

## 5.3 Assessment of proposals

Acceptability of the use proposed on this site.

The car wash use is occurring on the site of an existing and retained commercial use for car repairs. This existing use would not be reduced in scale as a result of this development. It is noted that previous applications for the comprehensive (residential) redevelopment of the site have sought to also re-provide a commercial use. Therefore subject to highways, amenity and design considerations, the car wash would not be an unacceptable land use and would not result in the loss of an existing policy protected use of the site.

Impact on the character of the area

Any scheme for the site will need to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development plan policies in these respects. This will include suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

The application site is currently in use as an operational car repairs and sales garage and MOT station. As such, the addition of the hand car wash to the existing use on site is not out of keeping with the existing use and would complement the uses currently on site. The manifestation of the use in terms of physical development of the proposed container for an office and 2no. canopies to the front of the site is low in scale when compared to the multi-storey flatted development surrounding the application site.

Whilst the immediate surrounding area of Hillside Drive and High Street is mainly residential in use, the site is currently in operation as a car sales and repairs garage and as such, the provision of the hand car wash to the front of the site would not be considered to detrimentally impact the residential pattern of development in the general locality. The site is also located 400 metres from Edgware town centre retail frontage and therefore, would also complement the commercial uses in the town centre.

The site is located on the junction of High Street and Hillside Drive with the alterations to the site to provide the hand car wash to face towards High Street and therefore, will be highly visible from this streetscene as well as the entrance to Hillside Drive. The alterations involving the proposed container for the office and 2no. canopies for a washing area and drying area are relatively subordinate additions and would be subservient in scale in relation to the main building on site. The drying area canopy located as the most forward canopy would measure 3.5 metres from the front site boundary of the property whilst the container for the office would be located approximately 0.9 metres. The canopy would also provide screening of the activities and use of the jet spray, which has been indicated that it will be used under the canopy, and as such the screening will limit the impact of the proposals on the streetscene. Additionally, with both proposed structures measuring less than 2.9 metres, the proposed alterations to the site to facilitate the hand car wash would not be found to detrimentally impact the character and appearance of the street scene.

Signs indicating the car wash are not proposed as part of this application, however if the applicant wishes to erect signage on site, they are advised to seek confirmation of any planning permissions required for advertisements at the site.

For the reasons above, it is not found that the use of the site seeking to be retained under this application has any detrimental harm to the character of the host site or to the general locality.

Impact on the amenities of neighbouring occupiers:

It will be important that any scheme addresses the relevant development plan policies (for example policy DM01 of the Barnet Local Plan and policy 7.6 of the London Plan) in respect of the protection of the amenities of neighbouring occupiers. This will include taking a full account of all neighbouring sites.

Policy DM04 'Environmental Considerations' states at part (d) that "proposals to locate development that is likely to generate unacceptable noise levels close to noise sensitive uses will not normally be permitted" and "proposals to locate noise sensitive development in areas with existing high levels of noise will not normally be permitted." The policy also states that "Mitigation of noise impacts through design, layout, and insulation will be expected where appropriate."

The Council's Environmental Health Department has raised some concerns with respect to the proposed levels of noise on the site due to the use of a jet spray, a condition will be attached to this permission should delegated officers be inclined to recommend to approve this application to restrict working hours to reduce noise levels at certain times of the day on site. This would mitigate the impact of the proposed car wash on neighbouring properties.

The nearest residential properties are at Castleham Court, at approximately 10m distance. There are no windows overlooking the proposed carwash from Castleham Court. There is an outside garden space to the rear of Castleham Court, with no line of sight to the car wash so it will reduce noise levels somewhat. There are balconies and windows at Peter's Lodge,

some 50m distant. Noise from the jetwash is likely to be audible over the background noise levels to people in the rear amenity space of Castleham Court. It is likely also be audible in the outdoor balcony space of Peter's Lodge. The noise is likely to be distinguishable from the traffic noise and hence likely to be annoying.

Recently this service has received complaints from residents about noise from hand carwashes - the vacuum cleaning, jet wash, and compressor for the jet wash. Staff outside, and patrons coming and going also cause noise and with the main noise generating activities being in an open rather than enclosed environment (as the car repairs next door are) lead to an increased level of impact. Limiting the hours of use would be the main way of restricting the noise exposure within the locality. Environmental Health have recommended restricting the hours of use at weekends both Saturdays and Sundays to no use until 11am and stopping at 4pm. A condition to this effect is proposed on the recommendation. In addition, this application is for a temporary period and while the applicants propose a three year period, this is excessive given that the impacts of the use would be recognised, acknowledged and monitored during a shorter period of time. As such, a two year temporary period would be acceptable.

The proposed development involving the proposed container for office purposes and the 2no. canopies would be located a sufficient distance from the residential properties along Hillside Drive and at Castleham Court whilst these proposals would be of a subservient size to not result in any impact on neighbouring properties.

#### Highways

The Council's Highways department have raised no objection to the proposal. Whilst trip generation to carwashes can be high, with the applicant estimating 25-30 customer visits per day, the levels of peak trip generation are typically outside of the AM and PM weekday peaks. As the sites current planning use is a car sales and repair garage, trip generation is already present on site, although it is acknowledged that this will increase, in principle the proposal is acceptable on highway grounds. However, this highways support for the use of the site for car wash is conditional on there being no queuing cars on the A5 to access the site and that any excess water from the use should not flow onto the highway. These conditions have been added to the recommendation.

#### Drainage

Comments have been received by the Lead Local Flood Authority who advised the site is within Flood Zone 1. Their advice is as follows: 'The site is classified as 'Less Vulnerable Development' in association with Table 2 of the Planning and Practice Guidance. In accordance with Table 3 of the Planning and Practice Guidance, 'Less Vulnerable Development' is permitted in Flood Zone 1. The site is located in a Critical Drainage Area, therefore a site specific Flood Risk Assessment is required. As per the Development Management Procedure Order (2015) the proposed development is classified as a 'minor development'. Minor Developments do not require the use of SuDS, however the London Plan (policy 5.13) states that 'Developments should utilise SuDS unless there are practical reasons for not doing so'. As a Minor Development comprehensive documentation on the proposed drainage strategy is not required.'

