

Location **8 Poynings Way London N12 7LP**

Reference: **17/1981/FUL** Received: 28th March 2017
Accepted: 28th March 2017

Ward: Totteridge Expiry 23rd May 2017

Applicant: Care off agent

Proposal: Erection of a two-storey dwelling house with rooms in roof space and basement level following demolition of garage and outbuildings. Extension to existing dwelling house including two-storey rear extension with pitched roof. Extensions to roof including 1no rear dormer window and 1no roof light to both sides

Recommendation: Approve subject to conditions

- 0 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).

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans: Drawing no. A0.00; Drawing no. A0.01; Drawing no. A1.04; Drawing no. A1.05; Drawing no. A0.02; Drawing no. A0.03; Drawing no. A1.01_PR; Drawing no. A1.02_PR; Drawing no. A1.03_PR; Drawing no. A1.04_PR; Drawing no. A1.05_PR; Drawing no. A2.01_PR; Drawing no. A2.02_PR; Drawing no. A2.03_PR; Drawing no. A2.04_PR; Drawing no. A3.01_PR; Drawing no. A2.05_PR; Drawing no. A2.06_PR; Drawing no. A2.07_PR; Drawing no. A2.08_PR; Drawing no. A3.02_PR; Drawing no. A4.01_PR; Drawing no. A4.02_PR; Drawing no. A5.01_PR; Block Plan; Site Location Plan; Planning Statement by Henry Planning; Visualisations.

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 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 Classes A, B, C, D, E and F of Part 1, of Schedule of that Order shall be carried out within the area hereby approved.

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

- 6 Prior to the first occupation of the 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.

- 7 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved, prior to the first occupation of the new dwellinghouse(s) (Use Class C3) permitted under this consent they shall all have been constructed to meet and achieve all the relevant criteria of Part M4(2) of Schedule 1 to the Building Regulations 2010 (or the equivalent standard in such measure of accessibility and adaptability for house design which may replace that scheme in future). The development shall be maintained as such in perpetuity thereafter.

Reason: To ensure the development meets the needs of its future occupiers and to comply with the requirements of Policies 3.5 and 3.8 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 8 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.

- 9 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.21 of the London Plan 2015.

10 a) The site shall not be brought into use or first occupied until details of the means of enclosure, including boundary treatments, have been submitted to and approved in writing by the Local Planning Authority.

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

Reason: To ensure that the proposed development does not prejudice the appearance of the locality and/or the amenities of occupiers of adjoining residential properties and to confine access to the permitted points in the interest of the flow of traffic and conditions of general safety on the adjoining highway in accordance with Policies DM01, DM03, DM17 of the Development Management Policies DPD (adopted September 2012), and Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012).

11 Before the development hereby permitted is first occupied turning the parking spaces shall be provided and marked out within the front forecourt of the property in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority and that area shall not thereafter be used for any purpose other than the parking and turning of vehicles.

Reason: To ensure that parking and associated works are provided in accordance with the Council's standards in the interests of pedestrian and highway safety and the free flow of traffic in accordance with Policy CS9 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Local Plan Development Management Policies DPD (adopted September 2012) and 6.1, 6.2 and 6.3 of the London Plan 2015.

12 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.
- xi. details of the basement construction including removal of materials

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).

13 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).

14 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 a method statement detailing precautions to minimise damage to trees 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.

15 a) No development other than demolition work shall take place unless and until a Drainage Strategy detailing all drainage works to be carried out in respect of the development hereby approved and all Sustainable Urban Drainage System features

to be included in the scheme has been submitted to and approved in writing by the Local Planning Authority.

b) The development hereby approved shall not be first occupied or brought into use until the drainage works and Sustainable Urban Drainage System features approved under this condition have been implemented in their entirety.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and Policies 5.13 and 5.14 of the London Plan 2015.

- 16 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation facing no. 6 and no.9 Poynings Way 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).

- 17 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 flank elevations of either property facing no. 6 or no. 9 Poynings Way.

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).

