

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

Reference: **19/0648/FUL** Received: 5th February 2019
Accepted: 5th February 2019

Ward: Childs Hill Expiry 2nd April 2019

Applicant: Mr & Mrs 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:

- o1801 S 01 Rev - Existing Location and Block Plan;
- o1801 S 02 Rev - Existing Roof Plan;
- o1801 S 03 Rev - Existing Plans;
- o1801 S 04 Rev - Existing Front and Rear Elevations;
- o1801 S 05 Rev - Existing Side Elevations;
- o1801 AP01 Rev - Proposed Block Plan;
- o1801 AP02 Rev - Proposed Site Plan;
- o1801 AP03 Rev - Proposed Lower Ground Floor Plan;
- o1801 AP04 Rev - Proposed Upper Ground Floor Plan;
- o1801 AP05 Rev - Proposed Upper Floor Plans;
- o1801 AP06 Rev - Proposed Roof Plan;
- o1801 AP07 Rev - Proposed Front Elevations;
- o1801 AP08 Rev - Proposed Rear Elevations;
- o1801 AP09 Rev - Proposed Side Elevations;
- o1801 AP20 - View from 183A Rear Garden;
- o1801 AP21 - View from 183A Rear Balcony;
- o1801 AP22 - View from 183A Rear Roof Terrace;
- o1801 AP23 - Green Wall example of proprietary system;

- oTree Report - by Tretec; and
- oPlanning Statement prepared by Michael Burroughs Associates; and

oSustainability Report prepared By Charlton Brown Architects.

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.

- 19 Only the flat roofs which have been shown as terraces hereby permitted shall be used as terraces. Other areas of flat roof may only be accessed in connection with the repair and maintenance of the building and shall at no time be converted to or used as a balcony, roof garden or similar amenity or sitting out area.

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

Informative(s):

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

The Mayor of London adopted a CIL charge on 1st April 2012 setting a rate of £35 per sq m on all forms of development in Barnet except for education and health developments which are exempt from this charge. Your planning application has been assessed at this time as liable for a £__ payment under Mayoral CIL.

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. Your planning application has therefore been assessed at this time as liable for a £__ payment under Barnet CIL.

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.

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. 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). 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: 18/4447/FUL

Address: 185 West Heath Road, London, NW3 7TT

Decision: Refused

Decision Date: 23 November 2018

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

During consideration of this previous application, the proposal was amended to 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. The amended scheme was refused by planning committee on 23rd November 2018, for the following reason.

"The proposed development by reason of its size, siting, bulk and design would have an overbearing appearance which would be detrimental to the visual and residential amenities of the occupiers of surrounding properties and would result in overlooking of 183A West Heath Road leading to a loss of privacy detrimental to the amenities of the occupiers of that property. The development would therefore be contrary to policies CS1 and CS5 of the Adopted Core Strategy 2012, policy DM01 of the Adopted Barnet Development Management Policies DPD 2012, the Adopted Residential Design Guidance 2016 and the Adopted Sustainable Design and Construction SPD 2016."

Reference: F/02910/09

Address: 185 West Heath Road, London, NW3 7TT

Decision: Approved

Decision Date: 29 October 2009

Description: Submission of details of conditions 6 (Refuse), 9 (Ventilation and Extraction Equipment - Details Required), 10 (Landscaping) and 19 (Automated Gates - Details) pursuant to planning permission C06711K/07.

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 dwelling house 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 81 neighbouring properties.

6 responses have been received, comprising 6 letters of objection.

The objections received can be summarised as follows:

- Loss of privacy to neighbouring occupiers;
- Increase in floorspace compared with existing house/Larger property proposed compared with existing house;
- Potential overlooking from balconies and terraces;
- Potential noise pollution from future occupiers using proposed balconies;
- Proximity of proposal to boundary with neighbouring property;
- Perception of tunnelling/enclosing effect to neighbouring properties;
- Concerns regarding maintenance of proposed green roof;
- Concerns regarding impact of construction on existing green screening (hedge);
- Reduction of light to upper floors of neighbouring house from the increase in depth at top floor level;
- Proximity of terracing to neighbouring properties at lower ground and ground floor levels;
- Proposal is out of scale with existing houses on West Heath Road;
- Large amount of glazing to the rear, non-energy efficiency;
- Overlooking into neighbouring homes and gardens due to natural slope of the site downhill to the rear;
- Modern design out of keeping compared to the design of the original house;
- Dominating structure in comparison to the properties located on Finchley Road to the rear;
- Overdevelopment of the site;
- Increase of massing at third floor (roof) level;
- Increase in bulk and massing compared with the existing property;
- Loss of light to neighbouring properties; and
- Increased depth compared with 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 19th January 2019. This is a key part of the Government's 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

Any scheme for the site will need to respect the character and appearance of the local area, related appropriately to the site's context, and ensure protection of the amenities of neighbouring occupiers and the amenities of future occupiers. This will include taking full account of all neighbouring sites and will suitably address the requirements of the development plan policies such as DM01, CS05 (both of the Barnet Local Plan), 7.4 and 7.6 (both of the London Plan).

