

**Location**                                 **Land Rear Of Hampden Court Hampden Road London N10 2HN**

**Reference:**                                 **15/06104/FUL**                                 Received: 1st October 2015  
Accepted: 7th October 2015

Ward:   Coppetts   Expiry 2nd December 2015

Applicant:   Mr And Mrs T Antoniadis

Proposal:   Demolition of existing building and erection of 2no. two storey houses,  
associated car parking and landscaping

**Recommendation:** Approve subject to conditions

- 1     The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing No. RE/1, RE/2, 03 Rev F, 914212 and Design and Access Statement, dated September 2015.

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 buildings (finished floor levels and ridge heights) , 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) 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.

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 03 REV F 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.

- 8 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).

- 9 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 Schedule 2 Part 1 Classes A, B, C, D, E, F of that Order shall be carried out within the area 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).

- 10 No construction work resulting from the planning permission shall be carried out on the premises at any time on Sundays, Bank or Public Holidays, before 8.00 am or after 1.00 pm on Saturdays, or before 8.00 am or after 6.00pm 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).

- 11 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.

- 12 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 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).

- 13 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 Polices document (2012) and policies 5.2 and 5.3 of the London Plan (2015).

- 14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (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, 7.2 and 7.6 of the London Plan (2015) and policies DM02 and DM03 of the Barnet Development Management Polices document (2012).

**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](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 £9960.94 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 £38420.76 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 relates to a triangular shaped area of land between the rear of properties in Pembroke Road, Hampden Court and Crown Road, having vehicular access from Hampden Road via an existing entrance, which also serves the parking area to the rear of Hampden Court. The character of the immediate area is residential, comprised of a variety of two storey dwellings and purpose built flatted developments such as Hampden Court. Properties along Hampden Road are varied to an extent but are generally two storey with pitched roofs. Properties along Pembroke Road are two storey 'L' shaped terraced properties with average rear garden lengths of approximately 11m. Hampden Court is a three storey block of purpose built flats with a mansard style roof (which forms the third storey).

The site is currently overgrown, however there are currently a series of buildings which are brick storage/workshop building and detached greenhouses which would be demolished in order to make way for the development.

The site is not within a conservation area and is not a listed building. There are no Tree Preservation Orders on the site.

Previously, planning permission has been granted for the erection of 2 no. 3 bedroom houses in 2006 and was subsequently renewed in 2009. There has also been a previously approved application on the site for the erection of 3 houses on the site in June 2015.

### **2. Site History**

Reference: 15/02182/FUL

Address: Hampden Court, Hampden Road, London, N10 2HN

Decision: Approved subject to conditions

Decision Date: 18 June 2015

Description: Demolition of existing building and erection of 3no. two storey houses, associated car parking and landscaping

Reference: B/04366/10

Description: Erection of a two storey residential block consisting of 6no. two bedroom flats with off-street parking and communal amenity space.

Decision: Refused

Date: 23.12.2010

Appeal reference: APP/N5090/A/11/2147445

Decision: Appeal Dismissed

Reference: N13371G/06

Description: Land off Hampden Road, N10 2HP. Erection of 2No.3 bedroom houses with ancillary parking and landscaping.

Decision: Conditional Approval

Date: 15-Aug-2006

Reference: N13371D/05

Description: Submission of details of reserved matters (design of buildings and landscaping), materials and refuse storage pursuant to Conditions 1, 6 and 11 of planning permission N13371/02 dated 13.01.03

Decision: Approve

Date: 06-Sept-2005

Reference: N13371C/04

Description: Demolition of existing building and erection of three single storey (plus mansard) terraced dwellings with ancillary parking and landscaping

Decision: Refuse

Date: 10-Aug-2004

Reference: N13371A/03

Description: Retention of extension to existing building and conversion into 4No.self-contained residential units and erection of 2No.chalet style bungalows with integral garages and associated changes to the landscaping

Decision: Refuse

Date: 19-Aug-2003

Reference: N13371B/03

Description: Demolition of existing building and erection of four single (plus mansard) terraced dwellings with ancillary parking and landscaping

Decision: Refuse

Date: 23-Dec-2003

Reference: C10586H

Description: Erection of three chalet bungalows and associated car parking spaces with access from Hampden Road, following demolition of existing buildings

Decision: Refused

Date: 13-Mar-2002

Reference: N13371/02

Description: Demolition of existing building and erection of 2No.chalet-style bungalows with associated car parking and landscaping (OUTLINE)

Decision: Conditional Approval

Date: 13-Jan-2003

### **3. Proposal**

This application proposes the erection of a pair of two storey, semi-detached dwellings on land rear of Hampden Court. The proposed dwellings would have a north facing orientation facing the rear of Hampden Court. The east flank of the properties would run parallel to the rear boundary of gardens of properties along Pembroke Road leaving a gap of approximately 6 metres. The properties would have a combined width of approximately 10.8 metres and a depth of 11.4 metres. The properties would have hipped roofs, incorporating a catslide roof design with front and rear dormers. The buildings would have an eaves height of approximately 4.5 metres and a maximum height of 6.5 metres to the top of a pitched roof.

