

Location	Land Rear Of 18 Maxwellton Close London NW7 3NA	
Reference:	18/1077/FUL	Received: 19th February 2018 Accepted: 21st February 2018
Ward:	Hale	Expiry 18th April 2018
Applicant:	Mr Hathi	
Proposal:	Erection of 4no. dwellinghouses with associated parking, access, cycle storage, and 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:

Site Location Plan, RE/18MC/18/1C, RE/18MC/18/2C, RE/18MC/18/3C, RE/18MC/18/4C, RE/18MC/18 /5C (all dated.

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 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).

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

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

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

- 7 Before the development hereby permitted is first occupied or the use first commences the parking spaces/garages shown on Drawing No. RE/18MC/18/1C; 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.

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

- 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 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 elevations of any building.

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

- 11 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).

- 12 Before the development hereby permitted is first occupied, the amenity areas shown on Drawing RE/18MC/18/1C shall be implemented in full accordance with the aforementioned drawing and retained as such thereafter.

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

- 13 Prior to the first occupation of the new dwellinghouse(s) (Use Class C3) hereby approved they shall all have been constructed to have 100% of the water supplied to them by the mains water infrastructure provided through a water meter or water meters and each new dwelling shall be constructed to include water saving and efficiency measures that comply with Regulation 36(2)(b) of Part G 2 of the Building Regulations to ensure that a maximum of 105 litres of water is consumed per person per day with a fittings based approach should be used to determine the water consumption of the proposed development. The development shall be maintained as such in perpetuity thereafter.

Reason: To encourage the efficient use of water in accordance with policy CS13 of the Barnet Core Strategy (2012) and Policy 5.15 of the March 2016 Minor Alterations to the London Plan and the 2016 Mayors Housing SPG.

- 14 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.

- 15 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.

- 16 a) Before development commences, an air quality assessment report, written in accordance with the relevant current guidance, for the existing site and proposed development shall be submitted to and approved by the Local Planning Authority.

It shall have regard to the air quality predictions and monitoring results from the Stage Four of the Authority's Review and Assessment, the London Air Quality Network and London Atmospheric Emissions Inventory. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations.

b) A scheme for air pollution mitigation measures based on the findings of the report shall be submitted to and approved by the Local Planning Authority prior to development.

c) The approved mitigation scheme shall be implemented in its entirety in accordance with details approved under this condition before any of the development is first occupied or the use commences and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are protected from the poor air quality in the vicinity in accordance with Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD, and Policy 5.3 of the London Plan 2015.

- 17 a) No development other than demolition works shall take place on site until a noise assessment, carried out by an approved acoustic consultant, which assesses the likely impacts of noise on the development and measures to be implemented to address its findings has been submitted to and approved in writing by the Local Planning Authority. The report shall include all calculations and baseline data, and be set out so that the Local Planning Authority can fully audit the report and critically analyse the content and recommendations

b) The measures approved under this condition shall be implemented in their entirety prior to the commencement of the use/first occupation of the development and retained as such thereafter.

Reason: To ensure that the amenities of occupiers are not prejudiced by rail and/or road traffic and/or mixed use noise in the immediate surroundings in accordance with

Policy DM04 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2013) and 7.15 of the London Plan 2015.

- 18 Before the building hereby permitted is first occupied the proposed first floor windows in the west elevation of 18D facing 18 Maxwelton Close and all the windows in the north elevation facing the proposed three detached dwellings (18A, 18B and 18C) 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).

- 19 Before the building hereby permitted is first occupied the proposed first floor windows in the west and south elevations of 18A facing 18 and 20 Maxwelton Close 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).

- 20 The development hereby approved shall be constructed and occupied out in accordance with the internal layout and room use plans RE/18MC/2C and RE/18MC/3C only. Any variations to the layout of the properties should be submitted to and approved in writing by the Local Planning Authority.

Reason: In order to maintain occupier amenity for the future residents of the development and to prevent cross overlooking within and from outside of the site in accordance with Policy DM01 of the Adopted Local Plan Development Management Policies DPD (2012).