- 18 The roof of the extension hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

Informative(s):

- 1 In accordance with paragraphs 186 and 187 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered. The LPA has

negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet 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 £12,320.00 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 £56,763.57 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 site is located on the southern side of Poynings Way, at the far western end of the cul-de-sac within the Totteridge Ward. Poynings Way is accessed from Walmington Fold. It is one of three similar streets including Saddlescombe Way to the north and Steynings Way to the south. Poynings Way runs uphill from its junction to Walmington Fold, while the land level falls away from north to south. The street is located in a residential area, although there is a local retail parade at the junction of Walmington Fold and Lullington Garth.

The site consists of a detached dwelling within a very large garden to the side and rear of the property. There is a substantial gap between 6 Poynings Way and the only property on the site at 8 Poynings Way, although part of this site is occupied by a large garage. Residential properties within the street are predominantly large detached dwellings however at the western end of each cul-de-sac, the plots and the dwellings within them become larger and more spacious as they wrap around the turning circle.

The site, as well as the forecourt parking, is accessed from the turning circle and because of the deviation in the building line at this point, the rear elevation of the property on the site diverges away from the flank elevation of 9 Poynings Way.

The site is not located in a conservation area and the site is not located within the setting of any listed or locally listed buildings. There are no Tree Preservation Orders in effect on or adjoining the site.

In a previous appeal decision, the Inspector noted that the properties on Poynings Way are of different styles and size, although many have roofs with noticeable eaves overhang. The road has a well-established building line relative to the shape of the cul-de-sac, and whilst most are fairly closed sited to the shared boundaries, there are still perceptible gaps in the upper levels, creating a spacious character on the street.

2. Site History

Reference: APP/N5090/W/16/3163160 (appeal of 16/3949/FUL)

Address: 8 Poynings Way And Land Adj 8 Poynings Way London N12 7LP

Decision: Appeal dismissed

Decision Date: 31st January 2017

Description: Erection of a new two-storey dwelling house with rooms in roof space and basement level. Alterations and extension to the existing dwelling including an increase in ridge height, rear dormer window and 1no roof lights to both sides. Part single, part two-storey rear extension

Reference: 16/3949/FUL

Address: 8 Poynings Way And Land Adj 8 Poynings Way London N12 7LP

Decision: Refused (officer recommendation overturned by committee)

Decision Date: 17th October 2016

Description: Erection of a new two-storey dwelling house with rooms in roof space and basement level. Alterations and extension to the existing dwelling including an increase in ridge height, rear dormer window and 1no roof lights to both sides. Part single, part two-storey rear extension

Reasons for refusal:

Reason 1-The proposed development, by reason of its size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. The proposal would be detrimental to the character and appearance of the street scene and the wider locality, contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012), and policy 3.5 of the Mayors London Plan (MALP) 2016.

Reason 2- The proposed development, by reason of its layout and the insufficient turning and manoeuvring space would result in conflicts between vehicles in the development and those using Poynings Way, to the detriment of highway and pedestrian safety, contrary to Policies CS NPPF, CS1 and CS9 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 and DM07 of the Development Management Policies DPD (adopted September 2012).

Reason 3- The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poynings Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way, to the detriment of the amenities of the occupants of this neighbouring property. The proposal would be contrary to Policies CS NPPF, CS1 and CS5 of the Local Plan Core Strategy (adopted September 2012), and Policy DM01 of the Development Management Policies DPD (adopted September 2012).

3. Proposal

Planning permission is sought for the demolition of all outbuildings and the erection of a new detached two storey dwelling house with additional basement and roof accommodation adjacent to 6 Poynings Way and the erection of a two storey rear extension to the existing property at 8 Poynings Way. The scheme would result in a new 6 bedroom dwelling house and a larger four bedroom dwelling house within the existing site. The scheme proposes that four car parking spaces would be accommodated within the front forecourt, which is to be subdivided to provide independent access.

The new dwelling would feature a substantial basement area which would have the potential to be accessed separately from the exterior. The new dwelling would also have roof level accommodation. The proposed dwelling would have a depth of 12.2m adjacent to 6 Poynings Way and a depth of approximately 15m adjacent to the existing dwelling. The property would have a frontage width of 7.5m and a maximum width of 12.4m. There would be a single storey rear projection at the rear of 2.24m depth and 8.1m in width. The ground to ridge height would be 9.3m measured at the front. There would be a basement excavation adjacent to 6 Poynings Way.

As already mentioned, the property would be a two storey building with a rear dormer and a part single storey and part two storey rear wing. The basement of the proposed dwelling would be set 1.6m from the boundary with no. 6 and 4.2m from the flank elevation of this property.

