

LOCATION: 4 Victoria Road, Barnet EN4 9PF

REFERENCE: 15/01967/FUL

Received: 26th March 2015

Accepted: 26th March 2015

WARD: East Barnet

Expiry: 21st May 2015

APPLICANT: Mr Howard Sheldon

PROPOSAL: Erection of two storey detached dwelling house with rooms in the roof space following demolition of existing detached house

RECOMMENDATION:

To approve subject to conditions:

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No.14/169/1, 14/169/2C, 14/169/3, Design and Access Statement, Proposed and Existing Site Plan and Site Location Plan.

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.

- 3 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 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).

- 5 The roof of the ground and first floor rear projections hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 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 September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2011.

- 7 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to D of Part 1 of Schedule 2 of that Order shall be carried out within the area of proposed dwellinghouse 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).

- 8 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.

- 9 Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved they shall all have been constructed to meet and achieve all the relevant criteria of 'The Lifetime Homes' standard (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure the development meets the needs of its future occupiers and to comply with the requirements of policies 3.8 and 7.2 of the London Plan (2015) and policy DM02 of the Barnet Development Management Policies document (2012).

- 10 Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015).

- 11 Prior to the first occupation of the development hereby approved it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 25% in carbon dioxide emissions when compared to a building constructed to comply with the minimum Target Emission Rate requirements of the 2010 Building Regulations. The development shall be maintained as such in perpetuity thereafter.

Reason:

To ensure that the development is sustainable and minimises carbon dioxide emissions and to comply with the requirements of policies DM01 and DM02 of the Barnet Development Management Policies document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

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 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 £1792.97 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 £6915.74 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 proposal property is a detached house situated on the south side of Victoria Road, towards the junction of East Barent Road and falls within the East Barnet ward. The property is not listed and does not fall within a conservation area.

2. SITE HISTORY

Reference: 14/08169/HSE

Address: 4 Victoria Road, Barnet, EN4 9PF

Decision: Refused

Decision Date: 16 March 2015

Description: Part single, part two storey side and rear extension. New mansard roof involving 2No. rear dormer windows and 2No. front dormer windows to facilitate a loft conversion

Reference: B/05307/14

Address: 4 Victoria Road, Barnet, EN4 9PF

Decision: Refused

Decision Date: 28 November 2014

Description: Part single, part two storey side and rear extension. New mansard roof involving 2No. rear dormer windows and 2No. front dormer windows to facilitate a loft conversion.

3. PROPOSAL

This application proposes the demolition of the existing building and the construction of a two storey, detached dwelling with accommodation in the roofspace. The proposed dwelling would have a width of 4.8 metres with a ground floor eaves height of 3 metres, a first floor eaves height of 4.8 metres and a main dwelling eaves height of 6.1 metres, to the top of a mansard roof with a height of 8.3 metres. The main building would have a depth of 10.2 metres with a part single, part two storey rear projection with a depth of 4 metres at ground level and a depth of 2.9 metres at first floor level. The proposed new dwelling would be situated in the same location as the existing dwelling. However, the width would be increasing by 0.6 metres, leaving a gap of 1 metre to the boundary with No. 6 Victoria Road.

4. PUBLIC CONSULTATION

Consultation letters were sent to 64 neighbouring properties. Six responses have been received, comprising six letters of objection.

The objections received can be summarised as follows:

- Demolishing the existing detached house will result in the loss of local character.
- Party wall issues.
- There are not enough bathrooms.
- The house is too close in proximity to neighbouring properties.
- The proposed building is out of character.
- The existing house is of historical, social and architectural importance.

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 Government's 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 2015

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, 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 neighbouring residents.

5.3 Assessment of proposals

This application has been submitted following a previous planning application refused on the site under reference 14/08169/HSE, dated 16/03/2015. The changes between the previous applications and the current scheme are as follows:

- The proposal now involves the demolition of the existing building and the construction of a new dwelling, rather than the extension of the existing building.

The previous reason for refusal related to the design of the proposed extensions being unsympathetic additions to the existing building. It was considered that the extensions, due to their visual impact, would result in an adverse affect on the character and appearance of the host dwelling, locality and on the amenities of neighbouring occupiers.

Given that the proposal now involves the demolition of the existing building rather than the extension of the existing building, the design of the proposal in relation to the existing building is no longer a material consideration.

The loss of the original dwelling is regrettable. However, the property is not within any specific planning designation and the demolition of the property would not require planning permission, even if it were to be Locally Listed. As such, no objections are raised with regards to the loss of the existing building. Furthermore, the design of the new property

would replicate that of the neighbouring property at No. 6 Victoria Road, a design that was upheld by a planning inspector at appeal under reference N01358A/04, dated 25/01/2005. The inspector as part of that appeal decision noted that the proposed design of a mansard roof, although a different form to other buildings, would not be out of character with the design and architectural style of the existing property. The inspector also stated that the increase in height of the roof would not be excessive in comparison to other buildings in Victoria Road and concluded that the proposal would have no detrimental effect on the character and appearance of the existing building or on the street scene in Victoria Road.

Given the variety of architectural styles in the area and that the proposal would replicate the design and appearance of neighbouring dwelling No. 6 Victoria Road, upheld at appeal, no objection is raised to the design and appearance of the proposed new dwelling. In addition, given that the dimensions regarding the depth and height of the ground and first floor levels are similar in dimensions and location to that of the existing building, it is not considered that the proposed dwelling would result in a detrimental impact on the amenity of any neighbouring occupier. It is noted that the height of the building would increase significantly. However, it would also replicate the height of the neighbouring property at No. 6 Victoria Road and is therefore not considered to result in an overly prominent feature within the area.

Policy 3.5 of the London Plan advocates minimum space standards for new development. The required Gross Internal Area (GIA) for a 4 bedroom, 6 person house is 107 sqm and 10sqm per extra person over 6 people. In this instance, the proposed dwelling would provide internal space standards that would meet the minimum requirements as established in the Mayor of London's London Plan. The proposed habitable rooms all benefit from outlook from windows either to the front or the rear of the property and is considered provide a sufficient amount of outlook and access to light for the future occupiers of the unit.

The proposed new dwelling would make use of the existing rear amenity space of over 85sqm and contains sufficient private amenity space for a dwelling with 7 or more habitable rooms.

The proposal does not include any extra off-street parking. However, given that the existing dwelling benefits from an existing dropped kerb and parking space and the amount of units is not increasing on site, it is not considered that the proposed dwelling would result in an increase in on street parking stress within the area.

5.4 Response to Public Consultation

Mainly addressed in appraisal above.

The proposal would be 0.6 metres closer to No. 6 Victoria Road than the existing property and would leave a gap of 1 metre to the boundary. The increase in 0.6 metres is not considered sufficiently close any existing gap between the properties to result in a terracing effect over and above what exists on the site. The property would be the same distance away from No. 2A Victoria Road as the existing building.

There is no guidance on the amount of bathrooms that need to be provided per number of occupants and therefore is not considered to be a justifiable reason for refusal.

Party Wall issues are not a material planning consideration.

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.

