

**Location**                      **Land Adjacent To 23 Hampden Road London N10 2HP**

**Reference:**                      **16/1753/FUL**                      Received: 17th March 2016  
Accepted: 29th March 2016

Ward:                              Coppetts                              Expiry 24th May 2016

Applicant:                        Mrs Carolyn Thompson

Proposal:                         Demolition of existing buildings and erection of single storey dwelling

**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:

372.(1).0.101; 372.(1) 0.102; 372.(1).1.101; 372.(1).1.102; 372. (1).1. 103; 372.(1).2.101; 372.(1).3.101; Design and Access Statement; Sustainability Statement

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 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.

5 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 the Classes of Part 1, of Schedule of that Order shall be carried out within the area 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).

6 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)."

7 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)."

- 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 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)."

- 9 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt and rear garden area, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority.
- 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.

- 10 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).

- 11 Before the development hereby permitted is first occupied turning the parking spaces shall be provided and marked out within the front forecourt of the property in accordance with a scheme to 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 parking and turning of vehicles.

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.

#### **Informative(s):**

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £2,135 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 £ 8,235 payment under Barnet CIL.

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

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

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

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

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

#### Relief or Exemption from CIL:

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

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

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

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

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

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

3 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated

or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.

## **Officer's Assessment**

### **1. Site Description**

The application site comprises of a narrow strip of land 161sqm in area sited in between no. 23 Hampden Road and the rear garden of no. 27 Pembroke Road located to the north of Hampden Road which is residential in character.

The site measures a width of 5.0m to the front tapering in towards the rear to a width of 4.0m and a depth of 38m.

The site is currently used for the storage of building materials with an open canopy single storey structure and a single storey covered structure sited to the middle of the site and a structure built up to the rear boundary. The site has a vehicular access onto Hampden Road.

Hampden Road is residential in character comprising of a mix of housing design with blocks of flats, single storey and two storey flat roof dwellings. To the immediate west of the site is no. 1-23 a crescent of two storey gable roof locally listed terrace dwellinghouses. To the immediate east of the site is a single storey shallow gable roof garage sited in the rear garden of a property facing onto Pembroke Road.

Hampden Road is on a slight gradient which slopes down towards Pembroke Road

The property is not in a Conservation Area and not Statutory Listed.

### **2. Site History**

Reference: B/04360/13

Address: 23 Hampden Road, London, N10 2HP

Decision: Refused

Decision Date: 18 November 2013

Description: Demolition of existing storage buildings and erection of 1 two storey family dwelling including 1 off street parking, refuse/cycle store and hard and soft landscaping.

Appeal Dismissed

Reference: B/02742/12

Address: 23 Hampden Road, London, N10 2HP

Decision: Lawful

Decision Date: 13 September 2012

Description: Erection of outbuilding to rear garden.

Reference: B/04477/11

Address: 23 Hampden Road, London, N10 2HP

Decision: Refused

Decision Date: 4 January 2012

Description: Demolition of existing building and erection of two storey detached dwelling at land adjoining 23 Hampden Road.

Reason: -

The proposed development by reason of its size, scale, rearward projection, siting and design would be a cramped form of development, out of character and out of keeping with the pattern of development in the surrounding locality contrary to GBEnv 1, GBEnv2, GBEnv4, D1, D2, and H16 of the London Borough of Barnet Adopted unitary Plan 2006.

The development does not include a formal undertaking to meet the extra health, education and libraries services costs together with associated monitoring costs arising as a result of the development

Appeal Dismissed

Reference: B/03659/10

Address: 23 Hampden Road, London, N10 2HP

Decision: Refused

Decision Date: 16 November 2010

Description: Part single, part two-storey building fronting Hampden Way to be used in conjunction with existing builders yard.

Reasons:

The proposed development by reason of its size, scale rearward projection, siting and design would be a cramped form of development, out of character with the existing street scene and detrimental to the setting of neighbouring locally listed buildings, contrary to policies GBEnv 1, GBEnv2, GBEnv4, D1, D2, D5, HC15 and H16 of the London Borough of Barnet Adopted unitary Plan 2006.

The proposed building by reason of its size, scale, siting, design and height would be overbearing and visually obtrusive to an unacceptable degree, detrimental to the residential amenities of no. 27 Pembroke Road, contrary to policies D5 and H16 of the London Borough of Barnet Adopted unitary Plan 2006.

