

Location **58 And Land Adjacent To 58 Shakespeare Road Mill Hill, London NW7 4BH**

Reference: **18/0529/FUL**

Received: 24th January 2018

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Ward: Mill Hill

Expiry 21st March 2018

Applicant: Mr David Beal

Proposal: Erection of two-storey single family dwellinghouse with rooms in roofspace and provision of 1no parking space, cycle storage and refuse and recycling storage to land adjacent to 58 Shakespeare Road. Two storey side extension with associated changes to fenestration and soft and hard landscaping to 58 Shakespeare Road

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 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.

- 2 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.

- 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 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).

- 5 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).

6 a) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until details of temporary tree protection 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 scheme of temporary tree protection as 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.

Reason: To safeguard the health of existing tree(s) 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 (adopted September 2012) and Policy 7.21 of the London Plan 2015.

7 Before the building hereby permitted is first occupied the proposed window(s) in the side elevation of the new dwelling, facing No58 Shakespeare Road, 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).

8 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).

9 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.

10 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.

- 11 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.

- 12 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).

- 13 a) Before the development hereby permitted is first occupied, details of privacy screens/retaining walls to be installed on the rear terrace area shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced 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), the Residential Design Guidance SPD (adopted April 2013) and the Sustainable Design and Construction SPD (adopted April 2013).

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this

permission, shall be placed at any time in the side elevation of either dwelling on the site.

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).

- 15 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 area of the entire 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).

- 16 Before the development hereby permitted is first occupied or the use first commences the parking space shown on Drawing No.010 Rev K; 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.

- 17 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.

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

E001 Rev E, E002 Rev N, E010 Rev D, E011 Rev B, E030 Rev D, E031 Rev C, E032 Rev C, E033 Rev C, E040 Rev B, E041 Rev B, 002 Rev M, 010 Rev M, 011 Rev K, 012 Rev M, 014 Rev L, 030 Rev J, 031 Rev K, 032 Rev J, 033 Rev J, 034 Rev C, 040 Rev J, 041 Rev J.

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).

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.

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.

Officer's Assessment

1. Site Description

The application site is located on the northern side of Shakespeare Road within the Mill Hill Ward. The site is currently occupied by a two storey, detached building, finished in red brick with a tiled roof. The building contains 2no. two bedroom flats (nos. 58 and 58a) one on each floor, and No.56. Access is gained to the ground floor flat via the entrance door on the side (west) elevation of the building, with access to the first floor flat via the external staircase, located to the rear (north) elevation. Gardens for the flats are provided to the rear of the site. The site also includes a parcel of land to the side of the dwelling. This area contains a number of prominent trees, some of which are statutory protected, and is currently grassed. The site slopes up towards the rear.

The site is not within a Conservation Area although the Mill Hill Conservation Area is located to the side and rear, and there is a statutory listed building to the northwest (Saint Joseph's College). The boundary of the Green Belt also extends to the side and rear of the plot. The immediate area is residential in character consisting mainly of detached dwellings, but with some terrace and flat developments.

2. Site History

Reference: H/00677/14

Address: 58 Shakespeare Road

Decision: Refused.

Decision Date: 16.04.2014

Description: Erection of two storey dwelling house (outline).

Appeal: Appeal dismissed (18.09.2014). Reference: APP/N5090/A/14/2220549

Reasons for refusal:

By virtue of the siting, bulk and proximity to the neighbouring building the proposal will result in a loss of outlook to windows in the principal elevation of 58A and 58B Shakespeare Road which would be detrimental to the residential amenities of the occupiers of those properties, contrary to Policies CS NPPF and CS5 of the Local Plan Core Strategy (September 2012), DM01 of the Local Plan Development Management Policies DPD (September 2012) and the Residential Design Guidance and Sustainable Design and Construction SPDs (2013).

Insufficient information has been submitted to demonstrate that the proposal would not impact adversely on the health of the trees of special amenity value. The proposal would therefore fail to comply with Policies CS NPPF and CS5 of the Local Plan Core Strategy (September 2012) and DM01 of the Local Plan Development Management Policies DPD (September 2012).

Reference: 17/3253/FUL

Address: 58 Shakespeare Road

Decision: Withdrawn.