The existing dwelling would be extended in its entirety insofar as the existing rear elevation would be extended over both floors. The building would be extended by 4.0m along the boundary and the extension would have a maximum width of 8.94m. Due to the curvature of the road, the flank elevations diverge and at the rear of 9 Poynings Way, the flank

elevation would be at least 3.5m apart. The projection of the extension would be approximately 3.5m beyond the rear of 9 Poynings Way.

Each property would have 220sq.m of rear garden space which would significantly exceed the requirements set out in both the London Plan and the London Borough of Barnet supplementary planning guidance notes.

4. Public Consultation

Consultation letters were sent to 41 neighbouring properties.
21 responses have been received, comprising 21 letters of objection

The objections received can be summarised as follows:

- Gap between properties unacceptable and perceived as 1.7m
- Gap has been adversely changed from the plans considered by the Inspector
- The eaves height of no. 7 would be 2m above no.6
- Inaccurate Plans
- Gap between properties has been reduced
- Overbearing mass closer to no.6
- Detailed Independent Review (by neighbours) requires Basement Impact Assessment/ Previous report submitted to Inspector was misleading
- Loss of light
- The proposed dwelling could be subdivided into smaller units/ potential for multiple occupancy
- The number of bedrooms has increased
- Parking pressures/ unrealistic parking provision
- Appearance of building like a block of flats
- Risk to flooding and ground water conditions
- Details of soil drainage must accompany any application for basement development in accordance with the Sustainable Design and Construction SPD 2013
- Developer has not considered objections by neighbours during pre-application consultation
- Scale, mass and nature of development remains an overdevelopment which committee should refuse
- Drainage problem exists in area
- Set precedent
- Overlooking/ loss of privacy
- Overbearing building
- Out-of-character
- Disturbance during construction
- Object to size, bulk and height
- The building would be almost 1m higher than no.6 and taking into account change in ground levels would be 2m higher than no.6
- Two storey rear extension would result in blank wall protruding beyond neighbouring property
- Waterlogging to properties at the rear
- Previously submitted daylight/ sunlight report inaccurate

A site notice was erected on the 6th April 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.
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, 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:

- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Flood risk and the impact of basement accommodation
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the development would provide suitable amenity for future occupiers;
- Impact on Highways;
- Sustainability.

5.3 Assessment of proposals

It must be noted that the current application follows on from a similar application which was dismissed by the Planning Inspector in 2016. The application was refused for three reasons:

Reason 1- The size, siting, plot coverage and front forecourt arrangement would appear as a cramped and incongruous overdevelopment of the application site which would be detrimental to local character and not respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets

Reason 2- The layout and the insufficient turning and manoeuvring space would result in conflicts between vehicles in the development and those using Poynings Way

Reason 3- The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poynings Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poynings Way.

The appeal decision, given that it is also for a similar scheme to that proposed, is a material consideration in the determination of this application. The report below will detail how the proposed scheme has addressed the reasons for refusal and objections raised by the Inspector. As a result, the new dwelling would appear to fit more comfortably within the plot, respecting the spaciousness between buildings, which is characteristic on the road.

Impact on the character of the area

The principle of residential development has been established on the road. In addition, the Inspector's report did not dispute the suitability for a new dwelling on the site and as such the principle of development is considered to be acceptable.

The Inspector noted that the gap between no.6 and the proposed new dwelling at 1.77m was acceptable and similar to the gaps between other buildings on the cul-de-sac. The gap as proposed has been narrowed to 1.58m when measured at ground floor; although the building would be marginally closer, due to the existing garage at no.6, there would still be a sufficient gap at upper floor levels which would be in keeping with the overall character of the road.

The Inspector did however consider that the gap between the proposed dwelling and no.8 at first floor level, due to the irregular footprint and angled design of the latter, would result in an unacceptable visible gap between the buildings, and the new building appearing contrived on the plot. In response to this, the new building has removed the second side projection fronting no.8 at first floor level and as a result the gap would be at least 3.1m measured at first floor level. It is considered that the partial removal of the massing at first

floor level to create a greater perceivable gap between the new and existing buildings has addressed the objection to the buildings appearing cramped on the site. The new dwelling would reflect the proportions and spacing between units that currently exist within Poynings Way.

