

Location **Stanryck House 38 Totteridge Village London N20 8JN**

Reference: **16/2081/S73** Received: 1st April 2016

Accepted: 7th April 2016

Ward: Totteridge Expiry 2nd June 2016

Applicant: Mr Michael Smyth

Proposal: Variation of Condition 2 (Approved Plans) to planning permission B/02895/14 for "Demolition of existing building and erection of a two storey dwelling". Variation to include Increased footprint to the basement (lower ground floor). Internal alterations to all floors. Alterations to front and rear fenestration. Additional Second floor accommodation. Removal of internal garage.

Recommendation: Approve subject to conditions

- 1 This development must be begun within three years from the date of the grant of planning permission B/02895/14 (18 December 2014).

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: 15.183.P.200A, P3.01-B, 02-B, 03-B, 04-B, 05-B, 06-B, 07-B, 08-B, 09-B.

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 The materials to be used for the external surfaces of the building and hard surfaced areas hereby approved shall be as approved by the Local Planning Authority's decision notice dated 20 January 2016 in respect of conditions application reference 15/06740/CON.

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 The development hereby approved shall be constructed only in accordance with the levels approved by the Local Planning Authority's decision notice dated 20 January 2016 in respect of conditions application reference 15/06740/CON 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, DM06 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.

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

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties in accordance with policy DM04 of the Development Management Policies DPD (adopted September 2012).

- 6 a) All work comprised in the scheme of landscaping as approved by the Local Planning Authority's decision notice dated 20 January 2016 in respect of conditions application reference 15/06740/CON 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.

b) 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.

- 7 a) No development shall take place until details of the location, extent and depth of all excavations for services (including but not limited to electricity, gas, water, drainage and telecommunications) in relation to trees on and adjacent to 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 details approved under this condition.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policy 7.21 of the London Plan 2015).

- 8 No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until temporary tree protection as approved by the Local Planning Authority's decision notice dated 20 January 2016 in respect of conditions application reference 15/06740/CON has been erected around existing trees on site. This protection shall remain in position until after the

development works are completed and no material or soil shall be stored within these fenced areas at any time.

Reason: To safeguard the health of existing tree(s) which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012) and Policy 7.21 of the London Plan 2015.

- 9 The construction activities and methodology shall be undertaken only as approved by the Local Planning Authority's decision notice dated 20 January 2016 in respect of conditions application reference 15/06740/CON (which related to Condition 12 attached to planning permission B/02895/14).

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).

- 10 Prior to the first occupation of the dwellinghouse hereby approved, it shall be constructed incorporating carbon dioxide emission reduction measures which achieve an improvement of not less than 6% 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).

- 11 Prior to the first occupation of the new dwellinghouse (Use Class C3) hereby approved it shall have been constructed to have 100% of the water supplied by the mains water infrastructure provided through a water meter or water meters and 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).

- 12 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) and 10% constructed to meet and achieve all the relevant criteria of Part M4(3) of the abovementioned regulations. 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).

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. The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential development in its area of authority. Your planning application has been assessed at this time as liable for payment under Mayoral and 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 site previously contained a detached two storey dwelling with single storey garage. As explained in more detail below, planning permission was approved at appeal for the demolition of the original dwelling and the construction of a replacement dwelling. The original dwelling at the site has since been demolished.

2. Site History

B/02895/14: Demolition of existing building and erection of a two storey dwelling. Refused by Chipping Barnet Area Planning Committee on 28 July 2014. Appeal allowed.

3. Proposal

This application seeks to vary the wording of condition 2 attached to the previous grant of planning permission, in order to replace the originally approved plans with amended plans and so facilitate a minor material amendment to the previous scheme.

The original grant of planning permission approved the construction of a replacement dwelling with two storeys of accommodation when viewed from the front, and a further storey at lower ground floor level which would not be visible from the front of the site but would be visible when viewed from the rear. The approved dwelling would have a width of 21 metres at ground floor level, with a lesser width at first floor level as a result of the hipped roof. It would have a maximum depth of 11.7 metres. The first floor accommodation would be contained primarily within the roofspace, facilitated by both front and rear dormer windows. The front and rear gables would have a full two storey height. The proposed replacement dwelling has been designed in an Arts and Crafts style, with steeply pitched roofs, low eaves and asymmetrical elevations.

The current application proposes the following alterations to the approved scheme:

- Increase to the footprint of the basement to the front and rear, increasing its maximum depth by 5 metres to the north west side;
- Change to the shape of the rear terrace with an increase in its area by squaring off a previously curved section;
- Introduction of one window in the front elevation at second floor level and one window in the rear elevation at second floor level, to facilitate the use of the roofspace as habitable accommodation;
- Alterations to windows at first floor level in the front elevation.
- Integral garage no longer proposed, and replaced with a room and window.
- Alterations to windows to the rear elevation.