Decision Date: 13.10.2017

Description: Construction of a two storey dwelling with rooms in roofspace. Associated parking, cycle store, refuse and recycling store, landscaping and boundary works.

3. Proposal

The application consists of two elements; the erection of a detached dwelling on the plot of land to the west of the existing residential building and an extension to the building.

New Dwelling

The new dwelling would be detached with a floor area of approximately 10.0m x 9.5m. The house would be served by its own separate curtilage with 1 parking space served by a crossover to the front. The dwelling would have a ridge height of approximately 9.2m. The building would be finished in render with a slate roof above. The house would be served by side and rear dormer windows with a balcony on the western flank.

Extension

A side extension would be added to No.58, this would be 0.90m deep x 8.0m in length. The extension would be two storeys with a hipped roof which would tie into the existing dwelling.

4. Public Consultation

Consultation letters were sent to 58 neighbouring properties -13 representations were received raising the following issues;

Objections

- Proposal would be an over-development harmful to the character of the road.
- Concern about parking along the road.
- Design, size and appearance submitted in this revised application is still totally out of keeping within surrounding properties.
- The design would detract from and not contribute to the openness and visual amenity of the surrounding Conservation Area and Green Belt.
- Concern about impacts on adjacent trees.
- The proposed house is too modern and contemporary. It doesn't harmonise with other existing houses.
- The extension would impact on the amenity of future occupants in terms of outlook, loss of light etc.
- The trees have already been cut down and burned.
- Continued development of the road is having a negative impact on the character of the area, including the unique character of Poets Corner.

Support

- The development as proposed has been well designed and we have no objection to it being built. It fits well within the surrounding street-scene, and there is sufficient parking, bin storage for the proposed use.

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.

Draft London Plan 2017

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, CS7, CS9, CS15.
- Relevant Development Management Policies: DM01, DM02, DM03, DM13, DM15, DM16, DM17.

Supplementary Planning Documents

Residential Design Guidance SPD (2016)

- Sets out information for applicants to help them design developments which would receive favourable consideration by the Local Planning Authority. The SPD states that large areas of Barnet are characterised by relatively low density suburban housing with an

attractive mixture of terrace, semi-detached and detached houses. The Council is committed to protecting, and where possible enhancing the character of the borough's residential areas and retaining an attractive street scene.

- States developments should normally be consistent in regard to the form, scale and architectural style of the original building which can be achieved through respecting the proportions of the existing house and using an appropriate roof form.

- In respect of amenity it states that developments should not be overbearing or unduly obtrusive and care should be taken to ensure that they do not result in harmful loss of outlook, appear overbearing, or cause an increased sense of enclosure to adjoining properties. They should not reduce light to neighbouring windows to habitable rooms or cause significant overshadowing, and should not look out of place, overbearing or intrusive when viewed from surrounding areas.

Sustainable Design and Construction SPD (adopted April 2013)

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

Mill Hill Conservation Area Character Appraisal

5.2 Main issues for consideration

The main issues for consideration in this case are:

The main issues for consideration in this case are:

- The principle of the development;
- Potential impacts on the adjoining conservation area/Green Belt;
- Whether harm would be caused to the character and appearance of the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents;
- Whether suitable amenity would be provided for future occupiers;
- Highways implications;
- Trees and landscaping;
- Other considerations, third party representations

5.3 Assessment of proposals

The principle of the development

The general principle amounts to the construction of a new dwelling to the side of the existing building and an extension to No.58. The site is adjacent to, but outside the Green Belt, where there are tight restrictions on new buildings. The site is adjacent to the Mill Hill Conservation Area; therefore an appropriate design will be necessary. The plot also includes TPO'd trees within its boundary. Care intention should be paid to ensuring their health and well-being.

Potential concerns in relation to the amenity of existing and future occupiers has amounted to a previous reason to withhold consent and indeed the concerns about loss of outlook to flank windows in the flats was upheld at appeal. Overcoming these concerns is critical if a reversal of the previous decision is to be successful.

As detailed the site is outside the boundaries of the Green Belt and located at the end of a residential street. Local plan policies DM01 and CM5 require that new development is mindful of the character of the immediate area and should aim to create or maintain high quality places within the district. Proposals should therefore preserve or enhance local character and respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets.

