



- 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 2016.

- 4 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. 124-006-GA-SIT Rev 06; shall be provided and shall not be used for any purpose other than the parking of vehicles in connection with the approved development.

Reason: To ensure that parking is provided in accordance with the council's standards in the interests of pedestrian and highway safety, the free flow of traffic and in order to protect the amenities of the area in accordance with Policy DM17 of the Development Management Policies DPD (adopted September 2012) and Policies 6.1, 6.2 and 6.3 of the London Plan 2015.

- 5 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).

- 6 a) No development or site works shall take place on site until a 'Demolition & Construction Method Statement' has been submitted to and approved in writing by, the Local Planning Authority.

The Statement shall provide for: access to the site; the parking of vehicles for site operatives and visitors; hours of construction, including deliveries, loading and unloading of plant and materials; the storage of plant and materials used in the construction of the development; the erection of any means of temporary enclosure or security hoarding and measures to prevent mud and debris being carried on to the public highway and ways to minimise pollution.

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 October 2016) and Policy 5.21 of the London Plan (2016).

- 7
- 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).

- 8
- 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 2016.

- 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 October 2016) and 7.21 of the London Plan 2016.

- 10 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 - F of Part 1 of Schedule 2 of that Order shall be carried out within the curtilage of the dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers and the general locality, having regard to the existing rearward projection of the approved dwellings and their relationship with the neighbouring buildings, in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 11 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.

- 12 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.

- 13 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.
- b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016)

and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

- 14 The roof of the dwelling 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).

- 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. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at [www.planningportal.gov.uk/cil](http://www.planningportal.gov.uk/cil).

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

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

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

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

## Officer's Assessment

### 1. Site Description

The application site comprises a funnel shaped site covering an area of 184 sq m located to the south of Porch Way in between nos. 6-8 and 10-12 Porch Way.

The site consists of a 3.0m wide front driveway which opens out into the main part of the site which is approximately 5.0m wide at the front, 12.0m wide at its widest point with an overall depth of approximately 22.5m (comprising the 8.5m long driveway/front planting area and 14.0m deep main part of the site).

The site is currently vacant and was previously occupied by four domestic car garages and front forecourt which have since been demolished.

The site is positioned on a bend in the road between two short terraces of dwellings which lie at right angles to each other and appear to have been constructed in the 1930s.

Porch Way is residential in character comprising of a mix of two storey terrace dwellings and maisonettes with a uniform front building line.

The site is not within a Conservation Area.

### 2. Site History

16/7548/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 22.02.2017.

*1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site, providing an unfunctional private amenity space, and consequently, a constrained standard of outlook for bedrooms 1 and 2. As such, the proposal would be detrimental to the character and appearance of the area and the streetscene, and harmful to the amenities of the future occupiers, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012), Policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012) and the Adopted Residential Design Guidance SPD (October 2016).*

Appeal Dismissed: 09.06.2017.

16/2477/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space. - Refused: 10.06.2016

*1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September*



2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2 and 3 would result in a poor and sub-standard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

Appeal Dismissed: 05.10.2016.

15/04901/FUL - Demolition of existing garages and construction of a single storey detached dwellinghouse with associated amenity space, refuse/recycling store, cycle storage and 1no. off-street parking space - Refused: 28.09.2015

1. The proposed dwelling by reason of its size and siting would be a cramped and incongruous form of development on a restricted site detrimental to the character and appearance of the area and the streetscene, contrary to policies to the Council's policies CS NPPF, CS1 and CS5 of the Barnet's Local Plan (Core Strategy) DPD (September 2012) and Policy DM01 of the Barnet's Local Plan (Development Management Policies) DPD (September 2012).

