

Location **3 Arkley Lane, Barnet, Herts, EN5 3JR**

Reference: **B/02290/14**

Received: 25.04.2014

Accepted: 7th May 2014

Ward: High Barnet

Expiry 2nd July 2014

Applicant: ;Mr Christofi

Proposal: Demolition of existing dwelling and erection of new two storey house including rooms in roof space, hard and soft landscaping and refuse facilities.

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:
Proposed Plans and Elevations received 23 December 2014
Existing Plans and Elevations

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 Notwithstanding the submission hereby approved, details of the materials to be used for the external surfaces of the building 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 the building hereby permitted is occupied the proposed window(s) in the flank elevations of the buildings shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason:

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

- 5 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.

- 6 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, C, D, E or F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent TPO trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 7 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).

- 8 No development shall take place until a 'Demolition & Construction Method Statement' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution. Throughout the construction period the detailed measures contained within the approved Statement shall be strictly adhered to.

Reason:

In the interests of highway safety and good air quality in accordance with Policy DM17 and DM04 of the Adopted Barnet Development Management Policies DPD (2012) and policy 5.21 of the London Plan (2011).

9 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the scheme of temporary tree protection as approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2011.

10 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

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

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2011.

Informative(s):

1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

2 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially

registered by the Council through the formal 'Street Naming and Numbering' process.

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

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

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (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.
- 4 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.
- 5 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 £7490 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 £28890 payment under Barnet CIL.

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

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

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

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: cil@barnet.gov.uk.

Relief or Exemption from CIL:

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

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

Officer's Assessment

1. Site Description

The application site constituting a width, depth and area of 15.5m, 55m and 0.1ha respectively, is occupied by a detached two storey dwelling and is located on the junction with Oaklands Lane and Arkley Lane. The site contains a tree covered by a Tree Preservation Order. The site is bounded by two detached single family houses located at number 1 and 5 Arkley Lane. A domestic garden serving a detached property located at 1 Arkley View abuts the rear boundary of the subject site.

2. Site History

Whilst no relevant site history is noted on the subject site, Neighbouring property No 5 Arkley Lane has been extended extensively with the benefit of express planning permission:

- Single storey rear and increased height of the roof with dormer window on the front elevation (Ref No N/08240/B) - Approved 1988.
- Part Single storey, part two storey side extension (Ref No: N/08240/B) - Approved 1986.

3. Proposal

This application proposes the demolition of the existing detached dwelling and the construction of a replacement two storey dwelling. The dwelling would measure 12.5 metres in width by 14.5 metres in depth at ground floor level, and 12.5 metres in width by 13 metres in depth at first floor level. It would have a ridge height of 8.2 metres and would contain 2 rear and 1 front dormer windows.

4. Public Consultation

22 consultation letters were sent to neighbouring properties.
6 letters of objection have been received.

The objections received can be summarised as follows:

- Loss of privacy
- Loss of light
- The new building will appear bulky
- Overlooking into neighbouring gardens
- The proposed building will not respect the established building line of the street
- The new building will be prominent and detract from the established character of the street

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

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

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

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

The Mayor's London Plan 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.

Barnet's Local Plan (2012)

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

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

Supplementary Planning Documents

Residential Design Guidance SPD (adopted April 2013)

- The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

Sustainable Design and Construction SPD (adopted April 2013)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Impact the character and appearance of the street scene and the wider locality;
- Impact on living conditions of neighbouring residents;
- Quality of accommodation for future occupiers

5.3 Assessment of proposals

Principle of development

The principle of the demolition of the existing house and the construction of a replacement is acceptable, subject to the acceptability of the details as set out below.

Design

Arkley Lane, lined with mature trees consists predominantly of two storey buildings resulting in a strong established character. Policy DM01 of the Councils Local Plan and Supplementary Design Guide on Residential Design seeks to ensure that new development positively enhances the character and amenity of an area. The character here is relatively well kept, defined by two storey detached properties of varying styles, many of which have been extended.

The proposed design of the development would feature a two storey house with a low pitched crowned roof, similar to that insitu. Similar crowned roofs with dormers exist elsewhere on Arkley Lane. The design would include recessed brickwork. The proposed dwelling would have a similar siting to the existing building within the plot, set back a similar distance from Arkley Lane. The building would feature a staggered building footprint to allow the building to sit comfortably within its own setting.

Given the pitch of the roof, the narrow width of the crown roof, overall design and similar developments insitu on the street, it is considered that the size and massing of the proposed dwelling would represent an acceptable replacement to the existing building. The proposed dwelling is considered to sit comfortably within its plot, and would be of a size and design which would preserve the character and appearance of this part of the Area. It would not appear as an overly prominent building in the street scene or in the context of Arkley Lane.

Impact on the amenities of neighbours

The proposed development has been designed in a way to minimise impact on neighbouring houses, with the proposed dwelling sitting on broadly the same footprint as the existing building. The proposed building is relatively low height for a two storey building at between 5.5m (Main roofline) and 8.2m (Highest point of ridge.) The new building will contain a shallow depth, at 14m. The benefit here is twofold, i.e. preventing the buildings from appearing overbearing or visually dominating and protecting neighbouring amenity.

In terms of light and overshadowing, given the relatively low profile and distance from directly adjoining properties, it is not considered that there would be a harmful impact on properties neighbouring properties.

The proposed development would exceed standards within the SPD in terms of distances between new and existing development in that there would be a distance of some 24m to the common boundary with No 1 Arkley View.

In terms of loss of privacy neighbouring amenity all flank windows will be required by condition to be obscure glazed. The proposed rear balcony located in excess of 21m from the rear boundary will contain vertical screens to protect neighbouring amenity, in respect of No 1 and 5 Arkley Lane.

As a result, it is not considered that the proposed building would have an adverse impact on the amenities of the occupants of any neighbouring property.

Quality of Accommodation

The proposal will result in a family sized dwellinghouse accommodating 5 bedrooms. The proposal would comply with the internal space standards within the Mayor's London Plan. Proposed outdoor amenity space would comply with the Supplementary Planning Document on Sustainable Design and Construction. As such no objection is raised with the quality of accommodation provided.

Other: Trees

The original submission sought planning permission for alterations to the forecourt and access. Particular concern was raised with the protection of existing trees during these works. The submission has been altered to exclude alterations to the forecourt and additional information to ensure works within the application site do not adversely affect

the root protection area of existing trees. The information submitted is considered to be acceptable.

5.4 Response to Public Consultation

All objections have been addressed in the main body of the report.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval, subject to conditions.



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