

**LOCATION:** Tudor Cottage, 64 Marsh Lane, London, NW7 4NT  
**REFERENCE:** H/05056/11 **Received:** 16 December 2011  
**Accepted:** 09 January 2012  
**WARD(S):** Mill Hill **Expiry:** 05 March 2012  
**Final Revisions:**

**APPLICANT:** Davis  
**PROPOSAL:** Erection of new four-bedroom detached dwelling accessible from existing vehicular entrance on Marsh lane.

**RECOMMENDATION: Approve Subject to Unilateral Undertaking**  
**RECOMMENDATION I:**

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

- 1 Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
- 2 All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
- 3 **Education Facilities (excl. libraries) £11,949.00**  
A contribution towards the provision of Education Facilities in the borough.
- 4 **Libraries (financial) £244.00**  
A contribution towards Library Facilities and Resources in the borough
- 5 **Health £2,016.00**  
A contribution towards Health Facilities and Resources in the borough
- 6 **Monitoring of the Agreement £710.45**  
Contribution towards the Council's costs in monitoring the obligations of the agreement.
- 7 **Special Site-Specific Obligation £0.00**  
Before development commences details shall be provided to show the location of all services (including drainage, water, gas, electricity) to the site in relation to trees. These shall be provided from Austell Gardens. These arrangements shall be permanently retained thereafter.

**RECOMMENDATION II:**

That upon completion of the agreement the Assistant Director of Planning and Development Management approve the planning application reference: H/05056/11 under delegated powers subject to the following conditions: -

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Design and Access Statement, P/01, P/02 Revision A, P/03 Revision A, P/04 Revision A, P/05 Revision A, P/06 Revision A, P/07 Revision A, P/08 Revision A, P/09, P/10 Revision A, P/11 Revision A, P/12 Revision B,  
Reason:  
For the avoidance of doubt and in the interests of proper planning.
- 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 is occupied the parking

spaces/garages shown on Plans P/02 Revision 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.

- 4 No structure or erection with a height exceeding 1.05m above footway level shall be placed along the frontage(s) of Marsh Lane from a point 2.4m from the highway boundary for a distance of 2.4m on both sides of the vehicular access(es).

Reason:

To prevent danger, obstruction and inconvenience to users of the adjoining highway and the premises.

- 5 No work shall commence on site, until 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 are submitted to and approved in writing by the Local Planning Authority. This shall include details of the proposed minimal-dig cellular-confinement driveway (incorporating the existing driveway sub-base) adjacent to trees T4, T5 and T6. The development shall be implemented in accordance with such details as approved.

Reason:

To ensure that the work is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access and the amenities of adjoining occupiers and the health of any trees on the site.

- 6 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 visual amenities of the locality.

- 7 Before the development hereby permitted is brought into use or occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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.

- 8 Notwithstanding the details shown on the approved plans, 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.

- 9 Before the building hereby permitted is occupied the proposed window(s) in the west and east first floor elevations 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, unless otherwise agreed in writing by the Local Planning Authority.

Reason:

To safeguard the privacy and amenities of occupiers of adjoining residential properties.

- 10 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 unless previously approved in writing by the Local Planning Authority.

Reason:

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

- 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. The scheme shall include substantial mature trees to the rear boundary of the site.

Reason:

To ensure a satisfactory appearance to the development.

- 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.

- 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.

- 14 Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

- 15 No site works or works on this development shall be commenced before temporary tree protection has been erected around existing tree(s) in accordance with details to be submitted and approved in writing by the Local Planning Authority. 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.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

16 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.

17 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, B, D, E, F of Part 1 to Schedule 2 of that Order shall be carried out within the application red-line site currently known as Tudor Cottage, 64 Marsh Lane hereby approved without the prior written permission of the local planning authority.

Reason:

To safeguard the amenities of neighbouring occupiers and the general locality.

18 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 GSD of the adopted Unitary Development Plan (adopted 2006) and the adopted Sustainable Design and Construction Supplementary Planning Document (June 2007).

19 No siteworks or works on this development shall be commenced before a method statement detailing precautions to minimise damage to trees, expanding upon the principles of the Phase II Arboricultural Implications Assessments by Russell Ball & Associates in accordance with Section 7 of British Standard BS5837: 2005 *Trees in relation to construction - Recommendations* is submitted to and approved in writing by the LPA and the development shall be carried out in accordance with such approval.