Informative(s):

- 1 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 £__ 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.

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.

- 2 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.
- 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 4500.

- 4 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.
- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.

Officer's Assessment

1. Site Description

The development site includes a two storey semi-detached dwellinghouse built in the interwar period. The site is an irregular wedge shaped piece of land located on the northern end of Maxwellton Close; a residential cul-de-sac which lies within the Hale ward of the Hendon Area. The site is directly adjacent to a train line and beyond that, the M1 Motorway, which forms the north-eastern boundary. The site does not include a listed building and is not in a conservation area.

Maxwelton Close is largely characterised by pairs of two-storey semi-detached dwellings. The surrounding Sunbury Gardens, Sunbury Avenue, Highwood Grove, and Manor Grove feature a mixture of residential development, including back-land flats off Sunbury Avenue in Meridian Close (adjoins the site).

2. Site History

Reference: 17/4462/FUL

Address: Land to the rear of 18 Maxwellton Close, London, NW7 3NA

Decision: Approved Subject to conditions

Advice issued: 08 September 2017

Description: Creation of 4no dwelling houses with associated parking, access, cycle storage, and refuse and recycling store.

Reference: 17/8229/ENQ

Address: Land to the rear of 18 Maxwellton Close, London, NW7 3NA

Decision: Positive Pre-app advice

Advice issued: 03 July 2017

Description: Creation of 1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom) to the rear of 18 Maxwellton Close, each with associated private outdoor amenity space, car parking, refuse storage, and cycle parking.

Reference: 16/0650/FUL

Address: Land to The Rear Of 18 Maxwellton Close, London, NW7 3NA

Decision: Approved Subject to Conditions

Decision Date: 08 April 2016

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage

Reference: H/05419/14

Address: 18 Maxwellton Close, London, NW7 3NA

Decision: Application refused (Appeal dismissed under reference APP/N5090/W/15/3029375)

Decision Date: 03 Dec 2014 (Appeal decision date 16 September 2015)

Description: Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage. (Full application).

3. Proposal

The proposal is for the erection 4 no. dwellinghouses comprising 4 detached 2-storey dwellings, to the rear of the existing semi-detached dwelling house 18 Maxwellton Close.

The 4 no. proposed dwellinghouses are all 2 storeys and have the following Gross Internal Area (GIA):

18A	3 bedrooms, 5 persons	96 sq m
18B	3 bedrooms, 5 persons	96 sq m
18 C	3 bedrooms, 5 persons	96 sq m
18 D	3 bedrooms, 5 persons	102 sq m

Parking for 5 no. cars is proposed. 8 no cycle parking spaces are also proposed (2 no for each house).

In addition, the development includes associated amenity space, hard and soft landscaping, off street parking, refuse and cycle storage.

Extant Permission 17/4462/FUL

As detailed in the planning history an extant permission exists for 4 dwellings. These had the following characteristics;

1 detached 2-storey, 2-bedroom house and a row of 3 terraced 2-storey houses (2 x 3 bedroom, 1 x 2 bedroom)

The 4 no. proposed dwellinghouses are all 2 storeys and have the following Gross Internal Area (GIA):

<i>18A</i>	<i>3 bedrooms, 5 persons</i>	<i>100 sq m</i>
<i>18B</i>	<i>2 bedrooms, 4 persons</i>	<i>96 sq m</i>
<i>18 C</i>	<i>3 bedrooms, 5 persons</i>	<i>100 sq m</i>
<i>18 D</i>	<i>2 bedrooms, 4 person</i>	<i>87 sq m</i>

The key change with the new proposal is that all the dwellings would now be detached. This increases the overall floorspace and unit sizes as above. This is facilitated by the reduction in the irregular shaped garden which would serve the host dwelling. A long strip of garden which previously ran along the flank of the proposed terrace will now be utilised to accommodate the increased development. A garden of circa 65 sq. m would be retained for No.18 Maxwellton Close.

