

Location **185 West Heath Road London NW3 7TT**

Reference: **18/4447/FUL** Received: 17th July 2018
Accepted: 25th July 2018

Ward: Childs Hill Expiry 19th September 2018

Applicant: Newington

Proposal: Demolition of existing dwelling and erection of a new three storey dwelling with lower ground floor level. New boundary wall and gates

Recommendation: Approve subject to conditions

AND the Committee grants delegated authority to the Service Director – 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:
 - Proposed Front and Rear Elevations, Drawing No.1801/AP04 Rev C;
 - Existing Floor Plans, Drawing No.1801/S03 - A;
 - Existing Front and Rear Elevations, Drawing No.1801/S04;
 - Existing Side Elevations, Drawing No.1801/S05 - A;
 - Proposed Side Elevations, Drawing No.1801/AP05 - C;
 - Proposed Floor Plans, Drawing No.1801/AP03 Rev C;
 - Existing Front and Rear Elevations, Drawing No.1801/S04 - C;
 - Existing Roof Plan, Drawing No.1801/S02;
 - Proposed Roof Plan, Drawing No.1801/AP06 - B;
 - Proposed Site Plan, Drawing No.1801/AP02 - A;
 - Proposed Block Plan, Drawing No.1801/AP01 - C;
 - Existing Location and Block Plan, Drawing No.1801/S01 - A.

Reason: For the avoidance of doubt and in the interests of proper planning and so as to ensure that the development is carried out fully in accordance with the plans as assessed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy DPD (adopted September 2012) and Policy DM01 of the Local Plan Development Management Policies DPD (adopted September 2012).

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

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

- 3
- a) No development shall take place until details of the levels of the building(s), road(s) and footpath(s) in relation to the adjoining land and highway(s) and any other changes proposed in the levels of the site have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the details as approved under this condition and retained as such thereafter.

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

- 4
- a) No development other than demolition works shall take place until details of the materials to be used for the external surfaces of the building(s) and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority.
 - b) The development shall thereafter be implemented in accordance with the materials as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

- 5
- a) No development or site works shall take place on site until a 'Demolition and Construction Management and Logistics Plan' has been submitted to and approved in writing by the Local Planning Authority. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following:
 - i. details of the routing of construction vehicles to the site, hours of access, access and egress arrangements within the site and security procedures;
 - ii. site preparation and construction stages of the development;
 - iii. details of provisions for recycling of materials, the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials;
 - iv. details showing how all vehicles associated with the construction works are properly washed and cleaned to prevent the passage to mud and dirt onto the adjoining highway;
 - v. the methods to be used and the measures to be undertaken to control the emission of dust, noise and vibration arising from construction works;
 - vi. a suitable and efficient means of suppressing dust, including the adequate containment of stored or accumulated material so as to prevent it becoming airborne at any time and giving rise to nuisance;

- vii. noise mitigation measures for all plant and processors;
- viii. details of contractors compound and car parking arrangements;
- ix. details of interim car parking management arrangements for the duration of construction;
- x. details of a community liaison contact for the duration of all works associated with the development.

b) The development shall thereafter be implemented in accordance with the measures detailed within the statement.

Reason: In the interests of highway safety and good air quality in accordance with Policies DM04 and DM17 of the Development Management Policies DPD (adopted September 2012), the Sustainable Design and Construction SPD (adopted October 2016) and Policies 5.3, 5.18, 7.14 and 7.15 of the London Plan (2016).

6 a) A scheme of hard and soft landscaping, including details of existing trees to be retained and size, species, planting heights, densities and positions of any soft landscaping, shall be submitted to and agreed in writing by the Local Planning Authority before the development hereby permitted is commenced.

b) All work comprised in the approved scheme of landscaping shall be carried out before the end of the first planting and seeding season following occupation of any part of the buildings or completion of the development, whichever is sooner, or commencement of the use.

c) Any existing tree shown to be retained or trees or shrubs to be planted as part of the approved landscaping scheme which are removed, die, become severely damaged or diseased within five years of the completion of development shall be replaced with trees or shrubs of appropriate size and species in the next planting season.