The Drainage officer and Thames Water have raised no objections to the principle of development subject to conditions to ensure there is no increase flood risk resulting from the development and in order to avoid adverse environmental impact on the community. A

suitable condition will be attached to this permission should delegated officers be inclined to agree with a recommendation to approve this condition.

The Council's drainage officer raised no objections to the proposed scheme and requested the application be conditioned. The following comments were provided following an assessment of the application:

The development site is located entirely within Flood Zone 1. The site is classified as 'Less Vulnerable Development' in association with Table 2 of the Planning and Practical Guidance. In accordance with Table 3 of the Planning and Practical Guidance, 'More Vulnerable Development' is permitted in Flood Zone 1. A review of the EA's surface water flood map indicates that the development site is at very low risk of surface water flooding. As such, a Flood Risk Assessment is not required. As per the Development Management Procedure Order (2015 update), the proposed development is classified as a 'Minor Development'.

#### 5.4 Response to Public Consultation

##### - Increased congestion from the proposals

Concerns were raised during the consultation period that increased congestion, particularly along Hillside Drive from cars queuing to get into the car wash, emerging from customers accessing and exiting the car wash which will detrimentally impact residents using the road and driveways along this street. The Highways Department were consulted about the impact of the proposals and no objection was raised in terms of the volume of traffic from the proposals. As such, it is not found that a detrimental level of congestion will result from the proposals.

The Highways Department did however, advise that queuing on the A5 should not happen as the road is a Strategic Road and a Traffic Sensitive Route therefore no queueing affecting the free flow of traffic should be taking place on A5 as a result of the proposed use of the site.

##### - Air pollution from traffic

Issues were also raised during the consultation period regarding increased pollution from the fumes of standing traffic on Hillside Drive. It is not considered that the additional cars using the site would result in significantly high levels of pollution to the surrounding area.

##### - Increased noise levels

During the consultation period, issues were raised regarding increased levels of noise on site from the increase in trip generation to the site. During the consultation period with the Highways Department and Environmental Health, an increase in noise from cars was not raised as a cause for concern of the application. Additionally, the increase in the volume of traffic is not considered to be so significant and as such, the noise from increased cars is not considered to result in detrimental harm to neighbouring properties on Hillside Drive or High Street.

##### - Missing/unrestricted business hours from the application

The consultation period arose issues surrounding a lack of information about the business hours of the proposed car wash. Following the concerns raised, working hours were



provided by the agent to be from 08.00 hours to 19.00 hours daily. However, the application will also be conditioned to ensure certain working hours for operation of the business to protect neighbouring amenity of residential premises located closely to the application site.

- Increased danger to drivers and pedestrians using the area

Concerns were raised about the increased danger to drivers and pedestrians in the area from additional traffic generated by the proposed car wash, with the potential for the proposals to result in increased potential accidents. The Highways Department were consulted during the lifetime of the application and 25/30 customers per day were not considered to result in a dangerous level of traffic to other road users and pedestrians, including the elderly, in the area.

- The potential for the area to become commercial

Issues raised during consultation stated that the approval of this proposal would turn the area into a commercial one rather than residential. The site is currently in use as a car sales and repairs garage and as such, the provision of a hand car wash to the front of the property, which will complement the existing use, is not found to result in a changing use of the surrounding area in general. Concerns were raised that the proposal would result in the current business being transformed into a major commercial business from the proposals. However, it is found that there is capacity on the application site which is relatively large in size to accommodate a hand car wash business.

- Impact on immediate neighbours

Concerns highlighted that the proposals have no consideration for neighbours in the direct vicinity of the proposal. As addressed in the main body of the report, the additional noise and use of the site is not found to result on a detrimental impact on neighbouring properties.

- Additional waste

Concerns were raised about the additional waste generated on site from the proposals. However, it is not found that the additional use of the site for a car wash would result in a substantial increase in refuse generated on site.

- Construction works already taking place

The consultation period raised concerns that construction works have already begun on site to facilitate the proposed car wash. Any construction works that begin prior to permission being granted on site are at the risk of the applicant and should permission not be granted for the proposals, the site would be subject to enforcement action. It is worth noting that an enforcement case has recently been opened to explore works on site which may not benefit from permission.

- The number of car wash businesses in the local area

Issues were raised regarding the number of car wash businesses already existing in the surrounding area. The number of similar businesses in the local area would not be a material consideration in the assessment of this application.

- Lacking Environmental Impact Assessment

Concerns were raised that an Environmental Impact Assessment has not been submitted regarding a noise assessment on the site. The proposed hand car wash would be a minor development on the site that would not require an Environmental Impact Assessment to assess the application.

- Lack of consultation for the re-opening of the garage

Issues were raised about the re-opening of the garage on site and that neighbours were not consulted about the garage re-opening. The garage benefits from permission to operate as a garage dating back to 22 January 1979 when permission was granted under ref. W02156Z. From planning history, it appears that the garage has not changed use during this time period and therefore, permission would not be required for the site to remain as the same use class.

- Adding to existing drainage problems in the surrounding area/water damage

Objections stated that the proposed works would result in surface water with drainage issues already existing in the surrounding area and the damage that this additional water could cause. Consultation with the Council's Drainage department raised no objections to the proposals on the drainage systems or resulting in water issues in the surrounding area.

- Impact on surrounding area

A number of objections stated that the proposals would be detrimental to the area. As addresses in the main body of the report, it would not be considered that the proposed hand car wash would result in a detrimental impact on the surrounding area

- Refusal of previous proposals

The consultation period raised concerns that the previous proposals for retirement living apartments on site were refused and therefore, a proposed hand car wash, which objections state would operate daily with significant noise, trips and waste generated, would also have a negative impact on the area and should be refused. Each application should be decided upon its own individual merits and a hand car wash would be assessed under different characteristics to a proposed retirement home.

