

**LOCATION:** Land to the rear of 208 Hampden Way, London, N14 7LY

**REFERENCE:** B/04790/13

**Received:** 17 October 2013

**Accepted:** 26 November 2013

**WARD(S):** Brunswick Park

**Expiry:** 21 January 2014

**Final Revisions:**

**APPLICANT:** Mr J Scanlon

**PROPOSAL:** Construction of two-storey dwelling incorporating basement

**RECOMMENDATION: Approve Subject to Conditions**

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. 826-PL-01, 02 and Noise Report 5329.PPG24.01 (received 17 October 2013).  
826-PL-03A, 04A, 05A, 06A and 07A (received 30 January 2014)

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 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.

- 4 Before this development is commenced, details of the levels of the building, garden, road and footpath 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.

- 5 No development shall take place until there has been submitted to and approved in writing by the Local Planning Authority details of proposed boundary treatments. The boundary treatments shall be erected in accordance with the approved details prior to the occupation of the building, and permanently retained 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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 6 Prior to the commencement of development the glazing specification to be used for the windows in the house hereby permitted shall be submitted to and approved in writing by the Local Planning Authority. The windows shall be constructed in accordance with the approved details and permanently retained thereafter.

Reason:

To protect the amenities of future occupants, in accordance with Policies DM01 and DM04 of the Development Management Policies DPD (adopted September 2012).

- 7 Before the development hereby permitted is first occupied the parking area shown on Drawing 826-PL-03 (received 17 October 2013) shall be constructed and not used for any purpose other than the parking of vehicles in connection with the approved development and be permanently retained thereafter.

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.

- 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 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).

- 9 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) and achieve full Lifetime Homes credits. No dwelling shall be occupied until evidence that the Lifetime Homes credits have been achieved and 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).

#### **INFORMATIVE(S):**

- 1 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.
- 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 £36.04 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

£6487.20 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 £24300 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](http://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](mailto:cil@barnet.gov.uk).

- 3 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](mailto:street.naming@barnet.gov.uk) or by telephoning: 0208 359 7294.

- 4 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day as calculated according to the Code for Sustainable Homes.
- 6 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0845 850 2777. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.
- 7 The applicant is advised that Thames Water has requested the applicant incorporates protection to the property against the risk of backflow by the installation of, for example, a non-return valve of similar (on the assumption that the sewerage network may surcharge to ground level during storm conditions).
- 8 The applicant is advised that there are public sewers crossing or close to this development. In order to protect public sewers and to ensure that Thames Water can gain access to those sewers for future repair and maintenance, approval should be sought from Thames Water where the erection of a building or an extension to a building or underpinning work would be over the line of, or would come within 3 metres of, a public sewer. The applicant is advised to contact Thames Water Developer Services on 0845 850 2777 to discuss the options available at the site.
- 9 The applicant is advised that if the development hereby permitted is implemented, any new crossovers or alterations to existing crossovers will be subject to detailed survey 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 can be obtained from Traffic and Development, London Borough of Barnet, Building 4 North London Business Park,

Oakleigh Road South, London N11 1NP.

- 10 The applicant is advised that there are underground cables on the site associated with the substation, and these run in close proximity to the proposed development. Prior to the commencement of any work on site, accurate records of the location of cables should be obtained from the Plan Provision Department at UK Power Networks, Fore Hamlet, Ipswich IP3 8AA or plans@ukpowernetworks.co.uk. All works should be undertaken with due regard to Health and Safety Guidance note 47 - Avoiding Danger from Underground Services.

## **1. MATERIAL CONSIDERATIONS**

### National Planning Policy Framework

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

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

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

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

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

The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

### Relevant Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Relevant Core Strategy DPD (2012): Policies CS NPPF, CS1, CS5.

Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM08 and DM17.

#### Supplementary Planning Documents and Guidance

The Council's Residential Design Guidance SPD was adopted in April 2013. This 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.

Included advice 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.

In respect to amenity, development 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.

The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

#### Relevant Planning History:

**Application Number:** B/03047/08

**Decision:** **Refuse. 1)** Overbearing, visually obtrusive and cramped form of development on a restricted site which would result in overlooking and a loss of privacy, detrimental to the amenities of neighbouring occupiers. **2)** Poor level of amenity due to lack of adequate amenity space, limited outlook and a sense of enclosure due to restricted rear garden depth. **3)** No formal undertaking to meet the extra education and library service costs.

