

Location **Land And Access At Rear Of Devonshire Road, Aberdare Gardens And Osborn Gardens London NW7**

Reference: **18/2546/FUL** Received: 26th April 2018
Accepted: 1st May 2018

Ward: Mill Hill Expiry 26th June 2018

Applicant: Lake

Proposal: Construction of 3no. two-storey dwellinghouses with green roofs, associated amenity space, refuse storage, cycle and car parking

Recommendation: Refuse

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 proposed houses by reason of their size, design and siting, including the pattern of development with no street frontage and lack of front garden, would appear as an incongruous and alien development within the area. Given the close proximity to and visibility from the rear windows of the surrounding properties the properties would be highly visible in views outside of the application site. The proposal is considered harmful to the character and appearance of the area, contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies DPD (2012), policies 7.4 and 7.6 of The London Plan (2015) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2016).

- 2 The proposed development of three dwellings to this site surrounded by rear gardens would have an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours and particularly to the ground floor window of 29 Aberdare Gardens facing the accessway. Furthermore, the development will be overbearing to neighbouring properties and especially dominate the outlook from No. 25 Aberdare Gardens. Due to the proximity of windows facing the rear gardens of 107 and 109 Devonshire Road and 26 Aberdare Gardens, these properties are also considered to be impacted by a loss of privacy as a result of the development.

- 3 The proposed development of three houses in close proximity to the protected Oak Tree, would be likely to result in pressure for regular tree pruning/felling applications to reduce impacts such as; overshadowing/shade to the residential properties and gardens, falling tree debris (leaves, dead twigs, acorns etc) and insect mess and to address perceived or real risks of harm from whole tree/branch failure that will result in the loss of visual tree amenity contrary to CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Adopted Development management Policies DPD (2012).
- 4 The construction activities will have an impact on a specially protected tree contrary to CS NPPF, CS1 and CS5 of Barnet's Core Strategy (2012), Policy DM01 of the Adopted Development Management Policies DPD (2012).
- 5 Insufficient information has been provided to ensure that surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice to be cost-effective to operate and maintain over the design life of the development in accordance with Policy CS13 of the Barnet Local Plan, Policies 5.13 and 5.14 of the London Plan, and changes to SuDS planning policy in force as of 6 April (including the Written Ministerial Statement of 18 December 2014, Planning Practice Guidance, and the Non-Statutory Technical Standards for Sustainable Drainage Systems) and best practice design guidance (such as the SuDS Manual, C753).

Informative(s):

- 1 In accordance with paragraphs 186-187, 188-195 and 196-198 of the NPPF, the Council takes a positive and proactive approach to development proposals, focused on solutions. To assist applicants in submitting development proposals, the Local Planning Authority has produced planning policies and written guidance to guide applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered.

The applicant sought formal pre-application advice which was provided. Unfortunately the submitted scheme is not considered to accord with the Development Plan. If the applicant wishes to submit a further application, the Council is willing to assist in identifying possible solutions through the pre-application advice service.

- 2 The plans accompanying this application are:

Green Roof Plan Drawing No UK34-P-13 Rev 1
Outlook Study Drawing No UK34-P-08
Lane Safety Improvements Drawing No UK34-P-10 Rev 2
Shadow Studies Drawing No UK34-P-09
Typology Study Drawing No UK34-P-07

Design and Access Statement Rev 4

Landscape Plan Drawing No UK34-P-20 Rev 2
Landscape Statement Rev 2 dated March 2018

Daylight and Sunlight Study Drawing No UK34-P-04 Rev 2

Character Study Drawing No UK34-P-02 Rev 2
Character Study Drawing No UK34-P-06

Transport Technical Note dated April 2018

OS Plan Drawing No UK34-OS-01

Received 26 April 2018

Pre-development Arboricultural Survey and Report, Report No WAS 100/2018
Received 25 May 2018

Site Plan Drawing No UK34-P-01 Rev 1
Proposed First Floor Plan Drawing No UK34-P-12 Rev 3
Proposed Ground Floor Plan Drawing No UK34-P-11 Rev 4
Received 21 June 2018

Proposed Elevations Drawing No UK34-P-15
Flood Risk/Surface Runoff (SuDS) Assessment version 1.0
Received 24 June 2018

- 3 This is a reminder that should an application for appeal be allowed, then the proposed development would be deemed as 'chargeable development', defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Therefore the following information may be of interest and use to the developer and in relation to any future appeal process:

The Mayor of London adopted a Community Infrastructure Levy (CIL) charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for a £0 per sq m rate for education and health developments.

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 were set at a rate of £0 per sq m.

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

Liability for CIL is recorded to the register of Local Land Charges as a legal charge upon a site, payable should development commence. The Mayoral CIL charge is 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.

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

The Community Infrastructure Levy becomes payable upon commencement of development. A 'Notice of Commencement' is required to be submitted to the Council's CIL Team prior to commencing on site; 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 any appeal being allowed, please contact us: 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 Extension: 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 www.planningportal.gov.uk/planning/applications/howtoapply/whattosubmit/cil for further details on exemption and relief.

Officer's Assessment

Officer Assessment:

The application has been called into committee by Councillor John Hart. The reasons given are; the design of the 3 timber houses is exceptional; the land is back-fill, disused except by rubbish-tippers; the houses would not hinder the outlook of the rear-facing neighbouring houses; amenity would be increased and along with security for existing neighbours; the constructions would be environmentally friendly and the architects have gathered some 70 signatures in a petition in favour of the proposal.

1. Site Description

The application site comprises a triangular shaped plot of land which is bounded by the rear gardens of properties on the three roads of Aberdare Gardens, Osborn Gardens and Devonshire Road, which are predominantly residential in character. The land is overgrown and access is gained via a narrow unmade track that runs across the front of the site with access points at Osborn Gardens and Aberdare Gardens. The site lies within the ward of Mill Hill.

