

**Location**                      **47 - 49 Woodstock Road London NW11 8QD**

**Reference:**                      **19/0996/S73**

Received: 20th February 2019

Accepted: 20th February 2019

Ward:                              Childs Hill

Expiry 17th April 2019

Applicant:                      Mr Morris

Proposal:                              Variation of Condition 2 (Plan Numbers) pursuant to planning appeal APP/N5090/W/15/3003500 dated 18/03/15 (F/06062/13 refused for 'Demolition of existing pair of semi-detached houses and erection of 1No. 4 storey building plus double storey basement and including rooms in roof space, to accommodate no.9 self contained flats and no.17 underground parking spaces, storage, waste storage facilities and associated landscaping.' Amendments include removal of basement parking level and car lift, alteration to roof and internal remodulation to flats, reconfiguration of parking to provide 9 no. parking spaces at rear yard

**Recommendation:** Approve subject to s106

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)

#### RECOMMENDATION I:

That the applicant and any other person having a requisite interest be invited to enter by way of an agreement into a planning obligation under Section 106 of the Town and Country Planning Act 1990 and any other legislation which is considered necessary for the purposes seeking to secure the following:

1.        Paying the council's legal and professional costs of preparing the Agreement and any other enabling agreements;
2.        All obligations listed below to become enforceable in accordance with a timetable to be agreed in writing with the Local Planning Authority;
3.        Highways (Traffic Order) £2,022.00  
          A contribution would be required towards the cost to amend an existing Traffic Management Order or creation of a new order related to the development.

Monitoring of the Agreement £101.10

Contribution towards the Council's costs in monitoring the obligations of the agreement.

**RECOMMENDATION II:**

That upon completion of the agreement specified in Recommendation I, the Service Director – Planning and Building Control or Head of Strategic Planning approve the planning application subject to the following conditions and any changes to the wording of the conditions considered necessary by the Service Director – Planning and Building Control or Head of Strategic Planning:

- 1 The development shall have commenced within three years of the 27th March 2015
- 2 The development hereby permitted shall be carried out in accordance with the following approved plans: Feb 2019 Scheme Proposed Site Plan D-101 Rev C; Feb 2019 Scheme Proposed Level -01 Basement Plan D-02 Rev A; Feb 2019 Scheme Proposed Level 00 Ground Floor Plan D-103 Rev C; Feb 2019 Scheme Proposed Level 01 First Floor Plan D-104 Rev C; Feb 2019 Scheme Proposed Level 02 Second Floor Plan D-105 Rev C; Feb 2019 Scheme Proposed Level 03 Third Floor Plan D-106 Rev C; Feb 2019 Scheme Proposed Elevations Rev D
- 3 The materials to be used in the construction of the hard surfaced areas and external surfaces of the building hereby permitted shall be in accordance with the details approved under grant of consent 17/8174/CON
- 4 The levels in relation to adjoining land and highways of the building, roads and footpaths hereby permitted, as well as any other changes in levels of the site shall be in accordance with the details approved under grant of consent 17/8174/CON
- 5 The building hereby permitted shall not be occupied until parking spaces have been provided in accordance with Drawing No: Feb 2019 Scheme Proposed Site Plan D-101 Rev C and those spaces shall be retained thereafter and used for no purpose other than the parking or turning of vehicles.
- 6 The building hereby permitted shall not be occupied until a scheme for the parking and storage of cycles has been submitted to and approved in writing by the local planning authority. The parking and storage arrangements approved shall be retained thereafter and used for no other purpose than the parking and storage of cycles.
- 7 All works shall be carried out in full accordance with the Demolition, Construction and Traffic Management Plan approved under grant of consent 17/8174/CON
- 8 The building hereby permitted shall not be occupied until the site has been enclosed, except at the permitted points of access, in accordance with details previously submitted to and approved in writing by the local planning authority.
- 9 With the exception of those areas marked as terraces on the approved plans listed in Condition 2), the flat roof areas of the building hereby permitted shall only be used in connection with the repair and maintenance of that building and shall at no time be used as a balcony, roof garden or similar amenity or sitting out area.

10 Notwithstanding the provisions of the Town and Country Planning (General Permitted Development) Order 1995 (or any order revoking, re-enacting or modifying that Order), the building hereby permitted shall not be extended without the specific permission of the local planning authority.

