

**Location**                      **Land Adjacent 38 Needham Terrace London NW2 6QL**

**Reference:**                      **18/6874/FUL**                      Received: 15th November 2018  
Accepted: 16th November 2018

Ward:                      Childs Hill                      Expiry 11th January 2019

Applicant:                      Mr Sam Hassan

Proposal:                      Demolition of existing double garages. Erection of a two-storey single family dwellinghouse. Associated refuse/recycling store. REVISED PLANS: Updated drawings including removal of off street parking space and internal alterations to provide additional bedroom

**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.     3. Highways (traffic order)                      £2,022.00  
A contribution towards the cost of required changes to an existing traffic order or creation of a new order related to the development.

4. Monitoring of the Agreement £100.00  
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 hereby permitted shall be carried out in accordance with the following approved plans: 5001, 5002, 5003 RevD, 5004 Rev D, 5006 Rev C, 5100 Rev C, 5103 Rev C, 5102 Rev C, 5050 Rev B,

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 other than demolition works shall take place until details of the materials to be used for the external surfaces of the building and hard surfaced areas hereby approved have been submitted to and approved in writing by the Local Planning Authority. The details shall include a panel board on site with brick, mortar and bonding detail, sample of roof slate and details of fenestration, eaves detailing, doors, boundary walls and fencing and pipework/guttering.

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

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

4 a) Before the development hereby permitted is first occupied, details of enclosures and screened facilities for the storage of recycling containers and wheeled refuse bins or other refuse storage containers where applicable, together with a satisfactory point of collection shall be submitted to and approved in writing by the Local Planning Authority.

b) The development shall be implemented in full accordance with the details as approved under this condition prior to the first occupation and retained as such thereafter.

Reason: To ensure a satisfactory appearance for the development and satisfactory accessibility; and to protect the amenities of the area in accordance with policies DM01 of the Adopted Barnet Development Management Policies DPD (2012) and CS14 of the Adopted Barnet Core Strategy DPD (2012).

5 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 any elevation of the building.

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).

6 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.

7 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.

8 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.

9 No site works or works on this development including demolition or construction work shall commence until a Demolition and Construction Management and Logistics Plan has been submitted to and approved in writing by the Local Planning Authority. The development shall thereafter be implemented in full accordance with the details approved under this plan. The Demolition and Construction Management and Logistics Plan submitted shall include, but not be limited to, the following information:

- 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.

#### Reason

To ensure that the proposed development does not prejudice the amenities of occupiers of adjoining residential properties and in the interests of highway and pedestrian safety in accordance with policies CS9, CS13 , CS14, DM01, DM04 and DM17 of the Barnet Local Plan and policies 5.3, 5.18, 7.14 and 7.15 of the London Plan.

10 Prior to occupation of the development, Cycle parking spaces shall be provided in accordance with London Plan cycle parking standards and that area shall not thereafter be used for any purpose other than for the parking of cycles associated with the development.

#### Reason

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.

11 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.

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 or E of Part 2 of Schedule 1 of that Order shall be carried out within the area of the development hereby approved.

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

13 a) A scheme of hard and 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.

### RECOMMENDATION III:

0 That if the above agreement has not been completed or a unilateral undertaking has not been submitted by 20/01/2019, 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 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. 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](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)

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](mailto:street.naming@barnet.gov.uk) or by telephoning 0208 359 4500.

- 4 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.

- 5 Applicants and agents are advised that this development should be designed to achieve an average water consumption target of 105 litres per head per day.
- 6 Demolition should be carried out by an approved contractor and residents notified at least seven days before commencement.
- 7 The applicant is advised that it is their responsibility to make proper provision for drainage to ground, water courses or a suitable sewer. In respect of surface water, it is recommended that the applicant should ensure that storm flows are attenuated or regulated into the receiving public network through on or off-site storage. When it is proposed to connect to a combined public sewer, the site drainage should be separate and combined at the final manhole nearest the boundary. Where you propose to discharge to a public sewer, prior approval from Thames Water Developer Services will be required, and they can be contacted on 0800 009 3921. The above is in order to ensure that the surface water discharge from the site is not detrimental to the existing sewerage system.



## **Officer's Assessment**

### **1. Site Description**

The application site is located on the eastern side of Needham Terrace, within the Childs Hill ward. It contains a single storey double garage that originally served No.38 Needham Terrace. No. 38 Needham Terrace is an end of terrace dwelling that is located to the south of the application site. No. 39 Needham Terrace is a detached dwelling located to the north of the application site.

