

LOCATION: Land to the rear of 43 Park Road, Barnet, Herts, EN4 9QD

REFERENCE: B/00953/14 **Received:** 21 February 2014
Accepted: 21 February 2014

WARD(S): East Barnet **Expiry:** 18 April 2014

Final Revisions:

APPLICANT: Mr J Westrope

PROPOSAL: Erection of a new two-storey house with associated car parking and amenity space.

RECOMMENDATION: Refuse

- 1 The proposed dwelling, by reason of its detached form, its siting, its design and its lack of connectivity with the adjacent housing estate from which it would be accessed, would appear as a detached and discordant feature within the street scene which would not preserve or enhance local character, respect the pattern of surrounding buildings, and would not safeguard trees. The proposal would be detrimental to the character and appearance of the street scene and the wider locality and would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012) and Policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (adopted April 2013).

INFORMATIVE(S):

- 1 The plans accompanying this application are: Location Plan 1-202, Drawing No. P/200, 201, 203.
- 2 In accordance with paragraphs 186 and 187 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 did not seek to engage with the Council prior to the submission of this application and following the determination of the previous 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 Council to discuss possible solutions to the refusal reasons.

- 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 the appeal process itself:

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. This planning application was assessed as liable for a £2905 payment under Mayoral CIL at this time.

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. This planning application was assessed as liable for a £11205 payment under Barnet CIL at this time.

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.

If Affordable Housing Relief or Charitable Relief applies to this development, 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.

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.

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, 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:

Site Address: r/o 43B Park Road NEW BARNET
Application Number: N09102A
Application Type: Outline Application
Decision: Refuse. **1)** Proposal would result in loss of rear garden amenity space of 43b Park Road. **2)** Result in backland development, creating a poor residential environment, detrimental to residential and visual amenities of occupiers of neighbouring properties
Decision Date: 23/08/1999
Proposal: **Erection of detached three-bedroom house with 2 parking spaces (outline).**

Site Address: R/O 43 Park Road, Barnet, Herts, EN4 9QD
Application Number: B/04233/13
Application Type: Full Application
Decision: Refuse. **1)** Detached and discordant feature in the street scene which would not preserve or enhance local character, respect the pattern of surrounding buildings or safeguard trees. **2)** Substandard internal floor area and room sizes. **3)** Unsatisfactory parking provision for future occupants.
Decision Date: 07/11/2013
Proposal: **Erection of 1no. two storey dwellinghouse including 2no. off-street parking and hard/soft landscaping.**

Consultations and Views Expressed:

Neighbours Consulted: 107 Replies: 5 letters of objection have been received at the time of drafting report.
Neighbours Wishing To Speak: 0

The objections raised may be summarised as follows:

- Proposed dwelling will block the view from neighbouring properties.
- Proposed dwelling would overlook neighbours.
- Proposal would result in a loss of trees.
- Proposal would adversely impact property values.
- Development in back gardens results in a loss of ground to absorb heavy rain, increasing flood risk.
- Appletree Gardens is a private estate which does not give access to vehicles

other than those owned by residents - access will not be given.

- The applicant has assumed they will be able to connect to a private sewerage system but permission will not be given.
- Proposal would be contrary to covenants on the site.
- Proposal would appear as an exception to the general design of the area.

Councillor Evangeli has requested that this application be referred to the Committee, in order for the Committee to discuss all the ramifications and implications of developments in back gardens in East Barnet.

Any additional representations received following the publication of this report will be reported at the Meeting.

Date of Site Notice: 13 March 2014

2. PLANNING APPRAISAL

Site Description and Surroundings:

The application site forms the rear portion of the lawned garden to No. 43 Park Road, a two storey property which contains two flats.

The site is adjacent to No. 7 Appletree Gardens. This is the end property in a terrace of three. Appletree Gardens is a development set to the rear of three storey flatted buildings which front Park Road. It has its own access from Park Road, and comprises two storey pairs of semi-detached dwellings and rows of three terraced properties. The properties are all broadly similar in design, with ground floor bay windows and porch canopy roofs, dormer-type roofs above the first floor windows, horizontal roof ridges with gable ends, and a regular pattern of red-brick and yellow-brick groupings. The properties are arranged fronting a large area of hardstanding to provide parking, with bin stores located close to the access road. Appletree Gardens was constructed following the approval of planning permission in 1989 for a scheme including the flatted development fronting Park Road and the two storey dwellings in Appletree Gardens.

Proposal:

This application proposes the construction of a two storey dwelling in land to the rear of No. 43 Park Road, and adjacent to No. 7 Appletree Gardens. The proposed dwelling would measure approximately 11 metres in depth at ground floor level, 7.5 metres in depth at first floor level, and 5.4 metres in width. It would have a pitched roof with a ridge height of 7.5 metres. The submitted drawings show that it would be positioned approximately 1 metre from the common boundary with the curtilage of No. 7 Appletree Gardens, and approximately 1 metre from the common boundary with No. 41 Park Road.

