

Location **15 Wycombe Gardens London NW11 8AN**

Reference: **18/3290/FUL** Received: 30th May 2018
Accepted: 6th June 2018

Ward: Childs Hill Expiry 1st August 2018

Applicant: MLE PROPERTY LTD

Proposal: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling

Recommendation: Approve subject to conditions

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

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

16GW - EX - OS MAP
16GW - EX - SITE PLAN
Survey Site Plan
Survey Ground Floor Plan
Survey 1st Floor
Survey Roof Plan
Survey Front Elevation
Survey Rear Elevation
Survey Side Elevation - East
Survey Side Elevation - West
WG16 - PL- A201 (Lower Ground Floor & Ground Floor)
WG16 - PL-A202 (First & Second Floors)
WG16 - PL- A203 (Roof & Site Plan)
WG16 - PL-A201 (Elevations)

Arboricultural Survey
Arboricultural Addendum Note
Design and Access Statement
Planning Statement
Sustainability Checklist
Sustainability Statement
Transport Assessment

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core

Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

- 2 This development must be begun within three years from the date of this permission.

Reason: To comply with Section 51 of the Planning and Compulsory Purchase Act 2004.

- 3 No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the proposed buildings and hard surfaced areas including grass paves have been submitted to and approved in writing by the local planning authority. The development shall thereafter be implemented in accordance with the materials as approved.

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 No development shall take place until full details of the finished levels, above ordnance datum, of the ground floors of the proposed buildings, roads and footpaths in relation to existing ground levels have been submitted to and approved in writing by the local planning authority. The development shall be carried out in accordance with the approved levels.

Reason: To ensure that the development is carried out at suitable levels in relation to the highway and adjoining land having regard to drainage, gradient of access, the safety and amenities of users of the site, the amenities of the area and the health of any trees or vegetation in accordance with policies CS NPPF, CS1, CS5 and CS7 of the Local Plan Core Strategy (adopted September 2012), Policies DM01, DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), and Policies 7.4, 7.5, 7.6 and 7.21 of the London Plan 2016.

- 5 The roof of any part of the buildings hereby permitted shall only be used in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity of sitting out area.

Reason: To ensure that the amenities of the occupiers of adjoining properties are not prejudiced by overlooking in accordance with policy DM01 of the Development Management Policies DPD (adopted September 2012).

- 6 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) (England) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no windows, dormer windows, rooflights, doors, extensions, enlargements, porches, additions or alterations to the roof, garden sheds, outbuildings, greenhouses, swimming pools, or hard surfaces shall be erected or constructed other than those expressly authorised by this permission.

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).

- 7 Before the building hereby permitted is first occupied the proposed first floor rear windows facing no. 13 and no. 17 Wycombe Gardens, the proposed side dormer facing no. 13 Wycombe Gardens and the side windows of Units B and C, 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 2016).

- 8 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. 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).

- 9 Before the development hereby permitted is first occupied, details of privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority. 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).

- 10 a) Before the development hereby permitted is first occupied, details of the subdivision of the amenity area(s) shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented 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) and the Sustainable Design and Construction SPD (adopted April 2016).

- 11 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. 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).

- 12 The approved development shall make provision for cycle parking and cycle storage facilities in accordance with a scheme that shall be submitted to and approved by the Local Planning Authority. Such spaces shall be permanently retained thereafter.

Reason: To ensure that parking and associated works are provided in accordance with the council's standards in the interests of pedestrian and highway safety and the free flow of traffic 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 2016.

- 13 No development shall take place, including any works of demolition, until a Construction Method Statement has been submitted to, and approved in writing by the local planning authority. The Statement shall provide for:

- i) details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures.
- ii) the parking of vehicles of site operatives and visitors;
- iii) Site preparation and construction phases of development;
- iv) loading and unloading of plant and materials;
- v) storage of plant and materials used in constructing the development;
- vi) the erection and maintenance of security hoarding including decorative displays and facilities for public viewing, where appropriate;
- vii) wheel washing facilities;
- viii) measures to control the emission of dust, dirt and noise during construction;
- ix) a scheme for recycling/disposing of waste resulting from demolition and construction works;
- x) delivery, demolition and construction working hours.
- xi) Details of a community liaison contact for the duration of all works associated with the development.