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

7 a) Before the development hereby permitted is first occupied cycle parking spaces and cycle storage facilities shall be provided in accordance with a scheme to be submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition and the spaces shall be permanently retained thereafter.

Reason: To ensure that cycle parking facilities are provided in accordance with the minimum standards set out in Policy 6.9 and Table 6.3 of The London Plan (2016) and in the interests of promoting cycling as a mode of transport in accordance with London Borough of Barnet's Local Plan Policy CS9 of Core Strategy (Adopted) September 2012 and Policy DM17 of Development Management Policies (Adopted) September 2012.

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

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

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

9 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 6.00 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).

10 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.

11 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.

12 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 2015 (or any order revoking and re-enacting that Order with or without modification), no development otherwise permitted by any of

Classes A, B, C, D, E and F of Part 1 of Schedule 2 of that Order shall be carried out within the area of new dwellings hereby approved.

Reason: To safeguard the amenities of neighbouring occupiers, the health of adjacent trees and the general locality in accordance with policies DM01 of the Development Management Policies DPD (adopted September 2012).

- 13 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.

- 14 Notwithstanding the provisions of any development order made under Section 59 of the Town and Country Planning Act 1990 (or any Order revoking and re-enacting that Order) no windows or doors, other than those expressly authorised by this permission, shall be placed at any time in the side elevations facing 183A and 187 West Heath Road.

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

- 15 Before the building hereby permitted is first occupied the proposed window(s) in the side elevations facing 183A and 187 West Heath Road shall be glazed with obscure glass only and shall be permanently retained as such thereafter and shall be permanently fixed shut with only a fanlight opening.

Reason: To safeguard the privacy and amenities of occupiers of adjoining residential properties in accordance with Policy DM01 of the Development Management Policies DPD (adopted September 2012) and the Residential Design Guidance SPD (adopted October 2016).

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

b) No site works (including any temporary enabling works, site clearance and demolition) or development shall take place until the temporary tree protection shown on the tree protection plan approved under this condition has been erected around existing trees on site. This protection shall remain in position until after the development works are completed and no material or soil shall be stored within these fenced areas at any time. The development shall be implemented in

accordance with the protection plan and method statement as approved under this condition.

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

- 17 a) Notwithstanding the details shown on the approved drawings, before the development hereby permitted is first occupied, details of all balcony/ terrace areas and associated privacy screens to be installed shall be submitted to and approved in writing by the Local Planning Authority.

b) The screens shall be installed in accordance with the details approved under this condition before first occupation or the use is commenced and retained as such thereafter.

Reason: To ensure that the development does not prejudice the amenity of future occupiers or the character of the area in accordance with policies DM01 and DM02 of the Development Management Policies DPD (adopted September 2012), the Residential Design Guidance SPD (adopted October 2016) and the Sustainable Design and Construction SPD (adopted October 2016).

- 18 a) No development other than demolition works shall take place until details of the proposed car lift hereby approved have been submitted to and approved in writing by the Local Planning Authority.

b) The development shall thereafter be implemented in accordance with the details as approved under this condition.

Reason: To safeguard the character and visual amenities of the site and wider area and to ensure that the building is constructed in accordance with Policies CS NPPF and CS1 of the Local Plan Core Strategy (adopted September 2012), Policy DM01 of the Development Management Policies DPD (adopted September 2012) and Policies 1.1, 7.4, 7.5 and 7.6 of the London Plan 2016.

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. 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 Any details submitted in respect of the Demolition and Construction Management Plan above shall control the hours, routes taken, means of access and security procedures for construction traffic to and from the site and the methods statement shall provide for the provision of on-site wheel cleaning facilities during demolition, excavation, site preparation and construction stages of the development, recycling of materials, the provision of on-site car parking facilities for contractors during all stages of development (Excavation, site preparation and construction) and the provision on site of a storage/delivery area for all plant, site huts, site facilities and materials and a community liaison contact and precautions to minimise damage to trees on or adjacent to the site.

4 The applicant 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 records should be kept 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

5 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 minimise 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.

