

**Location**                                **4 Lovers Walk London N3 1JH**

**Reference:**                            **15/07639/FUL**                                Received: 14th December 2015  
Accepted: 4th January 2016

Ward:                                        West Finchley                                        Expiry 29th February 2016

Applicant:                                 Mr & Mrs Ivan & Tatiana Vasin

Proposal:                                    Construction of a two-storey detached family dwellinghouse with rooms in the roofspace and basement level with associated amenity space, parking and landscaping following demolition of the existing house

**Recommendation:** Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

Site Location Plan - Drawing No. 129\_p\_001  
Site Plan - Drawing No. 129\_p\_002  
Existing site plan - Drawing No. 129\_p\_010  
Existing Ground, First and roof plan - Drawing No. 129\_p\_012  
Existing front and rear elevation - Drawing No. 129\_e\_030  
Existing side elevations - Drawing No. 129\_e\_031

Proposed site plan - Drawing No. 129\_p\_011 - Revision A  
Proposed basement and ground floor plans - Drawing No. 129\_p\_100 - Revision A

Proposed first floor, loft and roof plans - Drawing No. 129\_p\_101  
Proposed front and rear elevation - Drawing No. 129\_e\_300 - Revision A  
Proposed side elevations - Drawing No. 129\_e\_301 - Revision A  
Proposed section 2-2 - Drawing No. 129\_s\_200

Tree survey and protection plan - Drawing No. 1  
Arboricultural Impact Assessment

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 other than demolition works shall take place until details of the materials to be used for the external surfaces of the buildings 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 2015.

- 4 Before the building hereby permitted is first occupied the proposed windows in the side elevation facing No. 5 Lovers Walk 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).

- 5 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).

- 6 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.

- 7 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.

The Statement shall also include provision of protective fencing along the wall fronting Lovers Walk to avoid damage to the locally listed wall during construction.

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 (2015).

- 8 The use of the basement hereby permitted shall at all times be ancillary to and occupied in conjunction with the main building and shall not at any time be occupied as a separate unit or dwelling.

Reason: To ensure that the development does not prejudice the character of the locality and the amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 9 Prior to the first occupation of the new dwellinghouse(s) (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 that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. 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).

- 10 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 Policies document (2012).

- 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 20% 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).

- 12 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 2015.

- 13 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 2015.

- 14 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 E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 4 Loves Walk 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).

- 15 Before development hereby permitted is occupied parking spaces shall be maintained/ provided within the site in accordance with drawing 129\_p\_010 and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles associated with the proposed development.

Reason: To ensure that adequate and satisfactory provision is made for the parking of vehicles in the interests of pedestrian and highway safety and the free flow of traffic.

- 16 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 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 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 £7,315 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 £28,215 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.

- 3 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://www.ccscheme.org.uk)) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.
- 4 Any details submitted in respect of the Construction Management Plan shall indicate how the hours of operation will be controlled, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact.
- 5 For construction works adjacent to the public highways, the applicant must contact the Council on 0208 359 2000 for any necessary Highways Licenses.
- 6 The applicant should apply for a Habitual Crossing License for construction vehicles to use the existing crossover. An application for this license could be obtained from Barnet House, 11th Floor Highways, 1255 High Road Whetstone London N20 0EJ
- 7 Please note that the applicant will be liable for any consequential damage to public highway that may result from the proposed development. Therefore the applicant is advised that photographic records should be kept of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.
- 8 The applicant is informed that Lovers Walk is a Scheduled footpath (Scheduled Footpath No 173 Nether Street to Grove Avenue), and must be kept unobstructed at all times.

- 9 It is recommended that demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.



## **Officer's Assessment**

### **1. Site Description**

The application site is a two-storey detached dwellinghouse, in the ward of West Finchley.

The front of the property faces onto Lovers Walk, with rear entrance from Sellars Hall Close. The existing dwelling is built from brick with white-painted render, and has a hipped tiled roof.