11 No demolition or construction work hereby permitted shall take place outside 08.00hours to 18.00hours on Mondays to Fridays, 08.00hours to 13.00hours on Saturdays nor at any time on Sundays, Bank and Public Holidays.

12 The building hereby permitted shall not be occupied until the outdoor amenity areas, as shown on the approved Drawings listed in Condition 2), have been laid out in accordance with those approved drawings. These areas shall be retained thereafter.

13 Extraction and ventilation equipment shall be installed in full accordance with the details approved under grant of consent 17/8174/CON and shall be fully implemented before the building hereby permitted is first occupied and retained thereafter.

14 No discharges of foul or surface water from the site shall be accepted into the public system until the details of on- and off-site drainage works approved under grant of consent 17/8174/CON have been fully implemented.

15 The depth and type of piling proposed, the means by which it will be carried out, measures to prevent and/or minimise the potential for damage to subsurface sewerage infrastructure, and a programme for the proposed piling shall be carried out in full accordance with the Piling Method Statement approved under grant of consent 17/8174/CON.

16 Before the development hereby permitted is first occupied a scheme of hard and soft landscaping - incorporating the proposed green/living wall to the Armitage Road elevation - has been submitted to, and approved in writing by, the local planning authority. All works shall be carried out in full accordance with the approved scheme before the end of the first planting and seeding season that follows the completion of the development or the first occupation of the building hereby permitted, whichever is sooner.

17 Any trees or plants which within a period of 5 years from the completion of the development die, are removed or become seriously damaged or diseased shall be replaced in the next planting season with others of similar size and species, unless the local planning authority gives written approval to any variation.

18 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 30% 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.

19 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.

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.

21 Before the development hereby permitted is first occupied or the use is commenced, the proposed privacy screens shall be installed in accordance with the details on approved Drawing No: Feb 2019 Scheme Proposed Elevations Rev D and retained as such thereafter

22 Before the development hereby permitted is first occupied, details of the Air Source Heat Pumps and their proposed means of enclosure 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.

23 The level of noise emitted from the Air Source Heat Pumps hereby approved shall be at least 5dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property. If the noise emitted has a distinguishable, discrete continuous note (whine, hiss, screech, hum) and/or distinct impulse (bangs, clicks, clatters, thumps), then it shall be at least 10dB(A) below the background level, as measured from any point 1 metre outside the window of any room of a neighbouring residential property.

24 Prior to the first occupation of the hereby approved development, details of the proposed solar panels shall have been submitted to and approved in writing by the Local Planning Authority. The solar panels shall be implemented in accordance with the details approved this condition prior to the commencement of the use or first occupation of the development and retained as such thereafter.

### RECOMMENDATION III:

1 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 16th July 2019, unless otherwise agreed in writing, the Head of Development Management REFUSE the application under delegated powers for the following reason(s):

1.The development fails to provide a legal undertaking to enable an amendment to the Traffic Regulation Order and contribution towards the associated monitoring costs to mitigate the on-street parking impact in the vicinity of the site, contrary to Policy CS15 of the Local Plan Core Strategy (adopted September 2012), Policy DM17 of the Development Management Policies DPD and the Planning Obligations SPD.

## 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 A Planning Obligation under Section 106 of the Town & Country Planning Act 1990 (as amended) relates to this permission.
- 3 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](http://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](mailto: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](http://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](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](http://legislation.gov.uk)

Visit

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

- 4 The applicant is advised that if any modification is required or proposed to access from the public highway, such works would be subject to a detailed investigation by the Traffic and Development section. Heavy duty access may need to be provided to cater for a heavy duty use and may involve relocation of existing street furniture. The works would be undertaken by the Highway Authority at the applicant's expense. You may obtain an estimate for this and any associated work on the public highway, and further information, from the Traffic and Development Section - Development and Regulatory Services, Barnet House, 1255 High Road, Whetstone N20 0EJ, by telephone on 020 8359 3018, or via [crossovers@barnet.gov.uk](mailto:crossovers@barnet.gov.uk).
- 5 Applicants and agents are encouraged to sign up to the Considerate Contractors Scheme ([www.ccscheme.org.uk](http://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**

1.1 The application site comprises a substantial pair of Edwardian semi-detached properties on a corner plot, fronting Woodstock Road, with the side elevation (No 47) facing onto Armitage Road. The accommodation is provided over two principle storeys, with additional rooms in the roof-space, serviced with natural light from windows set within prominent front and rear gables and more modest rear dormers. Both properties also benefit from signs of previous extension to the rear.