The NPPF supports this and stipulates that planning decisions should not attempt to impose architectural styles or particular tastes and they should not stifle innovation but instead development should be guided by the factors including overall scale, density, massing, height, landscape, layout, materials and access of new development in relation to neighbouring buildings and the local area more generally. New development should reinforce local distinctiveness.

The application site is a previously developed plot in that it has served as the garden of No.58 and one of the core aims of national policy enshrined in the NPPF is to ensure the more efficient and effective use of such sites. Para. 53 of nationally adopted guidance in the NPPF states the following;

"Local planning authorities should consider the case for setting out policies to resist inappropriate development of residential gardens, for example where development would cause harm to the local area".

However such developments can be appropriate if the character of the area is maintained. Decision makers must also be mindful of the NPPF aim of promoting sustainable development and boosting significantly the supply of housing. Having regard to compliance with the above policy requirements, the general principle of development can be accepted.

Potential impacts on the adjoining conservation area/Green Belt

Conservation Area

Paragraph 7.2.2 of the Development Management Policies states that if a site lies within a conservation area or is located nearby, new development will not be allowed which neither preserves nor enhances that area.

The conservation area is characterised at this location by the open, spacious grounds of the adjacent Saint Joseph's College. This southern section of the conservation area is surrounded by low density suburban properties. The residential dwellings on Shakespeare Road are fairly typical sub-urban housing. It is not considered the location of another dwelling adjoining the boundary would erode this character, subject to design, which is discussed later in the report. The site would remain relatively well screened from the conservation area and any new building would be viewed in the context of the adjoining dwellings. There would be negligible effect on the setting of the listed building and the character and appearance of the adjacent conservation area would be preserved.

The two storey side extension to the existing property at 58 Shakespeare Road is considered to be of a scale that would not disrupt the adjacent Conservation Area. The gap maintained between the existing property and the proposed dwelling is such that glimpsed views towards the Conservation Area will be maintained.

The proposed extension by virtue of its set back from the front building line, distance maintained to the common boundary and set down from the main ridge line of the property is such that the scheme would comply with the guidance set out in Barnet's SPD Residential Design Guidance that indicates that extensions should appear as subordinate additions to the main dwellinghouse. It is also noted that the extension will not extend the full depth of the property which would ensure a proportionate and subordinate addition.

Green Belt

The site is also in adjacent to the Green Belt. Part vi of Policy DM15 (Green Belt and open spaces) of the Local Plan states development adjacent to Green Belt/MOL should not have a detrimental impact on visual amenity and respect the character of its surroundings. As discussed above, and for similar reasons in relation to the conservation area, it is not considered that the development of a well screened site, viewed in the context of adjacent residential development would be harmful to the visual amenity of the Green Belt. The visual character of the Green Belt adjacent to the site would not be harmed.

The openness of the Green Belt is not considered to be harmed by the introduction of the side extension to the existing property.

Whether harm would be caused to the character and appearance of the street scene and the wider locality

Barnet policy DM01 expects that development proposals should be based on an understanding of local characteristics and should respect the appearance, scale, mass, height and pattern of surrounding buildings, spaces and streets. As detailed above, the character of the area is typically sub-urban. Some neighbours of the development site have raised issue with the proposed finish of the building. The building would be finished in render with a slate roof. Whilst the predominant finish in the surrounding streets is red brick, the area is not devoid of render buildings and it is a common enough elevation finish locally. Furthermore a contrast in styles may offer some variation to the streetscene. It is not considered the materials palette would seriously offend local character. The more contemporary fenestration proposed would similarly not appear particularly jarring, and the more modern appearance of new build housing can be accommodated within most suburban streets.

The scale and massing is commensurate with existing development, and the proposed layout would be in keeping with the general character of the area. In layout, scale, mass, height and having regard to the pattern of surrounding buildings the proposed development would not appear out of character. The overall design and layout is therefore deemed acceptable.

The design of the two storey side extension raises no issues and is a relatively minor addition from a design perspective. The proposal will be set back from the main front building line of the existing property to appear subordinate and will leave a 1m gap between the proposal and the common boundary. The siting and scale of the extension is such that it would not result in a cramped form of development and would be subordinate to the main building.