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

20 Before the development hereby approved commences, a scheme for the landscaping area outside the window of no.66 Marsh Lane shall be approved in writing by the local planning authority. This shall be implemented prior to occupation of the new dwelling and permanently retained as such thereafter.

Reason: To ensure that neighbouring privacy is not prejudiced.

Before this development is commenced details of the location, extent and depth of all excavations for drainage and other services in relation to trees on the site shall be submitted and approved in writing by the Local Planning Authority and the development carried out in accordance with such approval.

Reason:

To safeguard the health of existing tree(s) which represent an important amenity feature.

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

1 The reasons for this grant of planning permission or other planning related decision are as follows: -

i) The proposed development accords with strategic planning guidance and policies as set out in The Mayor's London Plan: July 2011 and the Adopted Barnet Unitary Development Plan (2006).

In particular the following policies are relevant:

Adopted Barnet Unitary Development Plan (2006): GBEEnv1, GBEEnv2, D1, D2, D3, D4, D5, D6, D9, D12, D13, H16, H17, H18, M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission version) 2011: CS5

Development Management Policies (Submission version) 2011: DM01, DM02, DM08, DM17

ii) The proposal is acceptable for the following reason(s): -

The proposals would have an acceptable impact on the character and appearance of the streetscene and general locality, neighbouring amenity, trees of special amenity value and highway safety. The proposals would provide an additional dwelling unit for which there is known demand. The proposed development includes provision for appropriate contributions in accordance with Regulation 122 of the Community Infrastructure Levy Regulations 2010.

- 2 The additional information accompanying this application are:- Planning Statement, Sustainability Statement, Daylight and Sunlight Report, Phase II Arboricultural Impact Assessment, Proposed Utility Line, Tree Protection Plan.
- 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 With regard to surface water drainage it is the responsibility of a developer 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. Connections are not permitted for the removal of Ground Water. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. They can be contacted on 0845 850 2777.

Reason - to ensure that the surface water discharge from the site shall not be detrimental to the existing sewerage system.

With regard to water supply, this comes within the area covered by the Veolia Water Company. For your information the address to write to is - Veolia Water Company The Hub, Tamblin Way, Hatfield, Herts, AL10 9EZ - Tel - 0845 782 3333.

- 5 Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Highways Group as part of the application for crossover under Highways Act 1980 and would be carried out at the applicant's expense. Please note, reinstatement of redundant crossovers, any relocation of street furniture, lighting column or amendments to parking bays affected by the proposed works would be carried out under a rechargeable works agreement by the Council's term contractor for Highway Works. An estimate for this work could be obtained from London Borough of Barnet, Highways Group, NLBP, Building 4, 2<sup>nd</sup> Floor, Oakleigh Road South, London N11 1NP.
  
- 6 The Mayor of London introduced a Community Infrastructure Levy on 1st April 2012 setting a rate of £35 per sqm on all 'chargeable development' in Barnet. Your planning application has been assessed to require a charge.  
  
This will be recorded to the register of Local Land Charges as a legal charge upon your site should you commence development. This Mayoral CIL charge will be passed across to Transport for London to support Crossrail, London's highest infrastructure priority.  
  
If Affordable Housing Relief 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 will provide 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, this 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

statutory requirements, such requirements will all be set out in the Liability Notice you will receive.

If you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please contact us: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk)

### **RECOMMENDATION III**

That if an agreement has not been completed by 08/08/2012, that unless otherwise agreed in writing, the Assistant Director of Planning and Development Management should REFUSE the application H/05056/11 under delegated powers for the following reason/s:

1. The development does not include a formal undertaking to meet the education, libraries, health services costs, together with associated monitoring costs arising as a result of the development, contrary to Policies CS2, CS8, CS13 and IMP2 of the Adopted Barnet Unitary Development Plan 2006, and Supplementary Planning Document - Planning Obligations, Supplementary Planning Document - Contributions to Education, Supplementary Planning Document - Contributions to Libraries, Supplementary Planning Document - Contributions to Health.

### **1. MATERIAL CONSIDERATIONS**

#### National Planning Policy Guidance/ Statements:

National Planning Policy Framework

The Mayor's London Plan: July 2011 3.5, 5.3, 6.1, 7.4, 7.6

Relevant Unitary Development Plan Policies: GBEnv1, GBEnv2, D1, D2, D3, D4, D5, D6, D9, D12, D13, H16, H17, H18, M11, M12, M13, M14, CS2, CS8, CS13, IMP1, IMP2.