The application site is located within Cricklewood Railway Terraces Conservation Area. The conservation area is centred on a group of former railway workers' cottages which are arranged in small terraces with communal front gardens and lie adjacent to an extensive area of railway tracks. The area is largely residential in character and is a quiet enclave set back from the busy main road on slightly rising ground. The overall appearance is defined by the red facing brick frontages and slate roofs, together with retained original doors, windows, chimney stacks and pots.

### **2. Site History**

Reference: C01998D

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Approved subject to conditions

Decision Date: 18.11.1970

Description: the erection of two lock-up garages.

Reference: 15/05673/FUL

Address: 38 Needham Terrace, London, NW2 6QL,

Decision: Refused.

Decision Date: 24 March 2016

Description: Demolition of existing double garage and erection of new detached two-storey two bedroom dwelling with associated amenity space refuse storage.

Reasons:

1. The proposed house would, by reason of its design, size and siting, result in a loss of outlook and appear overbearing when viewed from the neighbouring garden of 39 Needham Terrace detrimental to residential amenities of the occupiers of that property. The application is therefore unacceptable and contrary to policies CS NPPF, CS1 and CS5 of the Barnet Core Strategy (2012), policy DM01 of the Barnet Development Management Policies DPD (2012), policy 7.6 of The London Plan (2015) and the guidance contained in the Barnet Residential Design Guidance Supplementary Planning Document (2013).

2. The development would require a formal undertaking to prevent residents from obtaining parking permits and no formal undertaking has been given to provide this. In the absence of this agreement it is considered that the proposals would have a harmful impact on highway and pedestrian safety contrary to Policy DM17 of the Adopted Development Management Policies 2012.

An appeal was made against the proposal and it was dismissed (ref: APP/N5090/W/16/3159344)

Reference: 17/3559/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Refused

Decision Date: 13.06.2018

Description: Demolition of existing double garages. Erection of a two-storey single family dwellinghouse (two bedrooms). New patios to front and rear garden areas. Amended design to roof (extended eaves) and boundary walls.

Reasons:

1. The proposed new dwelling by reason of its size, design, siting and massing would be a discordant form of development that would fail to preserve or enhance this part of the Cricklewood Railway Terraces Conservation Area. The proposals would be contrary to policies DM01 and DM06 of the Adopted Barnet Development Management Policies 2012 and the Cricklewood Railway Terraces Character Appraisal Statement.

2. The proposals would provide no car parking to serve the development and in the absence of a legal agreement preventing residents from obtaining parking permits, would result in increased kerbside parking to the detriment of the free flow of traffic and highway and pedestrian safety. The proposals would be contrary to policy DM17 of the Adopted Barnet Development Management Policies and CS9 of the Adopted Barnet Core Strategy 2012

An appeal was made against the proposal and it was dismissed (ref: APP/N5090/W/18/3196184)

Reference: 18/5265/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Withdrawn

Decision Date: 10.10.2018

Description: Demolition of existing double garages. Erection of a three-storey, single family dwellinghouse (two bedrooms)

Reference: 17/8222/FUL

Address: Land adjoining 38 Needham Terrace, London, NW2 6QL,

Decision: Refused

Decision Date: 01.10.2018

Description: Excavation and creation of a basement level storage area under existing double garages including the installation of an access hatch and internal ladder

### **3. Proposal**

The demolition of existing double garages and the construction of a two-storey two-bedroom single family dwellinghouse of 69sqm gfa. New enclosed patio to front area of 26sqm, refuse and cycle storage. The application site has a depth of approximately 12.2 metres and a width of approximately 5.3 metres.

### **4. Public Consultation**

Consultation letters were sent to 77 neighbouring properties. A site notice was published on 22.11.2018 and press notice published 22.11.2018. Further consultation was carried out on 12.02.2019 following receipt of amended plans.

122 responses have been received, comprising 31 letters of objection, and 91 letters of support.

The objections received can be summarised as follows:

- The proposal will harm the character and appearance of the conservation area
- The design does not reflect that of the railway cottages
- There will be a loss of existing garage space
- The proposal will lead to a loss of light to neighbours
- There will be a loss of privacy for neighbours
- An increase in parking problems
- The unit and rooms are under sized
- A sense of enclosure would be created
- An increase in the spread of Japanese knotweed
- The proposal is inconsistent with conservation guidelines

A number of letters of support have originated from emails not directly linked to the addresses of local residents (38 outside the NW2 postcode) and further correspondence has been received from people working at the same business as the applicant. However, a number of emails have been received from residents within the Cricklewood Railway Terraces Conservation Area in support of the proposal.

