

LOCATION: 1 & 1A Garth Road, London, NW2 2NH

REFERENCE: F/02564/13

Received: 21 June 2013

Accepted: 21 June 2013

WARD(S): Childs Hill

Expiry: 16 August 2013

**Final
Revisions:**

APPLICANT: 4M GROUP

PROPOSAL: Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.

RECOMMENDATION: APPROVE SUBJECT TO CONDITIONS

1. The development hereby permitted shall be carried out in accordance with the following approved plans:
0003 revision A
0004 revision A
2001 A
2002 A
2003 B
2004 A
2005 A
2006 A

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (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 dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (October 2008) (or such national measure of sustainability for house design that replaces that scheme). No dwelling shall be occupied until a Final Code Certificate has been issued certifying that Code Level 3 has been achieved and this certificate has been submitted to and approved by the local planning authority.

Reason:

To ensure that the development is sustainable and complies with policy DM02 of the Adopted Barnet Development Management Policies DPD (2012), the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007) and policies 5.2 and 5.3 of the London Plan (2011).

4. Before the development hereby permitted commences, details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012) and 1.1, 7.4, 7.5 and 7.6 of the London Plan 2011.

5. The roof of the rear extensions 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 Adopted Barnet Development Management Policies DPD (2012).

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, other than those expressly authorised by this permission, shall be placed at first floor level or above at any time in the side elevation of the proposed new dwelling.

Reason:

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

7. 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 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 Adopted Barnet Development Management Policies DPD (2012).

8. The use of the extension hereby permitted at 1 Garth Road shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit.

Reason:

To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

9. Before the development hereby permitted commences, 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

10. Before this development is commenced, details of the levels of the building(s), road(s) and footpath(s) in relation to adjoining land and highway(s) and any other changes proposed in the levels of the site shall be submitted to and approved in writing by the Local Planning Authority. The development shall be implemented in accordance with such details as approved.

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 DM01 and DM04 of the Adopted Barnet Development Management Policies DPD (2012), CS NPPF, CS1, CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

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

Reason:

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

12. 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.

Reason:

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

13. 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

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

Reason:

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

15. Prior to the commencement of development details of foul water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed before the first occupation of the new dwelling.

Reason:

To ensure adequate foul water drainage at the site.

16. Prior to the commencement of development details of surface water drainage shall be submitted to and approved by the Local Planning Authority. The approved scheme shall be installed before the first occupation of the new dwelling.

Reason:

To ensure adequate surface water drainage at the site.

17. Before the development hereby permitted is occupied the parking spaces shown on Plan 2001 A shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason:

To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with policies DM17 of the Adopted Barnet Development Management Policies DPD (2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

18. 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) the new dwelling hereby permitted shall not be extended in any manner whatsoever.

Reason:

To ensure the development does not prejudice the character of the locality and the enjoyment by existing and/or neighbouring occupiers of their properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012).

19. The development shall be constructed so as to provide sufficient air borne and sound insulation against externally generated noise and vibration. This sound insulation shall ensure that the levels of noise generated from the electrical transformer as measured within habitable rooms of the development shall be no higher than 35dB(A) from 7am to 11pm and 30dB(A) in bedrooms from 11pm to 7am. A scheme for mitigation measures shall be submitted to and approved by the Local Planning Authority prior to development. The approved mitigation scheme shall be implemented in its entirety before any of the units are occupied.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of the residential properties

INFORMATIVE(S):

1.
 - i) In accordance with paragraphs 186 and 187 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. 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 Local Planning Authority has negotiated with the applicant / agent where necessary during the application process to ensure that the proposed development is in accordance with the Council's relevant policies and guidance.
 - ii) In this case, formal pre-application advice was sought prior to submission of the application.
2. You are advised to engage a qualified acoustic consultant to advise on the scheme, including the specifications of any materials, construction, fittings and equipment necessary to achieve satisfactory internal noise levels in this location.

In addition to the noise control measures and details, the scheme needs to clearly set out the target noise levels for the habitable rooms, including for bedrooms at night, and the levels that the sound insulation scheme would achieve.

The details of acoustic consultants can be obtained from the following contacts: a) Institute of Acoustics and b) Association of Noise Consultants.

