

Location	Land Adjacent To 1 Kendal Close London N20 0SU	
Reference:	17/1706/FUL	Received: 16th March 2017 Accepted: 17th March 2017
Ward:	Oakleigh	Expiry 12th May 2017
Applicant:	Mr Robert Young	
Proposal:	Single storey dwelling house with associated parking and landscape works	

Recommendation: Approve subject to conditions

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. 2014-0868; Supporting 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).

- 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 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.

- 4 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.

- 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 or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevation facing 1 Kendal Close.

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).

- 6 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).

- 7 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).

- 8 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, E, F and G of Part 1 of Schedule 2 of that Order shall be carried out within the site area or building hereby approved.

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

- 9 Before the development hereby permitted is first occupied parking spaces shall be marked out within the site in accordance with the details indicated on drawing no. 2014-0868 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.

- 10 a) No development shall take place until a scheme of hard and soft landscaping to the front forecourt 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.

- 11 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).

- 12 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).

- 13 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.

- 14 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.

- 15 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.

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 £1,774.50 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 £8,463.96 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 if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via crossovers@barnet.gov.uk.

Officer's Assessment

1. Site Description

The application site comprises an undeveloped plot of land of unusual form, located to the north east elevation of No. 1 Kendal Close and to the rear of the rear gardens of No. 5 & No. 7 Loring Road. To the north, the site abuts Chiltern Court and 144 Oakleigh Road North. The site is within the Oakleigh Ward.

The site is not located within a Conservation Area or any other area of special control.

The surrounding area along Loring Road, Kendal Close & Oakleigh Road North are characterised by a mixture of detached and semi-detached properties and purpose built flatted development.

2. Site History

Reference: B/03940/14

Address: Land Adjoining NO1 Kendal Close, London, N20 0UJ

Decision: Withdrawn

Decision Date: 16.09.2014

Description: Creation of a new single storey dwelling

Reference: 14/07058/FUL

Address: Land Adjoining 1 Kendal Close, London, N20 0UJ

Decision: Refused

Decision Date: 29.12.2014

Description: Construction of two-bedroom bungalow on land adjacent to 1 Kendal Close

Reasons for refusal:

1. The proposed dwelling by reason of its size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development on a restricted site to the detriment of the character and appearance of the surrounding area as well as detracting from the residential and visual amenities of the neighbouring occupiers.
2. The proposal by virtue of providing poor quality outlook from the proposed bedrooms, a lack of privacy to the proposed bedrooms and the resulting noise and disturbance from the levels of activity in close proximity to those bedrooms, would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers.

Reference: 15/01861/HSE

Address: Land Adjoining 1 Kendal Close, London, N20 0UJ

Decision: Refused

Decision Date: 19.05.2015

Description: Erection of a detached garage block

Reasons for refusal:

1. The proposed garage block by reason of its size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development to the detriment of the character and appearance of the surrounding area as well as detracting from the residential and visual amenities of the neighbouring occupiers.

3. Proposal

The application seeks permission for the construction of a single storey, one bedroom detached dwellinghouse with associated amenity space and two off-street parking spaces.

The proposed building would have a T-shape form, with the widest section sited to the north east, along the boundary with properties in Oakleigh Road North. The building would be set 1.06m away from this boundary. At the other side, the building would be set 3.3m measured at the front, and 3m measured at the rear from the south-western boundary, adjacent to no.1 Kendal Close. The building would be recessed a minimum of 1.5m from the highway at the front of the site

The proposed building would have a maximum depth of 8.4m, and 5.57m at the narrowest section, spanning a width of 8.8m. The building would have a hipped roof with a maximum height of 4.8m and eaves height of 2.5m. The roof of the projecting wings to the front and rear of the site would be set approximately 0.7m lower than the main ridge height.

The application follows on from two previously refused applications on the site; one for a detached single storey dwelling on the site (14/07058/FUL) which was refused for the following reasons:

Reason 1- The size, design and siting would be an overly prominent, visually obtrusive and a cramped and incongruous form of development on a restricted site to the detriment of the character and visual amenities of the neighbouring occupiers.