Core Strategy (Submission Version) 2011

Barnet's emerging Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Until the Local Plan is complete, 183 policies within the adopted Unitary Development Plan (UDP) remain. The replacement of these 183 policies is set out in both the Core Strategy and Development Management Policies DPD.

The Core Strategy will contribute to achieving the vision and objectives of Barnet's Sustainable Community Strategy and will help our partners and other organisations to deliver relevant parts of their programmes. It will cover the physical aspects of location and land use traditionally covered by planning. It also addresses other factors that make places attractive and distinctive as well as sustainable and successful.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. The National Planning Policy Framework (NPPF) (para 216) sets out the weight that can be given to emerging policies as a material consideration in the determination of planning applications.

Relevant Core Strategy Policies:CS5

The Development Management Policies document provides the borough wide planning policies that implement the Core Strategy. These policies will be used for day-to-day decision making.

Barnet's Local Plan is at an advanced stage following submission in August / September 2011. Therefore weight can be given to it as a material consideration in the determination of planning applications.

Relevant Development Management Policies: DM01, DM02, DM08, DM17

Relevant Planning History:

**Site Address:** Tudor Cottage Marsh Lane NW7  
**Application Number:** W00694D  
**Application Type:** Full Application  
**Decision:** Approve with conditions  
**Decision Date:** 18/01/1967  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **demolition of existing garage and erection of house.**  
**Case Officer:**

**Site Address:** Tudor Cottage, 64 Marsh Lane, London, NW7 4NT  
**Application Number:** 04510/10  
**Application Type:** Full Application  
**Decision:** Withdrawn  
**Decision Date:** 21/12/2010  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of 3 no. two-storey dwelling houses with rooms in roof space and one dwelling with basement. House 1 to be accessed from Marsh Lane, and Houses 2 and 3 to be accessed from Austell Gardens.**  
**Case Officer:** Emily Benedek

**Site Address:** Tudor Cottage, 64 Marsh Lane, London, NW7 4NT  
**Application Number:** H/02966/11  
**Application Type:** Full Application  
**Decision:** Approved subject to conditions  
**Decision Date:** 08/11/2011  
**Appeal Decision:** No Appeal Decision Applies  
**Appeal Decision Date:** No Appeal Decision Date exists  
**Proposal:** **Erection of two new four-bedroom detached dwellings with rooms in the roof space and basements in the grounds of an existing detached dwelling accessed from Austell Gardens.**  
**Case Officer:** Graham Robinson

Consultations and Views Expressed:

Neighbours Consulted: 48                      Replies: 9  
Neighbours Wishing To Speak 1

Eight objections were raised and may be summarised as follows:



- Impact on traffic, access and parking
- Overdevelopment
- Loss of privacy
- Overdevelopment of a garden site, site is not brown field.
- Will remove trees on site
- Impact on flooding, drainage and water pressure
- Application misrepresents the size of the site and its boundaries
- Noise and disturbance
- Scale of development
- Loss of rural features
- Permission has already been granted for two houses on the site.
- Effect on nature conservation

Mill Hill Preservation Society have objected on the following grounds:

- The Committee's view was that we believe this proposal is a gross over-development of the Tudor Cottage garden site. The garden has already gained planning permission for two additional very large houses and this additional house should have been submitted at the same time. We are strongly opposed to any further incremental development on this Greenfield site.
1. We would argue that the proposal to cram another substantial house with roof accommodation on the land available (with the design layout allowing for yet more development in the future) seems a gross over-development on the site allocated.
  2. We strongly object to the loss of garden green space, trees, mature shrubs and the natural habitat for birds and insects that this proposed back garden development would result in and to the amount of grassed area which will be covered by buildings and hard standing which will inevitably exacerbate the problem of flooding.
  3. The proposed amount of garden amenity space allocated to each of the large houses is derisory and is quite clearly intended to leave maximum space for another infilling proposal on Tudor Cottage in the future.
  4. Access to Tudor Cottage would be restricted to Austell Gardens and with the two extra houses will mean three extra plots, causing traffic issues in a very narrow road.
  5. If this development does obtain planning permission we would request that any future permitted development rights be removed.