The property is not located within a conservation area and it is not a listed building. It lies within a critical drainage area and within Flood Zone 1, as defined by the Environmental Agency. Flood zone 1 is defined as low probability of flooding.

An Oak tree is located in the southern corner of the site and this has recently been made the subject of a Tree Preservation Order.

2. Site History

Reference H/03936/14

Address: Land To The Rear Of Aberdare Gardens, Osborn Gardens, NW7

Decision Date: 09/10/2014

Description: Construction of single storey detached dwelling house. Associated off-street car parking spaces, bin and cycle stores and hard and soft landscaping.

Decision: Refused

Appeal Decision: Dismissed

Appeal Decision Date: 18/07/2015

Reasons for Refusal:

1. The proposed single storey dwellinghouse would, by reason of its design, size and siting would relate poorly to the existing pattern of development in the area and cause significant harm to the established character of the locality. In this regard the proposal fails to comply with Policy DM01 and DM02 of the Barnet Local Plan Development Management Policies (Adopted) 2012, Policy CS5 of the Barnet Local Plan Core Strategy (Adopted) 2012 and the Supplementary Planning Document 'Residential Design Standards' (November 2012)

Reference W00615G/07

Address: Strip Of Land Located To North-West Side Of Aberdare Gardens, Mill Hill NW7 Enclosed On Other Sides To The Rear Of Osborn Gardens And Devonshire Road NW7

Decision: Refused

Decision Date: 27/02/2008

Description: Erection of a single storey building for storage use.

Reasons for Refusal:

1. The development, by reason of the proposed use and the siting, size, and design of the proposed building, would be poorly related to existing houses and would be detrimental to the visual and residential amenities currently enjoyed by occupiers of those properties, contrary to policies GBEnv1, GBEnv2, D2 and D5 of the Barnet Adopted Unitary Development Plan (2006).
2. Insufficient information has been submitted concerning the level of activity and type of vehicles that would use the site, to properly assess whether the existing access is suitable to serve the development, contrary to policies M13 and M14 of the Barney Adopted Unitary Development Plan (2006).

Reference W00615F/06

Address: Land R/O Aberdare Gardens, Osborn Gardens & Devonshire Rd London NW7

Decision: Refused

Decision Date: 29/01/2007

Description: Erection of a single storey detached dwelling house.

Reasons for Refusal:

1. The proposed development, by reason of its siting, size and design, would be poorly related to existing houses and would be detrimental to the visual and residential amenities currently enjoyed by occupiers of those properties, contrary to policies GBEnv1, GBEnv2, D2, D5 and H16 of the Barnet Adopted Unitary Development Plan (2006).

Reference W00615D

Address: Land At Rear Of Devonshire Road Between Osborn Gardens And Aberdare Gardens NW7

Decision: Refused

Decision Date: 11/01/1989

Description: Erection of detached house (Outline Application)

Appeal Decision: Dismissed Appeal

Decision Date: 22/02/1990

Reasons for Refusal:

1. The irregular shape of this backland site and its relationship with surrounding properties are such that it is unsuitable for development in the manner proposed because the proposed development would be out of character with and detrimental to the visual and residential amenities of neighbouring residential properties.
2. The proposed access is unsatisfactory and inadequate in that no acceptable pedestrian, car and service vehicle access arrangements would be provided.

Reference W00615C

Address: Land At Rear Of Devonshire Road Between Osborn Gardens And Aberdare Gardens NW7

Decision: Refused

Decision Date: 13/06/1979

Description: Dwellinghouse and garage.

Reasons for Refusal:

1. The means of access to the site is unsatisfactory and inadequate to serve the proposed development.
2. The proposed development would have a cramped appearance on such a restricted site, and would overlook the rear gardens of adjacent houses.
3. The proposed development would have inadequate private amenity space for its occupants.

4. The proximity of the proposed development to the rear access roads would result in an unreasonably low level of privacy for the occupants of the proposed dwelling.

Reference W00615B

Address: Land Rear of Devonshire Road; Osborn Gardens and Aberdare Gardens NW7

Decision: Refused

Decision Date: 27/10/1976

Description: Use of land for the parking of new cars.

1. That the proposal, involving the stationing, ingress and egress of a number of cars in excess of the normally associated with the residential area of which it forms part, would tend to give rise to noise nuisance and disturbance prejudicial to the enjoyment of their properties by the occupants of the surrounding homes.
2. That the development, by introducing this commercial use into a residential area would be in conflict with the provisions of the Initial Development Plan for Greater London, and in so doing would be to the detriment of the residential amenities of the neighbouring premises.

Reference W00615A

Address: Land Rear of Aberdare Gardens Osborn Gardens Road NW7

Decision: Approve subject to conditions

Decision Date: 24/10/1973

Description: Conditions relating to use for storage of containerised plants and shrubs

Reference W00615

Address: Rear of Devonshire Road, NW7

Decision: Refused

Decision Date: 05/05/1966

Description: erection of single-storey research workshop.

Reasons for Refusal:

1. That the development is contrary to the provisions of the Initial Development Plan wherein the site is allocated primarily for residential purposes.
2. That the proposal involving activities of an industrial nature is contrary to the Industrial Policy set out in the Written Statement of the Initial Development Plan, which policy seeks to restrict the growth of industry in Greater London and achieve its location on land allocated for Industrial purposes.
3. That the introduction of an industrial use onto a site adjacent to a residential area would, by reason of noise and general activity, be prejudicial to the existing aural and visual amenities of the inhabitants of the neighbourhood.

3. Proposal

The proposal is to construct 3 two-storey dwellinghouses with green roofs, associated amenity space, refuse storage, cycle and car parking.

The houses would be positioned close to the northern boundary of the site adjacent to the unmade access road and would arc around an existing oak tree. The design includes a detached 3 bed property which would be located near the north western boundary and a pair of semi-detached 3 bed houses positioned in the north eastern part of the site.