Reason 2- Poor quality outlook from the proposed bedrooms, a lack of privacy to the proposed bedrooms and the resulting noise and disturbance from the levels of activity in close proximity to those bedrooms, would result in a poor and sub-standard form of residential accommodation for the future occupiers.

Since the last application for a dwelling on the site, the size of the site has increased at the rear and includes part of the garden of no.5 Loring Road (which is owned by the applicant). In addition, the building has been decreased in width and depth, and reduced to a 1no bedroom unit (previously 2no bedroom).

4. Public Consultation

Consultation letters were sent to 69 neighbouring properties.
8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Additional vehicles during construction/ concern regarding safety
- Heighten parking pressures with only one vehicle proposed/ vehicles on this narrow road
- Other residents who require district nurses or emergency services
- Heighten traffic congestion/ noise from vehicles
- Noise and disturbance during construction
- Land at present not even fenced off which shows no regard to residents of Kendal Close
- Building overly prominent and detract from surrounding areas
- Poor outlook of new property
- Poor quality and outlook for future occupiers
- Overlooking
- Loss of privacy/ light
- No boundary treatments proposed
- Pitched roof adds volume
- Too close to no.1
- Out-of-character roof design
- Minimum distance between rear window of Chiltern Court and back wall of proposed development not met
- Not appropriate for area
- Possible roof addition in future
- Scale & appearance of building
- Vulnerable residents on Kendal Close require parking spaces for health / emergency services. The proposal would greatly risk residents (heightened parking pressures)
- Effect on nature conservation & loss of trees.

A site notice was erected on the 23rd 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, CS5, CS9, CS15.
- Relevant Development Management DPD (2012): Policies DM01, DM02, DM03, DM04, DM08 and 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 suitable amenity would be provided for future occupiers
- Highways
- Sustainability measures

5.3 Assessment of proposals

Principle of development and impact on the character of the area

The principle of residential accommodation in this locality is considered to be acceptable. The principle of development was not itself raised as an objection on the previous application and there are no material considerations that now justify this.

The Government attaches great importance to the design of the built environment. Good design is a key aspect of sustainable development is indivisible from good planning and should contribute positively to making places better for people. However, whilst the NPPF advocates that planning should not attempt to impose architectural styles or particular tastes it is considered proper to seek to promote or reinforce local distinctiveness. Furthermore the NPPF stipulates that 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. Consideration of design and layout must be informed by the wider context, having regard not just to the immediate neighbouring buildings but the townscape and landscape of the wider locality.

The previous scheme on the site was deemed unacceptable due to the limited size of the site combined with the proposed building's size, design and siting resulting in an overly prominent, visually obtrusive building which would also appear cramped and incongruous. The current scheme has responded to this in a number of ways including increasing the size of the plot to rear and changing the design of the building itself with a shallower and narrower footprint. The resultant form now benefits from more spacing around the building, particular to the side adjacent to no.1 Kendal Close, and as a result sits more comfortably on the plot due to the narrower front elevation. It is not considered that the proposed building would appear cramped on the site.

The design of the building is now more traditional and the hipped roof is in-keeping with other typologies in the wider area. The modest height and relatively shallow roof is not considered to be alien to the vicinity.

The proposal is considered to respect the character and appearance of the general area and streetscene, and as such it would be acceptable on character grounds. It is considered that the changes to the scheme have contributed to addressing the previous concerns regarding the impact on character.

Impact on the amenities of neighbours

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 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 close siting of the building previously refused was attributed as being detrimental to the visual amenities of occupiers at no.1 Kendal Close. As mentioned, the distance from the proposed dwelling to the front elevation of no.1 Kendal Close has increased. In addition, the building would not project beyond the side elevation of this property and as a result it is not considered that the building would appear overbearing or dominant. The bulk of the roof would be pitched away from neighbours and this is considered to be acceptable.