Whether harm would be caused to the living conditions of neighbouring residents

The new dwelling would be located along the flank of the existing flats. A previous application at the site was refused in relation to outlook from the existing flats. The flats are

served by side elevation windows which would be located in close proximity to the proposed side elevation wall of the new house. Owing to the layout of the flats, the side elevation is in effect the principal elevation. This scheme proposes relocating bedroom windows to the front and (extended) sections of the dwelling. This would ensure that bedroom windows would not be facing a blank wall at close proximity. Reasonable outlook would now be guaranteed to the front and rear of the flats. Both flank walls would now effectively be blank elevations and there would be no adverse impact on amenity as a result. Reasonable outlook and light could be ensured for occupants of the flats.

There would be some overlooking of the garden area of the new property from first floor flank windows at No.58. This could be mitigated to a certain extent by boundary fencing, and the 3.0m distance to the common boundary, although not entirely eradicated. The refused scheme raised concern that any fencing would result in a significant loss of outlook to the flats and that site constraints meant a dwelling on the plot would be difficult to accommodate. However it is considered that the repositioned windows ensure that the host flats would retain adequate outlook. There is some concern about overlooking of the new property from first floor windows, but on balance the scheme can be accepted and a suitable level of amenity could be retained for all residents. The level of overlooking is expected and accepted given first floor windows of all neighbouring properties bring about a similar relationship and these existing relationships have never been seen to be detrimental and are to be accepted in a suburban residential location such as this. The level of overlooking is not considered to be harmful or out of context with the established relationship on this part of Shakespeare Road.

Whether suitable amenity would be provided for future occupiers

Barnet's Sustainable Design and Construction SPD states that for new dwellings, 60sq.m of external amenity space should be provided for units with 4 habitable rooms. The proposed amenity area proposes in excess of this. The policy also requires that the space is functional and sufficiently private. The trees located within the site will limit the functionality of the amenity space, but given the provision to the side and rear, the proposed balcony, and rear terrace area, the proposed provision is deemed acceptable.

The bedrooms meet the minimum space standards of 11.5sq. m (double) and 7.5sq.m. (single) respectively. The minimum widths of bedrooms could also be achieved. A 4 bedroom, 7 person unit should have a gia of 108 sq. m. and the proposal exceeds this requirement. The proposal would not be single aspect, and good outlook could be achieved. The floor to ceiling heights are considered suitable.

Highways implications

A new crossover would be created onto Shakespeare Road and 1 parking space would be provided. This is considered a suitable provision for a dwelling at this location. Cycle parking and refuse facilities, in line with London Plan standards, can be agreed by condition.

Trees and Landscaping

The site contains a number of trees protected by a Tree Preservation Order. A Tree survey has been submitted in support of the application. The council's Trees and Landscaping Officer has been consulted in relation to the scheme and advises that subject to tree protection measures, agreeable by condition, the scheme is acceptable. The application can be conditioned accordingly.

It should be noted that tree replacement notices are to be served on the property following the removal of TPO trees at the site, however, with the amendment to the scheme a 5m garden strip will be maintained between the proposed house and the site boundary and therefore there is adequate room for replacement trees to establish.

TPO trees have been removed along the boundary so that now the additional width is not constrained by trees. These removed trees will be replaced under a tree replacement notice. If this scheme is approved there will be a 5m garden strip for replacement plantings which should be enough space for trees to establish.

The impacts of this development on the remaining trees on site is low to moderate. A detailed arboricultural method statement and tree protection plan must be submitted and approved prior to commencement that will provide directions to the developer to ensure the impacts are kept to a minimum.

Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The proposed development would meet this requirement, and a condition would be attached in the event planning permission is granted to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, any scheme has it be designed to achieve a 12.4% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016.

Housing SPG's requirements and a condition would be attached in the event planning permission is granted to ensure compliance with the Policy.

In terms of water consumption, a condition would be attached to any scheme granted consent to require each unit to receive water through a water meter, and be constructed with water saving and efficiency measures to ensure a maximum of 105 litres of water is consumed per person per day, to ensure the proposal accords with Policy 5.15 of the London Plan (2016 Minor Alterations).

5.4 Response to Public Consultation

It is considered that the planning related comments from the neighbour correspondence have been addressed in the report above.

6.0 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.

7.0 Conclusion

In light of the above appraisal, it is considered that the proposed development can be accepted in policy terms. It is therefore recommend that consent is granted subject to

conditions which can further tailor the scheme to ensure an appropriate development results.

Site Location Plan