- Impact on foundations on neighbouring properties

Concerns were raised about the impact of the development, with additional water on site, to the foundations of neighbouring flats. The impact of the works would be a matter to raise with the Building Control Department of the Council and this would not be a material consideration.

- Parking issues

During the consultation period, issues were raised regarding an increase in parking tickets being issued on neighbouring roads. Concerns were also raised about cars being parked on residential streets to be repaired; tow trucks parking and blocking the road and the potential for cars to use resident bays. The increase in parking tickets being issued would not be a material consideration when assessing the application additionally, the Highways Department were consulted and no issues were raised about the hand wash resulting in additional parked cars. It is not considered that cars will be parking to use the hand car wash but will instead quickly access the site without parking on the street with queuing also not

allowed around the site, as advised by the Highways Department. Any concerns regarding other operations on site and its impact on parking would not be within the scope of this application.

- Safety concerns

Concerns were raised about parked cars on neighbouring roads been watched and looked in to. Any safety or crime concerns should be directed to the local Police.

- Visual Impact

Concerns were raised about the visual impact of the car wash being an eye sore to the surrounding area. As addressed in the main body of the report, the proposed car wash would be a subordinate addition to the front of the property and would not be found to result in a detrimental impact on the visual amenity of the surrounding area.

- Proposed site exit

Issues highlighted the proposed use of the exit, indicated to be on to High Street, causing safety issues for pedestrians with cars passing the pavement to access the Highway. The proposed exit to the car wash was not raised as a concern by the Highways Department except to advise that the A5 Edgware Road is a Strategic Road and a Traffic Sensitive Route therefore no queueing affecting the free flow of traffic should be taking place on A5 as a result of the proposed use of the site.

- Access to surrounding properties

During the consultation period, access to surrounding properties, particularly where elderly residents reside, was raised as an issue. The Highways Department were consulted and it was not seen that the proposals would detrimentally impact access to surrounding properties however, the applicants have been advised that queueing is not allowed by the Highways Department.

## 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

The proposed use and development of the site as a car wash and car sales office would not have a detrimental impact on the character of the area. Furthermore, it is not considered that the car wash is likely to result in a harmful level of noise and disturbance detrimental to the occupants of neighbouring properties. The application is recommended for APPROVAL.



**Location**                    **2 Southfields London NW4 4ND**

**Reference:**                **18/3288/FUL**

Received: 30th May 2018

Accepted: 30th May 2018

Ward:                         Hendon

Expiry 25th July 2018

Applicant:                 Mr N Galer

Proposal:                    Erection of 2 new 2 storey 4-bed semi-detached single family dwellinghouses with rooms in the roofspace and associated car parking, refuse and cycle storage following demolition of the previously existing house

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
  - Site Location Plan
  - Existing Ground and First-Floor Plan (01)
  - Existing Second Floor and Roof Level Plan (02)
  - Existing Elevations and section (03)
  - Proposed Street Elevation (Rev. 5)
  - Proposed Rear Elevation (Rev. 5)
  - Proposed Left Side Elevation (Rev. 5)
  - Proposed Right Side Elevation (Rev. 5)
  - Proposed Cross Section (Rev. 5)
  - Proposed Ground Floor Plan (Rev. 6)
  - Proposed First-Floor Plan (Rev. 5)
  - Proposed Second-Floor Plan (Rev. 4)

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

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

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 4 Before the development hereby permitted is first occupied, enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers shall be implemented in accordance with drawing Ground Floor Rev. 6 hereby approved 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).

- 5 Before the development hereby permitted is first occupied, cycle parking and storage containers shall be implemented in accordance with drawing Ground Floor Rev. 6 hereby approved 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).

- 6 Before the building hereby permitted is first occupied the proposed windows in the side elevations at first-floor and roof level (side dormers) 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).

- 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 2016.

- 8 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; a site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors, the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding, details of the dust suppression methods and kit to be used, confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation 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 October 2016) and Policy 5.21 of the London Plan (2016).

- 9 Prior to the first occupation of the units, copies of Pre-completion Sound Insulation Test Certificates shall be submitted to the Local Planning Authority, confirming compliance with Requirement E of the Building Regulations 2010 (or any subsequent amendment in force at the time of implementation of the permission).

Reason: To protect the amenities of future and neighbouring residential occupiers in accordance with Policies DM02 and DM04 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 10 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on Drawing No. Ground Floor Plan Rev. 6 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.

- 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 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 13 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, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of the application site as shown on the Location Plan 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).

- 14 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 6.00 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).

- 15 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.

- 16 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.

- 17 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.

- 18 a) Before the development hereby permitted is first occupied, a scheme of hard and soft landscaping to the front forecourt area shall be 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.

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

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 For any proposal new crossovers or modification to the existing crossovers, a separate crossover application must be submitted for approval to the Highways Authority. Details of the construction and location of the new crossover are required to be agreed with the highway authority. Any street furniture, road markings or parking bays affected by the proposed works following site investigation would be relocated at the applicant's expense.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team in conjunction with the highway tree section as part of the crossover application. The outcome of this assessment cannot be prejudged.

Works on public highways to facilitate the development will be carried out under the S278 Agreement of the Highways Act 1980.

Please Note: A maximum width of a continuous crossover allowed for a property from a public highway is 4.8 metres.

Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 4 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimise risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail [highways.development@barnet.gov.uk](mailto:highways.development@barnet.gov.uk) or [nrswa@barnet.gov.uk](mailto:nrswa@barnet.gov.uk) at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

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

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

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance

applications, problems accessing key council services and most importantly delays in an emergency situation.

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

## **Officer's Assessment**

### **1. Site Description**

The application site previously comprised a two-storey detached single dwelling, located on the northern side of Southfields, close to the junction with Watford Way. Southfields is a residential road which lies within the Hendon ward.

The application site previously received planning consents for various works which have been listed in the site history section below. During the implementation of these consents, the building collapsed except for small sections of the wall and a recently constructed larger householder extension.