As noted, the land slopes upwards towards the end of the cul-de-sac with no.6 Poynings Way being sited at a lower level; the properties on the road reflect the step in the road respectively. The Inspector highlighted that the eaves and ridge heights of the previously proposed buildings failed to reflect the "harmonious step of the buildings up the gradient" and as result would appear incongruous in relation to no.6. To respond to this, the ridge height of no.8 Poynings Way has been reduced by 0.82m from the ridge height of the previous scheme. In addition, the eaves height of both buildings has also been reduced to reflect the step up nature of the properties on the road; the eaves of the new dwelling would be 1m higher than the eaves of no. 6 Poynings Way, and 0.2m lower than the existing dwelling at no. 8 Poynings Way (this would be 0.4m and 0.5m lower than the refused scheme respectively, as indicated by drawing no. A0.02). In addition, the design of the roof involves an eaves overhang, which was noted as a distinctive feature on the road.

No objection was previously raised to a modern building in principle, however it was noted that the specific detailing particularly in the roof "would not amount to good design". The proposal under assessment is of traditional form, indicative materiality and the detailing at roof level is reflective of the context; as such it's design is considered acceptable.

It is considered that the scheme has addressed the reasons for refusal on character grounds raised by the Inspector.

Impact on flooding and basement

Concerns have been raised with regards to the potential localised flooding due to the basement in particular. Furthermore, residents are concerned that the proposed construction of a dwelling, including its basement would harm ground stability and ground conditions around the site. The officer report for the last application specified the following:

"This impact is acknowledged, however it is unclear what the cause or reason for this effect, although the gradient of the slope may be facilitating natural drainage towards Dollis Brook which is situated to the east of Walmington Fold.

In respect of the basement and its impact on local stability, the proposed development is supported by a Structural Survey which demonstrates (in accordance with relevant standards) that the measures undertaken will secure appropriate protection for both neighbouring dwellings and the application property. This application will be conditioned to ensure that it is constructed and implemented in accordance with the measures and recommendations set out there in."

It is noted that the submission of a structural report is not a requirement and this has not been submitted for the current application. Notwithstanding, the Inspector noted that report concludes that "the construction of the basement is unlikely to have any noticeable effects on the hydro-geotechnical environment in the immediate vicinity and that provided normal precautionary measures were taken the proposed basement would be unlikely to have a noticeable effect on adjacent trees". As such the Inspector considered that with the "absence of substantive evidence to the contrary [the Inspector] saw no reason to disagree".

Neighbouring residents have commissioned an independent review to respond to this which concludes that a condition should be added requiring a Basement Impact Assessment to be added. The review does not however identify any evidence of particular hydrological issues and therefore officers do not consider that there is a requirement for the applicant to carry out a Basement Impact Assessment.

The neighbours' report has been reviewed by the Council's structural engineer, who did not consider that there was any evidence in the report to justify a Basement Impact Assessment; the following response to the points raised in the report was provided:

- The geology map indicates this area is overlain with London Clay (a relatively stable sub-soil). However, a site investigation is recommended to confirm the ground conditions and ground water level; Building Control will request this information to assess the basement and foundation design.
- London clay has a relatively low permeability and is almost a complete barrier to ground water flow.
- The basement is restricted to the footprint of the new building therefore in itself will not change the area of new hard surfaces or the number of trees to be removed. The new building construction may need a land drain however this should be assessed by the project drainage engineer based on the site investigation results
- Excavation in a clay soil is less of a problem than in other areas of the borough where there are granular soils with high ground water flows.
- The contractor's method statement should be checked and approved by the project chartered engineer; this is covered under a separate legislation, not Planning.
- The new building is detached, differential foundation movement is usually only a problem when the buildings are connected.

In conclusion, the structural implications of the basement including the possible impact on neighbouring properties with regards to stability are assessed under Building Regulations and it is not considered justified to require a Basement Impact Assessment to be secured by a condition.

Impact on the amenities of neighbours

The third reason for refusal of the previous application specified:

"The proposed new dwelling, by reason of its size, siting and proximity to No 6 Poyning's Way would appear as a dominant, overbearing and visually intrusive addition when viewed from No. 6 Poyning's Way"

The Inspector acknowledged that due to the siting of the new dwelling, the outlook to no.6 Poyning's Way would be altered, however this was justified given the distance between the properties and it was considered that the scheme would not have such an unacceptable impact to warrant refusal.