The site is not within a conservation area and is not a listed building. The wall running along Lovers Walk is locally listed.

It falls within an area of Special Archaeological Interest.

### **2. Site History**

Reference: 15/05656/FUL

Address: 4 Lovers Walk, London, N3 1JH

Decision: Withdrawn

Decision Date: 18 November 2015

Description: Construction of a two-storey detached family dwellinghouse with rooms in the roofspace and basement level with associated amenity space and landscaping following demolition of the existing house

### **3. Proposal**

The application proposes to construct a two-storey detached family dwellinghouse with rooms in the roofspace and a basement level, with associated amenity space, parking and landscaping following the demolition of the existing dwelling.

### **4. Public Consultation**

Consultation letters were sent to 70 neighbouring properties.

20 responses have been received, comprising 19 letters of objection and 1 letter of comment.

The objections received can be summarised as follows:

- Inaccuracies in Design and Access Statement. Disagreements with points stated in D&A Statement.
- Demolition and construction (included associated vehicles, deliveries, equipment and skips) would result in an unacceptable level of disturbance, noise, highways, stress and safety of pedestrians (on Sellars Hall Close). Concerns over construction hours and access for emergency services.
- Not environmentally-friendly to demolish and rebuild.
- Impact on amenity of neighbouring occupiers
- Approval to basement could set a precedent
- Proposed dwelling out of scale
- Demolition and excavation impacts on wall which runs length of Lovers Walk and protected trees
- Objectors recommended conditions

- Objectors recommended fines/compensation/council tax relief

The representations received can be summarised as follows:

- Hendon and District Archaeological Society commented on the application. They recommended the imposition of an archaeological condition.

## **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, DM06, DM17.

The Council's approach to extensions as set out in Policy DM01 is to minimise their 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

Residential Design Guidance SPD (adopted April 2013)

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

### **5.3 Assessment of proposals**

Policy:

Policy DM01 of the adopted Development Management Documents DPD (2012) states 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 DM01 continues to states that 'development proposal should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers'.

Policy DM06 states that all heritage assets will be protected in line with their significance. There will be a presumption in favour of retaining all 1,600 locally listed buildings.

Policy CS5 of the Core Strategy 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 7.6 of the London Plan (2015) states that buildings should be of the highest architectural quality and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings.

Principle of replacement dwelling and impact on character and appearance of street scene and surrounding area:

The properties along Lovers Walk are mixed in character and style.

The properties to the west of the application site, No. 2 - 3 are a pair of two storey semi-detached properties in a simple style of white render and hipped roofs.

The property to the east of the application site, No 5, is a substantially wider property, in red brick and timber structure in a Tudor-style, with cat slide roof, gable ends and gable end projection.

There are clear architectural and stylistic differences along Lover's Walk. There are no designated heritage assets for the site which would influence the redevelopment of the site. The wall along Lover's Walk will be unaffected. For these reasons, no objections are

raised with regards to the principle of demolishing the existing building and its replacement with a new dwelling.

It is noted that the proposed replacement dwelling will be relatively contemporary in design. However, given the property is not within a conservation area and the relationship to neighbouring houses, it is considered that such an approach is reasonable and it would be unreasonable to be prescriptive in relation to the design, appearance and form of the development.

Furthermore, the proposed dwelling will be finished in brown brick and white-painted render with a tiled roof to match existing, similar to the materials seen on the existing dwellinghouse and surrounding properties.

In regards to the main roof, the proposed dwelling would have a gable end adjacent to the boundary of No. 5, which itself benefits from a gable-ended roof. The roof would be hipped adjacent to the boundary of No. 3, which has a hipped roof. The design therefore reflects the roof forms of both neighbouring properties.

The proposed dwelling would be no higher than that of No. 5, and would represent a slight reduction in height, when compared to that of the existing dwelling. The eaves height of the replacement dwelling would be same as the eaves height of the existing dwelling.

The application site is bordered by a high brick wall along Lovers Walk (a pedestrian pathway). The property is set back from Sellers Hall Close.

