

**Location**                    **129 Millway London NW7 3JL**

**Reference:**                **16/0318/FUL**                    Received: 18th January 2016  
Accepted: 21st January 2016

Ward:                        Mill Hill                                Expiry 17th March 2016

Applicant:                 Mr Oliver Bruh

Proposal:                    Erection of 2 no, two storey semi-detached houses 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.

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

- Artist's Impression A 01
- Proposed Site Plan A 02
- Proposed Floor Plans A 03
- Proposed Sections and Elevations A 04
- Section Cut A 05
- Location Plan

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 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 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 number A 03; 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.

- 5 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).

7 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.

8 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).

9 The roof of the development 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).

10 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).

- 11 Before the development hereby permitted is first occupied details of the location and type of cycle storage shall be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the storage of cycles.

Reason: To ensure cycle parking is provided in accordance with policy DM17 of the Adopted Barnet Development Management Policies DPD (2012) and the London Plan (2015).

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

Reason:

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

- 13 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).

- 14 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

- 15 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).

- 16 Before the development hereby permitted is occupied, details of the sub-division of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority, implemented and retained as such on site thereafter.

Reason:

To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Adopted Barnet Development Management Policies DPD (2012).

- 17 Before the building hereby permitted is first occupied the proposed window(s) in the first floor side elevations of the proposed dwellings 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).

- 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 September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

- 20 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).

- 21 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).

#### **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 £10,500.00 payment under Mayoral CIL.

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge. Your planning application has therefore been assessed at this time as liable for a £40,500.00 payment under Barnet CIL.

Please note that Indexation will be added in line with Regulation 40 of Community Infrastructure Levy.

Liability for CIL will be recorded to the register of Local Land Charges as a legal charge upon your site payable should you commence development. Receipts of the Mayoral CIL charge are collected by the London Borough of Barnet on behalf of the Mayor of London; receipts are passed across to Transport for London to support Crossrail, London's highest infrastructure priority.

You will be sent a 'Liability Notice' that provides full details of the charge and to whom it has been apportioned for payment. If you wish to identify named parties other than the applicant for this permission as the liable party for paying this levy, please submit to the Council an 'Assumption of Liability' notice, which is also available from the Planning Portal website.

The CIL becomes payable upon commencement of development. You are required to submit a 'Notice of Commencement' to the Council's CIL Team prior to commencing on site, and failure to provide such information at the due date will incur both surcharges and penalty interest. There are various other charges and surcharges that may apply if you fail to meet other statutory requirements relating to CIL, such requirements will all be set out in the Liability Notice you will receive. You may wish to seek professional planning advice to ensure that you comply fully with the requirements of CIL Regulations.

If you have a specific question or matter you need to discuss with the CIL team, or you fail to receive a 'Liability Notice' from the Council within 1 month of this grant of planning permission, please email us at: [cil@barnet.gov.uk](mailto:cil@barnet.gov.uk).

Relief or Exemption from CIL:

If social housing or charitable relief applies to your development or your development falls within one of the following categories then this may reduce the final amount you are required to pay; such relief must be applied for prior to commencement of development using the 'Claiming Exemption or Relief' form available from the Planning Portal website: [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

You can apply for relief or exemption under the following categories:

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at [https://www.gov.uk/government/uploads/system/uploads/attachment\\_data/file/6314/19021101.pdf](https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf)

2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.

3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the [legislation.gov.uk](http://www.legislation.gov.uk)

Please visit <http://www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil> for further details on exemption and relief.

- 3 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.
- 4 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.

- 5 Gated access is proposed for the application. 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 at 129 Millway, London, NW7 3JL which is situated on the western site of Millway. The site is irregularly shaped and deep, particularly in comparison to the immediately surrounding plots. The existing site contains a two storey detached dwelling.

The site is surrounded by residential dwellings. The immediate area is characterised by detached and semi-detached single family dwellings.

The site is not indicated as being subject to flooding hazard and is not located within a conservation area. Further, the site does not contain any listed buildings or protected trees.

### **2. Site History**

Reference: 16/0317/FUL

Address: 129 Millway London NW7 3JL

Decision: Pending consideration

Decision Date: N/A

Description: Erection of a two-storey dwelling house 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

Decision Date: 21.01.2014

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: 09.04.1998

Description: Single storey rear conservatory extension.