- 6 It is an offence under Section 151 of the Highways Act 1980 to allow mud, debris or other materials to be deposited on the highway so as to damage it, obstruct it or create a nuisance or danger. The applicant will ensure that highways in the vicinity of the works are kept free from mud, debris and dust falling from vehicles or the wheels of vehicles associated with the works or spreading from the works. Where the deposit of mud, debris or dust is unavoidable, warning signs must be exhibited whilst works are in progress. Carriageways and footways affected must be swept at least every two hours or otherwise to the satisfaction of the Authority. The applicant shall be responsible for keeping the highway clean in the vicinity of the site. Any mud or spoil deposited on the public highway shall be removed without delay.
- 7 If a concrete pump lorry is operated from the public highway, the surface of the highway and any gullies or drains nearby must be protected with plastic sheeting. Residue must never be washed into nearby gullies or drains. During the development works, any gullies or drains adjacent to the building site must be maintained to the satisfaction of the Local Highways Authority. If any gully is damaged or blocked, the applicant will be liable for all costs incurred. The Applicant shall ensure that all watercourses, drains, ditches, etc. are kept clear of any spoil, mud, slurry or other material likely to impede the free flow of water therein.
- 8 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme (www.ccscheme.org.uk) whereby general standards of work are raised and the condition and safety of the Borough's streets and pavements are improved.

Officer's Assessment

1. Site Description

The application site currently accommodates a detached building at 185 West Heath Road. The existing property comprises a 4-storey detached dwelling house which has been extended to the rear in the form of a single-storey projection to accommodate a pool house along the shared boundary with No. 183 and 183A to the south west.

The plot has a width of approximately 26.7m (measured at the widest point), and depth of approximately 67.5m (at its deepest along the boundary with No.187 West Heath Road), giving a total area of around 750 sqm. The site falls significantly in level by approximately 8m from the street level to the rear of the site which allows a lower ground floor level to the current house.

The surrounding area is residential; characterised by mainly detached houses of varying styles, within wide and deep plots. The property is not listed, nor does it lie in a Conservation Area, and there are no other restrictions on the site.

2. Site History

Reference: C00990L

Address: 185 West Heath Road, London, NW3

Proposal: Swimming pool enclosure in rear garden

Decision: Lawful

Decision Date: 14.11.1990

Reference: C00990K

Address: 185 West Heath Road, London, NW3

Proposal: Side extension at lower ground, first and second floor levels, rear extension at lower ground and ground floor levels, roof to front dormer and alterations to rear including new bay windows and dormer window.

Decision: Approved subject to conditions

Decision Date: 24.10.1990

Reference: C00990J

Address: 185 West Heath Road, London, NW3

Proposal: the erection of a garage

Decision: Approved subject to conditions

Decision Date: 18.07.1974

Reference: C00990H

Address: 185 West Heath Road, London, NW3

Proposal: alterations and conversion of garage into additional flat.

Decision: Approved subject to conditions

Decision Date: 22.02.1973

Reference: C00990G

Address: 185 West Heath Road, London, NW3

Proposal: conversion of house into four residential self-contained flats.

Decision: Approved subject to conditions

Decision Date: 21.01.1970

Reference: C00990E

Address: 185 West Heath Road, London, NW3
Proposal: Conversion of house into two flats
Decision: Approved subject to conditions
Decision Date: 22.01.1968

Reference: C00990D
Address: 185 West Heath Road, London, NW3
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.
Decision: Approved subject to conditions
Decision Date: 29.09.1967

Reference: C00990C
Address: 185 West Heath Road, London, NW3
Proposal: Demolition of existing garages and extension at side to form new staff flat with car port for two cars.
Decision: Refused
Decision Date: 27.06.1967

Reference: C00990B
Address: 185 West Heath Road, London, NW3
Proposal: Conversion of existing house into three flats, demolition of existing garage and erection of new maisonette as an extension of main building and car port for two cars.
Decision: Refused
Decision Date: 27.01.1967

Reference: C00990
Address: 185 West Heath Road, London, NW3
Proposal: Conversion of existing house into three flats and erection of car port with flat over
Decision: Refused
Decision Date: 01.07.1966

3. Proposal

The following is proposed in this application:

- Demolition of the existing detached dwellinghouse and rear pool house;
- Erection of a new three-storey dwelling with a lower ground floor level; and
- New boundary wall and gates.

