

Location **Fairlight Cottage 7 Horseshoe Lane London N20 8NJ**

Reference: **16/2448/S73** Received: 14th April 2016
Accepted: 20th April 2016

Ward: Totteridge Expiry 15th June 2016

Applicant: Mr Melvin Robinson

Proposal: Variation to condition 1 (Plans) pursuant to planning permission B/05539/14 dated 08/12/14 for "Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping". Variations include changes to window, rooflight and door positions, addition of PV panels and variations to landscaping

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing Nos. SITE-EX, PL-E-04B, PL-E-05B, PL-E-06B, and landscape drawing 2706 dated June 2016.

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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 2 This development must be begun within three years from the date of the grant of planning permission B/05539/14 (8 December 2014).

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act, 2004.

- 3 Before the development hereby permitted is first occupied the site shall be enclosed except at the permitted points of access in accordance with details previously submitted to and approved in writing by the Local Planning Authority.

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 Adopted Barnet Development Management Policies DPD (2012), CS NPPF and CS1 of the Adopted Barnet Core Strategy DPD (2012).

- 4 Before the building hereby permitted is first occupied the proposed dormer windows in the south flank roofslope facing No. 5 Horseshoe Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall

be permanently fixed shut below 1.7 metres above the floor level of the rooms they serve, with only a fanlight opening above this height.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 5 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows, other than those expressly authorised by this permission, shall be placed at any time in the south elevation or roofslope facing No. 5 Horseshoe Lane.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with policy DM01 of the Adopted Barnet Development Management Policies DPD (2012).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of Classes A, C, D, E, or F of Part 1 to Schedule 2 of that Order shall be carried out within the curtilage of the dwelling hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the general locality, the openness of the Green Belt and the health and vitality of protected trees, in accordance with Policies DM01 and DM06 of the Adopted Barnet Development Management Policies DPD (2012).

- 7 a) Prior to the commencement of any works on hard landscaping within the site, full details of the proposed hard landscaping including materials to be used to the driveway, and paving around the dwelling hereby approved shall be 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.

- 8 All work comprised in the scheme of soft landscaping approved under this application 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.

Reason: To ensure a satisfactory appearance to the development in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2016.

- 9 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 DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 10 The tree protection shown on drawing 'SITE' 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 policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS5 and CS7 of the Adopted Barnet Core Strategy DPD (2012) and 7.21 of the London Plan 2011.

- 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 March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 12 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse (Use Class C3) permitted under this consent it shall 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 13 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), Policies 5.2 and 5.3 of the London Plan (2015) and the 2016 Mayors Housing SPG.

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 Any and all works carried out in pursuance of this consent / notice will be subject to the duties, obligations and criminal offences contained in the Wildlife and Countryside Act 1981 (as amended). Failure to comply with the provisions of the Wildlife and Countryside Act 1981 (as amended) may result in a criminal prosecution.

Officer's Assessment

1. Site Description

The application site is located at the northern end of Horseshoe Lane. It is the final property along Horseshoe Lane, which continues north as a footpath only beyond the application site. The plot originally contained a detached bungalow, and a detached single garage. Since planning permission was approved, the bungalow has been demolished and works are progressed on the construction of the approved building.

Horseshoe Lane contains only a small number of dwellings, with the layout generally comprising pairs of dwellings in relatively close proximity, with larger gaps between the pairs. For example, Nos. 1 and 3 are approximately 16 metres apart, Nos. 5 and 7 approximately 13 metres apart. However, Nos. 3 and 5 are approximately 47 metres apart. Similarly, Nos. 2 and 4 are over 70 metres apart. This spacing between properties, and the different form of the properties (a mixture of bungalows, and two storey dwellings) ensures that Horseshoe Lane retains a spacious and rural feel.

2. Site History

16/0249/CON: Site Of 7, Horseshoe Lane, London, N20 8NJ. Submission of details for condition 11(landscaping) pursuant to planning permission B/05539/14 dated 08.12.14.

