

Location	Holly Lodge 189 Barnet Road Barnet EN5 3JZ	
Reference:	17/0881/FUL	Received: 14th February 2017 Accepted: 21st February 2017
Ward:	High Barnet	Expiry 18th April 2017
Applicant:	Mr Sam Bwalya	
Proposal:	Demolition of existing bungalow and erection of 2no. two storey semi-detached dwellinghouses. Associated amenity space, refuse and cycle storage. Provision of 4no. off-street parking spaces	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 554.PL.01; Drawing no. 554.PL.02; Drawing no. 554.PL.03; Drawing no. 554.PL.04; Drawing no. 554.PL.05 Rev A; Drawing no. 554.PL.06 Rev A; Drawing no. 554.PL.07 Rev A; Drawing no. 554.PL.08 Rev A; Drawing no. 554.PL.09 Rev A; Drawing no. 554.PL.10; Drawing no. 554.PL.11 Rev A; Drawing no. 554.PL.12; Sustainability Statement by IPT Architects; Planning Statement by Knights 1759 dated 10th February 2017; Arboricultural Impact Analysis by Skerratt dated 8th November 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 CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

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

- 3
 - a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the 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 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) including planting and fencing to screen shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012) and the Sustainable Design and Construction SPD (adopted April 2013).

- 6 a) No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and an arboricultural method statement detailing precautions to minimise damage to trees and providing details of how retained trees will be protected throughout all phases of development, in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority.

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition 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. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees 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 DPD (adopted September 2012) and Policy 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 a) No development shall take place until the implementation of a programme of archaeological evaluation has been secured in accordance with a written scheme which has been submitted by the applicant and approved by the Local Planning Authority in writing and a report on that evaluation has been submitted to the Local Planning Authority.

b) If heritage assets of archaeological interest are identified by the evaluation under a) above, then before development (other than demolition to present ground level) commences the implementation of a programme of archaeological investigation shall be secured in accordance with a Written Scheme of Investigation which has been submitted by the applicant and approved by the local planning authority in writing.

c) No development or demolition shall take place other than in accordance with the Written Scheme of Investigation approved under b).

d) The development shall not be first occupied or brought into use until the site investigation and post investigation assessment has been completed in accordance with the programme set out in the Written Scheme of Investigation approved under b), and the provision for analysis, publication and dissemination of the results and archive deposition has been secured.

Reason: To enable archaeological investigation of the site in accordance with Policy DM06 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD and Policy 7.8 of the London Plan 2015.

- 9 Before the building hereby permitted is first occupied the proposed windows including rooflights in the rear elevation facing High Point on Barnet Gate Lane shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development

Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted April 2013).

- 10 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing 3 Hawthorn Grove on Barnet Road or the rear elevation facing High Point on Barnet Gate Lane.

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

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

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

- 12 The rooms labelled as studies indicated on the hereby approved plans shall be implemented and shall not be used as bedrooms.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or neighbouring residents in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012), and the Residential Design Guidance SPD (2016).

- 13 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).

- 14 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

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

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

- 15 Before the development hereby permitted is first occupied turning space and parking spaces shall be marked out within the site and any changes to vehicular access constructed in accordance with the details indicated on Drawing no. 554.PL.03 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 2016.

- 16 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be 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 the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 17 a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:

- i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
- ii. site preparation and construction stages of the development;
- iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
- iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;

- v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
- vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;
- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 18 Provisions shall be made within the site to ensure that all vehicles associated with the construction of the development hereby approved are properly washed and cleaned to prevent the passage of mud and dirt onto the adjoining highway.

Reason: To ensure that the development does not cause danger and inconvenience to users of the adjoining pavement and highway.

- 19 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).

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

- 21 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 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 22 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 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.