It must be noted that the application was not objected to previously on grounds of impact of loss of light or loss of privacy to any neighbouring occupier; this proposal similarly is not considered to result in loss of light or privacy to neighbouring occupiers.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden; the proposal complies with the former. Although the scheme would be closer than 10.5m from the rear boundary (9.15m to the boundary with 5 Loring Road and 1.93m from the common boundary with no. 7 Loring Road), consideration has been given to the building being single storey in height and the angle of the rear gardens of properties on Loring Road. The rear windows would face the fence of these properties and as such there would be no mutual overlooking.

There is no proposed accommodation at roof level. Permitted development rights have been removed by way of a condition, therefore any extensions would require planning permission ; this would be assessed at the time of submission.

In this respect, the proposal is considered to have an acceptable impact on the amenities of neighbouring occupiers.

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 (MALP 2016); the minimum standard for a single storey 1 bed unit for 2 occupiers is 50sqm. The proposal would offer 50.7sqm which meets this standard.

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 houses, amenity space should be provided in the form of individual rear gardens; for dwellings of 4 habitable rooms, a garden with an area of at least 40sqm. The proposed development would provide a private amenity space of approximately 75 sqm of rear garden space (an area of 91sqm when the side garden adjacent to no.1 Kendal Close is considered); this is

an increase in the previous provision due to the increase in the plot size. This would meet the outdoor amenity requirements minimum standards.

All proposed residential development should provide suitable outlook and daylight for future units.

The previous objection was with regards to the poor level of privacy to future occupiers; the scheme has addressed this by locating the living room and bedroom to the rear of the site and setting the building further away from the front of the site than previously considered. The proposed unit would benefit from suitable daylight, outlook and adequate privacy to all habitable rooms and therefore the proposal is considered to provide suitable amenity for future occupiers. Officers therefore consider that the previous reason for refusal has been addressed

Impact on Highways

The proposed development would provide 2no off-street parking at the northern section of the site (front).

In accordance with policy DM17, a detached dwelling would require between 1 and 2 parking spaces. The provision of 2no parking spaces is in accordance with the Council's parking standards. As the proposal meets the Council's parking standards, it is not considered that the proposed development would result in an increase in parking stress in the area.

Officers therefore do not raise any objection to the scheme on highways grounds.

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 £8,463.96 of Barnet CIL and £1,774.50 of Mayor's CIL.

5.4 Response to Public Consultation

"Additional vehicles during construction/ concern regarding safety" - A condition has been added requiring a Construction Management and Logistics Plan to be provided to the Local Planning Authority including manoeuvring of vehicles.

"Heighten parking pressures with only one vehicle proposed/ more vehicles on this narrow road" - The scheme proposes 2no off-street parking spaces.

"Heighten traffic congestion/ noise from vehicles" - As above. In addition, it is not considered that the additional vehicles associated with the development would result in excessive levels of noise, over and above what is currently experienced on site.

"Noise and disturbance during construction" - Hours of construction are limited by the recommended condition no.12

"Land at present not even fenced off which shows no regard to residents of Kendal Close" - This is not a material consideration in the determination of the application.

"Building overly prominent and detract from surrounding areas" - Addressed in the assessment above.

"Poor outlook of new property" - Addressed in the assessment above.

"Poor quality and outlook for future occupiers" - Addressed in the assessment above.

"Overlooking" and "Loss of privacy/ light" - Addressed in the assessment above.

"No boundary treatments proposed" - This would be secured by a condition

"Pitched roof adds volume" and "Out-of-character roof design" - Addressed in the assessment above.

"Too close to no.1 Kendal Close" - Addressed in the assessment above.

"Minimum distance between rear window of Chiltern Court and back wall of proposed development not met" - Addressed in the assessment above.

"Not appropriate for area" - Addressed in the assessment above.

"Possible roof addition in future" - Addressed in the assessment above.

