

**Location**                                **6 Beechworth Close London NW3 7UT**

**Reference:**                                **15/01592/FUL**

Received: 12th March 2015

Accepted: 25th March 2015

Ward:                                        Childs Hill

Expiry 20th May 2015

Applicant:                                 Mr Jonathan Lam

Proposal:                                    Erection of 3no. three storey plus basement dwellinghouses (1no. detached and 2no. semi-detached) with green roofs, associated refuse/recycling storage, amenity space and off street car-parking following demolition of existing dwellinghouse (AMENDED SITE PLAN)

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: 000-01 RevQ; 001-001 RevQ; 001-02 RevQ; 010-B1 RevQ; 000-02 RevQ; 000-03 RevQ; 010-01 RevQ; 010-02 RevQ; 010-03 RevQ; 010-00 RevQ; 050-02 RevP; 050-05 RevP; 005-02 RevP; 005-03 RevP; 005-04 RevP; 050-01 RevP; 020-01 RevP; 050-04 RevP; 050-03 RevP; 050-06 RevP.

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 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 a) Before the development hereby permitted is first occupied, 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.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

- 8 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 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 Prior to the first occupation of the new dwellinghouses (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).

- 11 Prior to the first occupation of the new dwellinghouses (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 litres 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)."

- 12 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).

- 13 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).

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 1 Elm Walk and/or 5 Beechworth Close.

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).

- 15 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, B, C, D, E or F of Part 1 of Schedule 2 of that Order shall be carried out within the area of 6 Beechworth Close 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).

- 16 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).

- 17 a) No development other than demolition works shall take place until details of all extraction and ventilation equipment to be installed as part of the development have been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

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

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012) and Policy CS13 of the Local Plan Core Strategy (adopted September 2012).

- 18 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.

19 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

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

20 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.

21 a) No development other than demolition works shall commence on site in connection with the development hereby approved until a report has been carried out by a competent acoustic consultant that assesses the likely noise impacts from the development of the ventilation/extraction plant, and mitigation measures for the development to reduce these noise impacts to acceptable levels, and has been submitted to and approved in writing by the Local Planning Authority.

The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policy 7.15 of the London Plan 2011.

- 22 The level of noise emitted from the any plant installed on site shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason:

To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with policies DM04 of the Adopted Barnet Development Management Policies DPD (2012) and 7.15 of the London Plan 2011.

- 23 Continued monitoring of ground water levels should be carried out throughout the development and the results provided on request of the Local Planning Authority.

Reason:

To safeguard the risk of flooding to the site and neighbouring properties in accordance with DM01 of the adopted Local Plan.

- 24 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 1 Elm Walk and 5 Beechworth Close 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).

- 25 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on the drawings; 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 in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 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 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.
- 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](http://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 £40425.00 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 £155925.00 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](mailto: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](http://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](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](http://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 is a large detached two storey flat roof dwelling located on Beechworth Close in the Childs Hill ward, the back of the property backs onto Elm Walk. Beechworth Close is characterised by detached dwellings with flat roofs. There is an existing access point onto the site from the public highway. A group tree preservation order exists surrounding the site. The site is not located within a conservation area.

### **2. Site History**

Reference: 15/03476/CON

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Approved

Decision Date: 11 August 2015

Description: Submission of details of Conditions Nos.2 (Levels); No.3 (Materials); No.5 (Refuse Enclosures); 10 (Hard and Soft Landscaping); No.13 (Details - Excavations for Drainage); No.14 & 15 (Trees Protection); No. 20 (Noise); No. 24 (Method Statement) pursuant to planning permission Ref:F/01083/13 dated: 8 May 2013.

Reference: F/02630/12

Address: 6 Beechworth Close, London, NW3 7UT

Decision: Withdrawn

Decision Date: 18 March 2013

Description: Erection of two new three-storey detached dwellings and basement accommodation using existing vehicular access from Beechworth Close, following demolition of an existing two-storey detached dwelling house.

### **3. Proposal**

The application relates to the erection of 3no. three storey plus basement dwellinghouses (1no. detached and 2no. semi-detached) with green roofs, associated refuse/recycling storage, amenity space and off street car-parking following demolition of existing dwellinghouse (AMENDED SITE PLAN)

### **4. Public Consultation**

Consultation letters were sent to 22 neighbouring properties.

5 responses have been received, comprising 5 letters of objection, 0 letters of support and 0 letters of comment.

The objections received can be summarised as follows:

- Character and appearance - overdevelopment, out of context proportionately and architecturally. Out of context with 1960s design of surrounding properties.
- Amenity of neighbouring occupiers - noise and disturbance.
- Inadequate green space for new units.
- Parking and traffic, increased pressure on the road, increased need for parking on the street, 6 parking spaces on frontage is excessive, stackers will be noisy.
- Concerns with disruption during construction - access point is not large enough for vehicles required for works, services run under verge which may be affected
- Disturbance to water table by level of excavation.