Reference: W09636A

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 08.11.1996

Description: Single storey rear extensions.

Reference: W09636

Address: 129 Millway, London, NW7 3JL

Decision: Approved subject to conditions

Decision Date: 12.03.1991

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

### **3. Proposal**

This application seeks permission for the erection of a pair of semi-detached two-storey dwelling houses in the rear garden of the property located at 129 Millway. following the demolition of the existing garage. A new access route is proposed between Nos 129 and 131 Millway measuring 4.2 m in width.

The proposed new development would be a of contemporary style and would measure approximately 14 m in width, 13 m in depth and would have a hipped roof 7.5 m in height (6 m to eaves). Each proposed dwelling would be 7.1 m wide.

Each dwelling would contain 4 double bedrooms and would therefore be capable of accommodating 8 people. The ground floors would comprise 1 bedroom and the kitchen/living/dining areas, while the second floors would contain 3 bedrooms.

Hardstanding is proposed at the front of the dwellings. A canopy (car port) is proposed to the front of each dwelling which would project 5.7 m, and provision has been made for 4 car parking spaces, being 2 for each dwelling.

### **4. Public Consultation**

Consultation letters were sent to 80 neighbouring properties and a site notice was posted on 04.02.2016.

Nine objections have been received. These comments are summarised as follows:

- Proposal larger than permitted in APP/N5090/A/14/2218941.
- The increase in the scale of the building is unacceptable.
- The building would be visible from the public domain.
- Questioned whether the Inspector makes reference to the scale of the development.
- Highway concerns.
- The provision of refuse storage is not practical.
- Concerns with surface water run off caused by an increased hardstanding area, and the levels of the site.
- Out of scale, proportion and appearance with surrounding properties.
- This application represents an overdevelopment of the site.
- Overlooking and loss of privacy.
- Noise concerns - two houses would produce greater noise.
- Security concerns
- Impact on wildlife.
- Loss of mature trees.
- Concern with parking, its proximity to adjoining occupiers and fumes.
- Bats in the area, but there has not been a bat assessment.
- Concerns with the precedent this would set.
- With the change in the scale of the development, would an Inspector now give a different view?

- The difference in the scale, form and number of units for this site should mean that the application is significantly different to the scheme allowed at planning appeal, and this scheme should be viewed afresh.

## **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.

#### 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.

## Residential Design Guidance SPD (adopted April 2013)

- Sets out information for applicants to help them design developments 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.

- In respect of amenity, states that developments 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:

1. Principle of the development;
2. Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding area;
3. Whether harm would be caused to the living conditions and the amenities of neighbours;
4. Whether the building would provide suitable living conditions for future occupants;
5. Whether harm would be caused to parking conditions and highway safety

## 5.3 Assessment of proposals

### Principle of the development

The principle of residential development on this part of the application site has been established by way of appeal decision APP/N5090/A/14/2218941, which related to the construction of a single dwelling house. In this appeal decision, the Inspector highlighted Barnet Local Plan Policy CS5 in paragraphs 10.7.1 to 10.7.4 which refers to the contribution development in gardens can make to housing delivery. This policy also outlines that a robust approach would be taken to proposals involving the loss of gardens, which can be detrimental to the suburban character that makes Barnet a distinctive place. The Inspector went on to establish that the scheme was not characteristic to the general pattern of development in the area, but the site is not overly visible from the public domain due to the scale and height of the development, its distance between from the highway, and the surrounding boundary treatment and mature planting.

Although the semi-detached dwellings proposed in this application would be wider (by approximately 5.5 m), deeper (by approximately 1 m), and higher (by approximately 1.5 m)

than the dwelling approved under appeal decision APP/N5090/A/14/2218941, it is not considered that the proposed dwellings would be materially more prominent when viewed from the street scene or any other public domain.

It should also be acknowledged that the use of the structure for single family occupancy is the same as that use approved under appeal decision APP/N5090/A/14/2218941.

Whether harm would be caused to the character and appearance of the existing building, the street scene and the surrounding 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'.