For the above reasons, it is not considered that the proposal would appear overly prominent within the streetscene or detrimental to the character and appearance of the surrounding area.

In general, the proposed bulk and massing is considered to be appropriate for the application site. The footprint of the proposed building would be similar to the footprint of the existing dwelling. The gable end projection on the front elevation would be similar to that seen on the existing property. The rear gable end projection would be no higher than the gable end projection at No. 5, and is not considered to disrupt the general building line of the properties along Lovers Walk.

The dwelling would feature a high level basement window to the rear elevation. The rear garden would be landscaped to a gradient to allow light into this window. There would be no other basement fenestration.

Given that the proposed dwelling is reflective of the general typology of properties along Lovers Walk in terms of size, scale and massing; the design of the dwelling house is considered to be acceptable and compliant with development plan policy.

Impact on amenity of neighbouring occupiers:

The proposed replacement dwelling would be of a similar footprint to the existing dwellinghouse.

At its closest point, the proposed dwelling would be sited at a distance of 0.55 metres from the boundary adjacent to No. 3. This is no closer than the existing property. The dwelling would project approximately 1 metre beyond the rear building line of No. 3 which is no further than the existing property.

The proposed front projection would be sited at a distance of 0.7 metres from the boundary of No. 3, and would be relatively in line with the front building line of this property.

At its closest point, No. 3 is 1 metre from the boundary of the application site. There would be a minimum flank to flank distance of 2 metres between the proposed dwelling and the property at No. 3. Furthermore, it was observed on site that all side windows at ground floor and first floor level at No. 3 facing the application site are either obscured-glazed or do not appear to be primary windows.

At its closest point, the existing dwelling is sited at a distance of 1.8 metres from the boundary adjacent to No. 5. The replacement would be sited at distance of 1.3 - 1.4 metres from this boundary. The property at No. 5 is sited at approximately 2 metres from the boundary. A flank to flank distance of 3.5 metres would be retained between the replacement dwelling and the property at No. 5. Taking into consideration these distances it is not considered the proposed projection on the rear elevation would impact the amenity of these occupiers to an unacceptable level.

Ground floor and first floor side windows facing the application site at No. 5 were noted on site. They are currently facing the existing property. It is not considered that the replacement dwelling would impact the outlook or light received from these windows to any greater extent.

As established, the roof form and design will respect those of the neighbouring properties.

It is not considered the new dwelling would cause undue overlooking or loss or privacy to neighbouring occupiers.

For the above reasons it is not considered the proposed dwelling would impact the amenity of neighbouring occupiers to an unacceptable level.

Impact on amenity of future occupiers:

The property would result in over 200 square metres of habitable floor space. The replacement dwelling would therefore meet, and exceed, the residential space standard requirements for a dwelling of this size, in accordance with Table 2.1 of the Sustainable Design and Construction SPD (2013).

The proposed dwelling would meet all the minimum room dimensions and floor areas set out in Table 2.2 of the Sustainable Design and Construction SPD (2013).

The property is required to provide 85 square metres of outdoor amenity space. The proposal would meet this, with over 90 square metres of outdoor amenity space.

It is considered that prospective occupiers of the dwelling would receive an acceptable level of daylight, outlook and privacy to all habitable rooms.

As such, it is considered the dwelling would provide an acceptable standard of accommodation for future occupiers.

Impact on highways and parking:

The existing parking provision consisting of one garage parking space and 1 additional space will be maintained for the new dwelling house. Access will continue to be as existing from Sellers Hall Close. The property fronts onto Lovers Walk, which is a Scheduled footpath (Scheduled Footpath No 173 Nether Street to Grove Avenue), and must be kept unobstructed at all times (this has been added as an informative to the recommendation).

A condition has been attached to this recommendation to ensure that site works or works on this development including demolition or construction work shall not commence until a Demolition and Construction Management Plan has been submitted to and approved by the Local Planning Authority.