The approved Construction Method Statement shall be adhered to throughout the construction period for the development.

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 Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

- 14 Before the development hereby permitted is first occupied or the use first commences the parking spaces shown on drawing no. WG16-PL-A201, shall be provided. The parking spaces shall be kept available at all times for the parking of motor vehicles by the occupants of the dwellings and their visitors and for no other purpose.

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 2016.

- 15 The building shall not be occupied until a means of access for vehicles shall have been constructed in accordance with detailed plans to be submitted to and approved in writing by the Local Planning Authority. The access shall be retained thereafter.

Reason: To ensure that the free flow of traffic and highway and pedestrian safety on the adjoining highway is not prejudiced 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.

- 16 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).

- 17 Prior to the commencement of the development or any works associated with this consent starting on site, full details (including details of the existing ground conditions and ground water levels) of the measures that the development would include to prevent the development resulting in unacceptable impacts on drainage and ground and surface water conditions in the area shall be submitted to and approved in writing by the Local Planning Authority. The development hereby consented shall be implemented in full accordance with the details approved under this condition prior to its being occupied or brought into use.

Reason: To ensure that the development provides appropriate drainage infrastructure and to comply with Policy CS13 of the Local Plan Core Strategy (adopted September 2012), the Sustainable Design and Construction SPD (adopted April 2016) and Policies 5.13 and 5.14 of the London Plan 2016.

- 18 No site works or development (including any temporary enabling works, site clearance and demolition) shall take place until a dimensioned tree protection plan in accordance with Section 5.5 and a method statement detailing precautions to minimise damage to trees in accordance with Section 6.1 of British Standard BS5837: 2012 (Trees in relation to design, demolition and construction - Recommendations) have been submitted to and approved in writing by the Local Planning Authority. No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has

been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in accordance with the protection plan and method statement as approved under this condition.

Reason: To safeguard the health of existing trees which represent an important amenity feature in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012), Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy 7.21 of the London Plan 2016.

- 19 No development shall take place until a scheme of hard and soft landscaping to the front forecourt area and the rear boundary, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, has been submitted to and agreed in writing by the Local Planning Authority. All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use. Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

Reason: To ensure a satisfactory appearance to the development in accordance with Policies CS5 and CS7 of the Local Plan Core Strategy DPD (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and 7.21 of the London Plan 2016.

- 20 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.

- 21 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.

- 22 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.

Informative(s):

- 1 In accordance with paragraphs 38 - 57 of the NPPF, the Local Planning Authority (LPA) takes a positive and proactive approach to development proposals, focused on solutions. The LPA has produced planning policies and written guidance to assist applicants when submitting applications. These are all available on the Council's website. A pre-application advice service is also offered and the Applicant engaged with this prior to the submissions of this application. The LPA has negotiated with the applicant/agent where necessary during the application process to ensure that the proposed development is in accordance with the Development Plan.
- 2 The Community Infrastructure Levy (CIL) applies to all 'chargeable development'. This is defined as development of one or more additional units, and / or an increase to existing floor space of more than 100 sq m. Details of how the calculations work are provided in guidance documents on the Planning Portal at www.planningportal.gov.uk/cil.

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

The London Borough of Barnet adopted a CIL charge on 1st May 2013 setting a rate of £135 per sq m on residential and retail development in its area of authority. All other uses and ancillary car parking are exempt from this charge.

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

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

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

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

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

Relief or Exemption from CIL:

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

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

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

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

3. Self-Build: Application can be made to the collecting authority provided you comply with the regulation as detailed in the legislation.gov.uk

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

- 3 The applicant is advised that any development or conversion which necessitates the removal, changing, or creation of an address or addresses must be officially registered by the Council through the formal 'Street Naming and Numbering' process.