The proposed development would allow an increased level of activity at the site which would be likely to result in an increased noise and disturbance harmful to the amenities of neighbouring residents and the character and appearance of the area contrary GBEnv 1, D1, D4 and ENV12 of the London Borough of Barnet Adopted unitary Plan 2006.

The proposed hard standing area is unable to accommodate a vehicle and will result in vehicles overhanging the public highway to the detriment to highway and pedestrian safety contrary to policies M11, M2, and M14 of the Adopted unitary Plan 2006

Appeal dismissed

Reference: N10941F/07

Address: 23 Hampden Road, London, N10 2HP

Decision: Approved subject to conditions

Decision Date: 3 October 2007

Description: Single storey rear extension to replace existing.

Reference: N14513A/05  
Address: 23 Hampden Road, London, N10 2HP  
Decision: Refused  
Decision Date: 5 September 2005  
Description: Construction of two-storey detached house with hardstanding for one car.

Reference: N14513B/06  
Address: 23 Hampden Road, London, N10 2HP  
Decision: Refused  
Decision Date: 13 March 2006  
Description: Construction of a two-storey detached house with hardstanding for one car.

Reference: N14513/05  
Address: 23 Hampden Road, London, N10 2HP  
Decision: Refused  
Decision Date: 16 March 2005  
Description: Erection of two-storey detached house with hardstanding for one car.

Reference: N14513D/07  
Address: 23 Hampden Road, London, N10 2HP  
Decision: Refused  
Decision Date: 6 March 2008  
Description: Formation of new dwelling house.

Appeal Dismissed 10/12/2008

### **3. Proposal**

The proposal seeks consent for the demolition of the existing structures within the site and the erection of a one bedroom, 2 person bungalow with an internal floor area of 67sqm measuring a depth of 17.5m, a width of 5.0m narrowing to 4.0m, a height of 5.0m and an eaves height of 4.0m ( from ground floor level ). The ground level for the structure is to be excavated by some 2.0m with an internal ceiling height of 4.5m.

The roof is hipped on both sides to form a pitch. The hip roof to the main entrance and hallway is designed to match that of the roof and eaves height of the rear garage to no. 27 Pembroke Road. A roof light is to be located to the roof of the hallway.

The structure is set back 0.5m-1.0m from the front main building line of no. 23 Hampden Road with a frontage depth of some 5.0m.

The front entrance door is set back 2.6m from the front main building line of the property leading to a hallway that opens up to the main lounge and open plan kitchen/dining area with views overlooking the proposed terrace and rear garden. A 2 person bedroom with ensuite is to be located to the front of the property.

The garden is sited predominantly to the rear with an area of 44sqm, oblong in shape measuring a depth of 11.5m. The proposed front garden area amounts to an area of 8sqm

One car parking space with a planter and refuse store is to be sited in the front forecourt of the property. A cycling store is sited to the rear garage

The proposed materials are to comprise of: -



Powder coated aluminium cladding to the front and rear of the structure is part of the contemporary design of the property. Timber front door.

#### **4. Public Consultation**

Consultation letters were sent to 97 neighbouring properties.

7 representations have been received that raise the following concerns:

- The seven applications and four appeals indicate clearly that the site is not suitable for residential development.
- Development is out of character.
- Questionable whether the foundations would be sufficient for such a building considering the depth of the foundations.
- The scale, form, height and over bearing impact to the rear gardens of all adjoining properties and on the setting and character of the Locally Listed 'Collins' cottage building creates a negative impact.
- Inspectorate established important principles relating to the site which do not relate to this proposal.
- Windows and skylights result in a loss of privacy or perceived overlooking.
- If planning permission is granted for a ground floor a further application will come in for the second level.
- Historically an open site with no permanent buildings and is rarely used.
- No space either side of the building to give it a setting failing to respect the spacious character of the development.
- Impact on wildlife
- Increase parking problems in the area.
- light pollution.
- if approved ensure no further development.

#### **4.1 Internal Consultation**

None

#### **5. Planning Considerations**

-Principle of residential development.

-Whether harm would be caused to the character and appearance of the existing building, the surrounding area, street scene and the wider locality;

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

#### **5.1 Policy Context**

##### National Planning Policy Framework and National Planning Practice Guidance

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

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

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for

people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

### The Mayor's London Plan 2015

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents. Both were adopted in September 2012.

- Relevant Core Strategy Policies: CS NPPF, CS1, CS4, CS5, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17,

The Council's approach to developments as set out in Policy DM01 is to minimise their impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

### Supplementary Planning Documents

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.