2. The proposal by virtue of failing to provide adequate, useable outdoor amenity space and adequate outlook from bedrooms 2, 3 and 4 would result in a poor and Substandard form of residential accommodation to the detriment of future occupiers contrary to policy 3.5 of the Mayor's London Plan July 2015, policy CS5 of the Barnet's Local Plan (Core Strategy) DPD and policies DM01 and DM02 of the Barnet's Local Plan (Development Management Policies) DPD (both adopted September 2012), SPD: Sustainable Design and Construction (Adopted April 2013) and SPD: Residential Design Guidance (Adopted April 2013).

3. Insufficient information has been submitted with the application to demonstrate that the loss of the existing garages will not result in detrimental harm to the free flow of traffic and parking to the surrounding area to assess the highways implications of the proposal. The proposal would therefore be contrary to Policy DM17 of the Development Management Policies DPD (adopted September 2012).

Appeal Dismissed: 06.04.2016.

### **3. Proposal**

This proposal is a further variation on the three previous single storey schemes submitted under applications references: 16/7548/FUL, 16/2477/FUL & 15/04901/FUL, which were refused for the reasons noted above in the Section 2 (Site History) of this report. All three applications were subsequently considered at appeal and all were dismissed.

The proposed dwelling is a single storey, flat-roof dwellinghouse with a footprint comprising two overlapping rectangles, creating a staggered appearance (Small front rectangle W= 6.4m, D= 2.0m, H= 3.1m / Larger rear rectangle W=8.9m, D= 6.4m, H= 3.1m

/ Cumulative maximum D= 8.5m, W= 8.9m, having overall footprint area of 70sqm). The built form of the front projection will be 1.3m from Nos.10-12 Porch Way and 1.3m from Nos. 6-8 Porch Way. The flank of the main bulk of the development will be no less than 0.9m from the neighbouring garden boundaries.

The proposed dwellinghouse will have a private rear garden with an area of approximately 42.4sqm (D= 4.00m x W= 10.6m) and one off street parking space is provided to the front at the opening of the site. Refuse storage and recycling storage and cycle parking is to be sited to the west of the property.

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

Consultation letters were sent to 81 neighbouring properties.

Amended drawings were received on 26th September 2017 and neighbours were re-consulted for 14 days.

A total of 22 objections were received including a petition of objection signed by 19 people.

The following concerns have been raised:

- Insufficient parking within the area and for the new property.
- Insufficient parking provisions
- Deliveries to the property will create highway safety issue.
- Out of character / not in keeping with the pattern of development.
- Overbearing effect.
- Loss of privacy.
- Loss of light.
- Noise and disturbance.
- Damp and weed from Green Wall
- The proposal does not take into consideration the existing rights of access.
- Subsidence and ground stability.
- The site currently attracts vermin / flytipping
- There is no shed in my garden as shown on the existing site plan

#### **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 2031. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

### Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5 and CS7
- Relevant Development Management Policies: DM01, DM02, 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 April 2016)

- Provides detailed guidance that supplements policies in the adopted Local Plan, and sets out how sustainable development will be delivered in Barnet.

#### Residential Design Guidance SPD (adopted April 2016)

## **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- Whether the principle of the development is acceptable.
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether the proposals would provide suitable residential amenities for future occupiers of the proposed dwellings.

- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposals would provide suitable parking arrangements.
- Whether the proposals would provide suitable refuse and recycling provisions.
- Whether the proposals would achieve the relevant sustainability requirements.

### **5.3 Assessment of proposals**

#### Amended drawings

Amended drawings were received on 26th September 2017 showing the following changes to the scheme as originally submitted:

- Increase in depth of proposed rear garden from 2.3m to 4.0m (amenity space area increased from 27.6 sq m to 42.4 sq m)
- Provision of direct access to the rear garden from the kitchen instead of from a bedroom
- Building moved forwards towards the road and stepped in at the sides (returning to a building form similar to that proposed by the 3rd refused / dismissed scheme)
- Area of front planting / grass area reduced.