For the above reasons, the parking provision is deemed acceptable on highways grounds, subject to the relevant conditions.

Impact on trees:

It is noted there are two Tree Preservation Orders on the neighbouring site at No. 3 Lovers Walk. There are no Tree Preservation Orders on the application site.

The applicant has provided an Arboricultural Report and accompanying tree survey which the Council's Tree Department have been consulted upon.

The Tree Officer has deemed that the footprint and size of the replacement dwelling would not have a significant impact on the surrounding trees. The Officer noted slight encroachment into the RPA of T7 Cypress (Cat C) which will not have a significant impact on the tree due to its size and location. The loss of two shrubs is acceptable.

However, the Officer did raise concern with the risk of harm to trees during the demolition and construction phases, including the neighbouring protected tree. The Tree Officer considered that with care it is possible to undertake this development, and has recommended that it would be beneficial to protect all the ground/soil with a temporary load bearing surface, not just within the RPAs.

As such, conditions have been attached to secure the submission of a detailed method statement before development commences on site to ensure trees are not damaged or harmed during demolition and construction.

Impact on wall:

It is noted that the 'Garden Wall to Sellers Hall' is a locally listed structure. It was listed by the Council on 30/04/1986. The wall runs along the length of Lovers Walk. Plans show that no works are proposed to the wall.

Taking into consideration the design, footprint, size, scale and appearance of the proposed dwelling, it is not considered the replacement dwelling would impact the historic or architectural interest of the locally listed structure to an unacceptable level. It is not considered it would not impact the setting of locally listed structure to an unacceptable level. Plans show that no works are proposed to the wall.

Regarding the impact of building activity (demolition and construction) a condition has been attached to secure a Demolition and Construction Management Plan before development commences.

## 5.4 Response to Public Consultation

- Inaccuracies in Design and Access Statement. Disagreements with points stated in D&A Statement.

This would not be considered justified grounds for refusal, in this instance.

- Demolition and construction (included associated vehicles, deliveries, equipment and skips) would result in an unacceptable level of disturbance, noise, highways, stress and safety of pedestrians (on Sellers Hall Close). Concerns of construction hours and access for emergency services.

Objectors concerns have been noted and have been carefully considered in the assessment of this application.

A certain degree of impact from demolition and construction is expected with any new development. It is not considered to be a justified reason for refusal in this instance.

A condition has been attached to this recommendation to ensure that site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management Plan has been submitted to and approved by the Local Planning Authority.

- Not environmentally-friendly to demolish and rebuild.

This would not be considered a justified reason for refusal, in this instance. A condition has been attached to ensure the new dwelling meets a certain standard of carbon dioxide reduction, in accordance with Building Regulation standards.

- Impact on amenity of neighbouring occupiers

As assessed in the main body of the report, it is not considered that the new dwelling would impact the amenity of neighbouring occupiers to an unacceptable level.

- Approval to basement could set a precedent

It is not considered that this would be a justified reason for refusal in this instance. Each case is considered on its own merits

- Proposed dwelling out of scale

As assessed in the main body of this report, it is not considered the dwelling would appear out of keeping with the character and appearance of the surrounding area.

- Demolition and excavation impacts on wall which runs length of Lovers Walk and protected trees

The impact on the protected trees has been assessed as part of this report.

The wall is not a statutory listed structure. The impact on this wall has been assessed as part of the main body of this report. A condition has been attached to secure the

submission of Demolition and Construction Management Plan before development commences to ensure there is no harmful impact to the surrounding area.

- Objectors recommended conditions

Noted. Where considered appropriate these conditions have been attached.

- Objectors recommended fines/compensation/council tax relief

Noted. Conditions have been attached, as appropriate. The imposition of fines/compensation/council tax relief is not considered appropriate under this planning application.