1.2 The host properties are directly reflective in design of their contemporaneous neighbour, whilst the broader area - although demonstrating a degree of architectural variation with regard to detailing - similarly reflects a character of two/three storey, pitched roof dwellings with prominent front gables, typical of metropolitan development from the era following the arrival of the railway at Golders Green in 1907.

1.3 The site is in close proximity to Golders Green Town Centre - a dedicated Conservation Area principally comprising of two Statutory Listed parades - and the London Underground station (Northern Line), affording a PTAL rating of 5/6a.

1.4 Permission was previously granted (F/06062/13 - on appeal under reference APP/N5090/W/15/3003500) for the demolition of the existing pair and the erection of an ostensibly three storey building - with rooms in the roof and at basement level - to provide 9no self-contained flats. This permission has been implemented in accordance with the requirements of Section 56 of the Town & Country Planning Act 1990 by virtue of drainage works undertaken to the front of the site and as such, remains extant. This application seeks to make a material amendment to the approved plans.

### **2. Relevant Planning History**

2.1 The following decisions are considered to be material to this application:

Reference: F/06062/13

Address: 47-49 Woodstock Road, LONDON, NW11 8QD

Decision: Refused

Decision Date: 28th July 2014

(Appeal) Decision: (APP/N5090/W/15/3003500) Allowed

(Appeal) Decision Date: 27th March 2015

Description: Demolition of existing pair of semi-detached houses and erection of 1no 4 storey building plus double storey basement and including rooms in roof space, to accommodate 9no self-contained flats and 17no underground parking spaces, storage, waste storage facilities and associated landscaping

Reference: 18/3948/S73

Address: 47-49 Woodstock Road, LONDON, NW11 8QD

Decision: Deemed Refusal

(Appeal) Decision: (APP/N5090/W/18/3214723) Abeyance

(Appeal) Decision Date: N/A

Description: Variation of Condition 2 (Plan Numbers) pursuant to appeal APP/N5090/W/15/3003500 dated 18/03/15 (ref F/06062/13 28/07/14) for 'Demolition of existing pair of semi-detached houses and erection of 1no 4 storey building plus double

storey basement and including rooms in roof space, to accommodate 9no self-contained flats and 17no underground parking spaces, storage, waste storage facilities and associated landscaping.' Amendments include removal of basement parking level and car lift, alteration to roof and internal remodulation to flats, reconfiguration of parking to provide 12no parking spaces at rear yard

### 3. Proposal

3.1 This application seeks amendments to the initial proposal in the form of:

- Introduction of a contemporary design (incorporating increased glazing)
- Incorporation of a 'green-wall' to the Armitage Road elevation
- Elimination of the -2 Level basement car park and car-lift access arrangement and replacement with reduced provision at surface level (incorporating 2no disabled bays and electric vehicle charging points)
- Re-configuration of duplex units 1 & 2 over Levels -01 & 00 (to put living/dining room at basement level adjacent the amenity space and master bedroom at ground floor level; additional bedrooms at basement level to the rear)
- Re-configuration of upper floor flats
- Re-configured private amenity space for each unit (in the form of balconies and sunken terraces) and rationalisation of communal amenity space at the rear
- Schedule of Accommodation:

Approved

Ground Floor/Basement	4no 3-bed
First Floor	2no 3-bed
Second Floor	2no 3-bed
Third Floor	1no 1-bed

Amended

Ground Floor/Basement	4no 3-bed
First Floor	2no 3-bed
Second Floor	1no 3-bed + 1no 2-bed
Third Floor	1no 3-bed

3.2 This application follows extensive discussion pursuant to the previous application under Section 73 (18/3948/S73). As part of those discussions, the deemed reasons for refusal have been through the following amendments:

- A sloping tile roof and eaves comparable in outline to that previously approved (with regard to the front elevation) has been restored to the proposal. To the rear, a sloping tile roof with inset dormers has also been partially re-introduced
- The proposed surface-level car park to the rear has also been reduced in area and landscaping has been introduced.
- Basement level amenity spaces have been increased in size to match those in the previously approved scheme
- The proposed terraces on the side elevation overlooking Armitage Road have been removed
- The screen wall to the proposed rear extension at first floor level has been removed and replaced with an inset privacy screen
- Principal habitable rooms at basement level have been reconfigured to benefit from a southerly/south-westerly aspect