## 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 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 2050. 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, 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:

- o The living conditions of neighbouring residents;
- o Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size, siting and design of the proposal.
- o Impact on traffic, parking and vehicle movements.
- o Impact of proposal on trees on site particularly protected trees.
- o Impact on ground water and other hydrogeology as a result of the proposed basements.
- o Financial Planning Obligations arising from the development.

## **5.3 Assessment of proposals**

Planning permission has previously been approved at the site for the demolition of the existing property and redevelopment as two detached dwellings with a carriageway entrance off Beechworth Close.

The current application now seeks to provide 3 dwellings on the site by way of 1 detached dwelling and 1 pair of semi-detached dwellings. The current proposal has been purposefully designed to appear as two detached dwellings so the additional dwelling is not obviously apparent from the street context.

The main changes to the current application are:

- The creation of an additional house. This has been designed to appear as one building to reduce the visual manifestation of the additional third house.
- Alterations to the basement level including extended terrace area to pair of semis. Use of rooms within basement as kitchen/dining room in pair of houses. Reduced leisure facilities.
- Reduced rear projection on house 2.
- Additional side projection to house 2 to facilitate staircase in place of previously approved terrace.
- Relocation of bin stores.

### **Principle of development, character and appearance**

The Government is committed to maximising the re-use of previously developed land and empty properties to minimise the amount of green field land being taken for development. One of the chief objectives of the NPPF is to provide sufficient housing for future needs, ensuring that as many of the new homes as possible are built on previously developed land. The NPPF advocates the adoption of a sequential approach to selecting sites for housing to ensure that green field sites are used only when no appropriate sites exist inside urban areas. The sequential approach identifies previously developed sites within urban areas as being the most suitable for development.

The site is previously developed land and therefore is sequentially preferable for residential development.

Policy CS5 states that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'. Policy DM01 requires that development proposals should be based on an understanding

of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

Furthermore, the Residential Design Guidance SPD advises that the design and layout of new development should be informed by the local pattern of development. The continuity of building lines, forecourt depths, road layout, space about the building and rear garden areas are all likely to be significant factors when redeveloping sites within existing residential areas,

The principle of demolition is considered acceptable. The property is not within a conservation area and is not of particular architectural merit to warrant its retention.

The location of this site within a residential area, on a sufficiently large plot makes the principle of three new units on the site in keeping with Council Policies relating to new developments.

Council Policies state that new residential developments must harmonise with and respect the character of the area. Whilst the proposal is of a contemporary design it is not considered the design of the two dwellings would be out of character with the area. The property as existing is a box shape with flat roof and the proposed dwellings would continue this general design principle. The proposal would adhere to policies recommending the infill of sites in residential areas.

It is considered that the design of the proposed dwellings would complement the design of neighbouring existing buildings with a number of other box design buildings on Beechworth Close and it would not have any adverse visual effect on the character of the locality or the street scene generally. The success of the building will depend on the quality of the materials to be used and the materials to be used in the construction of the dwelling will have a condition to this recommendation to ensure that the proposed materials are acceptable.

The Urban Design team support the proposals.

Living conditions of neighbouring residents

In considering Policy DM01 of the Development Management Policies (Adopted) 2012, given the distance between the proposed buildings and neighbouring buildings, it is considered that the proposals would not detract from the amenities of adjoining occupiers in terms of the loss of light, outlook or privacy to an unacceptable level.

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Sustainable Construction and Design SPD (2013) states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked. Furthermore the Residential Design Guidance SPD (2013) advises that 'Privacy is an important design issue and all residents should feel at ease within their home. Design can create privacy in a number of ways, including the careful positioning of

buildings in relation to one another, internal layouts (positioning of windows and rooms requiring more privacy) and through screening and landscaping.'

The development would not be obtrusive and would preserve an adequate outlook for the neighbouring occupiers in accordance with adopted policies.

Privacy can be safeguarded by achieving window to window distances between buildings (both existing and proposed). In new residential development there should be a minimum distance of about 21 metres between properties with facing windows to habitable rooms to avoid overlooking, and 10.5 metres to a neighbouring garden.

Windows are proposed in the side elevation facing towards 1 Elm Walk the distances above are not met, however, the side windows are not principal windows and as such a condition requiring these to be obscure glazed has been suggested to overcome this concern.

It is considered that there is sufficient distance between the application site and 5 Beechworth Close to ensure the proposal does not result in any demonstrable loss of amenity to the neighbouring residential occupiers.

