Location 129 Millway London NW7 3JL

Reference: 16/0317/FUL Received: 18th January 2016

Accepted: 21st January 2016

Ward: Mill Hill Expiry 17th March 2016

Applicant: Mr Oliver Bruh

Proposal: Erection of a two-storey dwelling house with provisions for parking and

amenity space

Recommendation: Approve subject to conditions

1 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.

The development hereby permitted shall be carried out in accordance with the following approved plans: A01, A02, A03, A04 and A05.

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).

- 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 2015.

4 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. A02; 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 2015.

- 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.

6 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 (2015).

- 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.

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).

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).

10 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 10% 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).

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

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

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 and E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 129 Millway 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).

13 Condition: Before the permitted development commences details of the refuse collection arrangements shall be submitted to and agreed by the Local PlanningAuthority.

Reason: In the interest of highway safety in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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).

Prior to construction commencing, the applicant shall submit for approval by the Council, details of a drainage strategy for the development setting out sustainable urban drainage system (SUDS) for the site. The SUDS shall be installed prior to occupation of the dwellings and shall be retained thereafter in accordance with the details approved by way of this condition.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan (2015).

The property shall be used as self-contained units as shown on the hereby approved drawings under Class C3 (a) and no other purpose (including any other purpose in Class C3 or C4 of the Schedule to the Town and Country Planning (Use Classes) Order 1987, or in any provision equivalent to that Class in any statutory instrument revoking and re-enacting that Order, with or without modification).

Reason: To enable the Local Planning Authority to exercise control of the type of use within the category in order to safeguard the amenities of the area to comply with policy DM01 of the Barnet Development Management Policies Document (2012).

Before the development hereby permitted is 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 and shall be provided at the site in accordance with the approved details before the development is occupied.

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).

- 18 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).

19 Prior to the first use of the dwelling hereby permitted the approved access, circulation/turning areas and parking spaces shall be fully implemented and

shall be retained thereafter and used only for purposes of access, circulation, turning and parking.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

Informative(s):

- 1 The plans accompanying this application are: A01, A02, A03, A04, A05.
- 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.
- Refuse collection point should be located at a ground floor level and within 10m of the refuse vehicle parking bay. Levelled access should be provided for the refuse collection personnel to collect the bins. The refuse collection personnel are not expected to push the bins on an inclined surface to safeguard their Health and Safety requirements. If the refuse vehicle is expected to travel over an unadopted road then the applicant will be expected to sign a Waiver of Liability and Indemnity Agreement indemnifying the Council. Alternatively, the dustbins will need to be brought to the edge of the refuse vehicle parking bay on day of collection. The applicant is advised that the Council's refuse collection department is consulted to agree a refuse collection arrangement.
- Any highway approval as part of the planning process for the alteration to the existing crossovers or new crossovers will be subject to detailed survey by the Crossover Team in Development and Regulatory Services as part of the application for crossover under Highways Act 1980. Removal or relocation of any existing street furniture or alteration to road markings or Controlled Parking Bays would be subject to public consultations and would be done at the applicant's expense, under a rechargeable works agreement, by the Council's term contractor for Highway Works.

In the case where a highway tree is present in the vicinity of the proposed access road or a crossover for the development the final approval would be subject to the detailed assessment carried out by the Highways Crossover Team as part of the crossover application. The outcome of this assessment cannot be prejudged. Information on application for a crossover could be obtained from London Borough of Barnet, Crossover Team, Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ.

Gated access is proposed for the development. Please ensure that a minimum of 6m space is maintained fronting the gate to allow a vehicle coming off the public highway to wait whilst the gate is opening.

Officer's Assessment

1. Site Description

The application site relates to a parcel of land located to the west of 129 Millway. The site is enclosed and surrounded by Nos 5-10 Northway Crescent to the north and 13-19 Glendor Gardens to the west. The immediate area is characterised by detached and semi-detached single family dwelling houses.

The subject site is not within a conservation area and is not identified as being subject to flooding. The site does not contain any listed building or protected trees.

