Location	31A The Park London NW11 7ST	
Reference:	14/08087/FUL	Received: 22nd December 2014 Accepted: 21st January 2015
Ward:	Childs Hill	Expiry 18th March 2015
Applicant:		
Proposal:	Demolition of existing dwelling and detached garage and erection of 6no. two storey semidetached houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store	

Recommendation: Approve subject to conditions

1 The development hereby permitted shall be carried out in accordance with the following approved plans: 1032-S01, 1032-S02, 1032-S03, 1032-S04, 1032-S05, 1032-S06, 1032-S07, 1032-S08, 1032-S09, 1032-AP01C, 1032-AP02B, 1032-AP03A, 1032-AP04, 1032-AP05, 1032-AP06, 1032-AP07, 1032-AP08E, 1032-AP09A 1032-AP10B, 1032-D+A.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 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.

a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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 CS NPPF, CS1, CS5 and CS7

of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2011.

4 a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

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

5 a) No development or site works shall take place on site 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.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 5.21 of the London Plan (2011).

6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) 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 temporary tree protection shown on the tree protection plan 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. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees 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 DPD (adopted September 2012) and Policy 7.21 of the London Plan 2011.

7 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, F of Part 1 of Schedule 2 of that Order shall be carried out within the area of 31A The Park 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).

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.

9 a) The dwelling(s) shall achieve a Code Level 3 in accordance with the Code for Sustainable Homes Technical Guide (November 2010) (or such national measure of sustainability for house design that replaces that scheme) and achieve full Lifetime Homes credits.

b) No dwelling shall be first 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 Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.2 and 5.3 of the London Plan (2011).

10 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.

11 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development herby approved and all Sustainable Urban Drainage System features to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development herby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2011.

12 Before the development hereby permitted is first occupied turning space and parking spaces shall be provided and marked out within the site in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

13 a) Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

14 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 pm 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 Development Management Policies DPD (adopted September 2012).

15 Before the building hereby permitted is first occupied the proposed window(s) in the first floor flank 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.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

16 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved as part of this condition before first occupation or the use is commenced and retained as such 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 Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

Informative(s):

- 1 The plans accompanying this application are: ARBORICULTURAL IMPACT ASSESSMENT REPORT & OUTLINE METHOD STATEMENT, DAYLIGHT _ SUNLIGHT ASSESSMENT.
- 2 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 and the Applicant engaged with this prior to the submissions of this application. 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.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £43,960 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 £169,560 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

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 site is located on the south side of The Park. The site is approximately 0.2 hectares in area. The surrounding area is residential consisting of detached and semi-detached houses. The site forms part of an attractive suburban area, and backs onto Golders Hill Park.

The buildings in the area are mixed but are generally traditional in design with one or two exceptions. Many of them incorporate features such as render and timber cladding, with notable variations in shape.

2. Site History

C16008/04 - 3 x Horse Chesnut - Crown thin by 15% Reduce overhang by 20% Reshape. Standing in Group G1 of Tree Preservation Order - Approved - 19/11/2004

C16008A/06 -Alterations to roof including dormer to rear. Provision of terrace at second floor level. - Refused - Dismissed at Appeal - 24/07/2006

C16008B/06 - Alterations to roof including dormer to rear. Provision of terrace at second floor level and privacy screens. - Refused - Allowed at Appeal - 11/01/2008

3. Proposal

The proposals are for the demolition of existing dwelling and detached garage and erection of 6no. two storey semi-detached houses including rooms in roof space and associated hard/soft landscaping, off-street parking spaces and refuse store.

4. Public Consultation

Consultation letters were sent to 28 neighbouring properties. 9 responses have been received, comprising 22 letters of objection.

The objections received can be summarised as follows: -Overdevelopment -Scale and Appearance -Impact on Character -Parking

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, CS9, CS10, CS15

- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

Supplementary Planning Documents

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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;

- Whether harm would be caused to the living conditions of future and neighbouring residents.

- Whether harm would be caused to highway and pedestrian safety

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

- Whether the proposals would be acceptable in sustainability terms

5.3 Assessment of proposals

Whether the principle of the development is acceptable

The site is located in a suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare. The proposals appear to be at 18 units/hectare.

The proposed development would achieve a limited mixture of units when considered under policy DM08.

The principle of residential development in the form of semi-detached houses is considered acceptable as this is a characteristic feature of surrounding roads which consist of a mixture of semi-detached and detached houses.

Whether harm would be caused to the character and appearance of the existing building. the street scene and the wider locality

The proposals involve sub-division of the plot to form 6 semi-detached houses. In terms of plot widths, the site has a width of 46m, which would represent a width of 7.7m per plot. The plots opposite have widths of approximately 8m, and this is considered to be comparable.

It is considered that the proposed architectural styling of the proposed buildings fits with the character of the street. Other semi-detached houses in the vicinity show similar symmetry, whilst having individual decorative features to differentiate the two properties.

The overall depth of the dwelling houses would be comparable to the rear building line of the nearby dwellings.

Bin storage would be provided within internal alcoves.

The view from Golders Hill Park of the site is important to consider. However, given the presence of mature tree screening to the rear of the site, and taking into account the considerate design of the roofs, providing adequate spacing and relatively low height, it is not considered that the appearance of the buildings, including the crown roof designs, would appear obtrusive as viewed from the rear.