House 1 is a detached, 3 bedroom, 4 person property which lies to the north western boundary. The total height is 6.8 metres with a staggered roof of 6.2 metres. The building has a width of 10.3 metres and maximum depth of 8.4 metres. The total floor area of House 1 is 117m².

House 2 and 3 are semi-detached, 3 bedroom dwellings positioned in the north eastern part of the site with a staggered roof height of between 6.2 metres to 6.8 metres.

House 2 has a total width of 10.8 metres and incorporates a rounded design to the alleyway and staggered front elevation. The total depth is 9.1 metres. House 2 is a 3 bed, 4 person dwelling with a total floor area of 120m²

House 3 has a total width of 8.4 metres with a tapered corner and slight setback in the front elevation. The building has a maximum depth of 12 metres. At the rear, the property has a staggered rear elevation with a projection of 4.8 metres in width and a further wing of 3 metres in width with a reduced depth of 5.5 metres. House 3 shows as a 3 bed, 5 person dwelling with a total floor area of 132m².

The properties have been designed with limited fenestration to the northern flanks (front elevation) fronting the rear gardens of Devonshire Road with the main fenestration facing inwards towards the Oak Tree and the rear gardens of Osborn Gardens. The ground floor would be open plan in nature. The bedrooms are located to the first floor. The design of the buildings has incorporated tapered corners, staggered roof heights, flat roofs and the exteriors are proposed as weathered timber wooden facades.

The dwellings incorporate green flat roofs.

The main entrance to the houses would be via the track fronting the site which would be upgraded to a shared surface for cars and pedestrians. Three car parking spaces, cycle parking and bin stores would also be located adjacent to the northern boundary. Each house is allocated private amenity space.

4. Public Consultation

Consultation letters were sent to 159 neighbouring properties. 23 responses have been received, comprising 13 letters of objection and 8 letters of support. A petition of support with 78 signatures was also provided.

The objections received can be summarised as follows:

- Overdevelopment on a small site
- The enclosed triangular site is too small to accommodate a 3 No. 2-storey development.
- Access to the site is via narrow lanes from the east and west. The lanes are not wide enough to take vehicles and pedestrians. Even fire engines will find it difficult to negotiate the narrow lanes in an emergency.
- Because of the restricted access there will be huge disruptions to the neighbourhood during the construction stage.
- Neighbours in area have access to garages via these narrow lanes. How will access be preserved and who will maintain the access?

- Impact on parking
- Noise impacts to neighbouring gardens as a result of increased activity within the site.
- Similar schemes have been refused in the past
- The site has a beautiful oak tree, home to various birds nesting there. The tree has a Tree Preservation Order. Development of the site will damage its roots, leading to its eventual destruction, and loss to the environment.
- Loss of privacy for neighbouring gardens and properties
- There will be loss of light for neighbours with south-facing houses are facing the site.
- There will be increased traffic and noise. Devonshire Road is already congested with traffic after the development of the former gas site.
- Loss of nature and wildlife habitat
- The proposed development will lead to not only overshadowing and overlooking with loss of privacy and light to neighbouring properties, but will also negatively affect on visual amenity. The proposed development will be completely out of character with the local area including not being keeping with the houses currently on the 3 roads adjoining the current open land.
- Agent has written to neighbouring properties 'I note that you have built a loft extension and roof extension without either planning permission or Lawful Development Certificate. The extension has been built contrary to planning guidance. Furthermore, an application was refused for this in the past. You may feel entitled to build without planning permission, however, as correct procedure, we have sought planning permission with a policy compliant design". This is not correct.

The representations (including the petition) received can be summarised as follows:

- Approve of these plans to develop on this land. The site has had persistent problems with rats, weeds, dumping-fly tipping of beds-sofa's etc and would prefer to see the land being used for housing.
- The view for neighbouring properties would be improved to see 3 lovely low scale 2 storey houses, instead of a " dump ".
- The sensitive housing design also respects the magnificent Oak tree & the privacy of the 39 residents that back onto the site.
- Surrounding the site are many ad-hoc loft extensions and overlooking along the majority of Devonshire Road - many with poor design merit, most contrary to guidance and some perhaps without planning permission?
- Likely to win awards
- Green roofs and nesting boxes for birds are included.

Summary of public consultation:

Officers have reviewed the comments received and the petition of support. Officers have given consideration to all comments as detailed in the assessment section below. It is noted that the majority of the objections have come from directly adjoining neighbours whereas support for the scheme has been more widespread.

Officers have given some weight to the petition of support but do not consider the public support justifies or outweighs the degree of harm caused by the development including harm to immediately adjoining neighbours; a number of whom have objected.

Internal consultations:

Highways: No objection provided access for refuse and emergency vehicles is agreed separately and a waiver to indemnify Council is signed. Conditions are suggested for the application.

Landscape: Objection to the scheme. Concerns for the construction impact on the TPO Oak Tree and future development pressures.

Thames Water: No objection. Informative suggested regarding future water and waste connections.

Drainage: Further information is required before this scheme can be supported. Additional information was provided but has not addressed the matters raised to the applicant. This includes clarification on the calculations for the surface water runoff and the required attenuation storage.

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.

The London Plan is currently under review. 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 adopted 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, CS3, CS4, CS5, CS9, CS12, CS14, CS15
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Sustainable Design and Construction SPD (adopted October 2016)

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

5.2 Main issues for consideration

The main issues for consideration in this case are:

- The principle of development and 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 harm would be caused to the living conditions of future occupiers.
- Highways
- Refuse and Recycling
- Flood and Drainage
- Trees
- Sustainability

5.3 Assessment of proposals

Principle of development and whether harm would be caused to the character or appearance of the area.

Policy DM01 of the adopted Development Management Policies (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'.