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 £2,429.70 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 £11,589.11 payment under Barnet CIL.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

1. Charity: If you are a charity, intend to use the development for social housing or feel that there are exception circumstances affecting your development, you may be eligible for a reduction (partial or entire) in this CIL Liability. Please see the documentation published by the Department for Communities and Local Government at https://www.gov.uk/government/uploads/system/uploads/attachment_data/file/6314/19021101.pdf
2. Residential Annexes or Extensions: You can apply for exemption or relief to the collecting authority in accordance with Regulation 42(B) of Community Infrastructure Levy Regulations (2010), as amended before commencement of the chargeable development.
3. Self Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 7294.

- 4 The applicant is advised that written schemes of investigation will need to be prepared and implemented by a suitably qualified archaeological practice in accordance with Historic England Greater London Archaeology guidelines for Archaeological Projects in Greater London. They must be approved by the Local Planning Authority before any on-site development related activity occurs.

An archaeological field evaluation involves exploratory fieldwork to determine if significant remains are present on a site and if so to define their character, extent, quality and preservation. Field evaluation may involve one or more techniques depending on the nature of the site and its archaeological potential. It will normally include excavation of trial trenches.

The results of the archaeological evaluation will advise on the requirement, or not, of any future archaeological work.

- 5 The plans and particulars submitted in accordance with Condition 6; above shall include:

(a) a plan showing the location of, and allocating a reference number to, each existing tree on the site which has a stem with a diameter, measured over the bark at a point 1.5 metres above ground level, exceeding 75mm, showing which trees are to be retained and the crown spread of each retained tree and which trees are to be removed;

(b) details of the species, diameter (measured in accordance with paragraph (a) above), root protection area (as defined in BS5837:2012 Trees in Relation to design, demolition and construction-Recommendations), the approximate height, and an assessment of the general structural and physiological condition, of each

retained tree and of each tree which is on land adjacent to the site and to which paragraphs (c) and (d) below apply;

(c) details of any proposed pruning of any retained tree, and of any tree on land adjacent to the site;

(d) details of any proposed alterations in existing ground levels, and of the position of any proposed excavation within the recommended protective distance referred to in BS5837: 2012.

(e) details of the specification and position of fencing [and of any other measures to be taken] for the protection of any retained tree from damage before or during the course of development.

In this connection 'retained tree' means an existing tree which is to be retained in accordance with the plan referred to in paragraph (a) above.

- 6 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance of the public highway in the vicinity of the site should the highway be damaged as a result of the construction traffic. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.
- 7 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 8 Refuse collection points should be located within 10 metres of the Public Highway; otherwise, unobstructed and suitable access needs to be provided to the refuse vehicle on the day of the collection. The development access needs to be designed and constructed to allow refuse vehicles to access the site and turn within the within the development site. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site accommodates a bungalow and a single storey detached double garage fronting Barnet Road within the High Barnet Ward, at the junction with Barnet Gate Lane.

The property is not listed nor does it lie within a conservation area.

There is TPO covering the trees fronting Barnet Gate Lane. The site also falls within an area of special archaeological interest.

It is not identified as being within a Flood Risk Area, or subject to any other known planning restrictions.

The site is located on a corner plot, on a wide but shallow site. To the northeast of the site, lies a two storey property known as a 3 Hawthorn Grove on Barnet Road. The property is set further back from the host site and has a long projecting single storey wing at the front, on the boundary with the host site.

To the south east of the site, is a modest bungalow known as High Point, fronting Barnet Gate Lane. The property recently benefitted from planning consent for a creation of a first floor and two storey side extensions.

2. Site History

Reference: 16/4788/FUL

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Refused

Reasons for refusal:

1. The proposed dwellings would by reason of the number of dwellings proposed and by virtue of their design, size, siting and height would cumulatively appear bulky, and out of scale with the prevailing character and constitute overdevelopment of the site resulting in a cramped form of development, detrimental to the character and appearance of the site of which it forms part and the wider area, in addition the proposal would be overbearing and visually obtrusive detrimental to the visual amenities of neighbouring residents at High Point, Barnet Gate Lane
2. Insufficient information has been submitted with the application such that the Local Planning Authority is unable to assess the impact of the proposed development on the Atlantic Cedar, which is a tree of special amenity value and the subject of a Tree Preservation Order.
3. The proposal fails to provide adequate outdoor amenity space for the occupiers of units 1 and 2. As such, the proposal would fail to provide a satisfactory standard of accommodation for the existing and the future occupiers of these units
4. The proposed windows in the rear of the properties will result in overlooking and a loss of privacy to neighbouring residents at High Point, Barnet Gate Lane