The previous dwelling at the application site was a detached building standing apart from the predominantly semi-detached form characteristic within the street. It had previously been extended at the roof level and prior to demolition had two front gables reflective of local character. Hard standing was located to the front of the dwelling to provide 3 off-street parking spaces.

The application site is not a listed building, is not located within a conservation area and contains no trees subject to a Tree Protection Order (TPO) within its curtilage.

### **2. Site History**

Reference: 17/6846/FUL

Address: 2 Southfields, London, NW4 4ND

Description: Demolition and erection of 1no detached single dwelling house including part single, part two-storey rear projection and projections at roof level including 2no side dormer to both sides and a single storey rear extension

Decision: Approved subject to conditions

Decision Date: 10 May 2018

Reference: 17/5969/FUL

Address: 2 Southfields, London, NW4 4ND

Description: Conversion for single dwelling house to 3no self-contained flats. Two-storey front extensions incorporating bay windows at ground and first floor level. Part single, part two-storey rear extension with 2no roof lights to rear elevations. Extension to roof including 2no rear dormer windows, 2no dormer windows to both side elevations.

Decision: Withdrawn

Decision Date: 27 October 2017

Reference: 17/4252/HSE

Address: 2 Southfields, London, NW4 4ND

Description: Two storey rear extension with new patio area. New hardstanding to front to create off street parking. Two storey front extension involving demolition of existing garage. Roof extension involving 2no dormer windows to both sides and rear elevations and 2no rear rooflights

Decision: Approved subject to conditions

Decision Date: 29 August 2017

Reference: 17/2883/PNH

Address: 2 Southfields, London, NW4 4ND

Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres  
Decision: Prior Approval Not Required  
Decision Date: 7 June 2017

Reference: 17/2277/PNH  
Address: 2 Southfields, London, NW4 4ND  
Description: Single storey rear extension with a proposed depth of 8 metres from original rear wall, eaves height of 3 metres and maximum height of 4 metres  
Decision: Prior Approval Required and Refused  
Decision Date: 3 May 2017

Reference: 17/1152/192  
Address: 2 Southfields, London, NW4 4ND  
Description: Roof extension involving new crown roof, 3no rear and 2no side dormer windows  
Decision: Unlawful  
Decision Date: 24 March 2017

Reference: 16/8183/HSE  
Address: 2 Southfields, London, NW4 4ND  
Description: Two-storey front extension to provide new bay windows, repositioning of existing bay windows and alteration to front porch following conversion of garage into habitable room. Part single, part two-storey rear extension (Amended scheme incorporating reduction to the extension).  
Decision: Approved subject to conditions  
Decision Date: 22 February 2017

Reference: 16/8184/HSE  
Address: 2 Southfields, London, NW4 4ND  
Description: Part single, part two-storey front extension, alterations to front entrance and balcony to first floor level. Part single, part two-storey rear extension with rooms in roof space and balcony at first floor level. Extension to roof including new crown roof and 2no dormer windows to both sides  
Decision: Withdrawn  
Decision Date: 17 February 2017

### **3. Proposal**

- Erection of new 2 storey 4-bed semi-detached single-family dwelling houses with rooms in roofspace
- 2 off-street parking spaces
- Associated amenity space
- Associated cycle and refuse provision

### **4. Public Consultation**

Consultation letters were sent to 105 neighbouring properties. 6 responses were received comprising 6 letters of objection. These can be summarised as follows:

Objection:

- Loss of light resulting from first-floor extension.

- Loss of privacy.
  - No condition imposed to stop the properties being turned into HMOs. Property was previously used as a 7-bed HMO.
  - Concern that the layout, including bathrooms for all bedrooms means the property will be turned into a HMO in the future.
  - There is insufficient off-street parking for the number of proposed residents.
  - More houses, people and cars on the street will add to the congestion already experienced on a small road.
  - Form of overdevelopment.
- 0.
- Flank wall windows are clear glazed and therefore will result in overlooking.
  - The two dormer windows are shown as obscure glazed, but have opening casements so panoramically overlook neighbouring houses and gardens.
  - Side dormers will restrict future development of neighbouring property.
  - Increased noise due to additional dwelling.

Internal Consultee Consultation:

- Arboriculturalist: No objection. Recommend Landscape to Frontage Condition.
- Environmental Health: Acceptable subject to conditions.
- Highways: No objection to either on-site parking provision and Construction Method Statement.

## **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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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



## The Mayor's Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

## Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS14.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08 and DM17.

## Supplementary Planning Documents

Residential Design Guidance SPD (October 2016)

Sustainable Design and Construction SPD (October 2016)

## 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the application site, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether adequate amenity would be provided for future occupiers;
- Impact on highways;
- Provision of refuse storage

## 5.3 Assessment of proposals

### Principle of development

This application seeks permission again for the demolition of the property and the erection of a building containing two single-family dwellings. The development would therefore appear as a pair of semi detached properties. Applications that seek to sub-divide an existing dwelling to create an additional dwelling are assessed against Policy DM01 which states:

b. Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The predominant character and appearance of Southfields surrounding the application site is that of two-storey detached and semi-detached single-family dwellings. The proposed development would create a pair of two-storey semi-detached single-family dwellings and therefore the proposed sub-division would be consistent with the prevailing character within Southfields.

The proposed design seeks to provide a degree of visual symmetry to the front elevation to enable the new pair of semi-detached dwellings to appear as a single detached dwelling (as previously built) within the streetscene. The design would broadly replicate the architectural form of both the former dwelling at the application site and the extant permission outlined in the planning history section above (ref: 17/6846/FUL). As a consequence of the proposed design, little has changed from a visual appearance perspective, between the former

dwelling at the application site, the stated extant permission and the proposed pair of semi-detached dwellings.

It is acknowledged that a previous Prior Notification application was previously approved for an 8m deep single-storey rear extension at the application site and upon a site visit it was clear that this had been part implemented. However, the proposed development has reduced this element to 3.4m which is considered more visually subordinate to the proposed dwellings and less harmful to the residential amenity of neighbouring occupiers. Should permission be granted for this application, corrective works would be required to reduce the part constructed walls to the proposed depth of 3.4m. Any permission would also include a condition which would remove Permitted Development rights to control the future development potential of the site. Therefore, from a visual perspective, the proposed sub-division is not expected to cause harm to the character of Southfields and would provide measures aimed at providing greater control over any future development on site.