The proposed scheme retains the traditional elements of the recent extant consent including a hipped 29 degree pitched roof, bricked quoins, Georgian bar windows, and rendered walls.

4. Public Consultation

Consultation letters were sent to 60 neighbouring properties. 17 responses were received, comprising of 2 objections. The objections received can be summarised as follows;

- The proposed development will be out of character
- Potential issues with parking and road safety
- The proposal will require use of the shared drive between No.16 and 18
- This is the wrong location for dwellings
- The site plan does not show the extension to No16 and plans are not dimensioned
- Other applications refused and no change in circumstances

- Contrary to inspector's views in previous appeal decision
- Incompatible with existing planning permission
- Loss of trees and vegetation
- Insufficient parking
- Loss of wildlife habitat
- Risk of flooding
- Overlooking adjoining properties
- Blocking natural daylight
- Conflict with the pattern of development
- Poor relationship with adjoining buildings
- losing historic street pattern
- Better alternative sites available- Excessive density
- The proposal will lead to excessive noise and disturbance
- The site is contaminated
- The residents of any development will suffer excessive noise and disturbance from the adjacent railway line
- The density would result in an overdevelopment

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 Government's 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.

Relevant policies are 3.4, 3.5, 3.8, 3.14, 5.2, 5.3, 6.13, 7.4.

Draft London Plan

Whilst capable of being a material consideration, at this early stage very limited weight should be attached to the Draft London Plan. Although this weight will increase as the Draft London Plan progresses to examination stage and beyond, applications should continue to be determined in accordance with the 2016 London Plan.

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, CS6, CS9, CS10, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM08, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)
Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether the principle of residential development including the density of the development is appropriate for the area;
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the proposal will provide suitable accommodation for future occupiers;

5.3 Assessment of proposals

Principle of Development

The principle of residential development on the site was originally established by extant planning permission 16/0650/FUL dated 08 April 2016 for 'Erection of 2no. detached two storey dwellinghouses with associated amenity space, hard and soft landscaping, off-street parking spaces, refuse and cycle storage'.

Prior to this, the Inspector's Report for dismissed appeal reference APP/N5090/W/15/3029375 (decision date 16 September 2015) found that the proposal for back land development would not be out of character with the established streetscene as it would be "a 'one off', being positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 and the railway, and the existing houses in Maxwelton Close".

Furthermore the principle of a four unit scheme (17/4462/FUL), not significantly different from what is proposed here, has been established. This extant permission (decision date: 08 September 2017) could be advanced and in essence what falls for consideration here is whether the proposed changes provide conflict with policy and would render this scheme inappropriate in comparison to the extant scheme. The following text will undertake the

necessary policy assessment being mindful of a need to draw comparison with the scheme that could be developed.

Potential impact on character and appearance of the existing building, the street scene and the wider locality

Policy DM01 states that 'Development proposals should be based on an understanding of local characteristics. Proposals should preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets'.

The proposed design and layout does not significantly alter. In the analysis of the extant consent the introduction of a terrace and a single detached dwelling was considered acceptable as it would only be glimpsed from Maxwellton Close. This position does not change with the proposed amendments. Furthermore the overall character of the cul de sac, which has a relatively strong building line, which provides enclosure and definition to the public realm, would be maintained. The relatively moderate alterations to the layout raise no issues and as detailed above the principle of four dwellings on the plot has been previously settled.

The 4 no. proposed dwellinghouses are considered to represent a good standard of architectural design. The two "bookend" properties in the row of three would be part single part two storey to the front and this offers some variation to an albeit minor housing scheme. The materials used for the proposed dwellinghouses should be similar to the materials used on the existing properties within the streetscene and this can be secured by way of appropriate condition.

The Inspector in the recent appeal stated that the site was 'one off' with it being 'positioned at the head of a cul-de-sac and visually contained by a large block of flats and tall conifer trees, the M1 motorway and railway, and the existing houses in Maxwellton Close'. The Inspector finds that the 'fact that the development would be different to the street scene' would be 'of no consequence, as at most there would only be glimpses of the new houses through the gap between Nos. 20 and 22'. This view is accepted by officers' and the siting of the proposed 4no dwellings back from the Close would not have a significant impact on the character and appearance of the street scene.