#### History

A planning application for a single storey dwellinghouse was refused under planning application ref: 15/0490/1 on 28th September 2015. The application was subsequently dismissed at appeal on 6th April 2016 where the Inspector considered the development to be an unsuitable scale, too large for the site and thus discordant in terms of character and appearance resulting in poor living conditions for future residents due to poor outlook and limited amenity space.

Following this, a further application was submitted for a revised single storey dwellinghouse, which was also refused under planning ref: 16/2477/FUL on 10th June 2016. The application was subsequently dismissed at appeal on 5th October 2016, where the Inspector considered that: the appeal scheme would cause harm to the character and appearance of the area through its cramped and congested development approach, which would also fail to optimise the living conditions of its future residents due to inadequate outlook provided from bedroom 2.

Most recently, a third application (Ref: 16/7548/FUL) was submitted for a single storey dwellinghouse. This was refused on 22nd February 2017 and then dismissed at appeal on 9th June 2017, with the Inspector concluding that the excessively short rear garden would result in a cramped form of development, resulting in considerable harm to the character and appearance of the area and would not overcome the concerns of previous Inspectors and that the short rear garden (2.3m deep) would also result in a sense of enclosure and poor levels of outlook from the bedrooms.

#### Principle of Residential Development

The National Planning Policy Framework (NPPF) encourages the provision of more housing and states that applications should be considered in the context of the presumption in favour of sustainable development. Local Planning Authorities should

encourage the effective use of land by re-using land that has been previously developed provided that it is not of high environmental value

Policy 3.4 of The London Plan (2016) promotes the optimisation of housing output within different types of location. Policy 3.8 of The London Plan also encourages the Council to provide a range of housing choices in order to take account of the various different groups who require different types of housing. Consideration will also be given to the accessibility of the site to services and amenities. Having regard to the London Plan (2016) and the Council's policies and guidelines, it is considered that the proposal would provide an increase in housing stock within the Borough.

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

The Planning Inspector in the appeal decision referenced: APP/N5090/W/15/3139361 planning application Ref: 15/04901/FUL (i.e the first dismissed appeal) raised no objection to the loss of the garages and, considered '... that there is no aesthetic reason why a well designed and suitably scaled single storey home should not be developed on this site. It would make effective use of suburban land, would not detract from the predominance and regularity of the terraced blocks, would continue to allow for an important visual gap above ground floor in this relatively prominent part of the street scene and could add some glimpsed visual interest and subtle intrigue...'

Similarly, the Planning Inspector of the second dismissed appeal decision (Ref: APP/N5090/W16/3154654) having regard for the first dismissed appeal, also did not raise objection to the principle of a single storey dwellinghouse in this location.

The Planning inspector for the third dismissed appeal acknowledges that the previous two Inspectors have accepted the principle of a single storey dwelling on the site.

As such, there is no objection in principle to the change of use of the site for residential purposes.

#### Impact on Character and Appearance of the Application site, street scene and wider locality

The NPPF attaches great importance to the design of the built environment, stating, "good design is a key aspect of sustainable development...and should contribute positively to making places better for people".

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

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

Porch Way is characterised by a mixed variety of housing types and the proposal is for a contemporary flat roof development which the Inspector of the second appeal considered to be influenced by the design of the single storey garages which used to occupy the rear of the site. The Inspector considered the design to be attractive and innovative, and, at an appropriate scale, it could be highly suited to the site.

Inspector 3 recognised that the bespoke contemporary design would add visual interest along Porch Way and would provide an attractive contrast to the traditional appearance of dwellings along the road.

As such, the Local Planning Authority (LPA) accepts the position of the Inspectors and therefore considers that a single storey dwellinghouse of high quality contemporary design is appropriate for the site.