- The layout of Apartment 06 has been reconfigured to provide Bedroom 3 with an open outlook to the rear (away from the limited outlook afforded by its previous position in the side elevation)

#### **4. Public Consultations**

4.1 Consultation letters were sent to 110 neighbouring properties.

4.2 3no comments of support and a joint letter with 14no signatures have been received

4.3 16no objections have also been received and can be summarised as follows:

- Character & Appearance:
  - Incongruous design
- Combined effect of 4no corner properties
  - Scale (Bulk & Height)
- Use:
  - Loss of family housing/incongruity of flatted development
  - Overcrowding/Noise and disturbance
  - Further future sub-division of the property
  - Impact on local services
- Amenity:
  - Overlooking (to No 43)
  - Loss of light
- Parking:
  - Design/Extent of surface level car park at rear
  - Lack of provision
  - Access
  - Increased levels of traffic and pollution
- Subsidence
- Construction related traffic/disruption
- Absence of Affordable Housing

4.4 As part of the application, the Local Highway Authority has also been consulted. Whilst initially objecting on the grounds of a lack of information to inform on the impact of the reduction in the number of spaces from 17no to 9no, they have equally confirmed that - in the event of the scheme being fully compliant with the requirements of Policy DM17 - they would sustain no objection. The scheme is proposed subject to a Legal Agreement to restrict access of future residents to parking permits (in accordance with the expectations of Policy DM17(2)(ii)). Parking and Access are discussed in more detail at Paras 6.29-6.37.

#### **5. Planning Considerations**

##### **5.1 Issues for Consideration**

The consideration in this case is whether the proposed amendments are acceptable with regard to:

- Principle
- Character & Appearance
- Amenity of Future Occupiers

- Amenity of Neighbouring Occupiers
- Parking
- Access & Highway Safety
- Refuse & Recycling Storage
- Cycle Storage
- Landscaping
- Sustainability

## **5.2 Policy Context**

### National Planning Policy Framework

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 current iteration of the National Planning Policy Framework (NPPF) was published on 19th February 2019. 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.

### Development Plan

The relevant Development Plan comprises:

The London Plan (2016)

London Borough of Barnet: Local Plan (Core Strategy) DPD (2012)

London Borough of Barnet: Local Plan (Development Management Policies) DPD (2012)

### Relevant Supplementary Planning Guidance

GLA: Housing SPG (2016)

LB Barnet: Residential Design Guidance SPD (2016)

LB Barnet: Sustainable Design and Construction SPD (2016)

These documents provide detailed guidance that supplements policies in the adopted Local Plan, and sets out how appropriate and sustainable development will be delivered in Barnet.

## **6. Assessment**

### Principle

6.1 The principle of re-development, basement excavation and the provision of flats has been established by the original consent (APP/N5090/W/15/3003500). The continuing provision of a reduced basement and revised elevations and the reconfiguration of flats - without amendment to the quantum of units - remains consistent with that decision in principle.

### Character & Appearance

6.2 With regard to the principal elevation facing onto Woodstock Road, the massing has been revised - from that submitted under 18/3948/S73 - to reflect the original approval.

6.3 As such, a comparable outline for the roof-scape - slightly lower than the maximum height of the approved scheme - has been restored, including an extended tiled plane that falls both sides of two wall-dormers which reference the prominent pointed gables of the previous approval.

6.4 It is primarily the pattern of fenestration which expresses the more contemporary approach. However, whilst this results in a consolidated array of larger windows - notwithstanding the benefit to the internal accommodation, discussed further below - the proposed new front elevation would retain the ostensible symmetry of the extant scheme and streetscene.

6.5 The massing of the rear elevation adopts the same outline as the front and similarly restores a tiled plane - principally to the projecting south-east wing, which would be visible on approach from the south-west along Armitage Road - inset with a reduced, three casement dormer. This is considered to be commensurate with the streetscene and will partly obscure views of the central section of the rear elevation from the public realm.

6.6 With regard to the interim scheme, visual relief is further provided by the greater articulation of the rear elevation - incorporating a recessed central section (again referencing the symmetrical effect of the existing and approved scheme) and the introduction of balconies.