Decision Date: 23rd September 2016

Description: Demolition of the existing dwelling and erection of three two storey terrace family dwellings. Associated parking and amenity space

Reference: 15/06579/192

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Unlawful

Decision Date: 11 November 2015

Description: Single storey side extension following demolition of existing detached garage

Reference: N10755E/07

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Approved subject to conditions

Decision Date: 23 January 2008

Description: Creation of additional vehicular access, front, side & rear extensions and reduction in existing garage from triple to double.

Reference: N10755D/07

Reference: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Refused

Decision Date: 8 May 2007

Description: Proposed two bedroom detached bungalow.

Reference: N10755C/06

Address: Holly Lodge, 189 Barnet Road, Barnet, EN5 3JZ

Decision: Approved subject to conditions

Decision Date: 13 July 2006

Description: Erection of side extension. Creation of new vehicular access and erection of 2 metre high front wall.

Other relevant history:

Planning approval at High Point, Barnet Gate Lane (under reference 16/7335/HSE) for the following development:

"Creation of first floor level. Two storey side and rear extension following demolition of existing garage. New roof including 2no dormer windows and 4no rooflights to Holly Lodge elevation, 1no dormer window and 5no rooflights to La Croisette elevation. Changes and relocation of front entrance door. Changes to fenestration to all elevations."

This scheme was approved on the 11th January 2017 and at the time of the site visit had not been implemented.

3. Proposal

The application relates to the demolition of the existing dwelling and erection of a pair of two storey family dwellings with associated parking and amenity space. The units would be 3 bedrooms (5 occupiers) plus each with a study room.

The proposed buildings would be set 7.8m away from the boundary with 3 Hawthorn Grove on Barnet Road and 3.2m from the boundary with High Point on Barnet Gate Lane; the existing building is set 10m from Hawthorn Grove although there is a garage that will be removed set on the boundary, and between 1m and 2.5m from the boundary with High Point. The edifice would be set 6m from the front of the site on Barnet Road and 16.2m from the boundary with Barnet Gate Lane; the existing building is closer to both boundaries, and set between 5.2 and 5.8m from the Barnet Road, and 13.4m from Barnet Gate Lane.

The proposed buildings would have a length of 19.8m and depth of 8.2m. There would be dormers located at the front and rear of the site. The eaves would be irregular in height at the front compared to the rear, with the former being 4.5m and the latter 3.3m from ground level. The buildings would have a ridge height of 8m to match the ridge height of High Point.

The application follows on from a refused scheme on the site comprised of three dwellings on the site under reference 16/4788/FUL. This application was refused on four grounds, which were:

1. The buildings by virtue of their design, size, siting and height would cumulatively appear bulky, and out of scale with the prevailing character and constitute overdevelopment of the site resulting in a cramped form of development, in addition the

proposal would be overbearing and visually obtrusive detrimental to the visual amenities of neighbouring residents at High Point, Barnet Gate Lane

2. Insufficient information to assess the impact on the tree covered by a TPO

3. Inadequate outdoor amenity space for the occupiers of units 1 and 2.

4. Overlooking and a loss of privacy to neighbouring residents at High Point, Barnet Gate Lane

4. Public Consultation

Consultation letters were sent to 16 neighbouring properties.

6 responses have been received, comprising 5 letters of objection, 0 letters of support and 1 letters of comment.