The use on the site will also remain the same as existing, with the proposed sub-division providing two single-family occupancy dwellings. Any increase in site intensification will be assessed within the amenity section below. However, it is considered that the use of the site as a pair of semi-detached properties would not in itself be considered harmful or contrary to the established character of a street which is characterised by semi-detached dwellings.

Some of the public comments received have expressed concern that the proposed sub-division and layout will result in the creation of two HMO properties at the application site. However, this application states that the use of the two dwellings will be for the purposes of single-family occupancy only. Therefore, the assessment of this application must be made based on the facts of the application and not on speculation, or alleged past activity. Should the use of the application site change at a future stage without planning permission, enforcement action could be taken.

Based on the above, it is considered that the impact of the proposed development on both the character and appearance of the application site and the wider streetscene would be limited, with little visual reference of the sub-division evident when viewed from the public highway. That said, semi-detached dwellings are considered in keeping with the established character of Southfields. Furthermore, it is deemed that the proposed sub-division from a use perspective would be acceptable and in keeping with the single-family residential character of Southfields. Consequently, it is considered that the proposed sub-division would be acceptable in-principle subject to amenity and highways considerations, given both its use and visual impact are consistent with both the stated extant permission and adjacent dwellings on Southfields.

### **Character and appearance**

As referenced above, the application site benefits from an extent planning permission (ref: 17/6846/FUL) which was approved at committee for the erection of a two-storey detached dwelling house to replace the previously demolished detached dwelling. This application proposes the same design as the dwelling previously approved, albeit with two additional windows to the front elevation to create a visually symmetrical façade and a minor re-adjustment to the siting of the side dormers. Given the proposed dwellings reflect the design, siting and scale of the previously approved dwelling, it is considered that the proposed is acceptable on character and appearance grounds.

In terms of the visual impact resulting from an increase in site intensification, the only reference evident from the public highway is two sets of refuse storage units. Two on-site

parking spaces have been provided in line with the extant permission. Indeed, it is considered that the proposed sub-division would operate effectively within the previously approved building envelope, with minimal visual impact caused as a result.

As outlined in the principle section, a condition will be attached to this permission to restrict Permitted Development rights. It is considered that this will protect the existing character and residential amenity of neighbouring occupiers with greater control provided around any future development of the site.

In summary, given the proposed design reflects the same as previously approved at committee and the fact the increase in site intensification does not result in a harmful level of visual clutter or increase in the building size, it is considered that the proposed sub-division is acceptable on character and appearance grounds.

### **Neighbouring Amenity**

Paragraph 2.7.1 of Policy DM01 states that

Schemes which significantly harm the amenity of neighbouring occupiers will be refused planning permission. Protecting amenity helps to protect the well-being of the boroughs residents. It is important to ensure that developments do not significantly overshadow neighbouring buildings, block daylight, reduce sunlight, or result in a loss of privacy or outlook.

The proposed building envelope, footprint and window placements on the flank and rear elevation are broadly in line with the previously approved detached dwelling (ref: 17/6846/FUL) and therefore the impact on the residential amenity of neighbouring occupiers has previously been assessed and deemed acceptable. The impact on the outlook, daylight / sunlight and privacy currently enjoyed by neighbouring occupiers would therefore not be harmed by the proposed sub-division over and above the amenity impacts previously approved at committee. It should be noted that the previously approved scheme (ref: 17/6846/FUL) was for an 8-bedroom detached house with the same potential occupancy level as the proposed. Therefore, it is considered that the proposed development would not necessarily constitute an increase in site intensification in terms of occupancy levels, although there may be a small increase in vehicular access and how it is assessed against Policy DM17 (to be addressed in the highways section below). Consequently, it is not considered that the proposed sub-division would result in an increased level of noise disturbance for neighbouring occupiers given potential occupancy levels are comparable to the previously approved scheme (ref: 17/6846/FUL).

Concern has been raised via public comments regarding potential overlooking opportunities resulting from flank wall windows. A condition will be attached to any permission requiring the first-floor and side dormer windows to be obscured glazed. This will be in line with the obscure glazing condition attached to the previously approved scheme (ref: 17/6846/FUL).

A Construction Method Statement was submitted as part of this application to provide reassurance to neighbouring occupiers and the Council that adequate measures will be implemented during the construction process to protect neighbouring residential amenity. This has been reviewed by the Council's Highways and Environmental Health department. A condition will be attached to any permission to ensure the Construction Method Statement is enforceable.

Based on the above, it is considered that the proposed sub-division would not result in significant harm to the residential amenity of neighbouring occupiers over and above the impact deemed acceptable by committee for the previously approved scheme (ref: 17/6846/FUL). Conditions will be attached to any permission regarding obscure glazed windows and a Construction Method Statement. Consequently, it is considered that the proposed sub-division would be acceptable on amenity grounds.

### **Living standards for future occupiers**

#### Floor Area:

The London Plan (2016) and section 2.1 of the Sustainable Design SPD (Oct 2016) set out the minimum gross internal area (gia) space requirements for residential units. Following a review of the floor plans for both dwellings, it is considered that they meet the stated minimum space standards:

House A - 4-bed, 8-person, 3 storeys: 167m<sup>2</sup> provided / 130m<sup>2</sup> required

House B - 4-bed, 8-person, 3-storeys: 167m<sup>2</sup> provided / 130m<sup>2</sup> required

Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m<sup>2</sup> and is at least 2.15m wide;
- Double/twin bedroom: minimum area should be 11.5 m<sup>2</sup> and is at least 2.75m wide and every other double (or twin) bedroom is at least 2.55m wide.

All proposed bedrooms meet the above standards.

#### Floor to ceiling height:

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling.

The proposed dwellings meet the above standard.