In summary, and excluding repeat emails and other correspondence from both inside and outside NW2 postcode area, the Council has received six emails of support from residents living in the Cricklewood Railway Terraces Conservation Area and 14 objections from residents within the Cricklewood Railway Terraces Conservation Area.

## **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 updated 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, 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.

#### 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.
- Relevant Development Management Policies: DM01, DM02, DM06, DM08, 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.

Residential Design Guidance SPD (adopted October 2016).

Railway Terraces Cricklewood Conservation Area Character Appraisal and Management Proposals (23.10.2016)

### **5.2 Main issues for consideration**

The main issues for consideration in this case are:

- The principle of locating a residential use at this site
- Whether harm would be caused to the character and appearance of the existing building, the street scene and the wider locality;
- Whether harm would be caused to the living conditions of neighbouring residents.
- Whether the scheme would provide an adequate standard of accommodation for future residents.
- Highway and parking matters

### **5.3 Assessment of proposals**

#### The principle of locating a residential use at this site

In the appeal decision (Ref APP/N5090/W/16/3159344) it was considered that a new dwellinghouse would be acceptable on the application site provided that it was designed in such a way that it preserved the character and appearance of the Cricklewood Railway Terraces Conservation Area and would not materially impact the amenity of neighbouring and adjoining occupiers.

There is no planning objection to the loss of the lock up garages. However, that is not necessarily a reason to prevent alternative and more suitable uses for the site. The loss of garages has not been raised previously as a reason to refuse alternative development on this site either in officer advice or Inspectors comments. The London Plan encourages the best and most effective use of urban sites and this site lends itself to an alternative use and building.

The character of the conservation area is heavily defined by its residential use. The proposed residential addition would therefore be appropriate in land use terms. The immediate environment would be suitable for further residential accommodation.

### Impact on the character of the area

A key aim of Policy DM06 of Barnet's Development Management Policies (2012) is to preserve the distinctive character of conservation areas. Properties on Needham Terrace share a commonality of detail, design and scale. Needham Terrace is characterised by 2 storey detached residential properties with pitched roofs.

The existing garages are not characteristic of the conservation area and whilst at best their presence may be described as neutral, this is due to their presence over a long period of time rather than any architectural or design merit. Their replacement with a building that is closer to the established form, height and scale of the terraced house will enhance the appearance and character of the conservation area. It is accepted that the building will be detached and has a lower roofline and therefore less in character than is the case with the established terraced house. However, the proposal will infill a current gap between the established terrace and the detached property at 39, and complete the street.

In the appeal decision (Ref APP/N5090/W/16/3159344), the Inspector noted that an infill proposal would preserve the character and appearance of the conservation area, and that the dwelling would suitably reflect the scale and appearance of other dwellings in this part of the conservation area.

The second appeal decision of June 2018 (Ref APP/N5090/W/18/3196184) was dismissed because it was considered that the design failed to contribute positively to the conservation area. The current proposal aligns more appropriately with no.38 in terms of height and roof form, and the deeper eaves and boundary treatment are more characteristic of the earlier cottages.

The design itself will draw on the height, form and scale of the existing 19thC houses. The facing material will be brick, and this will be subject to condition to achieve a good quality product. A wall panel would be required to be built on site to ensure brickwork, mortar and bonding adequately match the original properties. The roof will be of slate and the design of the eaves overhang will reflect that of the older properties.

The high level of response to this application, both for and against, reflects the difficulty in finding a scheme that will be acceptable to all parties. It could be argued that extending the existing terrace would be more appropriate than a free-standing property since terraces define the character of the area. However, this would affect rights of way and pedestrian access between the rows of cottages. If the developer can only build on the land he owns then this will produce only a free-standing unit. Therefore, the design approach could be either very contemporary or more contextual. The proposal is very much the latter although not a direct copy of the existing cottages. It is nonetheless much closer in character than the building completed at 39 Needham Terrace. It is therefore a measured balance between the constraints of the existing terrace and protecting their amenity, a form of development that reflects the character of the conservation area and a scheme that provides an acceptable standard of accommodation.

### Impact on the amenities of neighbours

Policy DM01 seeks to ensure that new development does not materially affect the amenity of adjacent occupiers. The new house will occupy a footprint that ensures the two storey front elevation aligns with that of 38 Needham Terrace, and is set 3 metres back from the front elevation edge of No.39 Needham Terrace. To the rear the proposal will align with the leading edge of No.38, and although it would project beyond the rear of 39 Needham Terrace by 2.9 metres, this is a single storey part of the structure. Moreover, the existing

garages extend back to the same length as the proposal (2.9 metres) and has a height of 2.5 metres.