6.7 The side elevation facing No 51 will largely not contribute to the public realm as it opposes the flank elevation of the neighbouring building at close quarters. As such, the largely blank appearance will not be detrimental to character and appearance and remains consistent with that of the approved scheme - save for the introduction of the oriel window at first floor level.

6.8 The flank facing onto Armitage Road builds upon the approved scheme, with no overall increase in depth, but the creation of a singular elevation over three full storeys - with greater massing at the rear, but a reduction in the overall highest point.

6.9 This change to the massing remains articulated both by the introduction of recessed balconies at roof level and the introduction of a green wall. Notwithstanding the contribution toward the sustainability credentials of the proposal discussed further below, this intervention is considered to be commensurate with the contemporary design - subject to conditions relating to the detail of any associated fixtures and fittings, species and maintenance.

6.10 It is acknowledged that the design and finish - in particular, of the Armitage Road elevation - would be distinct from that of the three other corner properties around the junction. It should be noted however, that there is no absolute uniformity of design. For example, No 49 does not (or no longer) benefit from a canopied entrance in the side elevation. Nor does it feature a regular eave and wall dormer, instead displaying a hipped gambrel roof and pronounced rear gable. As it is reflected across the pair and its neighbours (Nos 51-53), it is indicative of the fact that this corner has always stood apart from the greater degree of conformity evident in the other three properties.

6.11 The introduction of lightwells to the front has been established by the extant consent. As a result of the amendments, they would be of the same minimum depth and narrower in profile. Details of boundary treatments and landscaping will be reserved by condition.

6.12 Under the approved scheme, the rear of the site (other than the access to the car lift) was proposed to be given over to landscaped communal amenity space. Under the proposed revisions, the total area of amenity space has been reduced to provide for a surface-level car park (with private amenity space being afforded to each unit in lieu - see also Paras 6.21-6.22 below).

6.13 However, the revised layout would retain c50sqm of landscaped amenity space, whilst the replacement parking area will be laid with grasscrete as part of the landscaping scheme - details of which remain reserved by condition. Notwithstanding the comparison to the approved scheme, the revised proposal is still considered to represent a marked enhancement upon the existing rough hard-landscaping which services the current surface car parking at the rear.

6.13a The site is currently enclosed by way of a standard domestic boundary fence and gates. This approach will be reflected in the final approval, continuing to mitigate the contribution to the public realm as per both the existing situation and the extant approval.

6.14 With regard to the above appraisal, the context for design provided by Para 127 of the NPPF (2019) is that whilst it should be "sympathetic to local character and history" it should not prevent or discourage "appropriate innovation or change", whilst Paragraph 131 demands that "great weight should be given to outstanding or innovative designs which promote high levels of sustainability...so long as they fit in with the overall form and layout of their surroundings".

6.15 In that respect, whilst the architectural detailing of the proposed revisions represents an undeniably distinct and contemporary approach, the building will retain the overall characteristics of the approved scheme and surrounding area - namely the massing, tiled roof scape and symmetrical design of the front elevation, orientation onto Woodstock Road and relationship with the building line along Armitage Road. This approach is further enabling of a significant improvement in the environmental credentials of the development - discussed further below - alongside the efficient use of land in an accessible location as accepted by the previous approval.

6.16 It is considered that this approach also remains consistent with the expectations of Policy DM01 - the preamble to which confirms that "contemporary design may be appropriate provided it has regard to the local context" whilst "meet[ing] the highest standards of energy efficiency and minimise carbon emissions" (Para 2.21). With corresponding regard therefore to Paragraph 130 of the NPPF, "where the design of a development accords with clear expectations in plan policies, design should not be used by the decision-maker as a valid reason to object to development".

#### Amenity of Future Occupiers

6.17 All of the 9no proposed units continue to provide considerably in excess of the Gross Internal Area (GIA) set out in Table 3.3 pursuant to Policy 3.5C of the London Plan (2016) and DM02(6) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012) - including a three-fold increase in the size of Unit 9.

6.18 In addition, the proposed amendments increase the proportion of glazing afforded to a number of rooms (again, most notably Unit 9), increasing the quantity of daylight/sunlight

and quality of outlook afforded to future occupiers - in accordance with the expectations of Table 2.4 of the LB Barnet: Sustainable Design & Construction SPD (2016)

6.19 The principle of locating habitable rooms at basement level looking out onto lightwells has been established by the extant parent permission. The lightwells are of an equivalent minimum depth to those previously approved.