The objections received can be summarised as follows:

- Impact on traffic
- Insufficient parking provision
- Access so close to junction should not be permitted/ object to new access
- Overdevelopment of the site
- Out-of-character
- Enclosure of garden
- Loss of outlook to High Point
- Overshadowing to High Point
- Loss of views
- New homes described as 3 bedroom but room labelled as study will be used as bedroom
- Noise
- Loss of privacy to High Point
- Small amenity space/ poor quality
- Amenity space for unit 2 is close to busy road
- Windows look directly to fence

The representations received can be summarised as follows:

- Site lies in an area of special archaeological significance

Historic England has commented on the scheme and consider that certain conditions would be required to be added to the recommendation.

A site notice was erected on the 2nd March 2017.

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 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital 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, DM04, DM06, DM08, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the 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 October 2016)

- 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

The main issues for consideration in this case are:

- Principle of development;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers;
- Impact on trees;
- Impact on archaeology in the area;
- Impact on Highways;

- Accessibility and Sustainability

5.3 Assessment of proposals

Principle of development and Impact on the character of the area

The proposal would replace an existing residential use and two dwellings; the principle of demolition and erection of two replacement dwellings is considered suitable in this locale.

Policy CS5 Protecting and enhancing Barnet's character to create high quality places' seeks to ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design. Policy DM01 states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the numerous factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally.

The properties on this section of the road vary in character and there is no defined building line; however they all generally lie on generous plots. The host property, as existing, is set closer to the road than the properties to the north-east, which are predominantly obscured by the vegetation fronting the road.

The proposed scheme, as submitted, has been reduced to two dwellings (from the refused scheme involving three) and is two storeys in height (from the previous three storeys) although the top storey is confined to a steeper roof at the front and shallower form at the rear. The proposed new dwelling notably presents a modern building, particularly with the contemporary interpretation at roof level of a traditional roof form. The proposed dormers are considered to be subordinate to the roof form. Development, whether a modern or traditional in style, should be harmonious and sympathetic to its setting; in this case, officers consider that the reduction in the bulk, massing and scale of the structures in addition to a simplified design have addressed previous objections and are reflective of other properties in the vicinity.

The reduction in the proposed height, changes to the siting on the plot and simplified roof form result in the building sitting more comfortably on the plot. The proposed footprint is comparable to the existing building and the scheme is not considered to constitute an overdevelopment of the site.

It is not uncommon for properties in the vicinity to benefit from side gardens, such as at Pasadena House on Rockways, to the northeast of the host site.

Overall, the proposal is considered to have an acceptable impact on the character of the area and the scheme is considered to have addressed the previous reason for refusal on character grounds.

Impact on the amenities of neighbouring occupiers

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

Any development, particularly in a constrained site should ensure that the amenities of neighbouring occupiers are respected.

The Council's SPD 'Residential Design Guidance' states that new buildings and extensions should normally be subordinate and respect the original building. The Council's guidance advises that new development should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing building and using an appropriate roof form to ensure that the amenities of neighbours are not harmed.

Policy DM01 in Council's Development Management Policies DPD stipulates that development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.

The previous application for three units was refused on the design, size, siting and height which was considered to result in a bulky and out-of-scale structure and therefore deemed overbearing and visually obtrusive to neighbouring occupiers. The proposed buildings have been reduced in height, width and set further away from the boundary with High Point. Whilst the eaves height has been increased at the rear and dormers added, it is considered that the distance and reduction in the height and width have reduced the prominence of the structure. In addition, although the approved development at High Point has not been implemented, weight has been given to the extant approval which would be comparable in bulk and massing to the proposed dwellings.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between habitable rooms should be 21 metres. No windows are proposed in the rear of the ground floor level of the buildings but dormers are proposed in the slope of the roof to serve habitable rooms, which would be conditioned to be obscure glazed to prevent overlooking. Although windows at roof level have been introduced facing High Point where at present there are none, consideration has been given to the approval at High Point itself which also introduced windows facing the host site.

The reduction in the height, scale and length of the dwellings in addition to increasing the distance from the boundary beyond the existing building, is considered to have addressed the previous objections to the impact on High Point.