The supporting text to Policy DM01, which results in part from the characterisation study undertaken as part of the production of the Local Plan sets out the character of different parts of the borough and how this character changes and evolves over time. The supporting text states that protecting the character helps to maintain Barnet's heritage, and that development proposals which are out of keeping with the character of an area will be refused.

The typology map in the DMP (sourced by the Characterisation Study) shows that the host site falls within the category of "suburban". The site is located in a suburban area and is located in an area of PTAL rating 2. The London Plan advises that development should be at 35-95 units/hectare. The proposal has a density of 27 units/hectare and therefore the density of the scheme is below the range however it is considered to be acceptable. Density should not drive development however, it is an important factor to take into account along with local context and design.

Amongst other things, the character of an area relates to the established pattern of development, which refers to the arrangement of plots, buildings and open spaces around

the buildings which form part of that area's character and identity. It is considered that the character of the area that the application site is located within is largely that of two storey semi-detached single-family dwelling houses, with round bays and front gable features within the roof slope, in a traditional street frontage layout with each house having a common main front building line set back from the road frontage with a front garden area and a modest size garden to the rear. Views between the properties including of trees and vegetation are also a characteristic of the local area. The immediate surrounding area to the application site comprises single family dwellings that face the three streets of Aberdare Gardens, Osborn Gardens and Devonshire Road and is suburban in nature set in the pattern previously described. At the ends of Osborn Gardens and Aberdare Gardens are located a single storey detached bungalow and a single storey pair of semi-detached bungalows. The single storey nature of these houses reduces their visual prominence on the street corners and to the rear gardens of the properties behind.

Two appeals have previously been dismissed on the application site for the erection of a detached dwelling. The most recent (reference: APP/N5090/W/15/3004406) which was dismissed on the 18th July 2015 was for a single storey detached dwelling which was found to have a negative impact on the character of the area. The Inspector described the character as follows: "the dwellings surrounding the appeal site have a planned layout which is characteristic of the wider area, with consistent building lines and two storey dwellings of similar character and appearance, although many have large roof extensions to the rear. These properties on the three sides of the appeal site also have rear gardens of broadly similar length, many with ancillary outbuildings in them."

The Inspector continued to comment "that in contrast to these characteristics, the proposed dwelling would be of a smaller scale and height to the surrounding properties and would be a standalone building isolated from the established pattern of built development. This awkward positioning is exemplified by the fact that the dwellings frontage would face the rear boundaries of the surrounding dwellings. Due to the relatively short gardens and height of the surrounding properties, the dwelling would be highly visible from their rear windows from which it would appear as an incongruous and alien feature. Given that its design reflects the proposed residential use, it cannot be compared directly with the smaller scale of adjacent outbuildings....Indeed, its proximity to these outbuildings with limited separation would further accentuate the incongruous nature of the proposal."

Whilst the scheme now currently before members arguably contains a height more akin to the established character and locality, it is not considered that the proposal overcomes the matters as previously set out in the appeal decision and as a result, the proposal is considered to result in harm to the established character of the area. Whilst it is accepted that paragraph 60 of the National Planning Policy Framework states that 'planning decisions should not attempt to impose architectural styles.... and they should not stifle innovation.... It is proper to seek to promote or reinforce local distinctiveness'. The development is on a restricted site with access via a rear alleyway to gain access to outbuildings to the rear of the properties of Osborn Gardens, Devonshire Road and Aberdare Gardens. Even with this track being upgraded as proposed, it is considered that this cannot be considered a traditional street frontage and would still be read as a narrow single lane access road. Furthermore the proposed "two storey flat roof mews style housing" is not a characteristic building type of the area. The proposed houses size, design and siting to fit the shape of the site is not characteristic to the area. It does not provide a uniform building line, has no front garden typical to the area, but set largely immediately on to the access road, with no street frontage characteristic to the area, being set instead facing rear gardens. For the same reasons given by the previous Inspector the

proposed "mews" would still be highly visible from the rear windows of the surrounding properties and would appear as an incongruous and alien development within the area.

The applicant has proposed a Mews houses design and considers this would be supported by Barnet's Characterisation Study as it states that "certain parts of the borough include very generous urban blocks with back lanes providing access to the rear of existing large gardens. It may be appropriate to consider the creation of mews development in this context." This is a term used by the applicant- for the avoidance of doubt, the Council does not concede that the proposal constitutes a 'mews development' in the true sense of the word. Officers consider that this would not relate to the proposal site as the surrounding properties do not have existing large gardens, this is supported by the previous Inspector who stated that the surrounded properties have moderate length gardens. Even if the gardens were extended to include the application site it is still considered that the houses of Osborne Gardens, Devonshire Road and Aberdare Gardens would not represent "very generous urban blocks" and therefore the application site is not considered suitable for such a development.

Any scheme for the site needs to respect the character and appearance of the local area, relate appropriately to the sites context and comply with development policies in these respects. This includes suitably addressing the requirements of development plan policies such as DM01, CS05 (both of the Barnet Local Plan) 7.4 and 7.6 (both of the London Plan).

Policy 7.6 of the London Plan (2016) states that buildings should be of the highest architectural quality and not cause unacceptable harm to the amenity of surrounding land and buildings, particularly residential buildings. Policy CS5 of the Core Strategy which states, that the Council 'will ensure that development in Barnet respects local context and distinctive local character creating places and buildings of high quality design'.

The design of the 3 houses features flat roofs which is a departure from the traditional hipped roof forms of the dwellings on the surrounding streets. While it is noted that there are flat roof extensions to a number of properties, including dormer windows, the predominant roof form of the neighbouring buildings is of hipped roofs. The presence of flat roof rear extensions and outbuildings does not justify the development of 3 larger scale dwellings with flat roofs. The proposed buildings are made of weathered and recycled wooden facades which have been designed to 'assimilate with the weathered materials in surrounding gardens'. The design and materials of the proposed buildings are out of character with the established setting and further accentuate the development as an incongruous feature.