The development proposed is of a contemporary design. A hipped roof form is proposed for the dwellings and would incorporate gable features. It is considered that this roof form is in keeping with that of surrounding properties. In reference to the design of the scheme allowed under appeal decision APP/N5090/A/14/2218941, the Inspector outlined that the design of the scheme, whilst different to surrounding properties, would 'create a fresh, new entity in its own right' and that it would not be harmful to the established character of the area in the context of its siting, distance from the highway and it not being overly visible. The Inspector went on to outline that the lack of a direct road frontage would be at odds with the majority of other dwellings, but that it 'would not result in any particular harm to the established character of the area nor erode local distinctiveness'. These considerations are directly relevant to the scheme proposed by way of this application and therefore establish the design and siting of the structure as acceptable in planning terms.

Although the height of the dwellings would be approximately 1.5 m higher than that approved by way of appeal decision APP/N5090/A/14/2218941, it is not considered that the height of the dwellings would be significantly at odds with that of surrounding properties or with that previously approved to the extent that it would result in adverse harm.

Given those matters outlined above, it is not considered that the proposed dwellings would harm the character or appearance of the existing building, the street scene or the surrounding area.

Whether harm would be caused to the living conditions and the amenities of neighbours

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.

The structure would not be overbearing or visually obtrusive when viewed from adjoining properties, nor would it cause a loss of daylight, sunlight or outlook. This determination is based on the siting of the building. It would be approximately 2.6 m from the southern boundary and 3.1 m from the northern boundary. Additionally, the building would be no closer than 15 m to the western boundary and 5 metres from the eastern boundary. Further, the proposed building would be no closer than 22 m to the nearest adjoining dwelling.

It is noted that two terraces would be included at first floor level within the front elevation of the building, it is not considered that these terraces would result in any adverse overlooking or a loss of privacy as they are limited in scale and overlook the front parking area. Further, it is noted that the proposal would not see any imposing terrace or balcony features in the side or rear elevations of the building. A condition has also been recommended to ensure that windows located within the first floor side elevations are obscure glazed. Given this, it is not considered that the building would cause unacceptable overlooking or a loss of privacy.

The development is for 2 new dwellings with 4 car parking spaces. It is acknowledged that the use of the site would have an increased intensity compared to the single dwelling approved under appeal decision APP/N5090/A/14/2218941. In this appeal, the Inspector outlined that 'careful attention to the use of boundary treatment would help to mitigate the light, disturbance and overlooking resulting from vehicle and pedestrian movements'. Whilst there would be an increase in the use the site, over and above the single dwelling previously approved, it is not considered that another single family dwelling would have a materially different impact on the frequency of comings and goings to justify this application being refused. A condition has been recommended relating to future soft and hard landscaping on the site.

#### 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.

#### Whether harm would be caused to parking conditions and highway safety

Policy DM17 states that dwellings with 4 or more bedrooms should provide 2 to 1.5 parking spaces. The submitted plans show that 4 car parking spaces would be provided on site, being 2 for each dwelling. This parking provision would comply with Policy DM17 and is therefore considered acceptable.

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.

#### Other Matters

Comments have been received regarding the loss of trees on site and the impact that this could have on wildlife. None of the trees to be removed are protected by way of a tree preservation order, and it is not considered that the loss of any trees would have an adverse impact on the amenity of the application site or the wider area. A condition has been recommended relating to landscaping on the site which includes details to be submitted of any trees to be removed and/or retained.

With regards to biodiversity, no evidence has been submitted of bats or any other animals being located on the site. Further, it should be noted that the site is not located within an area of importance for nature conservation. The proposed development retains a substantial garden area and through replacement planting creates potential for new habitats.

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

The majority of those concerns raised in the letters of objection have been discussed in the main body of this report.

The nature of surface water and drainage on the site is not a planning matter.

It is not considered that the proposal in itself would compromise security in this area.

The location of the refuse store will be controlled by way of a condition.

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

The proposal does not conflict with either Barnet Council's Equalities Policy or the commitments set in the Equality Scheme and supports the Council in meeting its statutory equality responsibilities.

#### **7. Conclusion**

Having taken all material considerations into account, it is considered that, subject to compliance with the recommended conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the wider locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide a suitable standard of accommodation. Further, the development is considered acceptable on highways grounds. This application is therefore recommended for approval subject to conditions.



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