2. Site History

Reference: 16/0318/FUL

Address: 129 Millway London NW7 3JL

Decision: Pending consideration

Decision Date: N/A

Description: Erection of 2 no, two storey semi-detached houses with provisions for parking

and amenity space

Reference: H/05640/13

Address: Land To The Rear Of 129 Millway, London, NW7 3JL

Decision: Allowed on appeal (Appeal Reference APP/N5090/A/14/2218941)

Decision Date: 08/09/2014

Description: Erection of a two-storey single family dwelling following demolition of existing

garage with access from Millway. (AMENDED ADDRESS AND DESCRIPTION)

Reference: H/00463/13

Address: 129 Millway, London, NW7 3JL

Decision: Withdrawn Decision Date: N/A

Description: Erection of a two-storey single family dwelling in rear garden, following

demolition of existing garage

Reference: W09636B

Address: 129 Millway, London, NW7 3JL Decision: Approved subject to conditions

Decision Date: N/A

Description: Single storey rear conservatory extension.

Reference: W09636A

Address: 129 Millway, London, NW7 3JL Decision: Approved subject to conditions

Decision Date:

Description: Single storey rear extensions.

Reference: W09636

Address: 129 Millway, London, NW7 3JL Decision: Approved subject to conditions

Decision Date:

Description: Single-storey rear extension and dormer windows at rear and side.

3. Proposal

The application seeks permission for the erection of a two-storey single family dwelling in the rear garden following the demolition of the existing garage. A new access route is proposed between Nos 129 and 131 Millway measuring 3.76m in width.

The proposed new dwelling would measure approximately 12m in width, 14.7m in depth and 6.5m in height with a flat roof.

The proposal would be larger than the development granted consent under appeal reference APP/N5090/A/14/2218941 representing an increase in building width of approximately 3.2 metres (from 8.8 metres wide to 12 metres wide), an increase in building depth of approximately 2.7 metres (from 12 metres to 14.7 metres), and an increase in building height by approximately 0.5 metres (from 6.07 to 6.5 metres).

Outside of changes in the scale of the proposal and some internal layout changes, including the addition of a fourth bedroom at first floor, there are no other significant changes to the form, access, landscaping or boundary treatments when compared with that previously approved.

Hardstanding is proposed for the entrance fronting on to Millway and 2no parking spaces will be provided in the front forecourt.

New entrance gates are proposed between Nos 129 and 131 Millway although no details have been provided regarding their size.

4. Public Consultation

Consultation letters were sent to 85 neighbouring properties.

6no objections have been received, and these comments are summarised as follows:

- Proposal larger than permitted in APP/N5090/A/14/2218941.
- Questioned whether the Inspector makes reference to the scale of the development.
- Highway concerns.
- Concerns with surface water run off caused by an increased hardstanding area, and the levels of the site.
- Out of scale and proportion compared to surrounding properties.
- Overlooking caused by the level at the proposed site.
- Noise concerns.
- Impact on wildlife.
- Loss of mature trees.
- Concern with parking.
- Bats in the area, but there has not been a bat assessment.
- Concerns with the precedent this would set.

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 March 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

The London Plan provides a unified framework for strategies that are designed to ensure that all Londoners benefit from sustainable improvements to their quality of life.

Barnet's Local Plan (2012)

Barnet's Local Plan (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, CS10, CS11, CS15.
- Relevant Development Management Policies: DM01, DM02, DM04, DM08 and DM17.

<u>Supplementary Planning Documents</u>

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.

Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design an extension to their property which would receive favourable consideration by the Local Planning Authority and was the subject of separate public consultation. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.
- States that development should normally be subordinate to the original house, respect the original building and should not be overly dominant. Extensions should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.
- In respect of amenity, states that development should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or

cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Principle of the development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
- Whether the building would provide suitable living conditions for future occupants;
- Impact on the living condition and the amenities of neighbours;
- Impact on highway safety.

5.3 Assessment of proposals

Principle of the development

The principle of residential development on the site has been established through the allowed planning appeal made under reference APP/N5090/A/14/2218941, which related to the construction of a single dwelling house on the site, albeit of a smaller scale. The Inspector outlined that within Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 it refers to the contribution development in gardens can make to housing delivery. The policy also outlines that the robust approach would be taken to proposals involving the loss of gardens, that would detrimental to the suburban character that makes Barnet a distinctive place. The Inspector goes on to establish due the scale and height of that proposed development, that the distance between the proposed development from the highway, and the surrounding boundary treatment and mature planting, means that the site is not overly visible from the public domain.