**Proposal:** **A detached new build residential unit with associated parking and access from Whitehouse way.**

**Application Number:** B/01330/10

**Application Type:** Full Application

**Decision:** **Refuse. 1)** Detrimental to the character and appearance of the street scene and general locality. **2)** Overbearing, visually intrusive and cramped form of development on a restricted site which would be detrimental to the amenities of neighbouring occupiers. **3)** No formal undertaking to meet education and library service costs.

**Proposal:** **Construction of new two storey detached dwelling to the rear of 208 Hampden Way with access from Whitehouse Way.**

**Application Number:** B/01176/11

**Decision:** **Refuse. 1)** Inappropriate and cramped form of development, out of character and scale with surrounding development, detrimental to the character and appearance of the street scene and locality, and visual amenities of neighbouring residential properties. **2)** No information submitted in respect of the impact of the existing substation on the

amenities of future occupiers. **3)** No formal undertaking to meet education and library service costs.

**Appeal Decision:** **Dismissed.** An acoustic report was submitted during the Appeal, and the Inspector accepted that its content was appropriate to overcome the second reason for refusal.

**Proposal:** **Construction of a new two storey 3-bedroom detached dwelling on land to the rear of 208 Hampden Way with access from Whitehouse Way.**

**Application Number:** B/03048/12

**Decision:** **Refuse.** **1)** Not reflect character of surroundings. Cramped form of development, out of keeping with character and scale of neighbouring properties. **2)** No formal undertaking to meet additional education and library service costs.

**Appeal Decision:** **Allow** subject to conditions

**Appeal Decision Date:** 09/09/2013

**Proposal:** **Erection of two storey 3 bedroom dwelling on land to the rear of 208 Hampden Way.**

Consultations and Views Expressed:

Neighbours Consulted: 42                      Replies: 7 letters of objection.  
 Neighbours Wishing To Speak: 1

The objections raised may be summarised as follows:

- Proposed development would not be in harmony with the character of the street.
- Proposal would cause further parking congestion around the area.
- Surrounding area has a problem with water retention and the surrounding land slopes - concerned basement could result in subsidence to neighbouring properties.
- Building would be too large and cramped and not in keeping with surrounding houses.
- Proposal may result in loss of privacy to neighbours.
- Proposal would adversely affect property values.
- Substation may pose health hazard to future occupants.
- Proposal would reduce sunlight to neighbouring gardens and overlook neighbours.
- Proposal would be overbearing and visually obtrusive and result in an increased sense of enclosure.

Thames Water: With regard to sewerage infrastructure capacity, no objections are raised.

UK Power Networks: Engineering guidelines stated that the distance between dwellings of two or more storeys with living or bedroom windows overlooking a distribution substation should be a minimum of one metre. Therefore, the distance between the building and substation should be at least 1 metre.

Date of Site Notice: 05 December 2013

**2. PLANNING APPRAISAL**

Site Description and Surroundings:



The application site comprises the rearmost part of the rear garden to No. 208 Hampden Way. The site itself fronts Whitehouse Way. Whitehouse Way is characterised by two storey semi-detached dwellings with two predominant housing designs. The first is conventional hipped roof semi-detached dwellings with bay windows. The second is flat roofed two storey dwellings with a square appearance in a modern style. The dwellings directly surrounding the application site are the former conventional type.

The site itself is not level, but slopes up from front to rear. The site is broadly rectangular, and similar in size to the neighbouring plots to the north west.

The application site has a detailed history, which is summarised above. The most recent application is most relevant to the current proposal. That proposed the construction of a two storey dwelling, and was refused planning permission by the Local Planning Authority on the grounds that the proposed dwelling would, by reason of its size, siting and design, not reflect the character of its surroundings. It would result in a cramped form of development, out of keeping with the character and scale of neighbouring properties and detrimental to the character and appearance of the street scene. A reason for refusal was also attached relating to the failure of the application to include a formal undertaking to meet the extra health, education and library service costs arising as a result of the development.