Consideration has also been given to the siting of the existing building. Although, the proposed buildings would be taller (although not bigger than neighbouring buildings), the buildings' combined sloping roof and greater distance from the garden of High Point than the existing, is not considered to have a greater impact in terms of enclosure or loss of light to the garden of High Point than the existing circumstances. It is therefore not considered that this warrants refusal of the application.

Similarly, at present there are no habitable windows at High Point fronting the host site. Although the approved extensions at High Point would involve fenestration front Holly Lodge, this has been conditioned to be obscured glazed. In either scenario, it is not considered that the development would result in loss of outlook to this property.

On the other boundary, it is acknowledged that the window to the rear double bedroom of Unit 1 would face the entrance of 3 Hawthorn Grove, which itself also benefits from a recessed clear glazed window along the common boundary. Nonetheless, due to the distance between both properties and acute angle between the windows, it is not considered that there would be any direct overlooking to warrant refusal.

The environmental health team reviewed the previously refused application and were satisfied with the proposal subject to conditions to secure further details in respect of a construction method statement and noise mitigations measures.

In conclusion, the scheme is considered to have an acceptable impact on the visual amenities of neighbouring occupiers and have addressed the previous objections .

Impact on the amenities of future occupiers

All residential development is expected to comply with the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2015. A 3 bedroom house over two storeys would be expected to provide a minimum floor area of 93sqm; the proposed dwellings would both comply with this minimum space standard.

The SPD standards for bedrooms require double bedrooms to provide a minimum floor area of 11.5sqm and single bedrooms a minimum floor area of 7.5sqm. The Sustainable Design and Construction SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height.

In addition, the room labelled as a study falls below the standard for a single bedroom and is therefore not considered as such.

All proposed residential development should provide suitable outlook and daylight for future units; the proposal would provide suitable outlook and dual aspect to all habitable rooms on both units and in this regard is considered to be acceptable. The windows at the rear would be conditioned to be obscured glazed, however the bedrooms would benefit from outlook from the side elevations.

At ground floor, although the open planned kitchen/ living rooms have windows fronting the existing fence, adjacent to High Point, these rooms also benefit from other windows. It is therefore considered that the proximity of the fence, at a greater distance than the existing building, would not prejudice the outlook or light to future occupiers.

The Sustainable Design and Construction SPD advocates that suitable outdoor amenity space should be provided for all new residential units; the SPD specifies that for dwellings of 5 habitable rooms, a garden with an area of at least 55sqm would be required. Both units would benefit from side and rear gardens. Due to the constraints of the side, there is difficulty siting the gardens to the rear in the traditional format; to provide private outdoor amenity space the applicant proposed planting and screening. These details have been indicated on the plans submitted however further details including the screening and planting would be secured by an attached condition.

Unit 1 would benefit from a side garden adjacent to 3 Hawthorn Grove with an area of 47sqm, and a connecting section of garden at the rear of 32sqm; this exceeds the

minimum standard and is considered to be useable due to its shape. The front garden has not been included in this calculation, although it would provide additional space.

Unit 2 would benefit from a side garden of approximately 77sqm and a connecting rear garden of 48sqm; again the front garden (beyond the proposed front elevation) has not been calculated.

On balance, it is considered that the additional rear garden by virtue of the building being moved away from the rear boundary and reduction in the number of units now warrants each unit sufficient outdoor amenity space and has therefore addressed the previous reason for refusal.

Impact on trees

The Council's tree specialist has reviewed the information provided and considers that the scheme is acceptable subject to conditions.

The arboricultural report identifies 15 trees and groups of trees on the perimeter of the site. The proposed new buildings are located on the footprint of the existing bungalow. Therefore it should be reasonably practical to construct this proposal without significant impact on trees and visual tree amenity.

A cedar, T4 on applicant's plan, is protected by a tree preservation order the development does not encroach into the root protection area of this tree.