"Scale & appearance of building"- Addressed in the assessment above.

"Vulnerable residents on Kendal Close require parking spaces for health / emergency services. The proposal would greatly risk residents (heightened parking pressures)"- Assessed above, however the parking spaces provided are in accordance with the London Plan.

"Effect on nature conservation & loss of trees"- There are no protected trees on the site and the site is not considered as an area of importance for Nature Conservation. The removal of vegetation on the site does not/ did not require consent. Whilst there may be wild habitats on the site, the species mentioned by objectors are not protected and as such it is not considered that this alone would justify refusal of the application. The proposal would not be considered harmful to any protected species or biodiversity on the site and therefore officers do not object on these grounds.

6. Equality and Diversity Issues

The Equality Act 2010 (the Act) came into force in April 2011. The general duty on public bodies is set out in Section 149 of the Act. The duty requires the Council to pay regard to the need to eliminate discrimination and promote equality with regard to those with protected characteristics such as race, disability, and gender including gender reassignment, religion or belief, sex, pregnancy or maternity and foster good relations between different groups when discharging its functions.

Equality duties require Authorities to demonstrate that any decision it makes is reached in a fair, transparent and accountable way, considering the needs and the rights of different members of the community. This is achieved through assessing the impact that changes to policies, procedures and practices could have on different equality groups. It is an opportunity to ensure better decisions are made based on robust evidence.

Section 149 of the Act states that:

- (1) A public authority must, in the exercise of its functions, have due regard to the need to-
 - (a) Eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
 - (b) Advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
 - (c) Foster good relations between persons who share a relevant protected characteristic and persons who do not share it.
- (2) Having due regard to the need to advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-
 - (a) Remove or minimise disadvantages suffered by persons who share a relevant protected characteristic that are connected to that characteristic;
 - (b) Take steps to meet the needs of persons who share a relevant protected characteristic that are different to the needs of persons who do not share it;
 - (c) Encourage persons who share a relevant protected characteristic to participate in public life or in any other activity in which participation by such persons is disproportionately low.
- (3) The steps involved in meeting the needs of disabled persons that are different from the needs of persons who are not disabled include, in particular steps to take account of disabled persons' disabilities.
- (4) Having due regard to the need to foster good relations between persons who share relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to-

- (a) Tackle prejudice, and
- (b) Promote understanding

(5) Compliance with the duties in this section may involve treating some persons more favourably than others; but that is not to be taken as permitting conduct that would otherwise be prohibited by or under this Act.

(6) The relevant protected characteristics are-

- oo Age;
- oo Disability
- oo Gender reassignment
- oo Pregnancy and maternity
- oo Race
- oo Religion or belief
- oo Sex
- oo Sexual orientation

It is considered that some of the residents in Kendal Close are within one or more protected groups (disability/ age). It is acknowledged that the proposals would result in works near the residences of disabled and/ or vulnerable adults who require access to services such as visits from district nurses or emergency services.

S149 (5) of the Act requires that the Council have due regard to the need to:-

'(5) having due regard to the need to foster good relations between persons who share a relevant protected characteristic and persons who do not share it involves having due regard, in particular, to the need to:-

- (a) Tackle prejudice and
- (b) Promote understanding'

In determining this planning application the Local Planning Authority must have due regard to the equalities impacts of the proposed redevelopment of the site on those persons protected under the Equality Act 2010. This Act requires the Local Planning Authority to demonstrate that any decision it makes is reached in a fair, transparent or accountable way considering the needs and rights of different members of the community.

The potential equality impacts have been highlighted above. Any equalities impacts have also to be analysed in the context of the overall planning merits of the scheme. In this instance, the Planning Department considers that the assessment of the planning application has fully reviewed the impact on highways and associated impact on the safety of vulnerable residents; subject to details of the Construction Management (secured by a condition), the proposal is not considered to be detrimental to the enjoyment of the homes of protected groups or with regards to safety of local residents in accessing parking spaces.

7. Conclusion

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