The assessment and report on the noise impacts of a development should use methods of measurement, calculation, prediction and assessment of noise levels and impacts that comply with the following standards, where appropriate: 1) Department of Environment: PPG 24 (1994) Planning Policy Guidance - Planning and noise; 2) BS 7445 (1991) Pts 1, 2 & 3 (ISO 1996 pts 1-3) - Description and measurement of environmental noise; 3) BS 4142:1997 - Method of rating industrial noise affecting mixed residential and industrial areas; 4) BS 8223: 1999 - Sound insulation and noise reduction for buildings: code of practice; 5) Department of transport: Calculation of road traffic noise (1988); 6) Department of transport: Calculation of railway noise (1995); 7) Department of transport : Railway Noise and insulation of dwellings.

3. The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £3965.50 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £15295 payment under Barnet CIL.

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.

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

You 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 Community Infrastructure Levy 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: cil@barnet.gov.uk.

4. Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
5. 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 Council of 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 email: street.naming@barnet.gov.uk or by telephoning: 0208 359 7294.

6. There are public sewers crossing or close to your development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. Thames Water will usually refuse such approval in respect of the construction of new buildings, but approval may be granted in some cases for extensions to existing buildings. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at this site.

7. The garages to be demolished may contain asbestos. They should be dismantled and removed appropriately with due reference to the appropriate health and safety legislation.
8. In the event that any alterations to the existing crossover or new crossovers are required then it will be subject to detailed survey by Crossover Team the as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. An estimate for this work could be obtained from London Borough of Barnet, Environment, Planning and Regeneration Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.
9. If the development is carried out it will be necessary for the existing redundant vehicular crossover(s) to be reinstated to footway level by the Highway Authority at the applicant's expense. You may obtain an estimate for this work from the Environment, Planning and Regeneration Directorate, Building 4, North London Business Park (NLBP), Oakleigh Road South, London N11 1NP.
10. The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from London Borough of Barnet, Environment and Operations Directorate, NLBP, Building 4, 2nd Floor, Oakleigh Road South, London N11 1NP.

1. MATERIAL CONSIDERATIONS

National Planning Policy Framework

The Mayor's London Plan: July 2011

Core Strategy DPD (Adopted) 2013 CS NPPF, CS 4, CS 5

Development Management Policies (Adopted) 2012 Policies: DM01, DM02, DM04, DM17

Residential Design Guidance SPD (Adopted) 2013

Sustainable Design and Construction SPD (Adopted) 2013

Site Address: 1 Garth Road, London, NW2 2NH
Application Number: F/04077/12
Application Type: Householder
Decision: Approve with conditions
Decision Date: 21/12/2012
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **New front porch. Single storey rear extension with a rooflight.**
Case Officer: Junior C. Moka

Site Address: Land Adjacent To 1 Garth Road, Garth Road, London NW2 2NH
Application Number: F/00234/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided

Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 2no. single family dwellings following demolition of existing garages, including hard/soft landscaping, 1no. parking space to each new property and rooms in roof space. Alterations to existing house roof, including new rear dormer and 1no. front roof-light.**
Case Officer: James Stone

Site Address: Land Adjacent to and including 1 Garth Road, Garth Road, London
Application Number: F/01256/13
Application Type: Full Application
Decision: Approve with conditions
Decision Date: 21/05/2013
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.**
Case Officer: James Stone

Site Address: 1 & 1A Garth Road, London, NW2 2NH
Application Number: F/02564/13
Application Type: Full Application
Decision: Not yet decided
Decision Date: Not yet decided
Appeal Decision: No Appeal Decision Applies
Appeal Decision Date: No Appeal Decision Date exists
Proposal: **Erection of 1no. single family dwelling following demolition of existing garages, including hard/soft landscaping and parking spaces and rooms in roof space. Alterations to existing house at 1 Garth Road roof, including new rear dormer, 1no. front roof-light and single-storey rear extension.**
Case Officer: James Stone

Consultations and Views Expressed:

Neighbours Consulted: 69 Replies: 3 objections and 1 letter with comments
Neighbours Wishing To Speak 3

The objections raised may be summarised as follows:

- lack of parking including loss of the garages
- traffic/congestion
- disruption from building works
- noise disturbance
- impact on streetscene/out of character
- impact on amenity including loss of privacy
- security issues
- surface and foul water drainage

