

Location **31 Abbots Gardens London N2 0JG**

Reference: **16/1990/FUL** Received: 29th March 2016
Accepted: 29th March 2016

Ward: East Finchley Expiry 24th May 2016

Applicant: Mr Immanuel Rubin

Proposal: Demolition of existing semi-detached house and erection of a new two-storey semi-detached house with rooms in roof space and basement level. New rear terrace. Front and side lightwells.

Recommendation: Approve subject to conditions

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

- Proposed: No. PA-01 Rev 05, PA-02 Rev 05, PA-03 Rev 01, PA-04 Rev 03
- Proposed: PA-06 Rev 03, PA-07 Rev 03, PA-05 Rev 03
- Existing: EX-06 Rev 01, EX-07 Rev 01, EX-01 Rev 02, EX-02 Rev 02, EX-03 Rev 01, EX-04 Rev 01, EX-05 Rev 01
- 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).

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 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 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 Adopted Barnet Development Management Policies DPD (2012).

- 5 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.

- 6 No site works or works on this development including demolition or construction work shall commence until a Demolition, Construction and Traffic Management Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Plan submitted shall include, but not be limited to, the following information:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. Details of interim car parking management arrangements for the duration of construction;
- x. Details of a community liaison contact for the duration of all works associated with the development.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14,

DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 7 Prior to the first occupation of the new dwellinghouses (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures so that mains water consumption would meet a standard of 105 per head per day or less. The development shall be maintained as such in perpetuity thereafter.

Reason:

To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and policy 5.15 of the London Plan (2015)."

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

Reason:

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

- 9 Prior to first occupation, the development hereby approved shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: In the interests of promoting cycling as a mode of transport 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.

- 10 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouses (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 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a

satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

12 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).

13 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.

14 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.

- 15 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A to E of Part 1 of Schedule 2 of that Order shall be carried out within the area of 31 Abbots Gardens hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 16 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. PA02 Rev 05; 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.

- 17 Before the building hereby permitted is first occupied the proposed dormer window facing no. 28 Abbot Gardens 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 No development shall take place until a 'Basement Impact Assessment' has been submitted to, and approved in writing by, the Local Planning Authority. The Statement shall provide for:

- Desktop study of existing geological and hydrological conditions of the site and the wider area in order to identify areas susceptible to instability (ground and water movement) and localised flooding this needs to be site specific
- Detailed engineering study undertaken by a chartered engineer/geologist to assess local ground conditions, water movement, subsidence and drainage

including through the use of boreholes, potential impacts on adjoining/nearby properties

- Identify suitable construction methods and mitigation measures for developments which may affect the stability of the host and neighbouring buildings and/or nearby structures, and hydrology (at the site and within the area), without placing additional pressure on other areas or on the local combined sewer network

- Devise a method for monitoring local ground conditions, water movement, subsidence and drainage

- The Audit Instruction Form (Section B) (see below) sets out a helpful checklist of information normally required in a BIA and you are encouraged to complete it when preparing your BIA for submitting with your planning application

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

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.

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 £7,700.00 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 £29,700.00 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.

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.

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

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

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

Officer's Assessment

1. Site Description

The application relates to a semi-detached house located on Abbots Gardens.

Although the spacing between the majority of houses is relatively uniform, the application site is located on one of two bends, with the plot increasing in width as one moves from the front to the rear garden.

A site visit confirmed the majority of properties on the street benefit from extensions of various sizes and design including loft conversions and part single, part two storey side and rear extensions.

The property is not listed and does not lie within a conservation area.

2. Site History

No relevant history.

3. Proposal

Demolition of existing semi-detached house and erection of a new two-storey semi-detached house with rooms in roof space and basement level. New rear terrace. Front and side lightwells.

4. Public Consultation

Consultation letters were sent to 40 neighbouring properties.

6 letters of objection have been received including one from Cromwell Hall Residents Association (summarised below):

- Impact on drainage
- Potential damage from construction lorries

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework:

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 document 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 2016:

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. 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. The Mayor's Housing Supplementary Planning Guidance (November 2012) provides guidance on how to implement the housing policies in the London Plan.

Barnet Local Plan (2012) Policies:

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). Both DPDs were adopted on 11 September 2012.

Barnet Core Strategy Policies:- CS NPPF, CS1, CS3, CS4, CS5, CS9, CS12, CS13, CS14 and CS15

Barnet Development Management Policies Document Policies:- DM01, DM02, DM03, DM04, DM08, DM17.

Local Supplementary Planning Documents:

The Council has adopted two supplementary planning documents (SPD's), the Residential Design Guidance SPD (2013) and Sustainable Design and Construction SPD (2013).

5.2 Main issues for consideration

The main issues are considered to be:

- Impact on the character and appearance of the street scene and general locality
- Impact on the amenities of neighbouring occupiers
- Standard of accommodation for future occupiers
- Impact on highway safety

5.3 Assessment of proposals

Impact on the character of the area

In terms of assessment it should first be pointed out that certain elements of the proposed scheme conflict with Barnet's Residential Design Guidance (2013). The main issue relates to the part single, part two storey side extensions which would be slightly wider than half the width of the original house. However, in order to reach a balanced decision it is vital to first identify all the site specific material considerations (addressed below).

