

Location **38 Ingram Avenue London NW11 6TL**

Reference: **17/2130/FUL**

Received: 31st March 2017

Accepted: 10th April 2017

Ward: Garden Suburb

Expiry 5th June 2017

Applicant: Ms Julie Greer

Proposal: Demolition of existing dwelling and the erection of a two storey dwelling with basement level and rooms in roofspace. Associated parking, refuse and recycling store

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Head of Development Management or Head of Strategic Planning to make any minor alterations, additions or deletions to the recommended conditions/obligations or reasons for refusal as set out in this report and addendum provided this authority shall be exercised after consultation with the Chairman (or in his absence the Vice- Chairman) of the Committee (who may request that such alterations, additions or deletions be first approved by the Committee)

- 1 The development hereby permitted shall be carried out in accordance with the following approved plans:

123_PL_001 A

123_PL_101 A

123_PL_104 A

123_PL_110 A

123_PL_120 A

123_PL_121 A

123_PL_122 A

123_PL_123 A

123_PL_130 A

123_PL_131 A

123_PL_140 A

123_PL_141 A

123_PL_142 A

123_PL_143 A

123_PL_201 B

123_PL_204 A

123_PL_210 D

123_PL_219 D

123_PL_220 D

123_PL_221 C
123_PL_222 C
123_PL_223 C
123_PL_230 C
123_PL_231 C
123_PL_240 C
123_PL_241 C
123_PL_242 C
123_PL_243 C

1275/5701 A (Ventilation and cooling services layout
1275/5704 A

Site Investigation Report by Connaughts Site Investigation Ltd Report No: 0578
Noise Survey by EMTEC dated 08 December 2016
Heritage Statement by GerrePritchard dated March 2017
Drawing No. 160610-F-01 Tree Survey
Drawing No. 160610-F-02 Tree Constraints Plan
160610-FD-01 Tree Schedule
Basement Impact Assessment by Structure Workshop dated 17.03.2017
Ecological Report by Tim Moya Associates dated August 2016
Letter by agent dated 04 January 2018

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 2016.

- 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 2016.

- 5 Before the building hereby permitted is first occupied the first and second floor windows in the side elevation facing No. 90 Winnington Road shall be glazed with obscure glass only and shall be permanently fixed shut or provided with only a fanlight opening and shall be permanently retained as such thereafter.

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 (updated October 2016).

- 6 The demolition works hereby permitted shall not be undertaken before a contract for the carrying out of the works of redevelopment of the site has been executed and planning permission has been granted for the redevelopment for which the contract provides. Evidence that this contract has been executed shall be submitted to the Local Planning Authority and approved in writing by the Local Planning Authority prior to any demolition works commencing.

Reason: To preserve the established character of the Conservation Area pending satisfactory redevelopment of the site in accordance with Policy CS NPPF of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM06 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 7 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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 vibration monitoring including a detailed methodology.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and polices 5.3, 5.18, 7.14 and 7.15 of the London Plan.

- 8 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.

- 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 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall be commenced until details of a Landscape Management Plan for all landscaped areas for a minimum period of 10 years have been submitted to and approved in writing by the Local Planning Authority.

b) The Landscape Management Plan shall include details of long term design objectives, management responsibilities, maintenance schedules and replacement planting provisions for existing retained trees and any new soft landscaping to be planted as part of the approved landscaping scheme.

c) The approved Landscape Management Plan shall be implemented in full in accordance with details approved under this condition.

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

11 The submission of details pursuant to conditions 8, 9 and 10 shall be made simultaneously.

Reason: In order to enable the Local Planning Authority to assess these interrelated issues at the same time and ensure the proposed development would not be detrimental to the health and vitality of trees within the site in accordance with Policies DM01 and DM06 of the Development Management Policies DPD (September 2012).

12 The level of noise emitted from the plant hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

Reason: To ensure that the proposed development does not prejudice the amenities of occupiers of neighbouring properties in accordance with Policies DM04 of the Development Management Policies DPD (adopted September 2012) and 7.15 of the London Plan 2015.