Decision: Refused. **Decision Date:** 16 May 2016

15/04496/CON: Site Of 7, Horseshoe Lane, London, N20 8NJ. Submission of details for condition 3 (Levels), condition 4 (Materials), condition 5 (Proposed windows) and condition 11 (Hard and soft landscaping) pursuant to planning permission B/05539/14 dated 08/12/14.

Decision: Approved in respect of conditions 3, 4 and 5. Refused in respect of Condition 11. **Decision Date:** 16 March 2015

15/00603/CON: Site Of 7, Horseshoe Lane, London, N20 8NJ. Submission of details of conditions 10 (Demolition and Construction Method Statement), 14 (Trees -Protective Fencing), 15 (Method Statement -Trees), 18 (Demolition Works in Conservation Areas) pursuant to planning permission reference B/05539/14.

Decision: Approved. **Decision Date:** 16 March 2015

B/05539/14: Site Of 7, Horseshoe Lane, London, N20 8NJ. Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping.

Decision: Approved subject to conditions. **Decision Date:** 8 December 2014

B/02926/14: Site Of 7, Horseshoe Lane, London, N20 8NJ. Demolition of existing dwelling and detached garage. Erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping.

Decision: Approved subject to conditions. **Decision Date:** 8 September 2014

B/05763/13: Site Of 7, Horseshoe Lane, London, N20 8NJ. Demolition of existing dwelling and erection of single storey family dwelling, including basement level and rooms in roof space. Hard and soft landscaping and refuse.

Decision: Refused. **Decision Date:** 21 March 2014

B/02498/12: Site Of 7, Horseshoe Lane, London, N20 8NJ. Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage (Conservation Area Consent).

Decision: Approved subject to conditions. **Decision Date:** 16 November 2012

B/02497/12: Site Of 7, Horseshoe Lane, London, N20 8NJ. Demolition of existing bungalow and garage and construction of replacement dormer bungalow with integral garage..

Decision: Approved subject to conditions. **Decision Date:** 16 November 2012

3. Proposal

This application seeks to vary the wording of condition 1 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.

Planning permission B/05539/14 approved the demolition of the existing bungalow and the construction of a replacement dwelling with integral garage and basement. The approved dwelling measures approximately 15.5 metres in width by 15.3 metres in depth. It has a hipped roof, with dormer windows in all roof slopes to facilitate first floor accommodation. The approved building has a ridge height of 6.4 metres.

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

- Addition of raised roof lantern to elevations in location of previously approved roof lantern.
- Removal of chimney to north side elevation and replacement with flue to roof.
- Addition of PV panels to roof.
- Alterations to fenestration and door style and positions to all elevations.
- Alterations to eaves detailing to west (rear) elevation and south (side) elevation.
- Submission of site layout and landscaping plans to confirm location and positioning of driveway and vehicular access to site.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties. Six letters of objection have been received, and can be summarised as follows:

- The whole design and proportions of the house have been altered from every elevation.
- The house protrudes forward, backward and sideways further.
- The building is now taller with the protruding skylight which is unacceptable.
- Building is obtrusive and huge.
- Originally approved design features are missing, eg the curvature over the garage, the design of the apex over the garage and the loss of the chimney. These are replaced by unsightly features such as the upstand of the roof light.
- The building has been constructed with disregard for structural welfare of neighbouring properties, the Green Belt, the condition of Horseshoe Lane and land owned by the London Borough of Barnet.

Any further responses received prior to the committee meeting will be reported at the meeting.

Totteridge Conservation Area Advisory Committee

- The committee feels this application constitutes a redesign of the external appearance and cannot be regarded as a variation to the plans previously approved. There are numerous differences and changes, and it appears the size has increased and these are not highlighted in the application that has been presented to the committee.

Totteridge Residents Association

- This application does not constitute a "variation" to the approved plans.