6.20 The additional habitable rooms introduced at basement level to the rear also benefit from the same arrangement. It is acknowledged that these rooms will be north-east facing however, the use (as bedrooms) and secondary nature of the accommodation they provide (not a principal living space or master bedroom) is considered to render this acceptable.

6.21 One significant amendment to the approved scheme is with regard to the distribution of amenity space. With regard to the expectations set out in Table 2.3 of the LB Barnet: Sustainable Design & Construction SPD (2016), provision is now proposed in the following schedule:

	Required	Provided	Shortfall
Unit 1	35sqm	35.1sqm	
Unit 2	35sqm	35.1sqm	
Unit 3	35sqm	35.38sqm	
Unit 4	35sqm	36.27sqm	
Unit 5	25sqm	16sqm	9sqm
Unit 6	25sqm	27sqm	
Unit 7	25sqm	11sqm	14sqm
Unit 8	25sqm	26sqm	
Unit 9	35sqm	46.2sqm	
Sub-Total			23sqm
Communal		50sqm	
Total Provision			+27sqm

6.22 As a result of the proposed reconfiguration, every unit will be provided with a quantum of private amenity space - representing an improvement on the approved scheme.

#### Amenity of Neighbouring Occupiers

6.23 The amendments are not considered to materially affect the residential amenity of neighbouring occupiers compared to the existing approval. Highways and parking matters are discussed separately below.

6.24 The effect of the changes will be to realise only 1no additional bedroom and 3no additional (potential) residents - principally a result of the increase in the size of Flat 9. This is considered unlikely to be discernible within the context of the existing approval.

6.25 The corner location limits the impact on No 45 (across Armitage Road) and Nos 50-52 (opposite) - to which the existing relationship (in terms of separation distance and the use of unobscured habitable room windows) will pertain. This is particularly the case following the deletion of balconies previously proposed to the side elevation - as proposed under the interim application 18/3948/S73.

6.26 The principal impact would be with regard to the experience of the property from No 51. However, again, the depth of the proposed new building at ground and upper floor levels is comparable to the approved scheme. Whilst the number and scale of balconies has been increased, these are to be surmounted with 1.7m high obscure glazed screens to their flank

elevation, preventing any horizontal or backward line of sight into the rear windows or near garden area of No 51. They will also be off-set from the common boundary, further limiting their impact on the outlook from therein.

6.27 Furthermore - with regard to the scheme proposed under 18/3948/S73 - a 5m wide buffer zone of amenity space has been created at the rear of the site between the common boundary and the surface parking area. Details with regard to the air source heat pumps and boundary treatments will be reserved by condition.

6.28 In light of the above, the proposed amendments are considered to maintain a comparable impact upon the residential amenity of neighbouring occupiers to the approved scheme - in line with the expectations of Policy DM01(e) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012).

#### Parking

6.29 The proposal incorporates a reduction in the number of vehicle parking spaces from 17no to 9no, though retains a minimum of 18no cycle spaces (discussed separately below).

6.30 On the basis of the approved schedule of accommodation (8no x 3-bed; 1no x 2-bed), with reference to Policy DM17(1)(g) of the LB Barnet: Local Plan (Development Management Policies) DPD (2012), parking provision would fall within the range of 9no and 13.5no spaces.

6.31 The site benefits from a PTAL rating of 5/6a - pitching it at the top of the range. On that basis, the scheme would be expected to provide toward the bottom of the range.

6.32 The proposed parking provision falls within the range as referred to in Policy DM17 and this - combined with a legal agreement to restrict future occupiers from obtaining on-street parking permits - is considered to be acceptable.

#### Access & Highway Safety

6.35 The approved scheme was initially refused consent by the LPA on the grounds that the proposed single-vehicle-width access arrangement to the car lift would present a detrimental risk to the safety of highway users - through vehicles obstructing the carriageway.

6.36 In determining that appeal, whilst it was accepted that there would be an element of additional risk, it was considered that it was not of a level sufficient to justify refusal (Para 17 of the Decision Letter) and that, in any event, "the existing vehicular access arrangements from Armitage Road are at least as likely to produce temporary delays when vehicles have to park on the highway whilst gates are opened" (Para 15).