The impact on the amenity of neighbouring occupiers

A previous concern which resulted in the refusal of application H/05419/14 was a concern about a potential overbearing impact and overlooking of No. 18 Maxwellton Close. The southern side elevation of this property was positioned 0.25 metres from the northern boundary of No. 18 Maxwellton Close. Its front elevation windows were set at a minimum distance of approximately 15 metres from the rear elevation windows of No. 18 Maxwellton Close. In the inspector's appeal decision for APP/N5090/W/15/3029375, it was stated that although the front elevation windows on the proposed property were set back less than the required 21 metres from the windows of habitable room of an existing property:

"the deficiency of 6m or thereabouts between the proposed and existing pairs of dwellings is more than compensated for by the relationship not being 'direct'. There is a considerable offset in their respective positions, with Nos. 18 and 20 being to the south west of the new dwellings. This would effectively limit direct views and reduce the amount to which privacy would be affected. For the same reason I consider that the proposed dwellings would not be overbearing and oppressive in the outlook from the rooms and gardens of Nos. 18 and 20".

For the current proposal, the garden area of No18 has been reduced to a private amenity area directly behind the dwelling. As such the flank elevation of the end dwelling (18A) would be located adjacent to the rear garden area of No20. The first floor of the dwelling would retain a gap of approximately 2.0m to the boundary. This is reasonable, particularly as the property is served by a long garden area (circa 25.0m) and the dwelling would be located away from the rear elevation and halfway along the flank garden boundary. Its front elevation windows are set back a minimum distance of approximately 12.5 metres from the rear elevation windows at first floor level of the nearest property at No. 20 Maxwellton Close. Whilst this reduces the distance, the windows are still off set and it is not considered the relationship would give rise to excessive overlooking. It is noted that No20 has been extended to the rear on the ground floor and within the roof and this is not shown on the submitted plans. Again the angle would not result in significant overlooking and there is the benefit of boundary treatment to further mitigate the issue.

Furthermore the applicant has indicated that the window openings at first floor level on the front and flank elevations would be obscure glazed. This is necessary to avoid directly overlooking of the gardens of No's 18 & 20. The dwelling would be served by the living/dining area at first floor level and a total of 4 windows (additional 2 overlooking the garden of the proposed dwelling). Whilst not an ideal scenario, a reasonable living environment would result and the design solution can be accepted.

The rear elevation windows of the row of three properties are set back at a minimum of 7 metres from the boundary with Prime Court (and 14m to the rear elevation of the Prime Court building). The extant permission retained a similar separation with Prime Court. There are existing 15 metre tall Conifer trees at Prime Court, adjacent to the boundary with the application site and this was confirmed to be the case during the site visit for this application. Although Barnet's Sustainable Design and Construction SPD (2016) states that for new residential development there should be a minimum distance of 10.5 metres between the windows of a habitable room and the neighbouring garden, it is considered that as the rear elevation windows of the properties in the current proposal are the same as the extant 4 unit scheme there has been no change in circumstances. On balance the distance between the windows and the neighbouring garden is acceptable in terms of its impact on neighbouring amenity, particularly given the screening provided at ground floor by the existing close boarded fence and significant tree cover that exists and is within the boundary of Prime Court and therefore within the control of that neighbouring development.

The western side elevation wall of the proposed single detached property (18D) is set back approximately 9 metres from the boundary with No. 18 Maxwellton Close. To prevent the occupiers of Nos. 18 and 20 Maxwellton Close from suffering a material loss of privacy as a result of overlooking of their rear windows and their rear amenity space, the first floor windows in the western side elevation of the proposed single detached dwellinghouse on the extant scheme was conditioned to be obscure glazed. This is once again deemed necessary to prevent any overlooking. Loss of outlook or loss of daylight/sunlight to Nos. 18 and 20 Maxwellton Close would be similar to the extant scheme and considered acceptable given the significant offset. The proposed detached dwellinghouse would not have an overbearing impact on these properties provided that an appropriate landscaping scheme was provided between it and No. 18 Maxwellton Close.