The Council welcome that the design has been created to retain the oak tree on the site and introduce new planting to maintain the vegetation in the area. However as will be discussed in greater depth, the development is likely to put pressure on the oak tree and is likely to result in its loss or substantial pruning. This would result in the development being further visible to the surrounding houses and would further impact on the character of the area. The Character Study states "that the most significant threat to the character of the existing residential streets in Barnet is the loss of existing vegetation."

The proposed development of 3 'mews' style houses with flat roofs are not considered to be a suitable development. The proposed houses by reason of their size, design, lack of street frontage, and siting to fit the shape of the site is not characteristic to the area. The proposal would be highly visible from the rear windows of the surrounding properties and

would appear as an incongruous and alien development within the area. The proposal is considered harmful to the character and appearance of the area.

Impact on Amenity of neighbouring occupiers

It is important that any scheme addresses the relevant development plan policies in respect of the protection of the amenities of neighbouring occupiers. This will include taking full account of all neighbouring sites. Policy DM01 states that 'Development proposals should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining and potential occupiers and users.' The Residential Design Guidance (SPD) is consistent with this. It advises that schemes should not have a significant impact in relation to outlook, daylight or sunlight. New development should be sited and designed to avoid any detriment to existing garden space through dominance or overshadowing. It is considered that the proposal would result in some overshadowing of the rear gardens of Devonshire Road but this is not considered to be so significant to warrant refusal of the scheme.

The proposed houses would be two storey in nature, albeit designed with a flat roof to reduce the height of the development. The proposed houses will be built within close proximity to neighbouring properties which surround the application site. House 3 would be located some 1.7 metres from the boundary with No. 24 and No. 25 Aberdare Gardens, House One would be located 3 metres from the boundary with the 14 and 16 Osborn Gardens and Houses One and Two would be set approximately 3 metres from the rear garden fence of 109,111,113 Devonshire Road. Some of these properties have outbuildings which would partially block the view of the new houses but others do not. It is considered that the proposed houses would visually dominate the outlook from some of these rear gardens. The proposed houses would especially dominate the outlook from No. 25 Aberdare Gardens. It is considered that the proposal would be unduly prominent, dominating the outlook from the rear garden, unacceptably harming the living conditions of the adjoining neighbours.

The Design and Access statement has argued that the layout of the houses respects the existing pattern of development. It is accepted that No 2 Osborn Gardens rear garden is set at a similar distance from the flank wall with No. 22 Aberdare Gardens as the proposed House No. 3 would be with No. 25 Aberdare Gardens and No. 14 Osborn Gardens with proposed House No. 1 but this is considered a different situation. In the original construction of the estate the properties would have been constructed together and designed with this relationship from the outset. The current proposal differs in that this relationship does not currently exist and the scheme is introducing a loss of outlook that would adversely impact the relationship between the existing and proposed property. Furthermore, these properties are in corner plots where this relationship with a rear garden adjoining the side of the property is a more common arrangement where each house fronts a different street.

The Residential Design Guidance SPD states that to mitigate overlooking between residential units, the minimum distance between windows serving habitable rooms should be 21 metres and that there should be a distance of 10.5 metres between a new development and a neighbouring garden. The applicant has had pre-application advice and has designed the scheme with minimal windows facing neighbouring properties. Despite this, the guidance for distance from habitable room windows to neighbouring gardens is not always achieved by the proposal. At ground floor of House 3, the living

room window measures approximately 6.5 metres to the boundary 26 Aberdare Gardens. A window is proposed in the north eastern flank of House No. 2 at first floor level. This window is not set 10.5 metres from the neighbouring gardens. Officers measure a separation of approximately 8.8 metres. It is considered that as this window lights a habitable room and benefits from an elevated position, it would result in an unacceptable loss of privacy to the gardens of 109 and 107 Devonshire Road and would not comply with local plan policies. Bedroom 3 in House 3 is within 7 metres of the rear boundary of 26 Aberdare Gardens which does not comply with guidance. It is not appropriate to obscurely glaze this windows given they are the only windows for habitable rooms.

Currently there are a number of garages and out buildings located along the existing access track. Fences and outbuildings separate the rear gardens from the track and No. 29 Aberdare Gardens has an extension adjacent to the track which has a window in the flank wall that directly looks onto the access road. At present the site is overgrown and currently access along the whole length of the track is not possible. Therefore it would appear that currently there is limited activity associated with the track at the present time. The introduction of 3 dwellings and establishment of the access will have a detrimental impact on the amenity of neighbouring occupiers particularly 29 Aberdare Gardens.

Previously an appeal (T/APP/N5090/A/89/129519/P2) was dismissed on the site in 1989 for one property. Albeit this is a historical decision and made under a previous policy regime and therefore has limited weight, the comments made by the Inspector are still considered relevant. In paragraph 3 the Inspector states "... The erection of a dwelling here, would generate a considerable amount of residential activity and although additional screening may reduce its impact to some extent, I am not convinced that this would be sufficient to effectively safeguard the privacy and absence from noise and disturbance, that the occupiers of adjoining dwellings have a right to expect within their rear gardens." It is considered that the introduction of three houses and the associated increased intensity of residential activity and associated traffic, cycle and pedestrian movements along the upgraded access way would result in an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours.

The Design and Access statement that accompanies this application makes reference to other cases of approved 'backland' development. However it is considered that these applications do not set a precedent and each site is treated on their own merits. The site at 26A Devonshire Close is different from the application site as this involved replacing an existing non-residential building on the site with a residential property. The access road was already present to gain access to the existing building. In terms of 7 Summit Close, this related to only one dwelling with access from a cul-de sac with sloping ground levels and a design which would limit its impact on the adjoining neighbours. The development site was adjoined by three gardens which are considered to be more substantial than those surrounding the application site. Overall, it is considered that the residential activity and comings and goings associated with three dwellings compared to one dwelling is considered to be substantially more.