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

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

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

14 Notwithstanding the details shown in the drawings submitted and otherwise hereby approved the development is not to commence (other than for ground works and site preparation works) unless and until details (necessary details specified in brackets) of the following features and elements of the scheme have been submitted to the Local Planning Authority and approved in writing:

- Brick bonding and brick detailing (annotated plans at a scale of not less than 1:20).
- External doors; entablature and columns; windows and roof dormers (annotated plans at a scale of not less than 1:10).
- Chimney detailing (annotated plans at a scale of not less than 1:10)
- Cornice and soffit detailing (annotated plans at a scale of not less than 1:10)

- Lightwell treatment (plans and/or manufacturer details)

The development shall be implemented in full accordance with the approved details prior to the first occupation of the dwellings hereby approved.

Reason: To safeguard the character and visual amenities of the site and conservation area and to ensure that the development is constructed in accordance with policies CS5, DM01 and DM06 of the Barnet Local Plan and policies 1.1, 7.4, 7.5 and 7.6 of the London Plan.

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge.

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.

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 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

4 The submitted Construction Method Statement shall include as a minimum details of:

- Site hoarding
- Wheel washing
- Dust suppression methods and kit to be used
- Site plan identifying location of site entrance, exit, wheel washing, hoarding, dust suppression, location of water supplies and location of nearest neighbouring receptors. Explain reasoning if not applicable.
- For major developments only: confirmation that all Non Road Mobile Machinery (NRMM) comply with the Non Road Mobile Machinery (Emission of Gaseous and Particulate Pollutants) Regulations 1999. Proof within the contractor's specification that all NRMM will be registered on the local government website
- Confirmation whether a mobile crusher will be used on site and if so, a copy of the permit and indented dates of operation.
- For major developments only: provide a copy of an asbestos survey for smaller developments confirmation that a survey has been carried out.
- Confirmation of the following: log book on site for complaints, work in accordance with British Standards BS 5228-1:2009+A1:2014 and best practicable means are employed; clear contact details on hoarding. Standard construction site hours are 8am-6pm Monday - Friday, 8am-1pm Saturday and not at all on Sundays and Bank Holidays. Bonfires are not permitted on site.
- Detailed vibration monitoring during any demolition or piling with a full methodology submitted to the LA for approval prior to any works commencing in accordance with condition 7.

5 The Highway Authority will require the applicant to give an undertaking to pay additional costs of repair or maintenance towards any damage to the public highway in the vicinity of the site should the highway be damaged as a result of the

construction traffic related to the proposed development. The construction traffic will be deemed "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. Under this section, the Highway Authority can recover the cost of excess expenses for maintenance of the highway resulting from excessive weight or extraordinary traffic passing along the highway. It is to be understood that any remedial works for such damage will be included in the estimate for highway works.

Officer's Assessment

1. Site Description

The application property is a detached property on Ingram Avenue, close to the junction with Winnington Road.

It is located within Area 14 of the designated Hampstead Garden Suburb Conservation area.

Hampstead Garden Suburb is one of the best examples of town planning and domestic architecture on a large neighbourhood or community scale which Britain has produced in the last century.

Ingram Avenue consists of a series of generous Georgian Revival or late Arts and Crafts houses, many of which designed by architect John Soutar.

The application property is not a locally or statutory listed building. However, the current building has been identified as a positive contributor to the conservation area.

There are various Tree Preservation Orders on site - TPO Group TRE/FI/29/G36 to the frontage of the property, individual T88, individual T87 and group TPO group TRE/FI/29/G35 on the corner of Spaniards Close.

2. Site History

Application reference: C06503H

Address: 38 Ingram Avenue NW11

Description: Rebuilding of house to include front, side and rear dormer windows.

Decision: Approved subject to conditions

Decision date: 25 June 1986

Application reference: C06503J

Address: 38 Ingram Avenue NW11

Description: Three storey detached house with double garage

Decision: Approved subject to conditions

Decision date: 17 September 1987

Application reference: C06503K

Address: 38 Ingram Avenue London NW11

Description: Single storey rear extension

Decision: Approved subject to conditions

Decision date: 05 June 1990

3. Proposal

The application seeks consent for the demolition of existing dwelling and the erection of a two storey dwelling with basement level and rooms in roofspace.