Officers are satisfied that the proposals would not harm the character and appearance of the area.

Whether harm would be caused to the living conditions of future and neighbouring residents.

Neighbouring residents

The applicant has provided a daylight and sunlight report with the application. This advises that there would be no alteration in daylight and sunlight to any habitable rooms at no.31 and that the only rooms affected at no.33 are served by other windows.

The report states that there would be some impact on the kitchen window of no.33, however this is also served by a glazed doorway to the rear. Given this it is not considered that the proposals would cause harmful loss of light or outlook to this window.

In terms of the impact on neighbouring outlook, the building would extend approximately 3m at first floor level beyond the rear wall of no.31 and 4.2m at ground floor. It would

extend 0.8m beyond no.33 at first floor and 1.4m beyond at ground floor. Given that there is an existing rear projection of 3m at first floor and 4.5m at ground floor on this boundary it is not considered that any loss of outlook would be materially greater than what exists at present. Furthermore, given the limited projection on the side nearest no.33, it is not considered that there would be any harmful impact on the visual amenities of the occupiers of this property.

A condition is suggested to restrict permitted development rights given the size of the dwellings are comparable to one that has already been extended.

Officers of the Local Planning Authority are satisfied that the proposals would not harm neighbouring visual or residential amenity.

Future residents

The size of the proposed units would appear to comply with London Plan standards.

The proposals would provide adequate amenity space for the new houses.

The proposals include rear terraces at first floor level. Given the presence of existing features on the existing building this is considered acceptable in principle providing that adequate screening is provided and suitably integrated into the design of the proposed buildings. The previous allowed and dismissed appeals on the site relating to terraces are noted but the proposed balconies would not be excessive in size.

Whether harm would be caused to highway and pedestrian safety

Comments of Highway Officer

The proposal is for demolition of existing house and construction of 6 new houses consisting of 4 x 5-bedroom and 2 x 4-bedroom. A total of 12 parking spaces will be provided at the forecourt of the properties. The proposal includes 5 new vehicle accesses in addition to the existing crossover which will be widened.

The parking provision is in accordance with the parking standards in London Borough of Barnet's Local Plan and provides the maximum within the standard.

The site is located within a one hour controlled parking zone (CPZ), has a public transport accessibility level (PTAL) of 2. Site visits at times of higher residential parking demand, in the evening and early morning, indicate that there is on street parking availability in the residents' parking bays within walking distance from the site.

There are 54 residents bays available at The Park and 33 parking permits are currently issued to residents of this road. In the adjacent Park Avenue there are 41 residents parking bays and 33 permits are currently issued to residents of this road Park Avenue There are 41 residents parking bays and 24 permits have been issued to residents of this road.

Therefore it is not considered appropriate to impose a restriction on permits for residents of the proposed development, as there would be no justification on permits pressure.

If the proposal is implemented it will be necessary to modify the existing crossover and to construct new crossovers. Any new crossovers or amendments to existing crossovers will

be subject to detailed survey assessment as part of the application for crossover under the Highways Act 1980 and would be carried out at the applicant's expense. The applicant should submit a vehicle crossover application to the Highways Authority. Any street furniture affected by the proposal including lamp columns will be relocated at the applicant's expense. There are highways trees in close proximity to the proposed crossovers, therefore the tree section should be consulted, the outcome of this consultation cannot be prejudged. The proposed crossovers will involve alterations to the existing on street parking bays. Alterations to on street parking bays will be subject to a statutory consultation as part of the crossover assessment. All costs associated with modifications to on street parking bays including consultation will be borne by the applicant.

The loss of existing on street parking bays is noted. Policy DM17 relates to standards for new development and the development makes adequate provision for this. The development will result in the loss of on street parking bays if vehicular crossovers are approved. However, this is subject to a separate process and consultation. Highways officers are satisfied that any loss in parking bays as a result of the development would not harmfully add to pressures in terms of kerbside parking in the locality. As such, the provision of parking spaces for the new development is considered acceptable and the potential reduction in on street bays is not considered a justifiable reason to withhold permission.

The proposal is acceptable on highways grounds.

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

It is noted that consent has previously been given to remove existing trees on site that are subject to Tree Preservation Order and plant replacements. The scheme has been designed in a way to incorporate three of these to the front of the site and one to the rear. Tree officers have been consulted on the proposals and are satisfied with the scheme subject to conditions.

Whether the proposals would be acceptable in sustainability terms

The proposals would need to comply with Lifetime Homes Standards and Level 3 of the Code for Sustainable Homes and a condition is suggested to ensure that this is met.

Whether the proposals would have an acceptable impact on local ecology

To the south is Golders Hill Park which is a site of Metropolitan interest for Nature Conservation.

The existing site is mostly grassed with some tree screening to the boundary to the rear. It is considered that the existing site is of little biodiversity value and therefore it is unlikely that protected species would be harmed as a result of the works.

5.4 Response to Public Consultation

Generally addressed in main report.

It is not considered that it would be reasonable for the Local Planning Authority to insist on detached dwellings in this location when there are semi-detached houses opposite the site.

Residents have referred to the impact on drainage. It is noted that the site is located on what is likely to be Claygate Beds and officers of the Local Planning Authority are satisfied that this issue can be dealt with by a planning condition requiring details prior to the works taking place.

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.