#### Light/outlook:

Barnet's Sustainable Design & Construction SPD (Oct 2016) section 2.4 states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and provide reasonable levels of outlook to all habitable rooms.

It is considered that both dwellings provide an acceptable level of dual aspect outlook and adequate daylight and sunlight provision to all habitable rooms. This is some concern with the quality of outlook and sunlight / daylight provision provided to bedroom 4 in both properties, given they are only served by an obscure glazed side dormer window and a roof light. However, as this layout and arrangement has been previously approved (ref: 17/6846/FUL), in this instance no objection is raised.

#### Amenity Space:

Section 2.3 of the Sustainable Design & Construction states that for houses with up to six habitable rooms, 70m<sup>2</sup> of usable amenity space should be provided. Any room at 20m<sup>2</sup> or above is calculated as two habitable rooms. House A has 76.62m<sup>2</sup> of usable amenity space

provided via a rear garden and House B has 76.89m<sup>2</sup>. It is therefore considered that both dwellings exceed the stated amenity space standards.

Based on the above, it is considered that the proposed development would provide an acceptable level of amenity for future occupiers in compliance with the minimum internal and external space standards and policy requirements regarding floor-to-ceiling heights and outlook and daylight / sunlight provision. Therefore, this application is recommended for approval on amenity to future occupier grounds.

## Highways

For the proposed development, a parking provision of between 3 to 4 parking spaces would need to be provided to meet the parking standards as set out within Policy DM17.

The following factors have been taken into consideration:

- o The site is located in an area with a Public Transport Accessibility (PTAL) score of 1a which considered as poor accessibility.
- o The site is not within a town centre location or close to local amenities
- o The site is within a Control Parking Zone.

Based on the PTAL rating of 1a the parking requirement for the proposed development would be 4 parking spaces. Consequently, the proposed parking provision of 2 parking spaces would fall short by 2 parking spaces. However, the applicant has submitted a parking beat survey which demonstrates that there are parking spaces available on street near the development to accommodate any potential overspill parking. Therefore, on balance the proposed development with the provision of 2 parking spaces is considered acceptable on highway grounds.

The proposed development is required to comply with Policy 6.9 of the London Plan (2016) regarding cycle storage. Parking storage to contain 2 cycles has been provided in the rear garden of both dwellings. The details provided are considered acceptable and will be secured via condition.

## Refuse

The proposed development is required to comply with Barnet's Waste and Recycling Strategy (2018). Details of refuse and recycling bins and their timber storage containers which are to be located to the front of both dwellings have been provided and are considered acceptable. They will be secured via condition.

## 5.4 Response to Public Consultation

The concerns raised by the public comments received have been broadly covered within the report above. For clarity see below:

- Loss of light resulting from first-floor extension:

The proposed development retains the same building envelope as previously approved (ref: 17/6846/FUL).

- Loss of privacy:

The proposed development retains the same building envelope as previously approved (ref: 17/6846/FUL).

- No condition imposed to stop the properties being turned into HMOs. Property was previously used as a 7-bed HMO.

The application states that it is for two single-family dwellings and therefore the assessment is required to consider the merits of the development proposed. Should the proposed dwellings be used as HMOs in the future they could be subject to enforcement action.

- Concern that the layout, including bathrooms for all bedrooms means the property will be turned into a HMO in the future:

The application states that it is for two single-family dwellings and therefore the assessment is required to consider the merits of the development proposed. Should the proposed dwellings be used as HMOs in the future they could be subject to enforcement action.

- There is insufficient off-street parking for the number of proposed residents:

The Highways Department has reviewed the application, including the parking survey provided and consider the parking provision proposed acceptable on highways grounds.

- More houses, people and cars on the street will add to the congestion already experienced on a small road:

The Highways Department has reviewed the application, including the parking survey provided and consider the parking provision proposed acceptable on highways grounds.

- Form of overdevelopment:

It is considered that the impact of site intensification is acceptable on character, amenity and highways grounds. See report.

- Flank wall windows are clear glazed and therefore will result in overlooking:

A condition will be attached to any permission requiring flank wall windows at first-floor and roof level to be obscure glazed.

- The two dormer windows are shown as obscure glazed, but have opening casements so panoramically overlook neighbouring houses and gardens.

A condition will be attached to any permission with restrictions on the window openings.

- Side dormers will restrict future development of neighbouring property.

Side dormers will be obscured glazed by condition.

- Increased noise due to additional dwelling.

Discussed in the amenity section above.

## **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**

The proposed development is not considered to cause significant harm to the character and appearance of the application site and wider streetscene, or the residential amenity of neighbouring occupiers. Furthermore, the proposed development is considered to provide a good standard of amenity for future occupiers and is acceptable on highways grounds. Consequently, this application is recommended for approval.





**Location** Land At The Rear Of Page Court Page Street London NW7 2DY

**Reference:** 18/2938/FUL

Received: 15th May 2018

Accepted: 15th May 2018

**Ward:** Mill Hill

Expiry 10th July 2018

**Applicant:** Ms N. Raphael

**Proposal:** Erection of a single storey dwelling house with provision for 1no parking space, amenity space and refuse and recycling storage. Associated hard and soft landscaping including the erection of timber fencing.

AGENDA ITEM 12

**Recommendation:** Approve subject to conditions

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

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: [insert plan numbers].

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

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

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

- 3 a) 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 October 2016) and 7.21 of the London Plan 2016.

4 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.

5 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 October 2016) and Policy 5.21 of the London Plan (2016).

- 6 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new 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.

- 7 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.

- 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

- 9 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 north (front) and south west (flank) elevation facing the rear of no. 9- 26 Page Court.

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).

- 10 a) Before the development hereby permitted is first occupied a min. of (2) cycle parking spaces and cycle storage facilities shall be provided in accordance with a

scheme to be submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

12 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 A,B,C,D,E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the area of building 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).

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

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

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

14 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

15 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).

16 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

17 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).

**Informative(s):**

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 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 4500.

- 4 The applicant is advised that refuse bins are to be stored within the curtilage of the application site and relocated to the public highway only on collection days for

collection purposes only. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.