4. Public Consultation

18 consultation letters were sent to neighbouring properties.

A site notice was erected on 20 April 2017.
A press notice was published on 20 April 2017.

4 responses have been received, comprising 4 letters of objection.

The objections received can be summarised as follows:

- Concerns with impact on traffic, access, congestion and parking. Drivers are aggressive in this particular road.
- Lorries associated with other developments are not considerate
- Concerns on noise, dust and smells on the amenity of neighbouring occupiers.

This application requires to be heard at committee because one or more letters of objection included two signatures.

The Hampstead Garden Suburb CAAC were consulted at a meeting on 10 May 2017. They objected to accommodation in the basement; excessive light wells; and arrangement and pattern of fenestration.

Although not a formal consultee, Planning Officers are aware that the Hampstead Garden Suburb Trust are satisfied with proposals, subject to conditions.

5. Planning Considerations

5.1 Policy Context

National Planning Policy Framework and National Planning Practice Guidance

The determination of planning applications is made mindful of Central Government advice and the Local Plan for the area. It is recognised that Local Planning Authorities must determine applications in accordance with the statutory Development Plan, unless material considerations indicate otherwise, and that the planning system does not exist to protect the private interests of one person against another.

The National Planning Policy Framework (NPPF) was published on 27 March 2012. This is a key part of the Governments reforms to make the planning system less complex and more accessible, and to promote sustainable growth.

The NPPF states that 'good design is a key aspect of sustainable development, is indivisible from good planning, and should contribute positively to making places better for people'. The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

The London Development Plan is the overall strategic plan for London, and it sets out a fully integrated economic, environmental, transport and social framework for the development of the capital to 2050. It forms part of the development plan for Greater London and is recognised in the NPPF as part of the development plan.

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM06.

Supplementary Planning Documents

The Council Guide 'Hampstead Garden Suburb Conservation Area Design Guidance' as part of the Hampstead Garden Suburb Character Appraisals was approved by the Planning and Environment Committee (The Local Planning Authority) in October 2010. This leaflet in the form of supplementary planning guidance (SPG) sets out information for applicants on repairs, alterations and extensions to properties and works to trees and gardens. It has been produced jointly by the Hampstead Garden Suburb Trust and Barnet Council. This leaflet was the subject of separate public consultation.

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 the loss of a positive contributor is acceptable
- Whether the new dwelling would detract from the character and appearance of the street scene and this part of the Hampstead Garden Suburb Conservation Area.
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether harm would be caused to the living conditions of future occupiers of the new dwelling;
- Whether harm would be caused to trees of special amenity value.

5.3 Assessment of proposals

Principle of redevelopment; merits of the replacement building and impact on character and appearance:

Paragraph 132 of the National Planning Policy Framework (2012) states that 'when considering the impact of a proposed development on the significance of a designated heritage asset, great weight should be given to the asset's conservation. The more important the asset, the greater the weight should be. Significance can be harmed or lost through alteration or destruction of the heritage asset or development within its setting'.

Paragraph 135 of the National Planning Policy Framework (2012) states that the effect of an application on the significance of a non-designated heritage asset should be taken into account in determining the application. In weighing applications that affect directly or indirectly non designated heritage assets, a balanced judgement will be required having regard to the scale of any harm or loss and the significance of the heritage asset.

Policy DM01 of Barnet's Development Management Document DPD (2012) states that development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

Policy DM06 of Barnet's Development Management Document DPD (2012) states that there will be a presumption in favour of retaining all 1,600 Locally Listed Buildings in Barnet and any buildings which makes a positive contribution to the character or appearance of the 16 Conservation Areas.

The submission states that the original house designed by Soutar was lost in a fire in the 1980s. A subsequent application for a new dwelling followed (reference: C06503J) and was approved subject to conditions, dated 17 September 1987.

The submission states that none of the original fabric is known to have survived and the house was completely rebuilt to the altered design that currently stands on site.