The windows on the southern side elevation of 18D are set back 11 metres from the boundary with No. 16 Maxwellton Close, which is considered to be an acceptable distance. No. 16 Maxwellton Close has north facing side elevation windows. The northern side elevation windows of 18C face the side elevation windows of No. 16 Maxwellton Close at an angle and at a distance of approximately 25 metres. Due to their height and position it is

considered likely that the southern facing window on 18C will not cause the occupiers of No. 16 Maxwellton Close to suffer a material loss of privacy from their north facing side elevation windows.

The front elevation of 18C is set back approximately 7 metres and 11.0m (owing to the staggered front elevation) from the northern elevation wall of 18D. The front elevation windows of the proposed middle property (18B) are set back approximately 6.5 metres from this northern elevation wall. The windows on 18C serve habitable rooms and in order to protect the privacy of the occupiers of the dwellings opposite, they must be obscure glazed. This can be adequately achieved as one window serves a bathroom and the affected bedroom is served by another window overlooking the railway line.

Due to the proximity of the site to the M1, there would be an unusually high level of background noise. For these reasons it is considered that the occupiers of neighbouring and adjoining properties would not suffer a material loss of amenity as a result of noise and disturbance from people coming and going from the application site and occupation of the application site.

The impact on the amenity of future occupiers

Policy DM02 states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and that development makes a positive contribution to the borough.

Gross Internal Area

The 4 no. proposed dwellinghouses have the following gross internal area (gia):

18A	3 bedrooms, 5 persons	96 sq m
18B	3 bedrooms, 5 persons	96 sq m
18 C	3 bedrooms, 5 persons	96 sq m
18 D	3 bedrooms, 5 persons	102 sq m

Table 3.3 of the London Plan (2016 MALP) and Barnet's policies and table 2.1 of Barnet's Sustainable Design SPD (Oct 2016) set out the minimum residential space standard requirements for new residential units. The required gia for units is as follows:

- 3 bedroom unit for 5 people on two floors requires 93 m²

All of the proposed units meet and exceed these gia requirements.

Bedroom Size

Table 2.2: 'Internal layout and design requirements' of Barnet's Sustainable Design SPD (Oct 2016) states that bedrooms should meet the following requirements.

- Single bedroom: minimum area should be 7.5 m² and is at least 2.15m wide to comply with the nationally described space standard.
- Double/twin bedroom: minimum area should be 11.5 m² and minimum width should be 2.75 m to comply with the nationally described space standard.

Whilst 1 double bedroom in 18B reduces in width to approximately 2.5m, at 15.5m in area it far exceeds the required area above, and is therefore considered acceptable.

Floor to Ceiling height

Table 3.3 of Policy 3.5 of the London Plan states that a minimum ceiling height of 2.3 metres is required for at least 75% of the gross internal area of a dwelling. Both of the storeys of each property must meet this requirement. A section drawing has been submitted showing a minimum floor to ceiling height through the proposed development, complying with this requirement.

Amenity Space

The amount of amenity space required for a proposed dwellinghouse is determined by the number of habitable rooms that it has. Table 2.3 of Barnet's Sustainable Design SPD (Oct 2016) contains the requirements for amenity space. The proposed dwellings would have 5 no. habitable rooms so therefore they require 55 m² of amenity space. All properties provide a reasonable and useable area of private rear amenity space. In order to retain adequate privacy 18D will need a close boarded fence to enclose the garden area.

Table 2.4 of Barnet's Sustainable Design SPD (Oct 2016) sets out the minimum glazing requirements for habitable rooms in a new residential unit. It states that glazing to all habitable rooms should not normally be less than 20% of the internal floor area of the room and the habitable rooms should have an acceptable level of outlook. All of the habitable rooms in the proposed dwellinghouse must meet this requirement.