The Society, having given this scheme due and careful consideration believe that the proposal is a gross over-development of a back garden site, which we strongly oppose. The effect of the proposed addition of yet another new four/five bedroom house in the garden of Tudor Cottage would result a development that is overbearing and out of keeping with the neighbouring properties. We feel that the developer has not provided any supporting documentation to demonstrate the 'very strong reasoned justification' for why an application on this scale would be acceptable.

One comment was received with no objection providing that there are no windows causing loss of privacy

Internal /Other Consultations:

Traffic & Development - No objection subject to conditions

Date of Site Notice: 19 January 2012

## **2. PLANNING APPRAISAL**

Site Description and Surroundings:

The site property is a plot of land currently within the grounds of 64 Marsh Lane. Whilst accessed from Marsh Lane the existing property is set well back from Marsh Lane and is sited more in line with properties to the south on Austell Gardens.

The site is roughly triangular shaped, narrowing to the north to Marsh Lane.

Trees on the site are subject to a Tree Preservation Order.

Planning permission has been granted for two new detached dwellings to the south of the site accessible from Austell Gardens.

Proposal:

The proposal is for the erection of a new four-bedroom detached dwelling accessible from the existing vehicular access on Marsh Lane.

Planning Considerations:

The main issues are considered to be:

6. Whether the proposed dwelling would have an acceptable impact on the character and appearance of the general locality and streetscene.
- Whether the proposed dwelling would have an acceptable impact on the amenities of neighbouring and future occupiers
- Whether the proposals would have an acceptable impact on highway safety
- Whether the proposals would make satisfactory provision towards education, libraries and health facilities
- Whether the proposals would have an acceptable impact on trees of special amenity value.
- Whether the development would be sustainable.

*Policy context*

General Policy GBEnv1 aims to maintain and improve the character and quality of the environment.

Policies D1 and D2 aims to ensure compatibility with the established character and

architectural identity of existing and adjoining properties and the general location in terms of scale, design and impact on neighbouring properties. Established local character and town scape quality can be harmed by insensitive development, which is out of scale with and unrelated to the locality.

Policy D3 advises that the size, shape, position and detailing of spaces created within or around new buildings should enhance the development of which they are part, and should be in keeping with the overall character and quality of the area.

Policy D4 states that new development should respect the constraints of the site to accommodate development and should not result in over-development.

Part of policy D5 requires new development to safeguard outlook and light of neighbouring residential occupiers

Policy H16 advises that new residential developments should harmonise with and respect the character of the area within which they are situated and should:

- Be well laid out in terms of access, car parking and landscaping;
- Provide and preserve adequate daylight, outlook and residential amenity;
- Provide a safe and secure residential environment;
- Maintain privacy and prevent overlooking; and
- Provide adequate levels of private garden or amenity space.

Policy H17 states that in new residential development there should be a minimum distance of 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden. This distance should be increased by three metres for each additional storey over two storeys. Where overlooking is a problem, especially in relation to neighbouring development, a higher degree of privacy will be required. In town centre developments and regeneration areas, these standards may not apply. In the case of higher density developments where less distance is provided, proposals should include innovative design solutions to avoid overlooking.

Policy H18 states that in new residential schemes, the minimum provision of gardens or amenity space should be at the following standards:

- For Flats:
  - > 5 square metres of space per habitable room.
- For Houses:
  - > 40 square metres of space for up to four habitable rooms.
  - > 55 square metres of space for up to five habitable rooms.
  - > 70 square metres of space for up to six habitable rooms.
  - > 85 square metres of space for up to seven or more habitable rooms.

Proposals in or near town centre sites may be exempt from this requirement if alternative amenities are provided.

*Whether the proposed dwellings would have an acceptable impact on the character and appearance of the general locality and streetscene.*

The design of the proposed dwelling has been amended. It would be set back 6m

from the front wall of no.66 which is a chalet bungalow. It would be set back approximately 0.3m from the front wall of no.64 on the side nearest, the front wall of this property is angled so that the front wall extends further forward on the side furthest away.

There are a mixture of building designs in the locality. No.66 is a chalet bungalow. To the east is Brabourne Heights, a row of terraced two storey dwellings with mansard style roof. No.62 is a substantial two storey detached dwelling. No.60 is sited behind the main building line, approximately 24m to the rear from no.62.

The proposed dwelling would be sited back from the building line of neighbouring buildings, which would help minimise its impact on the appearance of the streetscene. It would maintain a gap of 1m to the boundary with No.62 and between 2m and 5m to the boundary with no.66.