First, Barnet's Residential Design Guidance (2013) provides detailed guidance on issues relevant to Barnet such as local character, density, built form, car parking and amenity space standards connected with new build development. However, it should be noted when reading this document that it is not planning policy. Instead, it should be used to supplement Barnet's Development Plan Documents to assist in the interpretation of the policies within, and as a result, is given less weight when compared to either the Core Strategy or Development Management DPD.

Second, as highlighted in the site description above, the surrounding properties on Abbots Gardens benefit from extensions of varying scale, massing and detailing which contribute to the streets mixed character. The most relevant example is the neighbouring property at no. 33, granted permission in 2008 (C17038B/08) for the following works:

Part single, part two-storey side and rear extension including conversion of garage into habitable room. Construction of garden level basement with rear facing windows. Alterations to roof including side and rear dormer and rooflights to front to facilitate a loft.

A site visit confirmed the extensions have since been built and in terms of dimensions/design they are similar to those currently being proposed. With regard to scale, the existing extensions to no. 33 appear to unbalance the pair of semi-detached houses. This idea of balance and symmetry is however an important theme running through Barnet's Residential Design Guidance. While the proposed extension might be slightly wider than typically advocated, it would reintroduce a certain degree of symmetry to both the front and rear elevations, considered to outweigh the harm caused by the excessive width. In addition, as the site is tapered, the wider element of the side extensions would be obscured from public view and although they might be visible from neighbouring gardens, so too are other neighbouring extensions.

With regard to the other elements, the basement and rear extensions would match the neighbours (no. 33) in terms of depth/height and would match other examples found elsewhere in the street. Although the proposed dormer windows would be different from the single dormer at no. 33, the architect has confirmed the neighbouring property plans to submit a planning application for two dormer windows to match the current proposal. In the event these works are not carried out, the proposed dormer windows would still meet Barnet's Guidance as they are both less than half the depth and width of the roof slope and subordinate additions to the roof.

Moving onto design, great care has been taken on the front elevation to match the neighbouring property at no. 33. In terms of fenestration arrangement and detailing the two properties are identical thus introducing the symmetry touched on above. The front facing lightwell would also be of a sufficiently shallow depth to reduce light spill and appears quite discreet through the use of walk on glass instead of railings.

In conclusion, while the assessment above has highlighted some conflict within Barnet's Guidance, having taken all material considerations into account, on balance, the scheme is considered acceptable on character grounds. It would accord with Policy CS5 of Barnet's Local Plan (Core Strategy) Development Plan Document (2012) (CS), Policy DM01 of Barnet's Local Plan (Development Management Policies) Development Plan Document (2012) (DMP) and the thrust of Barnet London Borough Local Plan Supplementary Planning Document: Residential Design Guidance (2013). These, together, seek to protect and enhance Barnet's character to create high quality places.

Impact on neighbouring amenity

29 Abbots Gardens:

As noted above, the properties located on the bend in the road have wider rear gardens when compared to those on the straight sections. This additional space on the neighbour's side of the boundary is taken up by several small outbuildings. A site visit also confirmed this property had no side facing windows or dormers which may be affected. While the sites south facing orientation could affect the late afternoon sun to this neighbour's garden, given the spacing between the two properties, the impact would be marginal and would only affect the part of the garden currently occupied by outbuildings.

Initially concerns were raised over the potential for overlooking and loss of privacy as a result of the new terrace. To address this issue the applicant has set the level of the terrace to below that of the existing and the neighbour's privacy would be protected by the existing 2m high fence.

33 Abbots Gardens:

The depth and height of the proposed extension would match the neighbour's suggesting there would be no issues relating to loss of outlook or light to the rear facing habitable room windows or rear garden.

The proposals would now adhere to policies DM01 and DM02 of the Adopted Barnet Development Management Policies 2012, the Sustainable Design and Construction and Residential Design Guidance SPD, which, amongst other things, require development proposals to be designed to allow for adequate outlook and amenity space for neighbouring occupiers and users.

Impact on future amenity

The new house would exceed the minimum unit size for a two storey 4 bedroom house (London Plan 2016). All habitable rooms would also be provided with sufficient light and outlook in accordance with Policy DM02 of Barnet's Development Management Policies. The garden, living room/kitchen and all bedrooms would also meet the minimum size standards set out in Barnet's Sustainable Design and Construction SPD (2013). Bearing these points in mind the future occupiers would be provided with a good standard of living.

Parking

Plan no. PA-02 Rev 05 shows two off street parking spaces which would meet Barnet's Parking requirements (Policy DM17 Barnet's Development Management Policies 2013)

Impact on infrastructure

The scheme would be liable to make a contribution under both the Barnet and Mayoral Community Infrastructure Levy schemes. These contributions are considered to adequately address any infrastructure requirements arising from the scheme.

5.4 Response to Public Consultation

Impact on drainage: Given the levels changes on Abbots Gardens a condition is suggested requiring a Basement Impact Assessment to be submitted to and agreed by the

local authority prior to works commencing on site. This document would set out how the basement would mitigate issues relating to drainage and ground water runoff.

Problems during construction: A condition is recommended requiring submission of a Construction Management Plan which would minimise any noise and disturbance to local residents during the construction process.

6. Equality and Diversity Issues

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

7. Conclusion

The application is recommended for APPROVAL