The London Borough of Barnet is the Street Naming and Numbering Authority and is the only organisation that can create or change addresses within its boundaries. Applications are the responsibility of the developer or householder who wish to have an address created or amended.

Occupiers of properties which have not been formally registered can face a multitude of issues such as problems with deliveries, rejection of banking / insurance applications, problems accessing key council services and most importantly delays in an emergency situation.

Further details and the application form can be downloaded from: <http://www.barnet.gov.uk/naming-and-numbering-applic-form.pdf> or requested from the Street Naming and Numbering Team via street.naming@barnet.gov.uk or by telephoning 0208 359 4500.

- 4 Thames Water requests that the Applicant should incorporate within their proposal, protection to the property by installing a positive pumped device (or equivalent reflecting technological advances) to avoid the risk of backflow at a later date, on the assumption that the sewerage network may surcharge to ground level during storm conditions. Fitting only a non-return valve could result in flooding to the property should there be prolonged surcharge in the public sewer. If as part of the basement development there is a proposal to discharge ground water to the public network, this would require a Groundwater Risk Management Permit from Thames Water. Any discharge made without a permit is deemed illegal and may result in prosecution under the provisions of the Water Industry Act 1991. We would expect the developer to demonstrate what measures he will undertake to minimise groundwater discharges into the public sewer. Permit enquiries should be directed to Thames Water's Risk Management Team by telephoning 02035779483 or by emailing wwqriskmanagement@thameswater.co.uk. Application forms should be completed on line via www.thameswater.co.uk/wastewaterquality

As you are redeveloping a site, there may be public sewers crossing or close to your development. If you discover a sewer, it's important that you minimize the risk of damage. We'll need to check that your development doesn't reduce capacity, limit repair or maintenance activities, or inhibit the services we provide in any other way. The applicant is advised to read our guide working near or diverting our pipes. <https://developers.thameswater.co.uk/Developing-a-large-site/Planning-your-development/Working-near-or-diverting-our-pipes>.

With regard to surface water drainage, Thames Water would advise that if the developer follows the sequential approach to the disposal of surface water we would have no objection. Where the developer proposes to discharge to a public sewer, prior approval from Thames Water Developer Services will be required. Should you require further information please refer to our website. <https://developers.thameswater.co.uk/Developing-a-large-site/Apply-and-pay-for-services/Wastewater-services>

- 5 Thames Water will aim to provide customers with a minimum pressure of 10m head (approx. 1 bar) and a flow rate of 9 litres/minute at the point where it leaves Thames Waters pipes. The developer should take account of this minimum pressure in the design of the proposed development.

- 6 The applicant is advised that an application under the Highways Act (1980) will need to be submitted for any works proposed on public highway to facilitate the development. The works on public highway shall either be carried out under S184 or S278 of the Highways Act (1980). As part of the application, the applicant shall submit proposed design and construction details to Development Team for approval. The applicant is also advised that any consequential damage to public highway as a result of the development proposal shall be borne by the applicant.

The applicant is advised that photographic survey shall be undertaken of the public highway likely to be affected by the development proposal prior to commencement of any construction or demolition works on site.

To receive a copy of our Guidelines for Developers and an application form please contact: Traffic & Development Section - Development and Regulatory Services, London Borough of Barnet, Barnet House, 1255 High Road, Whetstone N20 0EJ.

- 7 Damage to public highway as a result of development and construction activities is a major cause of concern to the Council. Construction traffic is deemed to be "extraordinary traffic" for the purposes of Section 59 of the Highways Act 1980. During the course of the development, a far greater volume of construction traffic will be traversing the public highway and this considerably shortens the lifespan of the affected highway.