Concerns have been raised by members of the public related to increased noise and disturbance as a result of residential development in this site in close proximity to neighbouring gardens. It is noted that public comments have also raised concerns for how properties will maintain access to garages around the site. The agent has advised that approximately only three of the garages are actively accessed by vehicles. The applicant has explained that all properties with rights to the access way will not be impacted. This is not a planning matter but the concerns are noted.

Overall, the development of 3 dwellings to this site surrounded by rear gardens would have an unacceptable increase in noise and disturbance which would have a negative impact, detrimental to the adjoining neighbours and particularly to the ground floor window of 29 Aberdare Gardens facing the accessway. Furthermore, the development will be overbearing to neighbouring properties and especially dominate the outlook from No. 25 Aberdare Gardens. Due to the proximity of windows facing the rear gardens of 107 and 109 Devonshire Road and 26 Aberdare Gardens, these properties are also considered to be impacted by a loss of privacy as a result of the development.

While substantial support has been received for the scheme, this does not outweigh the harm identified to neighbouring properties. The concerns identified by the LPA have been expressed by a number of residents and these are considered valid concerns to be weighed against any benefits derived from the development of this site.

Impact on Amenity of future occupiers

National and London Plan (2016) guidance states that new developments should provide a mix of housing size and types based on current and future needs. Policies CS4 and DM08 reflect this guidance. Policy DM08 states that "development should provide where appropriate a mix of dwelling types and sizes in order to provide choice for a growing and diverse population for all households in the borough" It goes on to list the council's dwelling size priorities with the highest priority being 3 bed homes for social rented, 3/4 for intermediate affordable housing and 4 bed for market housing. The scheme does not include the highest priority homes for market housing, but would provide three units of medium priority and this type of provision would be supported.

Floor Area:

The London Plan (2016) and Table 2.1 of Barnet's Sustainable Design and Construction SPD (2016) set out the minimum gross internal area (GIA) requirements for residential units. The houses would be 3 bedroom units.

House 1: 3 bed, 4 person: 117m²

House 2: 3 bed, 4 person 120m²

House 3: 3 bed, 5 person 132m²

The minimum GIA for 3 bed houses is set out in the London Plan. For a 3 bed, 4 person house over 2 stories the required GIA is 84m² and for a 5 person dwelling the required GIA is 93m². The dwellings are well in excess of the requirements under the London Plan. There is also a requirement to provide 2.5 metres of built-in storage which has been identified within the floor plans.

6.24 Table 2.2: Internal layout and design requirements of Barnet's Sustainable Design and Construction SPD (2016) sets out the following sizes for single and double bedrooms:

- A double bedroom: minimum area should be 11.5 sqm and be at least 2.75m wide and every other double/twin bedroom be at least 2.55m wide;
- Single bedroom: minimum area should be 7.5sqm and at least 2.15m wide;

The bedrooms comply with this standard.

National standards set a minimum height of 2.3 m for 75% of the GIA, but in London 2.5 m is strongly encouraged. Table 2.2 also states that development proposals should avoid single aspect dwellings that are north facing. Although the proposal includes one window

at first floor to each house the development is largely read as single aspect properties. The applicant considers this is a characteristic of the 'mews' style design that is being proposed. Despite this, the development would be south-westly facing. As stated above some of the first floor windows are considered unacceptable due to the loss of privacy to the adjoining neighbours gardens. Their removal would result in single aspect properties and habitable rooms without a window which is considered to be unacceptable.

In terms of private amenity space Table 2.3 of the SPD Sustainable Design and Construction sets a space standard based on the number of habitable rooms within a dwelling. A habitable room of over 20m² is counted as 2. Each dwelling has 5 habitable rooms and requires a minimum outdoor amenity space of 55m². Each dwelling achieves over the minimum required and the plans show private amenity are of approximately 70m² for House 1, 67m² for House 2 and over 100m² amenity area for House 3.

Outdoor amenity space provides opportunities for recreation, leisure, tranquillity and overall quality of life as well as interaction with the natural environment. Private amenity space for the exclusive use of building occupants is a highly valued asset. Sufficient, functional amenity space should therefore be provided for all new houses where possible. In designing high quality amenity space, consideration should be given to privacy, outlook, noise, sunlight, trees and planting, materials (including paving), lighting and boundary treatment. The fundamental design considerations for amenity space should be its quality and usability. The amenity space has been designed to arc around the existing oak tree on the site. As shown in the tree plan, the crown reach of the tree extends to the rear of the buildings and covers the majority of the garden for Houses 1 and 2 and a significant portion of the garden for House 3. Shading of buildings by trees can be a problem, particularly where there are rooms which require natural light. Proposed buildings should be designed to take account of existing trees, their ultimate size and density of foliage, and the effect that these will have on the availability of light. Oak trees tend to cast a heavy shade during the summer months, the buildings are positioned up to the outer crown edge limiting future growth. The design has provided large windows facing onto the trees. The applicant has provided a shading study demonstrating shading to the neighbouring properties as a result of the development and shading to the rear gardens as a result of the canopy of the tree. The assessment included in the shadow study is that the 'houses receive more than the 2 hour sunlight requirement to over 50% of their amenity space on March 21st. This complied with the BRE Guidance. It is unclear whether this shading assessment is only assessed at March and whether this takes into account the leaf cover which would be present in summer and the shading during summer as a result of the canopy. As discussed further below, the reliance of future occupiers on rear amenity space which is dominated by the Oak Tree may result in perceived overshadowing and occupiers may be impacted by tree debris, shading and insects with little respite. However given the garden area complies with the space standards and has demonstrated compliance with the British Standard and in the absence of evidence that the gardens do not receive the minimum sunlight required, this is not considered a reason for refusal.