- Apart from the "variations" highlighted on the application there are numerous differences and changes, including an increase to the size of the footprint, which have not been applied for in the application.
- These changes should require a full planning application to be submitted, and as we understand the property is virtually built it would appear this application would also be a retrospective one which the TRA deplores, especially in the Conservation Area.
- Furthermore the proposed skylight, protruding out of the crown roof, is an unattractive feature which is out of keeping.

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, DM06 and DM15.

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 and works are progressed on the construction of the replacement dwelling. Other than this, the site circumstances are not materially different since the original grant of planning permission. 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 terms of the changes to the building, it should be noted that the footprint (width and depth) of the building, and its siting within the plot, are identical to that approved as part of the original planning application. In addition, the eaves and ridge height of the building remain unchanged since the original grant of planning permission.

The approved scheme included a roof light on the flat roof, however the approved elevations did not show this roof light to protrude above the ridge tiles. As part of the current scheme, permission is sought for a raised roof light which protrudes approximately 0.2m above the ridge. Given that the roof light would be set in from the edges of the roof, when viewed on the building as a whole it would appear as a wholly subservient structure which would not harm the character or appearance of the building.

The removal of the chimney and its replacement with a flue within the flat roof is not considered detrimental to the character or appearance of the host building. The chimney was not an integral or prominent design feature but a subservient element set toward the rear of the front façade. The replacement flue would be small in scale.

The alterations to fenestration includes simplification of the fenestration design and appearance throughout the ground floor level of the building. The majority of these alterations would not be visible from outside the site. They would not result in a materially greater number of windows when compared to the approved scheme and are considered acceptable.

The alterations to eaves detailing includes the materials and detailing around the garage entrance, and an alteration to the south side elevation to replace a sloped section of roof with a vertical element. These changes are minor in nature, and do not alter the character of the building such that it would be harmful to the character and appearance of this part of the conservation area.

In respect of the PV panels on the roof, the applicant has provided a letter from their energy consultant confirming that the proposal is required to comply with Part L of the Building Regulations, and is required to achieve a demanding level of energy efficiency as well as demanding level of CO2 emission reduction. As a result of this, fabric energy efficiency and efficient services have been incorporated into the structure. The PV panels are required in order for the development to meet this. They must be as close to south facing as possible and unshaded in order to be optimised. Given that these panels would only be visible in oblique views of the dwelling, and that they do not materially adversely affect the character and appearance of the dwelling, it is not considered that these would cause any harm to the character and appearance of the building or the wider conservation area. In addition, the proposed location is preferred when compared to other options which would be within the rear garden of the property and result in the introduction of additional built form in this sensitive Green Belt location.

Detailed drawings have also been provided of the proposed front landscaping arrangement. Whilst previous applications on this site have sought to take access from various locations along the frontage of the site, the current scheme proposes one single point of vehicle access to be taken from the northern-most part of the site frontage, in the location of the previous vehicular access to the original dwelling on the site. The driveway would then sweep back into the site up to the proposed integral garage. The frontage would include soft landscaping in the form of lawn and trees to replace previously removed trees, to ensure that the resultant site retains a rural and verdant appearance in keeping with the sensitive location of this site in the Green Belt and conservation area.

Overall, it is considered that the changes proposed since the approved scheme do materially change the appearance of the building. However, these changes are considered minor in nature. The proposed development remains a replacement dwelling, of a size identical to that previously approved. The alterations as described in detail above are not considered to adversely affect the character or appearance of the building, the street scene or the locality as a whole. They are not considered to harm the character and appearance of the conservation area, or the openness and visual amenity of the Green Belt.

5.4 Response to Public Consultation

The majority of comments received are addressed in the appraisal above. The submitted drawings show the previous grass verges along Horseshoe Lane to be reinstated. It should be noted that these verges fall outside of the applicant's ownership and outside of the application site, and therefore the relevant landowners' permission would be required prior to any such works being undertaken on their land.

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.