It is acknowledged that the building would be sited closer by 0.2m than previously assessed, however it is still considered that the gap of 4.2m and the reduction in the eaves, would not have a substantially greater impact on the outlook to no.6 than that which the Inspector previously considered to be acceptable. It is therefore not considered that refusal is justified in this regard.

In other regards, the Inspector did not consider that the extension to the existing building would have an unacceptable impact on neighbouring occupiers and there are no other circumstances that warrant a different assessment.

Impact on the amenities of future occupiers

All residential accommodation is expected to meet the minimum space standards as advocated within the Sustainable Design and Construction SPD and the London Plan 2016. The SPD also confirms that habitable floorspace in rooms with sloping ceilings is defined as that with 1.5 m or more of ceiling height. The new dwelling would comply with the minimum space standards.

All proposed residential development should provide suitable outlook and daylight for future occupiers. All habitable rooms would benefit from suitable outlook and in this regard the scheme is considered to be acceptable. There is a room labelled as bedroom at basement level of the proposed new dwelling; although the outlook for this room would be limited due to the siting at basement level, the previous application was not refused in this regard. Moreover, consideration has been given to only one room being located at basement level, with outlook to the sunken terrace.

With regards to outdoor amenity space, all new residential development is expected to provide suitable and useable outdoor amenity space for future occupiers as advocated by the Council's Sustainable Design and Construction SPD. The development would provide generous separate gardens for each unit in accordance with the standards.

The proposal is considered to provide high quality units for future occupiers and is acceptable in this regard.

Impact on Highways

The site is located at the end of a cul-de-sac in a quiet predominantly residential area. The street is very narrow in width which therefore discourages on street parking to avoid blocking other vehicles and pedestrians. All properties therefore have front forecourt parking. The circle at the end of the street is for the purposes of turning for vehicles to go back down the street towards Walmington Fold.

Policy DM17 sets out the parking standards for new dwellings and given that the proposal seeks to provide an additional four (possibly five) bedroom property in addition to the existing four bedroom property, the policy implication is that each property should be provided with the capacity to provide for two spaces per unit. The scheme layout has been designed to provide for four formal car parking spaces which would therefore allow the development to accord with this standard. The front courtyard has been formally subdivided, removing the previously proposed shared access and allowing each unit to benefit from independent vehicular access.

The applicant has provided a diagram to demonstrate manoeuvrability and officers are satisfied that this has addressed the previous concerns.

It must be noted that the Inspector did not consider that the parking arrangements were unsatisfactory, however noted that it was likely that there would be reverse turning movements either from or onto the highway. Given that the units would benefit from separate access, the risk of potential vehicular conflicts is considered to be reduced and it

is considered that the third reason for refusal of the previous application has been addressed.

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 £56,763.57 of Barnet CIL and £12,320.00 of Mayor's CIL.

5.4 Response to Public Consultation

The planning related comments raised by objectors are generally considered to have been raised above. Other comments or clarifications are discussed below.

"Gap between properties unacceptable and perceived as 1.7m" - This measurement is taken at an angle rather than running parallel from the proposed dwelling to no.6. The response to the gaps between buildings is addressed in the appraisal above.

"The eaves height of no. 7 would be 2m above no.6" "Inaccurate Plans"- Based on the information provided, this is not considered to be the case. Officers do not consider that the plans are inaccurate.

"The proposed dwelling could be subdivided into smaller units/ potential for multiple occupancy"- This would require planning permission. If neighbours are concerned that this, in the future, has been carried out, the Planning Enforcement team would need to investigate the breach of planning consent.

"The number of bedrooms has increased"- This is as result of relabeling of rooms, however the proposed unit would still comply with the minimum space standards.

"Details of soil drainage must accompany any application for basement development in accordance with the Sustainable Design and Construction SPD 2013"- The SPD has been updated and specifies that details of "soil and drainage will normally be required at the time of submitting a planning application" (Residential Design Guidance SPD Adopted October 2016). A condition requiring a drainage strategy has been added to the recommendation.