6.37 Therefore, in the context of both the appeal decision and the existing situation, the proposed two-vehicle-width point of access (notwithstanding the proposed new gates, details of which remain reserved by way of condition) is considered to represent an improvement in the arrangement of safe access and egress from and onto the highway - consistent with the expectations of Policy DM17(a).

#### Refuse & Recycling Storage

6.38 The amended scheme proposes a comparable provision to the approved scheme - being 2no 1100L Eurobins - enabling the separate collection of refuse and recycling. The proposed bin store has been relocated from the south-western to south-eastern boundary

however, remains proximate to the vehicular entrance. As such, this is considered to remain acceptable.

#### Cycle Storage

6.39 The scheme has been amended both as a result of the proposed changes to the basement level excavation and during the process of pre-application discussions. As a result, the south-western corner of the site at the rear has been proposed to accommodate a minimum of 18no secure cycle spaces in horizontal racks. With regard to the expectations of Table 6.3 pursuant to Policy 6.9B(a) of the London Plan (2016), this arrangement is considered to be appropriate in terms of provision, scale, siting and access. Details remain reserved by Condition 7 of the parent permission (APP/N5090/W/15/3003500) as amended.

#### Landscaping

6.40 Details of the final scheme of landscaping and means of enclosure remain reserved by Conditions 9, 13 & 18 of the parent permission (APP/N5090/W/15/3003500) as transposed and will be subject to further consideration before discharge. However, in principle and with regard to the context established by the approved scheme, the proposed distribution of hard and soft landscaping indicated on the Proposed Site Plan D-101 Rev C is considered to be acceptable.

#### Sustainability

6.41 The development is proposed in part as an exemplar of a carbon reduction scheme. This is derived from a combination of measures including:

- A reduction in amount of soil to be excavated (reducing the number of journeys to transport materials to landfill - a minimum rate of c300g CO<sub>2</sub> per km)
- A reduction in the amount of structural concrete required (at a rate of c237kg CO<sub>2</sub> per cubic metre of concrete)
- Permanent annual CO<sub>2</sub> saving from removing the need to mechanically ventilate a basement parking area
- No need to operate a car lift
- Amendments to the roof to incorporate photovoltaic panels
- Introduction of a 'living wall' to the Armitage Road elevation (helping to regulate the temperature of the building and contribute to CO<sub>2</sub> absorption)
- Incorporation of a Mechanical Ventilation with Heat Recovery (MVHR) system
- Provision of electric vehicle charging points
- Increase in glazing (to reduce reliance upon the use of artificial light)
- Significant upgrade in building specification (including fabric)

6.42 With regard to the above range of factors, the scheme is anticipated to achieve a reduction in emissions relative to the Target Emissions Rate (TER) of at least 30%. This is considered to be an improvement on expectations for a development of this size. Conditions securing the proposed improvement upon TER - together with details of the air source heat pumps, solar panels and living wall - are proposed.

## **7. Response to Public Consultation**

7.1 The majority of objections with regard to character and appearance, use, amenity and parking have been addressed in the above report.

7.2 Objection was raised with regard to the potential for further future sub-division of the property. However, this is not within the scope of the application to consider. Notwithstanding that, any further sub-division of any of the flats would - by virtue of the

provisions of Section 55(3)(a) of the Town & Country Planning Act 1990 (as amended) - constitute development, for which express planning permission would be required and the LPA would retain governance.

7.3 Concern was also raised that the development may lead to subsidence. However, this is not a planning matter. A grant of planning consent does not however, obviate the need for the Applicant to seek compliance with any other consent or obligation enforceable under any other legal framework.

7.4 Objection was raised with regard to the potential for construction related traffic and disruption. A condition relating to the production of a detailed Demolition, Construction & Traffic Management Plan has been approved (under grant of consent 17/8174/CON) and would be transposed from the extant approval.

7.5 Comment has also been raised with regard to the absence of Affordable Housing. However, this scheme results in the formation of only 9no units gross. As such, the requirement to provide a contribution toward affordable housing - set out under Policy DM10 - is not triggered.