Paragraph 7.2.4 of of Barnet's Development Management Document DPD (2012) states that:

"Proposals for demolition (of positive contributors) will need to address the following:
o the condition of the existing building particularly if this makes its continued use unviable;
and
o the merits of the alternative proposals for the site."

The application would see the loss of a Positive Building within the designated conservation area. Any replacement building would not be automatically listed as a positive contributor. Therefore the merits of the alternative proposals would have to be carefully considered.

Whilst the removal of the existing building would result in the total loss of a positively contributing building to the conservation area previously identified, it is unclear whether the designation of the building in the Hampstead Garden Suburb Character Appraisal Statement (2010) takes into account the loss of the original Soutar building to a fire. Moreover, the proposed building would be of high quality design.

The rebuilt house that stands today was not an exact replica of the original Soutar house. The elevations of the proposed dwelling would give a more ordered and uniform appearance compared to the existing building on site, particularly in relation to fenestration and roof dormer arrangement.

Although there are differences, it is considered that, overall, the proposed dwelling replicates the original Soutar design more accurately and faithfully than the existing dwelling on site.

It is considered that the proposed replacement would preserve the character and appearance of the conservation area than the existing building.

Therefore no objection would be raised to the loss of the Positive Contributor in a designated conservation area, in this particular instance.

It is considered that the replacement building would preserve the significance of the designated conservation area.

Impact on amenity of neighbouring occupiers:

Policy DM01 states that proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers and users.

To the east of the site are the rear gardens of No. 90 and 92 Winnington Road.

The two storey element of the existing dwelling is sited 5.3 metres from the boundary adjacent to No. 90 Winnington Road and 6.1 metres from the boundary adjacent to No. 92 Winnington Road. The existing single storey garage directly abuts the boundary of the No. 90 and 92 Winnington Road.

In the proposed scheme, the two storey element of the new dwelling will be sited 10.3 metres from the boundary adjacent to No. 90 Winnington Road. It would be sited away from the boundary No. 92. The single storey projections would be sited 5.3 metres from the boundary adjacent to No. 90 and 2.2 metres from the boundary adjacent to No. 92.

By reason of the fact that the new dwellinghouse would be sited further from the neighbouring boundaries of No. 90 and 92 Winnington Road than the existing dwellinghouse, it is not considered the replacement dwelling would impact the outlook or light enjoyed by occupiers at No. 90 and 92 Winnington Road, nor would it appear overbearing.

A condition has been attached to ensure that the windows in the first and second floor of the flank elevation facing No. 90 Winnington Road is obscured glazed, in order to preserve the privacy of these occupiers.

To the south of the application site is 1 Spaniards Close.

The existing two storey dwelling is sited 5.8 metres from the boundary adjacent to No. 1 Spaniards Close. The existing house itself is sited 20 metres away from the rear wall of No. 1 Spaniards Close.

The two storey element of the proposed replacement dwelling will be sited 5.8 metres from the boundary adjacent to No. 1 Spaniards Close. The two storey element of the replacement house would be sited 15 metres from the rear wall of No. 1 Spaniards Close.

The two storey element of the house will therefore be sited closer to the rear wall of No. 1 Spaniards Close by 5 metres. It will not however be sited closer to the boundary and will retain a distance of 5.8 metres. For this reason it is not considered the proposed dwelling would appear overbearing from the garden area of No. 1 Spaniards Close.

The house would remain to be sited 15 metres from the rear wall of No. 1 Spaniards Close and therefore would not detrimentally impact the outlook enjoyed from habitable windows.

A single storey element (kitchen) would be built 2 metres from the boundary adjacent to No. 1 Spaniards Close. It would be sited 10 metres from the rear wall of No. 1 Spaniards Close. It is not considered at a single storey this element would harmfully impact outlook or appear overbearing from the neighbouring property or garden.

As established, the proposed replacement house would not be sited any closer to the boundary adjacent to No. 1 Spaniards Close. Overlooking of the garden area of No. 1 Spaniards Clos already occurs with the existing house and the case would remain the same in this instance. No direct overlooking (facing windows to habitable rooms) would occur.