Living conditions of future occupiers

The requirements for houses is set out below:

3 storey houses  
3 bed 5 people 102m<sup>2</sup>  
4 bed 5 people 106m<sup>2</sup>  
4 bed 6 people 113m<sup>2</sup>

The pair of houses will each have 4 double bedrooms which will facilitate the occupation with 8 people. Whilst this is not covered in the London Plan table the pre-ambule suggests that when designing homes for more than 6 persons/bedspaces, developers should allow approximately 10 square metres per extra bedspace/person. 133m<sup>2</sup> is achieved in each of the pair of houses.

The detached dwellinghouse will have 6 double bedrooms. Whilst again this is not covered in the London Plan table on the basis of 10 additional square metres would be required per person this would require an extra 40m<sup>2</sup> resulting in a total of 153m<sup>2</sup>.

Each house complies with the minimum space standards.

Table 2.3 of the cBarnet's supplementary planning document sustainable design and construction (2012) indicates outdoor amenity space requirements. For houses of this type the standard is set at 85m<sup>2</sup>. Each dwelling meets the requirements of on site usable amenity space.

Impact on traffic, parking and vehicle movements.

The traffic and development team have reviewed the planning application and consider that based on observations the proposal is acceptable subject to conditions. Sufficient parking are provided for each of the houses which is appropriate provision for the area. Cycle parking spaces are also proposed.

The site is located within a one Hour Controlled parking Zone. Appropriate level of parking is provided in this location.

Vehicular accesses to both properties are proposed from Beechworth Close including the existing access which is being retained. The vehicular accesses are to be provided via ramps from the public highway and the ramp gradient as proposed in the drawings submitted with the application should be provided.

#### Trees related issues

The principle of development of the site in relation to trees has previously been accepted. It is considered that works to the site are feasible and some tree felling and works are acceptable in accordance with the previous planning application and subsequent conditions application. An updated arboricultural impact assessment has been submitted with the current application. This is considered to be acceptable and largely in accordance with the details provided at condition stage under application \_\_\_\_ The alterations to the proposal are considered to be appropriate and would not result in harm to trees of special amenity value.

Impact on hydrological issues as a result of the proposed basements.

The Council's Building Control Department Principal Structural Engineer agrees with the applicant's conclusion that the construction of the basement is unlikely to have a significant impact on groundwater flows, and provided normal good practice is used in the construction of the basement ground stability problems are unlikely.

The Local authority's building control department principal structural engineer has reviewed the information submitted in relation to impact of the basement on hydrological issues. Following a review of the information submitted and additional information provided by Chelmer and the contractors it is considered that the proposal to create new basement accommodation will not result in any significant disturbance that would warrant a refusal of the application on these grounds. It has been suggested that conditions are attached to ensure the monitoring of the drainage and future ground water monitoring is conducted as per the basement impact assessment. It has been confirmed that the ground water will be dealt with in accordance with the Basement Impact Assessment and the basement construction will be watertight, this should be in accordance with BS 8102, and the pile wall will be adequately propped.

A condition has also been imposed to carry out monitoring for the basement construction.

#### Sustainability:

The scheme of the code for sustainable homes requirement is no longer in practice. However, there is still a requirement for new residential development to meet the required standard. As such three conditions have been added to the recommendation relating to accessibility, water usage and minimising carbon dioxide emissions.

### **5.4 Response to Public Consultation**

The red line of the site has been amended since its initial submission to include the access verge which is required to enable the development. Further details have been requested and subsequently submitted to the LPA including copies of the land registry office copy entries for the land ownership of the site shows that six Beechworth properties Ltd own this part of the verge. A second round of public consultation was undertaken at this stage.

Objections have been received that the application relates partly to the ownership of the grass verge over the site which is used for accessed. While these concerns are noted the A Certificate of Ownership on the application form submitted has been signed by the applicant's Agent. By doing this they have confirmed that on the day 21 days before the date of this application nobody expect the applicant was the owner of any part of the land or building to which the application relates (in this context 'owner' is a person with a freehold interest or a leasehold interest with at least 7 years left to run).The applicant has confirmed that they are satisfied that the land which falls within the current red line boundary falls under their ownership and that the correct Certificate of Ownership has been completed as part of the application. It is not for the Local Planning Authority to mediate and seek to resolve potential boundary and land ownership disputes. As such, the submission of further information on this matter as part of the application is not warranted. In the circumstances of this proposal it is considered that the submission made is sufficiently clear on the matter of site ownership for the purposes of registering and considering the planning application. It is not appropriate or necessary for the Local Planning Authority to interrogate the position adopted by the applicant on this matter any further.

The basement level has been previously approved and hydrological issues were reviewed at this time. The basement impact assessment has been re-submitted as part of this application to demonstrate that the inclusion of a basement will not result in harm to the water table. The construction of the basement will need to be overseen by a qualified consultant as per the condition.

## **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.



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MARCH 2015



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