The setback of the rear elevation walls of the 18A-C from the northern boundary is relatively shallow and the trees adjoining the boundary are tall. But as the ground floor rear elevations windows are large it is considered that the ground floors of these properties would receive adequate daylight/sunlight.

Once again with the revised scheme the western and northern elevations of 18D are to be obscure glazed. Its southern elevation is setback 11 metres from the boundary with No. 16 Maxwellton Close and its eastern elevation windows overlook a train line and beyond that, the M1 Motorway. On balance the outlook is considered to be adequate.

The front elevation windows of 18B and 18C face 18D. As 18D is relatively narrow the front elevation windows of 18B and 18C will have views of the spaces to the sides of it. The outlook of the first floor rear elevation windows of these properties is considered to be of a high standard. For these reasons the outlook from the front elevation windows of these properties is considered to be acceptable.

Environmental Health

Due to the application site's close proximity to the railway line and M1 Motorway it is necessary to consider the potential impact of noise and air quality on the amenity of the occupiers of the proposed units.

A Noise Impact Assessment undertaken by KP Acoustics in September 2014 was submitted in support of application 16/0650/FUL. This report concludes that - subject to the recommended glazing specification and an acoustic fence to the boundary facing the M1 - the proposed development would be acceptable from a noise perspective. An updated report along with suitable mitigation details will be required by planning condition.

An Air Quality Assessment undertaken by Air Quality Consultants in June 2014 (also submitted in support of application 16/0650/FUL) found that "Existing conditions within the study area show acceptable air quality, with concentrations all below the air quality objectives. Air quality conditions for new residents are therefore judged to be acceptable". An updated report along with suitable mitigation details will be required by planning condition.

The Environmental health section has been consulted in relation to the application and is content that appropriate conditions can mitigate any concerns.

Highways

The proposal is for the addition of 4x 3bed houses to the rear of the existing property at 18 Maxwellton Close NW7. Provision is being made for 5 car parking spaces to be used by the proposed 4 properties, along with provision for 8 cycle parking spaces.

The site lies within a PTAL 2 site which means that there is poor public transport accessibility to and from the site. The provision of 5 car parking spaces is in accordance with requirements set out on Policy DM17 of the London Plan and is therefore acceptable on highways grounds.

A new crossover will need to be constructed in order to provide vehicular access to the development. An application under Section 184 of the Highways Act should be made to the Highways department to be assessed prior to construction of the crossover.

Cycle parking and cycle storage facilities should be provided in accordance with the London Borough of Barnet's Local Plan, in the interests of promoting cycling as a mode of transport.

Refuse and Recycling

Each of the proposed dwellinghouses requires the following on site waste and recycling provision:

- 1 no. Grey 240 Litre household refuse bin
- 1 no. Blue 240 Litre dry recycling bin
- 1 no. Green 240 Litre garden waste bin

The proposed storage areas would not have a negative visual impact on the character of the streetscene and would be located within the curtilage of the dwellings. Further details of refuse storage areas will be required by condition.

Sustainability

Appropriate conditions requiring sustainable energy use, water usage and accessibility are proposed.

CIL

The proposal is to create new residential floorspace and is therefore CIL liable.

6.4 Response to Public Consultation

The majority of concerns raised have been addressed elsewhere in this report. As discussed the scheme is considered a one off which could assimilate into the character of the immediate area. Highways have raised no concerns in relation to parking and road safety. The proposal does not increase the density from the extant scheme which is considered appropriate for the area. The extant permission is a material planning consideration of significant weight and this scheme is not considered to deviate from that consent in a way which would justify a different outcome on this occasion.

7. 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.

8. Conclusion

Having taken all material considerations into account, it is considered that the proposed amended scheme raises no issues over the extant permission which could not be dealt with by appropriate conditions. The proposal generally complies with adopted policy and would make appropriate and efficient use of a previously developed site. Whilst the concerns of neighbours are acknowledged it is considered the general principle and finer details of what is proposed is considered acceptable. This application is therefore recommended for approval.