The application site is located to the north of No. 1 Spaniards Close. Due to this orientation it is not considered the new dwelling would impact daylight and sunlight levels to an unacceptable level.

Impact on amenity of future occupiers:

It is considered that the replacement dwelling would provide an acceptable level of amenity and living conditions for future occupiers, in accordance with the relevant development plan policy.

Trees:

Policy DM01 of Barnet's Development Management Documents (2012) states that trees should be safeguarded. When protected trees are to be felled the council will require replanting with suitable size and species of tree where appropriate.

As a conservation area all trees on site are subject to planning control. There are no Tree Preservation Orders on site.

There are various Tree Preservation Orders on site - TPO Group TRE/FI/29/G36 to the frontage of the property, individual T88, individual T87 and group TPO group TRE/FI/29/G35 on the corner of Spaniards Close.

A Tree Officer has assessed the application.

They have stated that the property is surrounded by mature trees providing high quality visual amenity typical of the Hampstead Garden Suburb Conservation Area.

No trees appear to be impacted specifically by the building. However due to the scale of the demolition and construction process there is a risk of harm to trees from general construction activities.

They have advised that the applicant needs to provide an arboricultural method statement and tree protection plan that sets how this development can occur without harming any trees. The retention of all trees around the property is vital to maintain the current setting of the building.

This information can adequately be secured through conditions. Therefore, subject to the recommended conditions, the application is acceptable on highways grounds.

Basement development:

The existing dwelling is to be demolished and rebuilt with a basement. The applicant has submitted a Basement Impact Assessment (dated 17.03.2017) by Structure Workshop Engineering & Technical Design consultants.

In summary, the document states that ground water was encountered in the borehole at 4.0m below ground level. Whilst this is below the formation of the new basement, the structure will be designed in the permanent case to resist loads resulting from perched water or local flooding. It also states that the basement will also be designed with a waterproofing membrane, a cavity drain and a sump pump to manage any water ingress.

A construction sequence has been developed for the basement construction to demonstrate that the proposals are achievable using well established methods.

Officers are satisfied that the proposals would be acceptable in drainage terms.

5.4 Response to Public Consultation

- Concerns with impact on traffic, access, congestion and parking. Drivers are aggressive in this particular road.

The development would utilise the existing access and would not create any new access.

In response to neighbour's concerns, the agent representing the applicant has stated in a letter dated 04 January 2018: We appreciate that development can cause considerable disruption in a residential area. The applicant certainly wishes to remain a good neighbor and is willing to implement any measures necessary to ensure that occupiers of neighbouring properties do not suffer a loss of amenity.

We therefore recommend that concerns about noise, disturbance, dust and traffic congestion be minimised through a Construction Method Statement.'

Planning Officer's concur with this and have attached a condition requiring the submission of a Demolition and Construction Method Statement and Logistics Plan, before site works begin. Officers are satisfied that subject to this condition, the application would be acceptable.

- Lorries associated with other developments are not considerate

In the event that contractors do not comply with the above mentioned Demolition and Construction Method Statement and Logistics Plan, it would be a matter for planning enforcement.

- Concerns on noise, dust and smells on the amenity of neighbouring occupiers.

An Environmental Health officer has assessed the application and acknowledges that the creation of a basement will result in a degree of noise and cause vibration. For this reason, they have recommended Officers add requirements for vibration monitoring and methodology to any Demolition and Construction Method Statement that is submitted.

In regards to the CAAC's comments, Planning Officers raise no objection to the accommodation proposed in the basement. Lightwells have been amended through the life cycle of the application and are now considered acceptable and in line with the Hampstead Suburb Design Guidance SPD (2010). The fenestration arrangement and pattern is considered acceptable.

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

Having taken all material considerations into account, the proposal would not detrimentally impact on the qualities of the building and protect the character of this part of the

Hampstead Garden Suburb Conservation Area. The proposed alterations are such that, as conditioned, it preserves the amenities of the occupiers of the neighbouring properties and the character and appearance of the individual property, street scene, conservation area, and area of special character.