It is considered that the proposed new dwelling would have an acceptable impact on the character and appearance of the streetscene and general locality.

*Whether the proposed dwellings would have an acceptable impact on the amenities of neighbouring and future occupiers*

It is noted that no.66 has previously been extended, with a single storey extension running close to the boundary with the site, extending approximately 7m rearwards of the proposed rear elevation.

No.66 has a bedroom window on the side of the property. The applicant has submitted a daylight and sunlight report to demonstrate that there is no undue impact on this window. In order to prevent harmful loss of privacy to this window, the applicant has submitted a landscaping scheme which would also provide adequate outlook from this window. A condition would be necessary to ensure that this feature is permanently retained to ensure that there is not a harmful loss of privacy to no.66.

Whilst views of the new building would be visible from across the rear garden at no.66, it is not considered that the new building would appear overbearing or visually dominating when viewed from no.66.

It is noted that the proposed dwelling would be a similar distance from no.60 Marsh Lane to the existing dwelling at no.62. It would also have a more oblique relationship. As a result it is not considered that the new dwelling would harm the amenities of the occupier of no.60. Similarly it is not considered that there would be a harmful impact on the existing dwelling

It is not considered that the proposals would harm the visual and residential amenity of neighbouring occupiers.

*Whether the proposals would have an acceptable impact on trees of special amenity value.*

A number of trees on site are subject to a Tree Preservation Order. Some of these are to the rear of the site and are unlikely to be affected provided that appropriate

precautions are taken during construction and conditions are attached accordingly.

There is a group of protected trees in the front drive area. The applicant is proposing to use Low Invasive Surface construction, and Cellular Confinement System. It is considered that this is acceptable subject to safeguards regarding any changes in levels and a condition would need to be attached to any grant of permission in order to ensure this.

It is considered that subject to conditions the proposals would not harm trees of special amenity value.

*Whether the proposals would have an acceptable impact on highway safety*

The proposal is for the erection of a new 4 bedroom dwelling with a garage and driveway.

The parking provision is in accordance with the parking standards in the London Borough of Barnet Adopted Unitary Development Plan 2006.

Access into the site will be via an existing access and dropped kerb.

The proposals are considered acceptable on highways grounds.

*Sustainability Issues*

The National Planning Policy Framework states that '*At the heart of the National Planning Policy Framework is a presumption in favour of sustainable development, which should be seen as a golden thread running through both plan-making and decision-taking.....For decision-taking this means approving development proposals that accord with the development plan without delay;*'

The proposals would provide an additional dwellinghouse for which there is known demand. The development would meet an appropriate environmental standard and would not harm trees of special amenity value.

It is acknowledged that the site has not been previously developed. However, in view of the wider need for dwellings of this size and given that the proposals would not harm the character and appearance of the area the development is considered acceptable.

*Whether the proposals would make satisfactory provision towards education, libraries and health facilities*

The following planning obligations would be required:

- £11,949 towards educational facilities
- £244 towards libraries facilities
- £2,016 towards health facilities
- £710.45 towards associated monitoring costs

The applicant has agreed to provide a unilateral undertaking to satisfy these planning obligations.

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

Impact on traffic, access and parking - *Addressed in main report*

Overdevelopment - *Addressed in main report*

Loss of privacy - *Addressed in main report*

Overdevelopment of a garden site, site is not brown field.- *It is acknowledged that the site has not been previously developed. However, in view of the wider need for dwellings of this size and given that the proposals would not harm the character and appearance of the area the development is considered acceptable.*

Will remove trees on site - *Addressed in main report*

Impact on flooding, drainage and water pressure - *It is not considered that the proposals would harmfully impact flooding.*

Application misrepresents the size of the site and its boundaries - *This has been corrected on the most recent plans*

Noise and disturbance - *It is not considered that a dwelling in this location would cause undue noise and disturbance to neighbouring occupiers.*

Scale of development - *Addressed in main report*

Loss of rural features - *The spacious character of the existing plot is noted but it is not considered that this warrants refusal of the proposals.*

Permission has already been granted for two houses on the site. - *This is noted.*

Effect on nature conservation - *The site is not designated for nature conservation. It is not considered that the proposals would have a materially harmful impact on nature conservation.*

### **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 application is recommended for **APPROVAL**.

**SITE LOCATION PLAN: Tudor Cottage, 64 Marsh Lane, London, NW7 4NT**

**REFERENCE: H/05056/11**



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