4. Public Consultation

Consultation letters were sent to 5 neighbouring properties.

5 responses have been received, comprising 5 letters of objection.

The objections received can be summarised as follows:

- Larger property proposed compared with existing house;
- Large amount of glazing to the rear, non-energy efficiency;
- Design and materials are out of character with the surrounding area;
- Overlooking into neighbouring homes and gardens;
- Large balconies leading to loss of privacy of neighbouring properties and gardens;
- Level changes from the front to the rear of the site;
- Overdevelopment of the site;
- Increase of massing at third floor (roof) level;
- Out of scale with neighbouring properties;

- Increase in bulk and massing compared with the existing property;
- Loss of light to neighbouring properties;
- Increased depth compared with neighbouring properties.

The application was deferred from the last meeting of the committee to enable consultation with residents following receipt of amended plans.

An additional 14 day reconsultation has taken place. The amended plans include the reduction in depth of the top floor of the proposed house to lessen the impact of the development on the amenity of neighbouring occupiers at number 183A West Heath Road. Further comments were received from consultees which are summarised below:

- Increased bulk at upper floor level blocking light to neighbouring properties;
- The property does not read as a single dwellinghouse;
- Increase in size in comparison to the existing house;
- Loss of privacy to neighbouring properties.

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 24th 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, creates better places in which to live and work and helps make development acceptable to communities.... being clear about design expectations, and how these will be tested, is essential for achieving this". The NPPF retains a presumption in favour of sustainable development. This applies unless any adverse impacts of a development would 'significantly and demonstrably' outweigh the benefits.

The Mayor's London Plan 2016

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

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

Barnet's Local Plan (2012)

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

- Relevant Core Strategy Policies: CS NPPF, CS1, CS5.
- Relevant Development Management Policies: DM01, DM02, DM17.

The Council's approach to development as set out in Policy DM01 is to minimise the impact on the local environment and to ensure that occupiers of new developments as well as neighbouring occupiers enjoy a high standard of amenity. Policy DM01 states that all development should represent high quality design and should be designed to allow for adequate daylight, sunlight, privacy and outlook for adjoining occupiers. Policy DM02

states that where appropriate, development will be expected to demonstrate compliance to minimum amenity standards and make a positive contribution to the Borough. The development standards set out in Policy DM02 are regarded as key for Barnet to deliver the highest standards of urban design.

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:

- 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.

5.3 Assessment of proposals

Impact on the character of the area

Principle of Redevelopment and Design:

The principle of replacing the dwelling with a new house is considered acceptable. The property is not listed or within a conservation area and is not of any particular architectural merit to warrant its retention.

The location of the proposed dwelling would be in keeping with Planning Policy Guidance and Regional Policy Guidance recommending the need for the effective use of land within urban areas and the use of previously developed land as far as possible.

Council Policies, in particular policy DM01 of the Development Management Policies (Adopted 2012), state that new residential developments must harmonise with and respect the character of the area, and the design of the proposal is considered to be consistent with the established character of the area.

The overall size, scale, bulk, height and design of the development is considered to be appropriate within its context. The proposed building will be partially higher than the existing dwelling and has been amended to reduce the depth of the building line to the rear of the property at third floor level, so as to better respect the established heights and depths of properties along this part of West Heath Road.

An objection has been received in relation to the new building appearing bulky and blocking light to the neighbouring property. As part of the application process the rear building line and roof design at the top floor level has been amended to reduce the depth of the building.

There is quite a varied array of size of house and design of houses along the road and it is not considered that this house would appear out of context in the street. The properties at No.183 and 183A West Heath Road are of a very modern design with flat roofs and white render finish and therefore the proposal for a more modern designed house on this plot would not be objectionable. There were concerns expressed through consultation regarding the amount of glazing to the rear of the property making the property appear overbearing, this has been reduced at roof level so the upper floor reads as a roof extension (similar to the existing property at this level) and not as an additional storey.