Light/outlook:

The impact of development on the availability of daylight/sunlight to occupiers of new development is strongly influenced by design and contributes significantly to the quality of life. The amount of daylight available in buildings enhances people's quality of life and reduces energy use. The requirements of table 2.4 Daylight, Privacy, Outlook and Light Pollution Requirements of the Sustainable Design and Construction SPD should be complied with. Elevations have not been provided so it is not possible to assess glazing requirements to habitable rooms. A daylight and sunlight study has been provided, which

indicates that the proposal would meet the BRE recommended maximum of 25 degrees from the centre point of the nearest habitable window. It also demonstrates that there would be some overshadowing of the rear gardens of Devonshire Road, although it shows that all the surrounding gardens would receive more than two hours of sunlight on 21st March.

In terms of privacy, the distance of 21 metres between facing windows of habitable room and 10.5 metres distance to a neighbouring garden is not always met by the proposal. House 1 has a dining room window measuring 6.8 metres from the boundary with House 2. This window faces toward the garden of House 2. Likewise the dining and living windows have been angled with an outlook toward the rear garden of House 1 and a separation of less than 10.5 metres from window to garden has been achieved. These windows are at ground level and subject to details provided for boundary fencing, this relationship could be effectively managed. The dwellings have been designed with windows angled away to avoid any directly facing window to window relationships between the three dwellings. At ground floor of House 3, the living room window measures approximately 6.5 metres to the boundary with 26 Aberdare Gardens. This window is a secondary window for the living room and at ground floor can be screened by boundary treatments to ensure adequate privacy.

Impact on Trees

In accordance with policy DM01 of the DPD it is important to protect visual tree amenity in the local area. The policy states that trees should be safeguarded and landscaping schemes should adequately protect existing trees and their root systems.

A large mature oak tree that has prominence in the landscape is located on the site which has recently been protected by Tree Protection Order. The Council's Landscape consultant has reviewed this proposal and was involved in pre-application discussions. At the time of the pre-application, officers raised significant concerns with the construction impacts to the Oak Tree and ongoing post development pressures on the tree.

The application proposes light wooden houses to reduce the need for large/deep foundations. Low impact foundations such as pile and beam are proposed. The installation of such foundations on the trees will require an excavation to accommodate the beam. Officers sought more information on the method of works. The details of the foundations are to be finalised but would be based on pile and beam and final details could be addressed by a suitable worded condition should the application be recommended for approval. However the information provided to Officers is that a 500mm deep trench will be needed to accommodate the beam. As the majority of tree roots are present within the topsoil, the surface roots are likely to be impacted by these works.

The applicant has provided a tree report which includes Tree Protection Plan Drawing Number UK34-P-21. This plan shows the extent of the crown and the Root Protection Area (RPA). House 1 and 3 are shown to have a building footprint within the crown reach. All 3 houses are also within the RPA. House 1 encroaches approximately 1 to 2 metres into the RPA with a width of 6 metres. House 2 encroaches approximately 2 metres into the RPA with a building width of 5 metres. House 3 to the east encroaches approximately 3 metres into the RPA of the tree with a width of approximately 3.5 metres.

The houses are positioned around the tree with some structures already evident within the RPA of the tree on the other side. Accumulatively, the impact of the three houses impacts on 180 degrees of the trees RPA and encroaches into the RPA between 1 and 3 metres in depth in places. The extent of the works around a significant section of the trees diameter and RPA would have a detrimental effect on tree health.

The submitted Root Protection Plan UK34-9-21 shows the upper crown covers most of the garden amenity space of all three proposed dwellings. To install these buildings access pruning will be required. The impact of this work will not have a significant impact on tree health and only a moderate impact on visual tree amenity.

However, with a large proportion of the crown spread over the gardens it is highly likely to lead to regular requests for tree pruning/maintenance to reduce shade, general tree debris falling onto the ground and to prevent branches from damaging buildings. The applicant has provided a shading study to support the application. The shading study shows House 1 (northern house) to be under shade for most of the day. House 2 will be shaded during the afternoon. This is highly likely to lead to persistent applications to prune/remove the tree to mitigate these negative effects. As such there is an ongoing unacceptable pressure on a specially protected tree.

Research has been published in the International Journal of Urban Forestry (Vol. 36 No. 4 pages 197-215 Why home owners reduce the size of their front garden trees and the consequences for the urban forest by Cullum Andrew and Duncan Slater) which sets out the reasoning of the benefits of large trees and the importance of retaining trees of stature in the urban environment. The study considers the reasons the why large trees are not retained in the urban environment which is applicable to this site. One conclusion from the research is that "trees whose top does not exceed a height greater than the distance from the base of the tree to the property were not seen by most residents as in need for any significant pruning. Trees that grow above this 45-degree angle of view are far more likely to be seen as too tall or too large by the typical resident in this form of housing, and allotted a heavy pruning treatment or potentially mark for removal". This finding concurs with earlier recommendations by Rodney Helliwell in 1983 who suggests that in a 10m long garden a tree should not grow larger than 10m. This research suggests that large trees of 10m or more should be positioned at least 10 m from any property to reduce the risk of frequent pruning or felling applications. This would not be the case for the proposed scheme as the properties would be within 10 metres. Houses 1 and 2 are within 8m, and House 3 is within 6m metres of the tree. Given that the upper crown of the tree would extend out to the building line this would result in the houses being overly shaded leading to the need for additional tree pruning resulting in the loss of visual tree amenity. Furthermore as stated above the gardens would be dominated by the tree which would lead to applications for removal/pruning to reduce shading and falling debris.

It is noted that the Tree Report included by the applicant refers to the condition of the tree. The report states 'the tree itself is now mature with some potential decay issues at the base...but is still in reasonable condition and has a SULE of 20+ years along with future management. There shall be a need to carefully remove the dumped material around the base of the tree and down to the existing ground level only- by hand is preferable especially within 2 metres of stem. It is generally accepted that to ensure health and longevity of trees it is beneficial to be within ownership of houses who then take responsibility for maintenance and care. This can be evidenced by the current condition of the tree, which has been dumped around badly pruned and neglected. The tree would

benefit from appropriate remedial pruning to maintain tree health and structure in the future...'