The development is to be single storey in height and therefore retains the visual open gap at first floor level when viewed from the street scene, identified as being important by the Planning Inspectors. The current scheme has a lower maximum height (3.1m) than the last dismissed appeal scheme (3.4m) which further helps to maintain the visual gap.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Character and Appearance reason:

- The excessively short (2.3m) rear garden would result in a cramped form of development, resulting in considerable harm to the character and appearance of the area and would not overcome the concerns of previous Inspectors

The amendments to the current scheme described in the 'amended drawings' section above included an increase in the depth of the rear garden from 2.3m to 4.0m. Whilst this is not a significant increase, it is considered sufficient to overcome previous concerns, particularly when noting that not all of the neighbouring properties enjoy overly deep rear gardens and will ensure that a decent useable private amenity space of over 40 sq m is available to future occupiers.

#### Quality of residential amenities for future occupiers of the proposed dwellings

The proposed development will have a Gross Internal Floor Area (GIA) of 61.2sqm which is considered to be acceptable in accordance with the adopted space standards (61sqm required) contained in the Council's adopted Sustainable Design and Construction SPD (2016). The size of the bedrooms and ceiling heights within the overall property are also considered to be sufficient in respect of the LPA's adopted residential standards.

The scheme that was the subject of the third refusal / dismissed appeal was considered by the Inspector to be unacceptable for the following Quality of Accommodation reasons:

- The excessively short (2.3m) rear garden would result in poor levels of outlook / a sense of enclosure for future occupants;
- The rear garden, due to its excessively short length, would have limited utility and would not be an attractive space for future occupants;
- Access to the rear amenity space would be via side gate or bedroom only which is likely to further limit its use.

The amendments to the scheme as described in the 'amended drawings' section overcome these issues by increasing the depth of the garden to 4.0m and providing direct access via the kitchen.

The rear garden space would now be 4.0m deep and over 10m wide giving a total area of 42.4 sq m, which meets the Council's amenity space requirements for a house of this size (minimum 40 sq m).

Whilst the depth of 4.0m is by no means generous, in the context of this site it is now considered to be acceptable and will allow for the space to be used for sitting out / drying of washing etc. It is noted that the amenity space is south facing, ensuring good access to sunlight throughout the day. The attractiveness of the rear boundary treatment as viewed from the bedroom windows could be improved by future occupiers by way of green wall / trellis treatment. The outlook from the rear facing windows is therefore now considered to be acceptable.

The planting area to the front of the property is considered to serve a useful function as a potentially attractive buffer between the car parking space and the front elevation.

#### Impact on Neighbouring Residential Amenities

The previous three applications were not considered to result in any adverse impact on the amenity of the adjoining or nearby properties and this did not form any of the reasons for refusal. This application has a similar layout and has no windows in the east or west flank elevations and as such would not have an unreasonable impact on light amenity or the level of privacy afforded to the neighbouring residencies.

Overall, it is considered that the amenity of the adjoining occupiers would be maintained to an acceptable level. In this respect, the development complies with Policy DM02 of the Local Plan and the SDG and the National Planning Policy Framework. Furthermore, there has been a slight decrease in the maximum height of the proposed dwelling from 3.4m (3rd refused dismissed scheme) to 3.1m (current scheme) which helps to minimise any potential visual impact on neighbouring occupiers.

It is not considered that the use would produce any higher noise levels, activity or disturbance to adjoining or nearby properties over the last use as garages which, when in use, would have generated a greater level of activity with cars coming and going.

#### Highways and Parking

1 off street parking space is proposed. This accords with Policy DM17 which requires between 1.0 and 1.5 spaces for this development.

## 5.4 Response to Public Consultation

Many of the concerns raised in the public consultation process of the application have been addressed in the body of the report. Right of access, structural subsidence and public health and matters (vermin and fly tipping) of the current site are not a material planning consideration and therefore outside the scope of this assessment.

## 6. Equality and Diversity Issues

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

## 7. Conclusion

Having taken all material considerations into account, it is considered that the proposed development, as amended by revised drawings received 26th September 2017, has overcome the previous reasons for refusal and concerns of the Planning Inspectorate and would not harm the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers and would provide suitable living accommodation for future occupiers.

This application is therefore recommended for approval.