A magnolia (T13 applicants plan) is located close to the entrance and proposed new property. This tree will be impacted by the development. The arboricultural impact assessment states that this can be managed, and tree officers agreed however would require that this will need to be demonstrated within an arboricultural method statement. A cypress tree (T14 applicants plan) will be removed due to condition; this is acceptable if replaced.

The proposal is considered to be acceptable subject to a condition.

Archaeology

The National Planning Policy Framework (Section 12) and the London Plan (2011 Policy 7.8) emphasise that the conservation of archaeological interest is a material consideration in the planning process.

Paragraph 128 of the NPPF says that applicants should submit desk-based assessments, and where appropriate undertake field evaluation, to describe the significance of heritage assets and how they would be affected by the proposed development. This information should be supplied to inform the planning decision. If planning consent is granted paragraph 141 of the NPPF says that applicants should be required to record and advance understanding of the significance of any heritage assets to be lost (wholly or in part) and to make this evidence publicly available.

The planning application lies in an area of archaeological interest (Archaeological Priority Area) identified for the Local Plan: Barnet Gate and Totteridge Fields. Historic maps indicate that the site is located within a late 19th century industrial rural landscape, with a 'TileWorks' recorded to the immediate south-east. Development and use of the land prior to this time is unattested, however it is possible that archaeological evidence pertaining to earlier activity may be present.

Historic England has reviewed the information submitted with the application and using the Greater London Historic Environment Record, indicates that the development is likely to cause some harm to archaeological interest but not sufficient to justify refusal of planning permission provided that a condition is applied to require an investigation to be undertaken to advance understanding; there would be a requirement for a field evaluation to determine appropriate mitigation. Although the NPPF envisages evaluation being undertaken prior to determination, in this case consideration of the nature of the development, the archaeological interest and/or practical constraints are such that Historic England consider a condition could provide an acceptable safeguard.

The archaeological interest is considered to be therefore be conserved by attaching the recommended condition. This condition would require a two-stage process of archaeological investigation comprising: first, evaluation to clarify the nature and extent of surviving remains, followed, if necessary, by a full investigation.

Highways

As part of the previous application, the Council's Highways team as consulted and there was no highway objection.

There are as existing 4 car parking spaces and 4 car parking spaces are proposed, which is in accordance with LBB parking standards. Vehicle crossovers exist for both units and these are not different to the ones previously considered to be acceptable by the Highways team.

In accordance with the London Plan, 2 cycle spaces are required for each 4+ bedroom dwelling; this would be conditioned.

It is not considered that there are material considerations that now warrant refusal on impact to the highway, and therefore, as previous, the application is considered to be acceptable on highways grounds, subject to conditions.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition is attached to ensure compliance with the Policy

In terms of water consumption, a condition is attached to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

CIL

The Mayor of London is empowered to charge a Community Infrastructure Levy (CIL). The Levy is intended to raise £300 million towards the delivery of Crossrail. The Mayoral CIL will take effect on developments that are granted planning permission on or after 1 April 2012 setting a rate of £35 per sqm (index related) on all 'chargeable development' in Barnet.

Barnet has adopted its own CIL Charging schedule chargeable on liable development granted permission on or after 1st of May 2013 at £135 per sqm (index related).

The proposal has been calculated to be liable for £11,589.11 of Barnet CIL and £2,429.70 of Mayor's CIL.

5.4 Response to Public Consultation

The comments raised by objectors have generally been addressed in the report above.

With regards to the comments relating to the use of the rooms labelled as studies, a condition has been added to ensure that these are not used as bedrooms. Furthermore, these rooms fall below the standard for a single bedroom and would be served by a rooflight, which has been conditioned to be obscured glazed.

Amenity space for unit 2 being too close to busy road- the siting of the amenity space is not different to the current circumstances and there is vegetation that is proposed to be retained. It is therefore not considered that this warrants refusal. Furthermore, this unit also benefits from a small area of garden to the rear, where it is much quieter.

6. Equality and Diversity Issues

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

7. Conclusion

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