The Council's Residential Design Guidance SPD was adopted April 2013. This sets out information for applicants to help them design an extension to their property and new build development 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, extensions and new build 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.

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.

The Council's Supplementary Planning Document: Adopted Residential Design Guidance April 2013 is divided into four parts:

- Part 1 sets out the context for residential design in Barnet providing, local design principles which reflect and contribute to the understanding of Barnet's suburban character.
- Part 2 sets out general guidelines for new residential development as well as amenity and space standards. This document provides advice on privacy and overlooking, minimum room sizes, good building layout, provision of gardens, outdoor play space requirements.
- Part 3 sets out the requirements and design criteria related to changes to the existing housing stock within Barnet.
- Part 4 includes/provides supporting information including references, useful web links and the glossary list.

The SPD supplements policies contained within the Local Plan and the London Plan which together form the Development Plan for Barnet. The SPD is therefore a material consideration for decisions on planning applications. It has been prepared in line with the requirements of the Planning and Compulsory Purchase Act 2004 and associated regulations and guidance on Supplementary Planning Documents.

## **5.2 Main issues for consideration**

The main issue in this case are considered to be covered under the following main areas:

- The principle of residential development;
- Whether harm would be caused to the character and appearance of the area and street scene, having regard to the size and siting of the proposal.
- The living conditions of neighbouring residents;
- The living conditions of future occupiers;

Policy DM01 of the Development Management Policies (Adopted) 2012 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers.

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough. The development standards set out in Policy DM02: Development Standards are regarded as key for Barnet to deliver the highest standards of urban design.

## **History**

The property has an extensive planning history with a number of attempts in the past to construct a two storey detached dwellinghouse at the site which have been refused planning permission and which have been dismissed at appeal.

The most recent application Ref: B/04360/13 for a two storey shallow gable roof detached dwellinghouse was refused by the Council on the grounds that the proposal, by reason of its size, scale, rearward projection, siting and design would be a cramped form of development, out of character and out of keeping with the pattern of development in the surrounding locality. The application was dismissed at appeal.

The principle main concerns of the Inspectors in their statements is with the design, size and siting of the structures that would result in a detrimental impact on the character and visual amenity of the adjoining properties.

### **5.3 Assessment of proposals**

#### Principle of Residential Development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value

Policy 3.4 of The London Plan (2011) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities. Having regard to the London Plan (2011) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

The application site is located within an existing residential area, where Policy DM01 directs new development to. Being an established residential area, accessibility is good and the infrastructure in the vicinity has been developed so there are services and facilities available within walking distance of the site. The principle of residential development is therefore acceptable in terms of criteria set out in Policies DM01 subject to an assessment of the scheme against policies and the parameters governing residential development.

Furthermore, the existing use of the site, is at odds within the established residential character of the street and whilst the site is presently dormant it could change at a later date and result in a greater intensity of use which could result in vehicles accessing and exiting the site throughout the day from very early in the morning.

In addition, the planning Inspector in their statement appeal Ref: APP/N5090/A/14/2211823 planning application Ref: B/04360/13 made reference to the fact that they had, 'no objection to the development of the site in principle for residential purposes' and that, 'the removal of materials and structure on the site would be of benefit to the area'. As such, there is no objection to the change of use of the site for residential purposes.

#### Design, Character and Appearance of the proposed development on the surrounding area

The NPPF attaches great importance to the design of the built environment, stating,

"good design is a key aspect of sustainable development...and should contribute positively to making places better for people".

'It stresses the need to plan positively for the achievement of high quality and inclusive design for all development, including individual buildings and smaller developments like the proposed development. While it states that local authorities should not impose architectural styles or particular tastes, it reinforces that it is also important to consider local character and distinctiveness. In addition, it states that 'permission should be refused for development of poor design that fails to take the opportunities available for improving the character and quality of an area and the way it functions'.

The history of the site reveals that proposals for two storey detached dwellings have been refused and dismissed at appeal on the grounds of design. This proposal seeks to address the concerns raised by the previous applications by seeking to erect a single storey one bedroom detached bungalow that forms the full width of the site and extends to a depth of 17.5m incorporating a shallow pitched roof. The height of the property would be 7.0m but as the ground surface is to be excavated to a depth of 2.0m the building would have a height of no more than 5.0m and an eaves height of 4.0m aligning with the height of the adjoining garage to no. 27 Pembroke Road.

The Council's approach to development as set out in Policy DM01 is to minimise its impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

These objectives are broadly consistent with a core principle of the NPPF that planning should seek to secure high quality design.