Internal /Other Consultations:

- Traffic & Development - No objection subject to conditions and informatives
- Environmental Health - No objection subject to conditions and informatives

Date of Site Notice: 04 July 2013

2. PLANNING APPRAISAL

Site Description and Surroundings:

The proposed dwelling would be built on land that is currently owned by Barnet Council but has been conditionally offered to the applicant subject to grant of planning permission. It needs to be noted that planning permission was granted using delegated powers for an identical proposal at the site under ref: F/01256/13. In accordance with Barnet Council's constitution and scheme of delegation, where the Council owns land which is subject to a planning application that application must be determined by committee. Given that the the Council retains an interest in the land the permission bearing reference F/01256/13 was issued contrary to the Barnet constitution and scheme of delegation. This current application seeks to regularise the situation. For reference land currently owned by the applicant includes 1 Garth Road, and part of the site where the proposed dwelling would be built.

The proposed dwelling would be constructed on land that currently consists of garages to the south west of 1 Garth Road. The application also includes development at 1 Garth Road itself which at present is an end terrace property. To the west of the proposed dwelling is an electrical sub-station whilst Garth Road itself is characterised by small blocks of terraced dwellings.

Proposal:

The application seeks full planning permission for the erection of a three bedroom dwelling. The proposal also includes the installation of a front porch, rear dormer and a 3.5m deep single storey flat roof extension at 1 Garth Road. There would also be a porch, rear dormer and single-storey rear extension of the same size at the proposed dwelling.

Planning Considerations:

Policy DM01 states that 'all development should represent high quality design which demonstrates high levels of environmental awareness and contributes to climate change and mitigation and adaption'.

DM01 also explains that ' Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users'.

The principle of residential development is considered acceptable because the site is surrounded by residential uses. A proposed residential use is therefore not considered to create unacceptable levels of noise disturbance and would not create a security issue. A planning condition will ensure that construction times are limited to reduce the impact on neighbours.

The proposed dwelling is sympathetic to the style of the adjoining property along Garth Road in terms of mass, height and design. The proposal does not include any side facing windows at first floor level and so there would be no overlooking issues. It should also be noted that there are no dwellings at the rear of the site and so there would be no overlooking issues from the proposed windows in the rear elevation of the proposal. Furthermore, the proposed rear extensions will be the same depth as the adjoining rear extension at 3 Garth Road and so there will be no issues with regard to loss of sunlight and sense of enclosure.

All of the 3 bedrooms at the proposed dwelling would be between 8-12m² in size and so are classified by the adopted Sustainable Design and Construction SPD 2013 as being single bedrooms. This SPD states that the minimum area for a single bedroom is 8m² whilst the minimum area for a double/twin bedroom is 12m². The floor space for the 3 bedroom dwelling is approximately 91m² and exceeds The London Plan requirement of 74m² for a 3b 4p house (The London Plan does not have a measurement for 3b3p dwellings). The outdoor amenity provision is considered adequate given that it would be greater in area than that provided at similar adjoining properties and would exceed the requirements of the Sustainable Design and Construction SPD (2013).

The proposal would provide adequate garden space when compared to existing properties and would not amount to overdevelopment of the site. It is accepted that the street is characterised by blocks of 4 dwellings but given the size of the site the creation of a fifth dwelling at the end of this block would not detract from the streetscene. It should also be taken into account that the block in question is also located at the end of the road which reduces the impact of the scheme on the defined character of the street.

The erection of a dwelling in this location would not result in the loss of any significant trees and there are no trees protected by a tree preservation order (TPO) in the locality.

In terms of highway safety and parking, two parking spaces are proposed which would be in accordance with Policy DM017. The applicant has confirmed that the garages on site to be demolished are currently vacant. The council's highways officer has not objected to the proposal and the erection of one dwelling is not considered to have a large impact on traffic in the area.

With regard to drainage a planning condition will ensure that adequate foul and surface water provision is provided at the site.

The proposal is not considered to pose a security risk to other residents.

Finally, if the proposal impacts on a neighbour's gate it is a civil issue.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Covered in report.

4. EQUALITIES AND DIVERSITY ISSUES

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

5. CONCLUSION

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

SITE LOCATION PLAN:

1 & 1A Garth Road, London, NW2 2NH

REFERENCE:

F/02564/13



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