To minimize risks and damage to public highway, it is now a requirement as part of any new development to undertake a Highway Condition Survey of the surrounding public highway to the development to record the state of the highway prior to commencement of any development works. The condition of the public highway shall be recorded including a photographic survey prior to commencement of any works within the development. During the course of the development construction, the applicant will be held responsible for any consequential damage to the public highway due to site operations and these photographs will assist in establishing the basis of damage to the public highway. A bond will be sought to cover potential damage resulting from the development which will be equivalent to the cost of highway works fronting the development. To arrange a joint highway condition survey, please contact the Highways Development Control / Network Management Team on 020 8359 3555 or by e-mail highways.development@barnet.gov.uk or nrswa@barnet.gov.uk at least 10 days prior to commencement of the development works.

Please note existing public highways shall not be used as sites for stock piling and storing plant, vehicles, materials or equipment without an appropriate licence. Any damage to the paved surfaces, verges, surface water drains or street furniture shall be made good as directed by the Authority. The Applicant shall be liable for the cost of reinstatement if damage has been caused to highways. On completion of the works, the highway shall be cleared of all surplus materials, washed and left in a clean and tidy condition.

- 8 Refuse collection points should be located within 10 meters of the Public Highway. Alternatively, the dustbins will need to be brought to the edge of public highways on collection days. Any issues regarding refuse collection should be referred to the Cleansing Department.

Officer's Assessment

1. Site Description

The application site is located on the southern side of Wycombe Gardens close to its junction with Hodford Road which also runs to the rear of the site. The site accommodates a substantial two-storey building currently in use as two self-contained flats.

The area is predominantly residential comprising semi-detached and detached single dwelling houses. Houses are set back from the road behind large gardens and driveways bound by low boundary walls and hedges.

The property is unusual for the site in that it accommodates a wide fronted building in a plot substantially larger than others in the street. There is a single storey garage attached to the western flank elevation that also functions as a roof terrace with access from the first-floor level and the rear garden via a staircase. The building is situated on sloping land with a downward gradient from north to south through the rear garden and a rising slope from west to east along Wycombe Gardens towards Finchley Road.

There is a large tree located on the north-eastern corner of the site (at the front). In addition, there is a mature tree screen in the rear garden, although at the time of the site visit many had been pruned and there were views into the gardens of properties on Hodford Road. None of the trees are protected by a tree preservation order and the site is not located in a conservation area.

The site is located in a Controlled Parking Zone.

2. Site History

Reference: 18/2191/NMA

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 01 May 2018

Description: Non-material amendments pursuant to planning permission reference 16/8061/FUL scheme approved by appeal A Ref: APP/N5090/W/17/3179008 dated 11/12/2017 for Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling. Amendments include alteration to the fenestration to front elevation

Reference: 17/4182/FUL

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 19 September 2017

Description: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roofspace. Associated refuse and recycling

Appeal Reference: APP/N5090/W/17/3185573

Appeal Decision: Allowed

Appeal Decision Date: 17 January 2018

Reference: 16/8061/FUL

Address: 15 Wycombe Gardens, London, NW11 8AN

Decision: Refused

Decision Date: 17 May 2017

Description: Demolition of existing building and erection of 4no dwellings with rooms at basement level and roof space

Appeal Reference: APP/N5090/W/17/3179008

Appeal Decision: Allowed

Appeal Decision Date: 17 January 2018

3. Proposal

The application seeks permission for the demolition of the existing building and the erection of 2 pairs of semi-detached family houses with rooms at basement level and roofspace.

The proposal would involve 4 x 4 bedroom dwellings (2 x 4-bed 6 person, 2 x 4-bed 7 person).

The proposed buildings would have a depth of 9.7m measured along the boundary with No.13 and 6.9m along the boundary with No.17. All four properties are proposed with single storey rear projections with a maximum depth of 3m which would be less than half of the width of each property and set away from the boundaries with No.13 and No.17.