4. Public Consultation

Consultation letters were sent to 21 neighbouring properties. Five letters of objection have been received, and can be summarised as follows:

- This is a case of overbuild.
- Design is out of keeping with the area.
- The basement is already too big.
- New second floor will cause overlooking.
- Development works would impact on trees.
- The original plans were refused by Chipping Barnet Area Planning Committee and granted on appeal. Proposed increases in size will be noticed by surrounding houses.
- New windows are not in keeping with current design.

Totteridge Conservation Area Advisory Committee

- The committee deplores the proposed removal of the garage in this revised design. A house of this size should have a garage.

Totteridge Residents Association

- The committee does not believe the amendments to the approved plans are "minor amendments" as required by a S73 application.
- The approved plans were originally refused by Barnet, due to the size, scale and bulk of the proposal but were allowed at Appeal. Replacing the integral garage with habitable space, leaving only open space parking on the forecourt, is not in keeping with a large detached house (and a garage block on the forecourt of the house at a later date would be undesirable).
- The increase excavation at basement level at the rear of the house to accommodate increased fenestration, the proposed window at 3rd floor, and the increased size and design alteration of the fenestration on the rear ground and basement floors appears out of scale and keeping with the design of the house and would create a more dominant elevation.

- The committee are of the opinion that these proposals would not conserve or enhance the house and Conservation Area.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 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 is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02 and DM06.

Supplementary Planning Documents

Totteridge Conservation Area Character Appraisal.

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.
- Included advice 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 to amenity, 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. The Council adopted a Sustainable Design and Construction SPD in April 2013, following public consultation. This SPD provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

Sustainable Design and Construction SPD (adopted April 2013)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

5.2 Main issues for consideration

This application has been submitted following a previous grant of planning permission. The original dwelling on the site has been demolished but other than this, the site circumstances are unchanged. As such, the main issue for consideration is whether the amendments made since the previous application are acceptable in planning policy terms, and whether they introduce any new material planning matters.

5.3 Assessment of proposals

As noted above, this application proposes a series of amendments to the previously approved dwelling. Therefore it is necessary to assess only the amendments from the previously approved scheme, and the impact these amendments have on the character and appearance of the building.

In respect of the larger basement area to the front of the main house, this would remain entirely subterranean with no light wells on the front elevation. Therefore the larger basement would not be visible from the front of the site. The footprint would be pushed closer to the root protection area (RPA) of a Yew in the front of the site. However, the front wall to the approved building is already a similar distance from the RPA of this tree to the proposed front basement wall, and therefore the additional basement is not considered to result in any additional pressures on this tree. To the rear, the additional basement area would be below the rear terrace. The alterations to the basement level are not considered to have any perceptible impact on the building, and would preserve the character and appearance of the conservation area.

To the rear of the site, the raised terrace would be increased in width and depth as a result of a curved end being squared off. The terrace would have a maximum depth in this location of 5.2 metres and would remain screened on the whole by the existing boundary wall. The remainder would be set at least 2m from the common boundary with the neighbouring property. As a result, it is not considered that the terrace would adversely affect the character or appearance of the building or the wider area, and would not harm the privacy of the occupants of any neighbouring property.

The additional windows at second floor level in the front and rear elevations are not considered detrimental to the character of the building. The windows are small in size, subservient to the other windows in the front and rear elevations and reflect the design of the approved building. The alterations to windows in the front and rear elevations are also not considered to harm the appearance of the main dwelling. To the rear, the number of large window openings would reduce from 4 to 3.

In respect of the conversion of the garage, the replacement of the garage door with a window is not considered to cause any harm to the appearance of the host building. The window would reflect the size and proportions of neighbouring windows. The hard standing at the site is not proposed to be changed from the approved scheme, and the

hardstanding can accommodate sufficient vehicles to be parked to comply with the requirements of the council's parking standards.

5.4 Response to Public Consultation

The majority of comments received are addressed in the appraisal above.

In respect of the objection from the Totteridge Residents' Association, it should be noted that the drawings were amended following receipt of the comments, removing the previously suggested additional basement revelation to the rear and altering the glazing to that now proposed. On this basis, the proposal is considered to preserve the character and appearance of the Totteridge Conservation Area.

In respect of the comment that 'a garage block on the forecourt of the house would be undesirable', a garage block on the forecourt does not form part of the current planning application and therefore does not fall to be assessed as part of the current planning application.

6. Equality and Diversity Issues

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

7. Conclusion

On the basis of the above, it is not considered that the proposed amendments to the approved scheme would be detrimental to the character or appearance of the approved dwelling, the street scene or the Totteridge Conservation Area. Furthermore, the proposed alterations would not be harmful to the amenities of the neighbouring properties, or to highway safety. The proposed development is therefore recommended for approval.



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