The proposed development is larger in scale that the one proposed under application reference H/05640/13 which was subsequently allowed on appeal. By comparison with the previously approved plans, the proposal subject of this application represents an increase in building width of approximately 3.2 metres (from 8.8 metres wide to 12 metres wide), an increase in building depth of approximately 2.7 metres (from 12 metres to 14.7 metres). The height of the building is also proposed to increase by 0.5 metres (to be 6.5 metres in total height).

In the context of the previous appeal decision, which determined that the principle of this type and style of development in this location would be acceptable, it is not considered that the above mentioned increases in width, depth or height would have a significant impact on the visibility of the dwelling from outside the subject land. As it is considered that the proposed dwelling in this application would not have a substantially different appearance to that previously approved, it is considered to result in an acceptable visual impact.

Impact of the proposal on the character and appearance of the area

Policy DM01 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'.

Objections have been received which make reference to the appearance and design of the proposed development being out of keeping with the established character at this site. The Inspector considered that the development proposed under application reference H/05640/13 would not be harmful to the established character of the area in the context its

siting, distance from the highway and it not being overly visible. He goes on to outline that the lack of a direct road frontage would be at odds with the majority of other dwellings, but that he did not consider that it would 'results in any particular harm to the established character of the area nor erode local distinctiveness'.

The development proposed would be larger in scale than the dwelling proposed under application H/05640/13. However, it is considered that the scale of the property, and particularly its height would not be significantly different to the previously allowed development. In that context, it is considered that the development proposed would not have a sufficiently significant adverse impact on the character and appearance of the area to justify the application being refused.

The design of the proposed dwelling, which is larger in scale, shares architectural similarities with the development previously allowed on appeal. The Inspector points to that design being appropriate in the context of the site. It is considered that the design of the proposal would therefore be acceptable.

Impact the proposal would have on the amenities of neighbours

Overall it is considered that the design, size, bulk and siting of the proposed development is such that it would be in keeping with the objectives of development plan policies and planning guidance that seek to preserve and protect the amenities of neighbouring occupiers. It is found that the development would not be overbearing, visually obtrusive or cause unacceptable overlooking, overshadowing, losses of daylight, sunlight, aspect, privacy or outlook. As the development is for one new dwelling, it is considered that the coming and goings from the site will not be of a frequency to raise significant amenity concerns to neighbours with regard to noise.

The proposed first floor balconies are comparable in size and locations to that previously approved on appeal, and are therefore not considered to result in unreasonable impact on the ajoining property owners.

The application is found to be acceptable and compliant with the objectives of development plan policies on the protection of the amenities of neighbouring occupiers subject to the conditions recommended.

Whether the building would provide suitable living conditions for future occupants

This application has been assessed against the Sustainable Design and Construction SPD which outlines minimum living accommodation standards. It is found that the proposed dwellings would meet the necessary internal floor areas in all respects. The remaining outdoor amenity area would also be of a sufficient size. Further, the dwellings would afford future occupiers with an acceptable level of outlook and natural light. As such, the development would provide a sufficient level of accommodation for potential occupiers.

Impact of the proposal on highway safety

Policy DM17 states that dwellings of 4 or more bedroom should provide 2 to 1.5 parking spaces. There are 2 no car parking spaces proposed to comply with Policy DM17.

It should also be noted that this application has been assessed by the Council's Traffic & Development Department who have not raised any objections to the proposal subject to the inclusion of relevant conditions and informatives.

Other issues

Comments have been received regarding the loss of trees on site and the impact that this could have on wildlife. Prior to the submission of this application, an arboricultural

assessment had been submitted alongside the application made under reference H/05640/13. None of the trees to be removed are protected by tree preservation order, and it is not considered that the loss of the trees outlined on the plans would have a significant impact on the amenity of the area..

With regards to the biodiversity on site, no evidence has been submitted of the animals such as bats being located on site. The site is not a recognised area of significance for nature conservation in the Borough. Furthermore, a substantial area of garden would be retained and a number of new trees would be planted within the site, potentially creating new habitats.

5.4 Response to Public Consultation

Concerns raised have been discussed in the main body of this report.

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, achieves suitable standards regarding the quality of accommodation for future occupants, and is considered acceptable by Council's highways department. This application is therefore recommended for approval subject to conditions.