This application is of a similar nature to planning application reference 18/4447/FUL. 18/4447/FUL was recommended for approval subject to conditions by the officer, but was refused at planning committee. The current application has been amended in the following way from the refusal scheme:

- o The front central bay inset is reduced and the hipped roof pitch is amended so the ridge is now 350mm lower than the previous application;
- o The first-floor rear projection (to the north of No. 183A) is omitted;
- o A green roof replaces the first-floor balcony along the boundary with No. 183A;
- o Alterations to fenestration including: first and second floor glazing reduced, side dormer amended, glazing bar added, side elevation glazing repositioned; rooflights amended and terrace rooflight; and
- o Planters added to rear terrace and planted privacy screen and wall added to ground floors along boundary with No. 183A.

The applicant seeks permission for the following:

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

Elevations:

- The proposed dwelling's front elevation would measure 9.8m from natural ground level to the top of the proposed crown roof (the existing maximum height of the front elevation is 10.4m);
- The proposed dwelling would be set higher than the neighbouring property at No.183A West Heath Road by approximately 1.4m, with a distance of 2.5m between the flank wall of the proposal house and the neighbouring property;

Lower Ground Floor:

- The proposed lower ground floor would house, underground parking for two vehicles with associated car lift, cinema room, games room, swimming pool, courtyard and associated storage rooms;
- The lower ground floor level would extend from the front boundary of the site to the rear by approximately 31.0m and would be positioned on the boundary with No.183 West Heath Road. The lower ground floor level is positioned away from the boundary with No.187 West Heath Road.
- Due to the significant reduction in land levels from the front to the rear of the site, the lower ground floor level appears as an additional storey from the rear elevation.

Upper/Ground Floor:

- The proposed upper ground floor would house a dining room, living room, family room, kitchen (and associated utility/coat rooms/toilet) and entrance hallway.
- 21.7m in depth on the side closest to the neighbour at No.183 West Heath Road;
- 21.7m in depth on the side closest to the neighbour at No.187 West Heath Road;
- 19m in width, with a separation off the boundary with No.183 and No.187. The width is consistent with the width of the existing dwelling house.
- Two front bay window projections and a centrally recessed front porch.

First Floor:

- The proposed first floor would house a 5x bedrooms with associated ensuite bathrooms;
- Depth of 16.4m from the main front building line bordering No.183A West Heath, resulting in a projection of 0.5m further at first floor level than the first-floor projection at 183A West Heath Road. This element has been reduced by 2.1m from the refused scheme LBB reference 18/4447/FUL.

- 2x rear projections at first floor level which are set in from both boundaries of neighbouring properties, with a rear terrace/balcony area accessed internally through the proposed bedroom on the side closest to 187 West Heath. The roof of the upper ground floor level closest to 183A West Heath Road is not to be used as a terrace but dummy balustrades are proposed for symmetrical design purposes on the rear elevation.

Second Floor/Roof Level;

- The proposed roof level would house the master suite;
- There are two proposed dormer windows to the front elevations and rear elevation has a centrally aligned terrace with glass panelling to either side;
- The Second Floor/Roof Level would project 6.0m further than the existing second floor rear wall level at 183A West Heath Road and would project in line with the edge of the upper second floor terrace at 183A West Heath Road.

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.

Officers consider 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 due to the additional bulk at roof level at the rear, although the maximum height would be slightly lower than the existing ridge. Compared to the previous scheme, the depth of the building has been reduced at first floor level along the side closest to No. 183A. This gives a better relationship to No. 183A than in the previous scheme.

An objection has been received in relation to the new building appearing bulky and blocking light to the neighbouring property. The plans have been amended since the previous refused scheme to reduce the depth of the first floor nearest the boundary with No. 183A.

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 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. The amount of glazing at the upper floor levels has been reduced compared to the refused scheme.

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

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 neighbour's 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.

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. As noted in the applicant's planning statement, the rear elevation is over 40m from the houses fronting Finchley Road, situated to the rear of the proposal site, and therefore it is assessed that no harmful overlooking or overshadowing will occur to these properties due to the separation distance. Following concerns raised at the previous committee about the level of glazing to the rear and perceived overlooking, the amount of glazing to the rear elevation has been reduced.

The following assessment considers potential impacts on the adjoining neighbours on West Heath Road.

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 street scene 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, and compared to the deeper existing swimming pool building, this element of 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 (the swimming pool building) by 4.5m along the boundary. Although the ground floor will be approx. 1.7m higher than the ridge of the existing swimming pool, it projects less far into the rear of the site and therefore this element is assessed to not unduly harm the amenities of neighbouring occupiers at No.183A West Heath Road. Although the ground floor has a terrace area to the rear, it is proposed to screen the terrace and the screen would be no higher than the existing swimming pool ridge. Again, this is considered to ensure that the additional impacts on the neighbours at No. 183A would not be unduly harmful.

First and Second Floor Levels

The first floor of the proposed building would project rearwards by approx. 0.5m from the rearmost bay of the existing house closest to 183A.

As part of this proposal, the flat roof at first floor level has been replaced with a green roof surrounded with balustrades/privacy screen to provide the illusion of a balcony from the rear projection. This has been conditioned for access only to be used for maintenance of this roof.

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.