Both properties would have 3 bedrooms each with an internal floorspace of approximately 97m<sup>2</sup> and a rear amenity space of 107m<sup>2</sup> and 316m<sup>2</sup>. Access to the properties would be by way of the existing entrance to the rear of Hampden Court.



#### **4. Public Consultation**

Consultation letters were sent to 131 neighbouring properties.

9 responses have been received, comprising 6 letters of objection and 3 letters of comment.

The comments received can be summarised as follows:

- Issues regarding ownership of the land
- Health hazard from rats.
- Access to refuse
- Loss of existing vegetation.
- Issues regarding noise and disturbance from building works.
- The proposal would result in highway safety issues.
- The plans are ineligible
- Privacy to existing residents during construction works.
- Potential damage to existing car park.
- Its not clear how the site will be enclosed.

#### **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, 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:

- Principal of development
- Amenity of future residents
- 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
- Parking

### **5.3 Assessment of proposals**

#### Principal of development

It is noted from previous applications at the site under references N13371/02, renewed under reference N13371G/06 for 2 no. new dwellings and 15/02182/FUL for 3 no. new dwellings, that the principle of new residential development in this location has previously been established as acceptable.

#### Amenity of future residents

The size of the units meet the requirements residential space standards outlined in Table 2.1 in the councils Sustainable Design and Construction Supplementary Planning Document (SPD) of 96m<sup>2</sup> for 3 bedroom, 5 person dwellings. The minimum room dimensions and floor areas for living rooms are considered to meet the recommended guidelines outlined in Table 2.2 of the SPD, and the development includes sufficient private amenity space to the rear of the dwellings in accordance with Table 2.3 of the SPD of over 85 m<sup>2</sup> of space for up to seven or more habitable rooms

Part 2.4 in the councils abovementioned SPD advocates that residential units have suitable access to outlook, daylight and privacy, and it is considered that the development will provide sufficient good aspect and outlook for all habitable rooms, and the proportion of glazing in each room will enable good levels of daylight for future residents. In addition, the siting and position of the building is considered to be distant enough from adjoining dwellings to ensure that overlooking and loss of privacy will not harm the amenity of existing neighbouring residents or the future residents of the proposed dwellings.

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

The proposed buildings would be set between 6m away from the boundary with properties fronting Pembroke Road, and is set a minimum of 12.8m away from the boundaries with properties fronting Crown Road. There is a separation of approximately 22m from the rear elevation of the flatted development at Hampden Court, and the development will not be visible from any nearby street scene. Whilst some vegetation and trees are proposed to be removed, there are no TPOs on the site, and the site's curtilage is proposed to be landscaped and enclosed by a 2m high boundary fence, which will soften and screen the appearance of the building from neighbouring dwellings. It is considered that the overall size, siting and design of the dwellings is considered acceptable, and will not result in harm to the character and appearance of the existing nearby buildings, the streetscene or the wider locality.

### Whether harm would be caused to the living conditions of neighbouring residents

It is noted as part of the previously approved schemes on the site in a similar location to the proposed development as part of this application, would be acceptably accommodated without causing any significant harm to the amenities of neighbouring occupiers or impacting negatively upon the character and appearance of the area. The proposal would meet the Residential Design Guidance requirement of rear gardens to the proposed dwellings of at least 10.5m and a minimum distance of 21 metres to directly facing habitable room windows to both the north and south elevations.

The flank wall of the development closest to the rear elevations of properties along Pembroke Road would be over 17m. Towards the west, the dwellings at number 10-14 Crown Road are separated from the development by existing outbuildings that are positioned at the rear of their sites. The development is also set away from the rear elevation of Hampden Court by 21-22m, and the proposal's siting and position is considered to be distant enough from adjoining residential dwellings to ensure that the proposal will not result in loss of light, or overbearing effects on adjoining residents.

### Parking

The development includes 2 off street parking spaces per dwelling, which aligns with council standards in Policy DM17 of the Development Management Policies (2012). It is also noted as part of the previous applications on the site that it was considered that the proposed additional traffic resulting from the development would not be a significant increase and given that the proposal would make use of the existing access to the site, no objections are raised to proposal.

## **5.4 Response to Public Consultation**

Mainly addressed in appraisal above.

Noise and disturbance during construction work is not a material planning consideration.

How the site will be enclosed and access to refuse could be dealt with by way of condition.

There is no evidence to suggest that the development would result in an increase in rats within the area.

## **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.