Hampden Road is characterised by a mixed variety of housing types where the Inspector in the Statement Ref: B/04360/13 referred to Hampden Road as 'varied in character' comprising of 3 storey houses with mansard style roofs to two storey dwellings with a few single storey dwellings scattered amongst them. Given the variation of the design of housing it is considered that the single storey pitched roof bungalow is compatible and would fit comfortably in with the style of housing in Hampden Road.

The proposed dwelling is to be built up to the side site boundaries with the front entrance door and hallway recessed 2.6m for a width of 1.5m from the front main building line of the property which is set back some 5.0m from the back edge of the pavement and 0.5m-1.0m from the front main building line of the adjoining dwellinghouse of no. 23 Hampden Road. The rear garage of no. 27 Pembroke Road adjoins the shared boundary with the proposed development and is itself sited close to the back edge of the pavement. Given the reasonable set back of the proposed dwelling from the highway, its width of 5.0m and that it is single storey in height, enclosed on either side by a two storey dwellinghouse and a garage of the same height, visibility of the dwellinghouse from public viewpoints would be somewhat obscured and limited. Furthermore, the development would be sited at the end of the road which adjoins the rear gardens of dwellings facing onto Pembroke Road and at a height of 5.0m would retain the open spacious character of the area and would not appear cramped, bulky or dominant when viewed from the street scene.

When compared with other dwellings in Hampden Road, it is notable that the proposed garden depth of the dwelling and overall shape and size relates to what presently exists. The proposal would extend to a depth of 17.5m which is deeper than the adjoining dwelling and at a ridge height of 5.0m with the majority of the building at a height of 4.5m lowering to an eaves height of 4.0m on the shared boundary with no. 23 Hampden Road the dwelling is seen as merely replacing a similar structure sited in the middle of the site. The existing floor area of structures already at the site amount to 72sqm and the floor area of the proposed dwelling amounts to 67sqm and is not considered to result in any additional detrimental impact on the surrounding environment than what presently exists. In respect of the detailed design of the proposed dwelling, the form of roof and other features such as the size, siting and alignment of the windows to the dwellings are considered in character with the surrounding locality and in proportion with the size of the dwellinghouse. The proposed materials are also considered of a contemporary design and the submission of samples can be conditioned at any approval of the scheme. The height, bulk and scale of the dwelling has been much reduced from the previous planning applications and has addressed many of the designs concern raised at appeal. The development is considered to blend in better with its surroundings and is more in keeping with the character and appearance of the surrounding dwellings and environment carries through the front main building line as the neighbouring property at no. 23. Given the character and spacing of the road, the scale of the proposal in relation to the siting of the adjoining property at no 23 it is considered sufficient to retain a degree of spaciousness around the plot and from each other.

Notwithstanding the above, in order to prevent the dwelling from being substantially extended to the detriment of the area or adjoining dwellings (existing and proposed) it would be reasonable to impose a condition on any planning permission removing permitted developments rights relating to Class A (extensions), Class B (roof alterations) and Class E (outbuildings), so that an assessment can be made on any further or future additions to the properties. In addition, in order to ensure that the proposed dwellings would be of a suitable appearance, in keeping with the surrounding area a condition requiring that sample materials of the external finishes be submitted to and be agreed by the Council prior to any works on site may be imposed to help ensure that the proposed development would assimilate into the site and its surrounding area.

In terms of design and siting, the development is considered to be of a scale, size, bulk and design that is in keeping with the character and appearance of the adjoining dwellings and within the context of the architectural design and visual appearance of the surrounding area and is not considered to result in any additional or harmful impact on the character and appearance of Hampden Road.

Taking all of the above into account, it is considered that the proposed dwellinghouse is in proportion and character with the adjoining and nearby properties and would respect and relate to the spacing and character of the surrounding area. Accordingly, the proposed development, on balance, complies with Policy DM01 and DM02 of the Development Management DPD, policy CS5 of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013).

#### Impact on the amenity of adjoining properties and the form of accommodation on the future occupiers of the dwelling

The National Planning Policy Framework states, 'always seek to secure high quality design and a good standard of amenity for all existing and future occupants of land and buildings'.

The proposed dwellinghouse is to be built up to the shared boundary with no. 23 Hampden Road which comprises of a two storey dwellinghouse which has its east elevation set a minimum of 1.0m widening to 2.0m to the rear from the shared boundary with the application property. The proposed dwellinghouse is to have a depth of 17.5m and at a height of 4.0m on the shared boundary rising to 5.0m at a distance of 3.0m it is not considered that the additional depth would result in any overbearing impact, loss of light or outlook to no. 23 Hampden Road as a result of the development.