Unit A would be set 1m away from the flank elevation of No.13 at ground floor (sited at the boundary) and 1m away from the shared boundary at first floor level. At the other side, Unit D would be set along the boundary with No.17 at ground floor and set 2.5m away from the same boundary at first floor. Plot A would broadly follow the building line of No.13 and Plots C and D would step forward by approximately 1m reflecting the bend of the road.

The semi-detached buildings would be hipped at the ends facing No.13 and 17 with gabled ends in the middle, with two centrally located gables at the front. The buildings would have an eaves height of 5.3m measured at the boundary with No.13 and 5.6m with No.17. The ridge height of plots A and B would set 0.7m higher than plots C and D due to the change in ground levels.

It is proposed to have rear dormers to all properties and a side dormer on plot A.

At basement level, the floor space is generally sited underneath the footprint of the dwellings with an element projecting beyond the front building line. However, there would be no external manifestations to the front of the site.

The proposal would provide 6 off-street parking spaces to the front of the site.

4. Public Consultation

Consultation letters were sent to 107 neighbouring properties.

8 responses have been received, comprising 8 letters of objection.

The objections received can be summarised as follows:

- Similar applications refused at FGG committee;

- Overdevelopment of the site;
- Out of character development;
- Design is out of keeping;
- No other houses have basements;
- Loss of garden and amount of proposed front hardstanding;
- Impact on neighbouring amenity;
- Overlooking;
- Loss of light;
- Increased parking pressure;
- Flood risk.

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 24 July 2018. 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, CS4, CS5, CS9, CS13
- Relevant Development Management Policies: DM01, DM02, DM03, DM04, DM08, DM17

Supplementary Planning Documents

Residential Design Guidance SPD (adopted October 2016)

Sustainable Design and Construction SPD (adopted October 2016)

5.2 Main issues for consideration

The main issues for consideration in this case are:

- Whether 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;
- Provision of adequate accommodation for future occupiers;
- Highways and parking provision;
- Other material considerations.

5.3 Assessment of proposals

The site has been subject to two previous applications for the demolition of the existing building and erection of 4no dwellings and 2 pairs of semi-detached houses respectively. Both applications were refused at Finchley and Golders Green Planning Committee for being overdevelopment of the site and detrimental to the character and appearance of the street scene and general locality.

Both applications were subsequently appealed and considered at the same time by the Planning Inspectorate. A decision was issued in January 2018 and the Inspector found that both proposals would not harm the character and appearance of the area, would not have a harmful effect on the living conditions of existing occupiers at No.11, 13 and 17 Wycombe Gardens, would provide sufficient amenity space for future occupiers and would not have a harmful effect on highway safety.

These decisions are a material consideration in the assessment of this application and the Inspector's comments will be further detailed within the relevant sections below.

Impact on the character and appearance of the existing site, street scene and wider locality

The Inspector made the following assessment of the appeal proposals in respect to the impact on character and appearance:

7. ...The proposal would effectively be for a terrace of four dwellings, in contrast to the predominant form of development in the surrounding area. However, the existing building differs significantly from surrounding properties by virtue of its elongated frontage.

8. Plot A would broadly follow the building line of number 13 Wycombe Gardens and Plots C and D would step forward by approximately 1m reflecting the bend of the road. The basements would project beyond the front building line; however, they would not be readily visible within the street scene. In addition, the proposal would have a similar plot coverage as the existing property and broadly reflect the established property and broadly reflect the established front and rear building lines along Wycombe Gardens with the exception of the projecting rear wings at ground floor level; however, these would not be visible from the road.

9. Furthermore, although the proposal would be slightly higher than the adjacent No.13, the stepped roof would reflect the change in ground levels and help to reduce the massing of the proposal. Consequently, although the proposal would result in a staggered height and building line, I consider that the design would respond well to the specific characteristics of the site which differs from that of the surrounding area.

10. The proposal would involve the loss of the existing brick boundary wall and the installation of driveable grass pavers within the front garden space to provide in-curtilage parking. However, I noted on my site visit that there are a number of properties in both Wycombe Gardens and Hodford Road whether the frontages are dominated by driveways...I, therefore, consider that the proposed frontage arrangement would not be at odds with the character and appearance of the area.