In response, the applicant is proposing that the tree is jointly owned by the three properties. The intention is that this approach prevents unilateral decision making and helps ease the pressure on the maintenance. While joint ownership may be preferential, there are still constraints with this approach and three owners may still jointly apply for removal of the TPO and this does not remove post development pressures.

Given the above it is considered that the proposal would have an unacceptable impact on the oak tree both in construction activities and in post-development pressure.

Highways

The Council's Highways department have been consulted on the proposal. Highways officers note that the proposal site is a triangular piece of vacant undeveloped land accessed from an unadopted rear access road / driveway. The access serving the site serves as access to driveway for the rear garages and pedestrian access for dwellings on Devonshire Road, Aberdale Gardens and Osborn Gardens and is still in use by some properties although the site itself is overgrown and suffers from "fly tipping".

The site is within an Events Day residential Controlled Parking Zone (CPZ) which is operational during the Saracens Rugby matches.

The site is located within a Public Transport Accessibility Level (PTAL) of 1a and 2 which is considered as poor accessibility. The submitted drawings show one parking space for each house to be provided adjacent to the access track. In accordance with the Parking standards as set out in the Development Management Policy DM17, a range of parking provision between 3 to 4.5 parking spaces needs to be provided. 3 parking spaces are proposed which is within the parking standards set out in the Barnet Local Plan.

The vehicular and pedestrian access to the site is via a 3m wide vehicular access designed to serve as access to the rear garages. The applicant has proposed in the Transport Assessment submitted with the application that the existing access would be upgraded altering the flow of vehicle movements to one-way. This would also facilitate access for the refuse vehicles and fire appliances to access the site. The London Fire Brigade were consulted and raised no objection however did advise that as the access road is maximum 3m in width for the entire route it is contrary to guidance and the only acceptable solution is a residential sprinkler system to comply to BS 9251:2014 for all dwellings. This would be included as an informative for the applicant but does not constitute a reason for refusal as this is primarily a building control matter.

Highways safety will be considered and the applicant has demonstrated a number of signs proposed to the entrances to indicate the entry and egress. These signs are not specifically part of this application.

Highways have not objected to the scheme subject to a number of conditions. If the application were recommended for approval, these conditions and informatives would be included.

The plans show 9 cycle spaces are proposed with 3 allocated for each house. The provision of cycle spaces is supported and should the application be approved, a condition requiring the final details of the enclosures should be included.

Refuse and Recycling

As the access road is narrow for refuse vehicles to access, and the bins are shown to be stored within the site and away from the public road, Highways have advised that the refuse collection arrangements should be confirmed from the appropriate service. This could be dealt with by an appropriately worded condition requiring the confirmation of a refuse strategy. This should include a waiver of liability to indemnify the Council against any claims for consequential damage caused to private roads arising from and/ or in connection with the collection of waste by the Council from the premises.

Flood risks

The site is located within Flood Zone 1 but is also located entirely within a Critical Drainage Area. The proposal was reviewed by Council's Drainage consultants. The consultants advised that from an initial review of publically available data, the development site does not appear to be at significant risk of flooding. However, as the development will replace an existing permeable area with impermeable buildings, it has the potential to increase flood risk. A Flood risk assessment was requested which would include runoff calculations for pre and post development area and details of the drainage strategy.

The applicant has currently undertaken the surface water runoff calculations using the Rational method. This method is not appropriate for a Full application - calculations should be carried out with IH 124 analysis or use statistical FEH. The Applicant should also include the Green roof area as impermeable area when calculating the post- development surface water runoff. Calculations for the surface water runoff and the required attenuation storage are required.

To adhere to Policies S2 of the Non-statutory technical standards for sustainable drainage systems (March 2015), for greenfield developments, the peak runoff rate from the development to any highway drain, sewer or surface water body for the 1 in 1 year rainfall event and the 1 in 100 year rainfall event should never exceed the peak greenfield runoff rate for the same event. To adhere to Policies S4 and S5 of the Non-statutory technical standards for sustainable drainage systems (March 2015), the applicant should provide calculations for the current runoff volume and proposed post-development runoff volume for a 1 in 100 year, 6 hour rainfall event. The consultants have also sought confirmation of an agreement with Thames Water for discharge of surface water and foul to the main sewer. The applicant must provide proof that Thames Water will accept surface and foul discharges from the site at the agreed maximum discharge rate to the foul and surface water sewers.

This information is necessary to ensure surface water runoff is managed effectively to mitigate flood risk and to ensure that SuDS are designed appropriately using industry best practice. In the absence of this information, it is recommended the proposal is refused.

Sustainability

The proposal includes a green roof. The SPD Sustainable Design and Construction considers them to 'enhance local ecology and their growing (substrate) provides temporary storage of storm water'. Moreover, the SPD states that green roofs ensures 'significantly

less water will flow from the roof and more slowly due to absorption by the substrate and through the evaporation and evapotranspiration from the substrate and plant surfaces'. The LPA welcomes green roofs in appropriate settings and it acknowledges that the site would benefit from alternative solutions to natural drainage such as green roofs, as Barnet's mapping system shows the property lies within a Critical Drainage Area. If the proposal were acceptable, a condition would be suggested to require the details of the green roof.

Conditions would be included in the event of an approval to require the houses to meet the minimum standards for water, carbon and accessibility.

5.4 Response to Public Consultation

The matters raised in the public comments are addressed in detail above.

It is noted that both comments in support and opposition were received to the proposal. All comments have been considered. Despite the support, there is no justification for the harm identified of this proposal.

6. Equality and Diversity Issues

One submission has been received which refers to an elderly disabled user of the accessway.

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

This application is recommended for REFUSAL.