## Officer's Assessment

### Officer's Assessment

#### 1. Site Description

Page Court is located at the junction of Pursley Road and Page Street within the ward of Mill Hill. Page Court comprises two blocks which face on to both Page Street and Pursley Road. There is a roadway with a narrow entrance giving access to the garage area to the rear from Pursley Road and provides access to a vacant plot of land wedged between existing freestanding garages, utilised by the occupiers of Page Court and Chase Lodge Playing Fields and bounded by the access road.

There are a number of trees on land immediately to the rear of Page Court and also on the boundary with the playing fields. These are not subject to a tree preservation order (TPO). To the south of the site is a former hospital building and a small number of residential dwellings. There is no formal or direct access from the site onto the playing fields.

The site is not located in a conservation area nor is it adjacent to a locally/statutorily listed building. It does however adjoin Metropolitan Open Land.

#### 2. Site History

Ref: 17/3317/FUL

Address: Land at The Rear Of Page Court NW7 2DY

Development description: Erection of a single storey dwelling house with provision for 1no parking space, amenity space and refuse and recycling storage. Associated hard and soft landscaping including the erection of timber fencing

Decision: Withdrawn

Decision date: 19.01.2018

Ref: 17/3317/FUL

Address: Land at The Rear Of 9-26 Page Court NW7 2DY

Development description: Erection of a two-storey detached dwellinghouse

Decision: Refused

Reason(s): The proposal would result in damage which would be detrimental to the health and appearance of trees of special amenity value and may be severe enough to cause loss. The unsatisfactory relationship between the proposed development and the trees would also lead to pressure for future treatment of the trees contrary to 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) and 7.21 of the London Plan (2016). The proposed development by way of its size, siting and layout would form an disproportionate and insubordinate relationship with adjoining properties and would be uncharacteristic of the form, layout and pattern of development within the area of land enclosed by Page Street and Pursley Avenue contrary to policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012).

Decision date: 14.02.2018

#### 3. Proposal

Erection of a detached 2 bed 3person single storey residential unit at the rear of 9-14 Page Court, Page Street with parking provision, rear amenity and refuse. Associated hard and soft landscaping including the erection of timber fencing

#### 4. Public Consultation

Consultation letters were sent to 45 neighbouring properties.

19 responses have been received on the following grounds:

- Odds with the character of the local area and therefore sets a precedence in the area for similar development
- Loss of light and outlook and privacy creating an unacceptable sense of enclosure
- Loss of the communal garden amenity
- Backland development (Inappropriate development in an inappropriate location to the detriment of existing residents)
- Disturbance to the local wildlife and species
- Traffic and parking issues- Plans make no mention of how residents will access their land at the back of their garages (the land behind the garages is owned by each individual garage owner)

Internal Consultees have issued the following comments:

Highways : No comments

Green Spaces Officer: No comments

#### 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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

##### 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, CS4, CS5, CS6, CS7, CS8, CS11, CS12, CS13, CS14, CS15.

- Relevant Development Management Policies: DM01, DM02, DM04, DM15, DM08, DM16, DM17

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.

#### Supplementary Planning Documents

##### Sustainable Design and Construction SPD (adopted October 2016)

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

#### 5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether the development would provide suitable amenity for future occupiers;
- Whether harm would be caused to trees of special amenity value;
- Impact on the openness of the Green Belt
- Impact on Highways;
- Sustainability

#### 5.3 Assessment of proposals

##### Impact on the character of the area

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. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The application site forms land at the rear of no. 9-14 Page Court and is accessible via a service road on Pursley Road. The local area is predominantly residential and characterised by two storey purpose built residential blocks of flats and maisonettes of similar architectural merit. The introduction of a detached single storey residential unit would remove from the established character of its immediate context however given a setback approx. 30m from Pursley Road, the extent of the development would not be entirely visible or prominent from the public realm. The site is bound by a designated Green Belt and adjoins onto a row of existing garages at the rear.

Pre-app ref 17/8352/ENQ determined the height and form of the connecting garages to contribute to the character of the immediate area and requested the continuation in terms of height and roof form compared to the mansard roof two storey build previously put forward. The freestanding garages are not readily visible from Pursley Road and do not form a visually beneficial asset to the immediate area however the continuity of a reduced height and flat roof across the site would indeed provide a less bulky and visually prominent development on site, particularly in respect of adjacent occupiers at Page Court. The opportunity to create a high quality low level new build within an irregular site would not be objectionable in principle providing that it reflects high quality architecture and design within its context.

Following a meeting, a revised scheme has been put forward and consulted. The new build would provide a 2bed 3person single storey self-contained residential unit with an internal GIA of approx. 65m<sup>2</sup> with parking provision for 1no. car parking space by way of an attached garage with roller shutter doors within the application site and adjacent to the existing row of garages at the rear and a reduced rear garden amenity of approx. 30m<sup>2</sup>. The garage would reflect a continuation of the development in terms of max. height and red brick clad treatment. The new build would measure a max. height of approx. 3m above natural ground level, 2.5m internal head room, be set in approx. 2m from the front boundary thus provide defensible space and at the front between the primary elevation and service road by way of soft landscaping and include provision for 3no x 240ltr refuse bins and food container enclosed by way of a timber pergola at the front approx. 2.65m width x 1.4m height x 0.85 depth. The front elevation fronting Page Court would be clad in red brick treatment, which would consist of projecting headers and recessed joints with high level fixed shut and obscurely glazed window openings and canopy at the front over the entrance, which would therefore provide some form of visual articulation and interest particularly of the front elevation compared to the earlier revision.

Given the above, it is considered that the design and scale would be sympathetic in context and its contribution to the character and appearance of neighbouring buildings and local area would be accordance with DM1 of the DMP 2012.