11. Although the proposal would have a contemporary appearance, the overall scale, massing and plot coverage would broadly reflect the character of the surrounding area. Furthermore, the surrounding area is characterised by a variety of architectural styles.

12. ...The positioning of the buildings relative to numbers 13 and 17 and the height would be broadly similar to Appeal A. The design would also be similar with the roofs hipped to both sides and two centrally located gables at the front...As with Appeal A the basements would be sited underneath the footprint of the dwellings, although they would not be visible in the street scene.

13. The proposal for semi-detached dwellings would reflect the character of surrounding properties. Furthermore, the proposal would generally sit within the established front and rear building lines of Wycombe Gardens, with the exception of the rear projecting wings which would not, in any event, be visible from the road. The gap between the buildings would also reduce the visual mass and bulk of the proposal. It is proposed to have 'grasscrete' surfacing for the parking spaces at the front combined with landscaping in order to soften the appearance of the parking area.

14. ...the proposal would have a contemporary appearance; however, I consider that the overall scale, massing and plot coverage would respond to the character of the surrounding area and the specific characteristics of the appeal site. Consequently, I consider that Appeal B would not harm the character and appearance of the surrounding area.

15. For the reasons stated, I conclude that Appeal A and Appeal B would not harm the character and appearance of the area. No conflict would, therefore, arise with Policy DM01 of the Barnet Development Management Policies Development Plan Document 2012 (DMP), Policy CS5 of the Barnet Core Strategy 2012 and Policies 7.4 and 7.6 of the London Plan.

This application remains broadly similar to the appeal proposals in terms of overall scale, massing and plot coverage. The proposed frontage has been amended to provide an alternative parking arrangement but it is not considered to be significantly different in comparison to the previous proposals. While there are some external alterations, the overall design is broadly similar to Appeal B in terms of its semi-detached nature, overall height and ground floor rear projections. The main noticeable change is the provision of facing gable ends to blocks B and C. However, this alteration is not considered to be materially different from the Appeal B scheme.

Overall, the proposal is considered to be broadly comparable to the schemes considered acceptable at appeal and there are no significant alterations from those schemes which would warrant refusal of the proposal on the grounds of character and appearance.

Impact on the living conditions of neighbouring occupiers

In respect of the impact on the amenity of neighbouring occupiers, the Inspector made the following comments:

17. The proposed development immediately adjacent to No 17 would be single storey and the first floor of the building would be set around 2.5m away from the boundary with No 17. Furthermore, the rear garden of No 17 would be situated between the appeal proposals and the rear elevation of No 17. Moreover, the existing first floor terrace on the garage of the appeal property would be removed which would improve the privacy of the occupiers of No. 17. Consequently, the proposal would not have a materially harmful effect on the living conditions of the occupiers of number 17 in terms of outlook or privacy.

18. The existing clear glazed dormer serving No 13 Wycombe Gardens does not serve a habitable room and the proposed dormer in the side of the proposal would be obscure glazed. Consequently, the proposal would not have a harmful effect on the living conditions of existing occupiers at No. 13.

19. Due to the distance from the site, the low level of the rearward projections and the intervening property, I am satisfied that the proposal would not result in a loss of light or privacy to No 11. The proposal would not, therefore, have a harmful effect on the occupiers of No 11.

There are no significant deviations in this application when compared to the previous appeal schemes. As such the above assessment by the Planning Inspector has remain unchanged and it is considered that the proposal will not have a harmful effect on the living conditions of neighbouring occupiers.

Provision of adequate accommodation for future occupiers

The proposal provides 4 x 4-bedroom family dwellings. Each unit would comply and exceed the minimum space standards. All habitable rooms would benefit from suitable outlook.