In terms of light, therefore, there will be no material loss to either adjoining property from the front. To the rear, there will again be no material loss to No.38. whilst the alterations will ensure that in terms of BRE standards, there will be no material loss of light No.39. The proposal lies to the north of No.38. The outlook to Nos.38 and 39 will also be retained with views from windows of either property to the subject development being one of single storey walls or boundary walls.

No windows are proposed in the side elevations of the new house, so there will be no material loss of privacy to neighbours.

The properties at Nos.39 and 40 Johnston Terrace face the site from the west at a distance of approximately 12 metres way. However they face each other over a public highway. The conservation area as a whole is defined by the narrow street pattern and elevations that are closer to each other than would be the case in more suburban locations. As a result of the orientation of the properties, there would be no material loss of light to Nos.39 and 40.

As a land use, a single dwelling house is an appropriate neighbouring use for adjacent property and one that will not be harmful. The proposal would see the removal of the garages which do not contribute to the appearance of the conservation area. Their removal and the removal of vehicular traffic will be a benefit to local residents. The surveillance afforded by the proposal and the removal of a dingy area behind the garages will improve resident safety and security.

The 15/05673/FUL scheme was refused and dismissed at appeal. The Inspector considered that that scheme would have a dominant and overbearing effect on users of the garden of 39 due to the two storey height. The present scheme, where it adjoins no.39 is only single storey and therefore the reasons for refusal is overcome in the present application. As discussed above, the front of the current proposal aligns with the front of no.38 and is set back from the front of no.39.

#### Whether the scheme would provide an adequate standard of accommodation for future residents

The London Plan and Barnet policy DM02 set out standards for internal and external amenity levels in new build residential schemes.

Internal Design Standards: The residential unit will have a total internal area of 69.00sqm. The London Plan requirement for a two bedroom/three person house would be 70sqm, and the proposal just falls short with this criterion. The principal bedroom will have 14sqm (sqm) and the second bedroom 8sqm. The living/diner/kitchen will provide 41.0sqm. The size of rooms and the layout of the property are partly determined by the context and the confines of the site.

External Design Standards: Policy requirement for an external private open space for a two bedroom house is 40sqm. The proposal provides 26sqm. Whilst this falls below the usual requirement, the conservation area as a whole is characterised by small private open areas many of which are less than 26sqm.

The residential unit will have outlook to front and rear and will therefore be provided with natural through-ventilation. The unit will have an outlook and aspect that is very similar to the adjoining properties, reflecting its context and modest scale. Daylight and sunlight

levels received by the property will also be acceptable, and the degree of privacy will be similar to that of neighbouring properties.

#### Highway and parking matters

In Highway terms, the proposal will result in the loss of 2 garages and 2 additional forecourt parking spaces for the existing dwellings. The Public Transport Accessibility Levels (PTAL) rating for the site is 3, which represents a medium accessibility level and the site is within a Control Parking Zone. This is an all-day controlled parking zone (CPZ) Zone CT.

Site observations by Highway Officers show that there is high on-street parking pressure on roads in the local area, and it is considered that a further residential development without parking provision, in addition to the loss of existing off street parking, would result in unacceptable additional parking pressure in the vicinity of the site.

However, it is considered that the proposal would be acceptable with a Legal Agreement to amend the Traffic Order that regulates the schedule of addresses for the CPZ where the site is located. This would ensure that future residents are not able to obtain residents parking permits. There would therefore be limited additional pressure for on-street parking within the CPZ. The applicant has agreed to this.

In the 15/05673/FUL scheme which was refused, one of the reasons for refusal was the absence of the recognition and requirement to enter into a legal agreement. The current proposal overcomes this.

#### Accessibility and Sustainability

The application scheme is required by Policies 3.5 and 3.8 of the London Plan (2016 Minor Alterations to the London Plan) to meet Building Regulation requirement M4(2). The applicant has confirmed that the proposed development would meet this requirement, and a condition is attached to ensure compliance with these Policies.

In respect of carbon dioxide emission reduction, the applicant has confirmed that the scheme has been designed to achieve a 6% CO<sub>2</sub> 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 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**

The objections and concerns from residents have been considered within the evaluation above. But to reiterate, the proposal has been considered at a pre application stage and the principle of a two storey house agreed. The Inspectors report to an earlier scheme did not object to the principle of an infill development. The alterations to the scale, mass and height will ensure that there will be no material loss of amenity to neighbouring properties. The design is a balance between the existing 19thC terrace and the single detached end property.

## 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 conditional approval subject to a legal agreement.