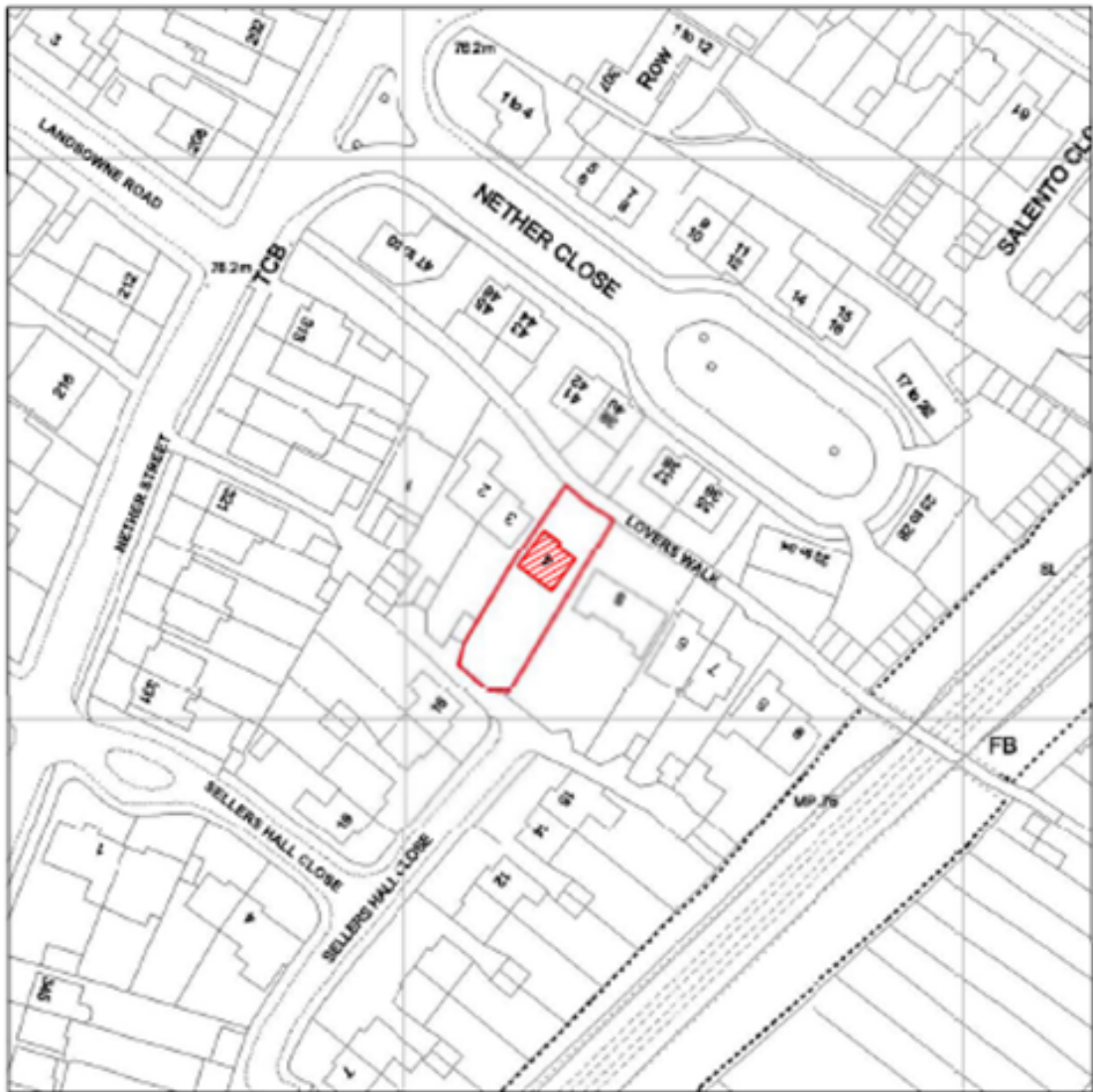
## **6. Equality and Diversity Issues**

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**

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers or future occupiers. This application is therefore recommended for approval.





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0 25 50m

4 Lovers Walk, London N3 1JH

Location plan scale 1:1250