The refusal was appealed, and the appeal was allowed. In allowing the appeal, the Inspector stated that 'the proposed dwelling has been designed in a style similar to that of the flat roofed semi-detached properties in Whitehouse Way' and that 'whilst the site is not directly adjacent to these they do contribute to the wider character of the street scene'. The Inspector noted that 'the parapet of the proposed dwelling matches the eaves of the two adjacent neighbours and floor levels and storeys are also of a similar siting, scale and proportion', and that 'consequently the design of the proposed dwelling would fit with the context of the surrounding street scene'. The Inspector also stated that the flat roof design mitigates against the narrowness of the front projection, and reduces the visual bulk to ensure the dwelling would not appear unduly cramped in the street scene'.

In relation to the second reason for refusal, this was no longer relevant at the time the appeal decision was issued as the Local Planning Authority had adopted its Community Infrastructure Levy charging schedule.

#### Proposal:

This application proposes the construction of a detached two storey dwelling with basement. The dwelling would be L-shaped, and measure a maximum of 13 metres in depth, 8.9 metres in width, and a front elevation 5.6 metres high. It would have a flat roof, and projecting bay windows to the forward most front elevation and the set-back front elevation. The front elevation would be two storeys, whilst the rear would be three storeys in height as a result of the basement level. One off-street parking space would be provided to the front of the dwelling.

This application follows the grant of planning permission under application reference B/03048/12, which was approved at appeal. The differences between the approved scheme and the current application are as follows:

- The current scheme proposes accommodation within a basement level, with a rear covered lightwell to form an external courtyard to the rear of the proposed dwelling.

#### Planning Considerations:

As noted above, the principle of the development of this site has previously been found acceptable by an Appeal Inspector. Therefore, this application can only assess the differences between the previously approved scheme and the current scheme, to establish whether the amendments proposed would comply with the current adopted Development Plan policies. In this respect, the main issues in this case are considered to be covered under two main areas:

- Whether the proposed amendments would result in harm being caused to the character and appearance of the street scene and the wider locality;
- Whether the proposed amendments would result in harm being caused to the living conditions of neighbouring residents;

#### **Impact on the character and appearance of the street scene and the wider locality**

The additional basement accommodation would not include the construction of any front light wells. The proposed basement level would only be apparent when viewing the proposed dwelling from the rear, as three storeys of rear wall would be visible from the rear garden area of the dwelling. The proposed basement would not change the character or appearance of the dwelling from that approved by the Appeal Inspector, and would not change the relationship between the proposed building and its plot or the wider area. As such, it is not considered that the proposed basement would be detrimental to the character and appearance of the approved building, the street scene or the wider locality.

#### **Impact on the amenities of neighbouring properties**

The additional accommodation within the basement would only receive natural light from a sunken rear terrace area. It would not result in the introduction of any new windows which would overlook any neighbouring property. In addition, it would not result in any change to the massing of the building which would result in the building appearing overbearing or visually intrusive when viewed from any neighbouring property. The massing of the building would appear identical as that approved by the Appeal Inspector as part of the previous application.

#### **Other matters**

Quality of internal accommodation: The comments of UK Power Networks are noted. The proposal would be at least 1 metre from the boundary with the adjacent electricity substation. A condition is attached requiring the glazing specification to be submitted to and approved in writing prior to the commencement of development, to enable the LPA to ensure the glazing would provide sufficient protection from air-borne noise to the property.

Highways and Parking: No objections were raised in the previous scheme by the LPA or the Appeal Inspector, with regard to the parking provision, with the Inspector noting that the provision of one parking space would be adequate given the size of the proposed house.

### **3. COMMENTS ON GROUNDS OF OBJECTIONS**

- Concerns regarding the impact of the proposal on the character of the area, on matters of parking and of overlooking, and the proximity of the substation have already been considered by the Planning Appeal Inspector and considered acceptable, and the proposal would not materially change this.
- Matters relating to impact on property values are not material planning considerations.
- Planning permission has previously been granted at this site at appeal with the Inspector taking into account the proximity to the substation. The relationship between the proposed building and the substation is the same as that in the approved application.
- In relation to subsidence or the impact of the proposed basement on hydrology, the application site is on London Clay and therefore has a very low potential for landslides.

### **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 regard to the scheme approved by the Appeal Inspector, and the nature of the proposed amendments, it is considered that the current proposal would accord with the Development Plan policies. The application is therefore recommended for approval.

**SITE LOCATION PLAN:**  
**N14 7LY**

**Land to the rear of 208 Hampden Way, London,**

**REFERENCE:**

**B/04790/13**



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