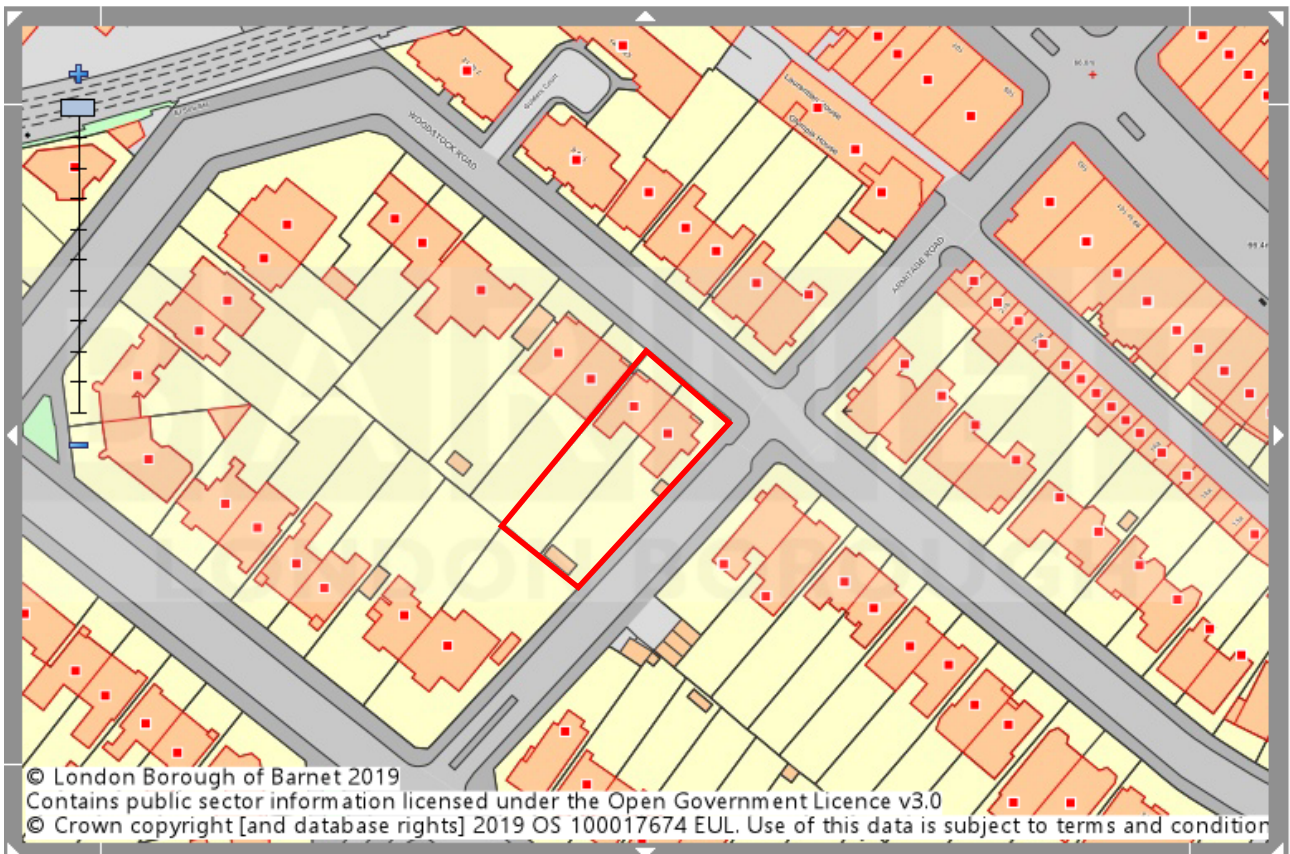
## **8. Equality and Diversity Issues**

8.1 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.

## **9. Conclusion**

9.1 In light of the above appraisal and within the context of the previous approval, it is considered that the proposed surface level parking solution and corresponding internal and external alterations to the design of the replacement building would remain appropriate with regard to both the character and appearance of the host property and street-scene and the amenities of future and neighbouring residents. This application is therefore recommended for APPROVAL - subject to the re-imposition of conditions as accordingly revised and the completion of a legal agreement under Section 106 of the Town & Country Planning Act 1990 (as amended) to restrict the access of future residents to on-street parking permits.





© London Borough of Barnet 2019

Contains public sector information licensed under the Open Government Licence v3.0

© Crown copyright [and database rights] 2019 OS 100017674 EUL. Use of this data is subject to terms and conditions