Previously within the Officer's committee report, it was acknowledged that the outdoor amenity space would fall below Barnet's requirements, however, on balance was not considered materially harmful to recommend refusal. The Inspector provided comment on this as follows: *Although the proposed dwellings would have small gardens compared to surrounding properties the gardens would, nevertheless, be large enough to accommodate the usual range of activities associated with domestic gardens including sitting out, playing*

and drying washing. I am, therefore, satisfied that future occupiers would have sufficient amenity space.

The proposed amenity space provision is considered to be acceptable.

(Highways and parking)

The proposal provides 6no. off-street parking spaces which are located to the front of the properties. A parking survey was undertaken and submitted which demonstrated that the parking stress is around 47% with the availability of 37 car parking spaces. Therefore, the shortfall of parking is acceptable in this instance as the overspill parking can be accommodated within the street. Based on these factors the Inspector found that the proposal would not have a harmful effect on highway safety.

With regards to the refuse arrangements, although the appearance of the bins has not been specified (details will be conditioned), the siting is indicated to the front of the property. This falls within 10m of the public highway and therefore the refuse collection will continue with the same arrangement as the previous dwelling.

The proposal is considered to have an acceptable impact on highways grounds, subject to recommended conditions.

Other material considerations

Trees

As mentioned, there are no protected trees on the site or on adjacent properties, although it is acknowledged that the Horse Chestnut tree sited at the front of the site is of good amenity value and therefore this is a material consideration in the determination of the application.

The applicant has submitted an Arboricultural Impact Assessment with the application which details suitable protection measures during construction. The report recommends the protection of the Horse Chestnut tree which would be conditioned.

The tree report also states:

"A final landscaping scheme must be agreed in writing by the Local Authority to confirm levels within the RPA of tree T2 and also to confirm construction method of car parking area to accommodate tree roots and avoid compaction and damage for the long term."

In addition, the report recommends the removal of a birch tree which is in a poor state at the rear of the site; the scheme would also result in the removal of another birch tree located at the front of the site. The removal of both trees is considered acceptable given that these are of poor quality.

The trees at the rear of the site, although mature, have been pruned and have had their crowns lifted therefore there are some views into neighbouring gardens as existing above the existing fence. The proposal does not seek the removal of these trees and therefore it is not considered that there would be any change in circumstances. In addition, the proposed development is outside the RPA of these trees.

Landscaping would be secured by a condition to both the front including the proposed 'Grasscrete' and rear of the site to mitigate impact to neighbouring gardens and soften the appearance of the building at the front.

On balance, subject to conditions, the proposal is not considered to be harmful to the existing trees on site or the general street scene, and the proposal is recommended as acceptable in this regard. It must be noted that the previous application was not refused due to impact on trees.

As the Horse Chestnut Tree to the front of the site is to be retained along with the mature trees to the rear, the Inspector stated that the proposal would not have a harmful effect on trees which contribute to the character and appearance of the area.

Flood risk

This element was considered by the Inspector who made the following comments:

The appeal property is not situated within an area at risk of flooding or in a ground water protection zone. Furthermore, I have imposed a condition which requires details to be submitted and approved by the Local Planning Authority of measures which the development would include to prevent an adverse impact on drainage and ground and surface water conditions in the area. Consequently, I am satisfied that the development at basement level would not increase the risk of flooding.

5.4 Response to Public Consultation

The comments raised in the letters of objection are addressed within the relevant sections above. While there are concerns relating to the form of development, its design, impact on neighbouring occupiers and highways, these issues were not considered to be harmful by the Planning Inspectorate in the appeal decisions of the previous two applications. These applications are very similar in all aspects to the proposed development in this scheme and therefore the consideration and decision taken by the Inspector is still relevant and applicable to this application.

6. Equality and Diversity Issues

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

7. Conclusion

Having taken all material considerations into account, it is considered that subject to compliance with the attached conditions, the proposed development would have an acceptable impact on the character and appearance of the application site, the street scene and the locality. The development is not considered to have an adverse impact on the amenities of neighbouring occupiers. This application is therefore recommended for approval.