#### Impact on the amenities of neighbours

Any development should ensure that the amenities of neighbouring occupiers are respected. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The site is located between a narrow access road to garages, open playing field and garage block. The development would be set away approx. 15m away from the rear elevation of nos 9 -14 Page Court and approx.34m from the rear elevation of nos 23-26 Page Court. No habitable openings are proposed in the front and side walls. Given the above site

circumstances, the development would not give rise to any undue impact upon the residential amenities of neighbouring properties in terms of loss of light, outlook and privacy.

In addition to this the development would support a level of accommodation suitable for a maximum of 3no. persons. Given the established residential use of the immediate area and the marginal increase in occupancy level over the whole site, it is not considered to justify that the additional household would cause demonstrable harm to the acoustic privacy of neighbours to warrant refusal on this ground.

#### Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan (2016). The minimum standard for a 2no. bed 1no. storey residential dwelling for up to 3 occupiers is 61sqm. The proposed development would provide an accommodation of approx. 65sqm, which would marginally accord with the above standard.

Plans reflect purpose-built storage of 2.3sqm and would therefore fulfil the minimum provision of at least 2.0sqm and provide a minimum internal head room of at least 2.5m thus comply with the minimum floorspace for new residential units as per the London Plan (2016).

The Sustainable Design and Construction SPD advocate that suitable outdoor amenity space should be provided for all new residential units. The SPD specifies that for houses, amenity space should be provided in the form of individual rear gardens; for houses with up to four habitable rooms, 40sqm should be provided. The development would only serve 2no. habitable rooms for a max. capacity of 3no. persons and provide a private rear garden space of 30m<sup>2</sup>, however given the siting of open playing fields adjacent to the application site, it is considered that the shortfall would be mitigated in this regard.

The development would provide suitable outlook and daylight for all habitable rooms. Rooflights would serve to increase access to natural light and ventilation. It is considered that suitable amenity would be provided for future occupiers.

#### Impact on trees of special amenity value

The development site is located between a narrow access road to garages, open playing field and garage block. The position of the development is more appropriate in terms of impacts on trees compared to planning ref 17/3317/FUL. No trees would have to be removed to facilitate the development and therefore the impacts could be managed with engineering solutions/ protective measures.

However T1 and moderate value (Cat B) sycamore tree is within 7m of the proposal. The crown of this tree is shown to overhang the proposed building which will require continual tree management. This work can be permitted under common law rights to provide a suitable level of clearance. There is also a real risk of post development pressure to remove the tree for light, fear of tree failure and insects, birds and general tree debris messing up the property.

While these issues would not necessarily warrant refusal in this instance, the applicant would be required to provide a tree management plan to outline how these issues would be managed by the owner/occupiers.

The construction method statement plan shows construction offices and storage areas within the construction exclusion zone of T3, T4 & T5 on the southern boundary. Both the tree protection plan and the construction method statement should provide a coherent

method for the protection of trees around the development site. A detailed landscaping plan should be submitted to ensure the development satisfactorily integrates into the landscape from the sports field, the flats and users of the garage. These issues would be secured by way of a condition.

#### Impact on the openness of the Green Belt

The application site is set back approx. 30m from Pursley Road and the extent of the site is not entirely visible or prominent from the public realm. The site is bound by a designated Green Belt on the eastern boundary and an existing row of garages at the rear. Submitted drawings indicate a vehicular turning area between the rows of garages. DM15 of the DMP 2012 stipulates that development adjacent to Green Belt/MOL should not have a detrimental impact on the visual amenity and respect the character of its buildings. The policy (in conjunction with the London Plan and the NPPF) states that protection should be given to MOL land to the same degree as green belt.

Pre-app ref 17/8352/ENQ recommended the continuation of the freestanding garages insofar as height and flat roof form to provide less of an ominous impact upon the Green Belt. However, its low-level scale and height in the wider context would be considered sympathetic although would not be characteristic of the local area. Nonetheless, the proposed development does not give rise to loss of openness or prevent the loss of views through the site into the green belt. Furthermore, the proposed development does not result in a loss of the permanence of this land and as a result, it is considered that the proposed development would not be contrary to policy DM15.

#### Traffic and highways

The PTAL for the site is 1b and therefore sited in an area characterised by low level accessibility and connectivity.

The site is within a Controlled Parking Zone (CPZ).

For areas with low PTAL (generally PTALS's 0-1) higher levels of parking provision should be considered to address overspill parking pressures. The maximum residential parking standards as per the London Plan (2016) recommends up to 2 parking spaces for residential units with 4 or more bedrooms and less than 1 parking space for 1 -2 bedrooms.

1no. off-street parking space has been provided within the application site by way of an attached garage 2.5m width x 5m depth with roller shutter doors in the front wall. This would therefore satisfy the demand for parking generated by the development without the compromise of existing kerbside parking or congestion on the service road in accordance with the London Plan 2016.

#### Cycle parking

No secure cycle provision has been provided for the occupiers of the new development. To comply with the London Plan (2016) a min. of 2 cycle spaces must be provided. A condition has therefore been attached in this regard.

#### Refuse Collection Arrangements

Submitted plans indicate the provision of 3no x 240ltr refuse and recycling container and 1no x food caddy for the occupiers of the new development in accordance with Barnet's Waste and Recycling Strategy (2017). Given its current location over 30m from the public highway, an informative has been attached to ensure that the bins are relocated to the public highway only on collection days for collection purposes only.

#### Accessibility and Sustainability

A condition has been attached to ensure the integration of water saving and efficiency measures insofar as a maximum of 105 litres of water consumption per person per day to comply with Policy 5.15 of the London Plan (2016) and a reduction of CO2 emissions over Part L of the 2013 Building Regulations in accordance with the requirements of Policy 5.2 of the London Plan (2016) and the 2016 Housing SPG's requirements.

#### 5.4 Response to Public Consultation

- Odds with the character of the local area and therefore sets a precedence in the area for similar development
- Loss of light and outlook and privacy creating an unacceptable sense of enclosure
- Loss of the communal garden amenity
- Backland development (Inappropriate development in an inappropriate location to the detriment of existing residents)
- Disturbance to the local wildlife and species
- Traffic and parking issues

The above issues are material planning considerations and have been addressed in the main body of the 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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for grant.