The success of the building will depend on the quality of the materials to be used; a condition has been attached to the decision notice requiring the details of materials to be

submitted prior to commencing in order to ensure that the building harmonises with its context and in particular the adjoining property.

Impact on the amenities of future occupiers

The development complies with the space standards for new development outlined in the London Plan 2016. The proposal is considered to provide adequate internal space for the future occupiers.

Table 2.3 within the Sustainable Design and Construction SPD indicates that for houses with 7 or more habitable rooms, outdoor amenity space should be 85 m². The development meets and exceeds this requirement.

Impact on the amenities of neighbours

At all levels, the width of the property is to remain consistent with the existing dwellinghouse. The building would be between 0.7m and 0.8m from the boundary with no. 183A.

Lower Ground Floor/Basement Level

The proposed basement/lower ground floor level at the property will have a larger footprint than the existing ground floor. To the front of the property the basement level will be extended towards the front boundary to accommodate underground car parking and a surface car parking lift. The lift details have been provided by the applicant and will not be visible from the streetscene as it will appear as a driveway.

To the rear of the property the lower ground floor level will extend out further than the existing basement level closest to No.187 West Heath Road to accommodate a submerged swimming pool and gymnasium. Due to the sunken nature of the proposals and their invisibility from the street scene and from neighbouring occupiers due to the reduction in ground levels to the rear of the site the proposal is assessed to not harm the amenities of neighbouring occupiers.

Upper Ground Floor Level

The upper ground floor level is proposed to extend further beyond the existing rear elevation closest to No.187 West Heath Road by 3.1m and from the rear elevation of 183A by approx. 4m. Due to the nature of the plot at No.187 West Heath Road and its relationship from the current property being set away from the neighbouring property, there are no objections to this element of the proposal. The rear projection against the boundary with No.183A West Heath Road has been reduced in depth from what it presents currently by 4.5m along the boundary, therefore this is assessed to not harm the amenities of neighbouring occupiers at No.185 West Heath Road.

First and Second Floor Levels

One of the Council's key objectives is to improve the quality of life for people living in the Borough and therefore development that results in unacceptable harm to neighbours amenity is unlikely to be supported. Good neighbourliness is a yardstick against which proposals can be measured.

In addition to the requirements of Policy DM01 in respect of providing adequate daylight, sunlight, privacy and outlook for neighbouring properties, the Residential Design Guidance SPD states that the privacy of existing and future development should be protected and gardens and windows to habitable rooms should not be significantly overlooked.

The first floor of the proposed building would project rearwards by approx. 3m from the rearmost bay of the existing house closest to 183A. It would therefore be approx. 3m

deeper than the first floor rear elevation of no. 183A. At second floor level, the proposed building would project rearwards from the existing dormer window by approx. 5m. This would result in the proposed building extending at roof level approx. 6m beyond the second floor level of no. 183A.

The proposal by reason of its size, siting, depth and the distances between neighbouring windows is not considered to result in harm to the neighbouring occupiers. It is noted that the new building does extend closer to each of the neighbouring properties than the existing building, however, there is still considered to be a sufficient distance and proposed depth is acceptable within this context.

There are a number of windows proposed in the rear elevation, the amount of glazing at roof level has been reduced in order to help address concerns at consultation regarding the property appearing dominant and overbearing due to the use of these materials.

Accessibility and Sustainability

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO₂ reduction over Part L of the 2013 building regulations. This level of reduction is considered to comply with the requirements of Policy 5.2 of the London Plan (2016 Minor Alterations) and the 2016 Housing SPG's requirements and a condition [is attached/would be attached in the event planning permission is granted] to ensure compliance with the Policy.

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

The proposed development therefore would meet the necessary sustainability and efficiency requirements of the London Plan.

5.4 Response to Public Consultation

All planning related matters are considered to be covered in the above appraisal.

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

The proposal is considered to accord with the requirements of the Development Plan and is therefore recommended for approval.