"Disturbance during construction"- A condition has been added requiring the details of how construction will be managed to mitigate disturbance to neighbouring occupiers.

"The building would be almost 1m higher than no.6 and taking into account change in ground levels would be 2m higher than no.6"- The change in ground levels are acknowledged, however the building would still be a significant distance from the boundary and the eaves of the building would be lower than previously submitted.

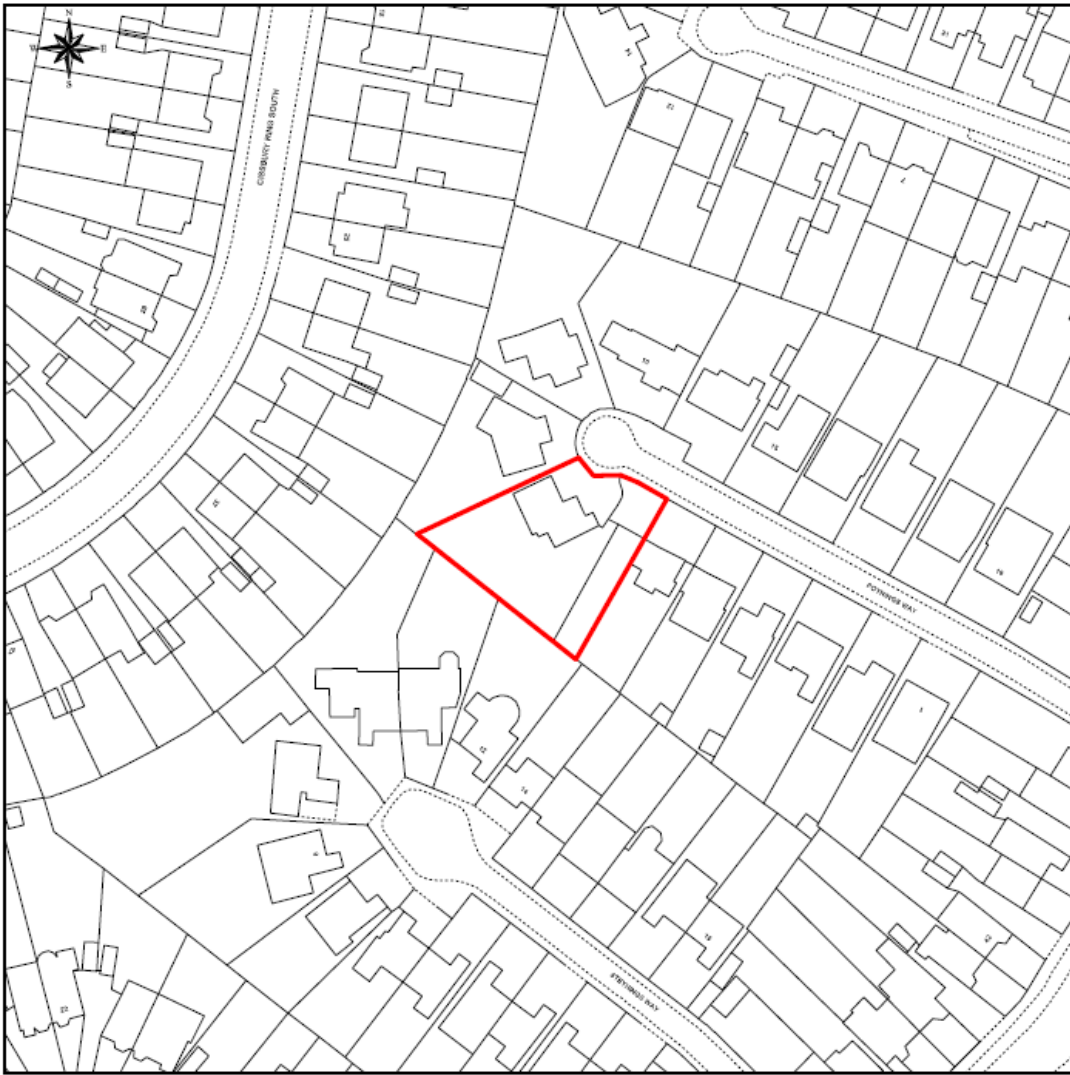
"Previously submitted daylight/ sunlight report inaccurate"- There is no evidence to substantiate that the report was inaccurate.

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.



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