This application follows the refusal of planning application B/04233/13 which proposed a detached two storey dwelling at the site. The application was refused for three reasons. The first states that the proposed dwelling, by reason of its detached form, its siting and its lack of connectivity with the adjacent housing estate from which it would be accessed would appear as a detached and discordant feature which would not preserve or enhance local character, respect the pattern of

surrounding buildings, and would not safeguard trees. The second states that the proposed dwelling, by reason of its substandard internal floor area and bedroom sizes would not provide a satisfactory level of amenity for future occupants. The third states that the proposed development would not provide for satisfactory off-street parking and access.

The changes between the previous scheme and the current application are as follows:

- The width of the proposed dwelling has been increased from 4.8 metres to 5.4 metres.
- A single storey rear projection is now included within the design, forming a rear conservatory.
- The parking spaces have been repositioned approximately 6 metres further north within the site.

Planning Considerations:

As noted above, this application follows a recently refused planning application. Having regard to the differences between the current scheme and the previously refused proposal, it is necessary to assess whether the previous reasons for refusal have been overcome, and whether any additional concerns are raised by the amendments.

Impact on the character of the area

In the previous application, it was acknowledged that the design of the proposed building would reflect the visual appearance of the neighbouring properties which front Appletree Gardens, and no objections were raised by the Local Planning Authority in respect of the design. In the current application, the width of the building has been increased. This results in a change to the proportions and appearance of the front elevation of the building, which would no longer reflect the appearance of the neighbouring properties. The proposal would therefore appear as an incongruous feature within the street scene, not reflective of the surrounding development.

In the previous application, it was noted that Appletree Gardens contains rows of terraced and semi-detached dwellings, laid out in a planned estate fronting a communal parking and landscaped area. The estate has a regular appearance. The proposed dwelling would be of a greater width than the neighbouring buildings, and would be a detached building set at the edge of the existing development. It was noted that the dwelling proposed at that time would appear as an uncharacteristically small dwelling in its own right. In this instance, the proposal would appear as an uncharacteristic addition to the main development. The dwelling would not front the communal parking area but would have a landscaped garden area to the front and its own parking area. It would appear as a visually separate and distinct entity from the estate it would adjoin, detached from and discordant with the character and appearance of the street scene. It would appear in stark contrast with the general pattern of development at Appletree Gardens. In this respect, the proposal would, as with the previous application, adversely affect the character and appearance of the locality.

In addition, the applicant has submitted an Arboricultural statement which shows the proposed dwelling would be positioned within the root protection area of a number of

trees which are located within neighbouring gardens, in close proximity to the application site. Trees would also be removed in order to facilitate the creation of the vehicular access. The damage caused to the trees, and the loss of trees, would cause further detriment to the character and appearance of the area.

Quality of accommodation

The current application proposes a two bedroom house. The Sustainable Design and Construction SPD requires a minimum internal floor area of 83 square metres. The submitted drawings include measurements which state that the proposal would have an internal floor area of 83 square metres. The SPD states that residential development should meet or exceed the minimum space standards. Given that the proposal would meet the minimum requirement, the proposal would overall provide an acceptable level of accommodation for future occupants. The bedrooms and other rooms would meet the relevant minimum internal room size requirements, and would have adequate fenestration. As a result, it is considered that the proposal would provide adequate accommodation for future occupants, and the second reason for refusal attached to the previously refused application has been overcome.

Parking provision

In the previous planning application, the proposed vehicular access was to the south of the plot, with the parking area for two vehicles accessed directly from this access. Objections were raised given that access to the proposed access and parking spaces would have been restricted by existing established parking spaces serving Appletree Gardens. In the current application, the position of the access and parking spaces has been relocated approximately 6 metres to the north, to enable direct access from Appletree Gardens. The proposed access and parking area would not result in a loss of existing parking, and would be independently accessible. As a result, the parking provision is considered to be acceptable and the third reason for refusal attached to the previous planning application has been overcome.

Other Matters

No objections were raised by the Local Planning Authority in the previous planning application in respect of the impact of the proposal on the amenities of neighbouring occupants. The proposed dwelling has been sited such that it would not appear overbearing or visually intrusive when viewed from any neighbouring property. The position of the windows within the dwelling would be commensurate with the relationship between neighbouring windows to other properties, and would not result in any overlooking which would cause harm to the amenities of the occupants of any neighbouring property.

The proposal would provide a rear amenity area of sufficient size to meet the minimum size requirements.

3. COMMENTS ON GROUNDS OF OBJECTIONS

The impact of development on views, or on property values, or on legal covenants, is not a material planning consideration. The area is not identified by the Environment Agency as being one of high flood risk. All other comments are addressed in the appraisal above.

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

The proposal is contrary to the Development Plan policies, and is therefore recommended for refusal.

SITE LOCATION PLAN:
EN4 9QD

Land to the rear of 43 Park Road, Barnet, Herts,

REFERENCE:

B/00953/14



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