The east elevation of the proposed development is to be built up the rear garden of no. 27 Pembroke Road which has a rear garage built up to the shared boundary with the application property. The proposed dwelling is to match the roof design and height of the garage at both the ridge and eaves height and as the garage forms nearly the whole width of the rear garden and with a rear garden depth of some 9.0m it is not considered that the proposed dwellinghouse would impact on the amenities of no. 27 in the form of a loss of light, overbearing impact or outlook.

Similarly, the proposed development would back onto the rear gardens of no. 17-25 Pembroke Road and given the height and siting of the proposed dwelling would result in a structure that is no larger than a rear garden outbuilding with an eaves height of 4.0m and which is again not considered to give rise to any loss of outlook, overbearing impact, light or privacy.

Giving consideration to the scale of the proposal, the siting of windows in the adjoining property, the orientation of the dwelling, separation distances and boundary screening, it is considered that the proposal would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies. Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, the development complies with Policy DM02 of the Local Plan and the SDG and the National Planning Policy Framework.

The form of accommodation is acceptable with each room having sufficient daylight, outlook and ventilation and a satisfactory form of living space for future occupiers compliant within the provisions of the London Plan.

It is not considered that the use would produce any higher noise levels, activity or disturbance to adjoining or nearby properties over the existing use which although dormant at the moment has the potential to be much greater when active.

The SDG makes it clear that all new residential developments should provide adequate private gardens of 5m<sup>2</sup> for every habitable room and in this instance a requirement of 30m<sup>2</sup>. The proposed development seeks to provide a rear garden area with an area of 63m<sup>2</sup> which is well in excess of 30m<sup>2</sup> and which is functional and usable in terms of its width, depth, shape and orientation to meet the needs of future occupants and which would not suffer from any direct overlooking or loss of privacy with the area to be enclosed by a 2.0m high close boarded fence on the shared boundary with the adjoining properties.

For the reasons outlined above, the proposal is considered to have a satisfactory relationship to the adjoining properties subject to the attachment of appropriate conditions and is in accordance with the relevant policies outlined above.

#### Parking and Highway

The proposed development is for a 1 bed dwelling with the provision of one car parking space. Hampden Road is made up of dwellings of which many do not have off street

parking and, the site is within a sustainable location within walking distance of public transport and service facilities and as such complies with the NPPF. In addition, the use of the site as a residential one bedroom dwelling is considered to have a less intensity of use than the existing storage yard which could generate more vehicles and heavy duty lorries collecting and delivering goods.

In addition, paragraph 59 of the National Planning Policy Framework (NPPF) (2012) states that "local planning authorities should consider using design codes where they could help deliver high quality outcomes". In view of paragraph 59 of the NPPF and Policy 3.5C of The London Plan (2011), and when considering what is an appropriate standard of accommodation and quality of design, the Council has due regard to the Mayor of London's Housing Supplementary Planning Guidance (SPG) (November 2012). As an SPG, this document does not set new policy. It contains guidance supplementary to The London Plan (2011) policies. While it does not have the same formal Development Plan status as these policies, it has been formally adopted by the Mayor as supplementary guidance under his powers under the Greater London Authority Act 1999 (as amended). Adoption followed a period of public consultation, and it is therefore a material consideration in drawing up Development Plan documents and in taking planning decisions.

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

The height, bulk and scale of the dwelling has been much reduced from the previous planning applications and has addressed many of the designs concern raised at appeal. The development is considered to blend in better with its surroundings and is more in keeping with the character and appearance of the surrounding dwellings and environment carries through the front main building line as the neighbouring property at no. 23. Given the character and spacing of the road, the scale of the proposal in relation to the siting of the adjoining property at no 23 it is considered sufficient to retain a degree of spaciousness around the plot and from each other.

#### **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 has been concluded that on balance, the proposal is an efficient use of the land, sufficiently maintaining the character, appearance and spatial pattern of development of the surrounding area and would not have any significant adverse amenity implications on the residential amenity of neighbouring dwellings; parking and highway safety, landscaping. As such, the proposal is in accordance with Policies of the Development Management DPD, policies of the Barnet Core Strategy and the Supplementary Planning Document: Residential Design Guide (2013) and with the relevant parts of the National Planning Policy Framework. This application is therefore recommended for approval subject to the attachment of relevant conditions.



