

LOCATION: Land to the rear of 1-11 Hemington Avenue, London, N11 3LR

REFERENCE: B/02158/12 **Received:** 19 July 2012
B/02160/12
B/02785/12

WARD(S): Coppetts **Accepted:** 09 September 2012
Expiry: 13 September 2012
Final
Revisions:

APPLICANT: Aitch Estates (Hemington Avenue) Ltd

PROPOSAL:

Application I: **B/02158/12**
Submission of details of condition 3 (details of levels) pursuant to Appeal Decision APP/N5090/A/2154738 dated 23/12/11 (Planning Application B/00801/11)

Application II: **B/02160/12**
Submission of details of condition 5 (details of boundary treatment) pursuant to Appeal Decision APP/N5090/A/2154738 dated 23/12/11 (Planning Application B/00801/11)

Application III: **B/02785/12**
Submission of details of condition 7 (details of hard and soft landscaping) pursuant to Appeal Decision APP/N5090/A/2154738 dated 23/12/11 (Planning Application B/00801/11)

RECOMMENDATION: **APPROVE SUBJECT TO INFORMATIVES**

Application I: **B/02158/12**
1. The plans accompanying the application are: BLA 285 PL3 001, 105 A, 108 A, 109.

Application II: **B/02160/12**
1. The plans accompanying the application are: 105A, 110A and 285-PL5-016

Application III: **B/02785/12**
1. The plans accompanying the application are: 110A, P Smith Planting Schedule.

1. MATERIAL CONSIDERATIONS

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 'National Planning Policy Framework' (NPPF) was published on 27th March 2012. This is a key part of the Governments reform to make the planning system less complex and more accessible and to promote sustainable growth.

The London Plan is recognised in the NPPF as part of the development plan.

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".

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 Mayors London Plan July 2011

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 2031. It forms part of the development plan for Greater London.

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.

Relevant policies to this case are:

Core Strategy (Adopted) 2012

Barnet's Local Plan is made up of a suite of documents including the Core Strategy and Development Management Policies Development Plan Documents (DPD). These documents were adopted by the Council in December 2012.

Relevant Core Strategy Policies (Adopted) 2012:

CS NPPF, CS1, CS4, CS5

Relevant Development Management Policies (Adopted) 2012:

DM01, DM02, DM03, DM04, DM16

Planning History:

B/00801/11 |

Erection of 4no. two-storey houses with basement and associated access from Hemington Avenue. Erection of single storey detached double-garage. Landscaping and associated boundary wall.

Refused 21.06.11

Allowed at appeal 23.12.11

B/00634/12

Non material amendment to Appeal ref: APP/N5090/A/11/2154738 dated: 23.12.11 for 'Erection of 4no. two-storey houses with basement and associated access from Hemington Avenue. Erection of single storey detached double-garage. Landscaping and associated boundary wall.' Amendment to include: 'Extension of basement to each of the 4no. dwellings'.

Approved 2.4.12

B/02135/12

Variation of condition 16 (approved plans) of planning permission (B/00801/11) dated 23.12.11 (PINS reference APP/N5090/A/11/2154738) for 'Construction of 4 no dwellings and associated access from Hemington Avenue, with parking, landscaping and the provision of a garage for no.1 Hemington Avenue at the rear of 1-11 Hemington Avenue, London, N11. Variation to include amendment to size and layout of basement level accommodation.

Approved 7.11.12

Consultation and Views Expressed:

The Council is not required to consult neighbours on applications to discharge conditions. However, given the concerns raised at the appeal the Council has consulted adjoining residents on conditions 3 (levels) and 5 (boundary treatment).

Application	Neighbours consulted	Replies
B/02158/12 (levels)	34	3
B/02160/12 (boundary treatment)	34	9
B/02785/12 (landscaping)	0	0
Neighbours wishing to speak	0	

Objections to B/02158/12 submission of details of condition 3 (details of levels) pursuant to Appeal Decision APP/N5090/A/2154738 dated 23/12/11 (Planning Application B/00801/11) can be summarised as follows:

- Increasing the height of the houses and therefore there will be an increased loss of light and reduction in the horizon.
- Proposed screening will be insufficient due to levels.

Objections to B/02160/12 submission of details of condition 5 (details of boundary treatment) pursuant to Appeal Decision APP/N5090/A/2154738 dated 23/12/11 (Planning Application B/00801/11) can be summarised as follows:

- A 1.8m fence is insufficient as given the levels the fencing will only provide 0.3m of the screening as a result overlooking will result.
- A minimum of 80 trees have been removed from the site which provided screening and ecology/wildlife habitats.
- The trees that have been removed should be replaced. This is important for screening and air pollution.
- Trees contributed to surface water absorption, since trees have been removed there has been flooding in the area.
- Replacement trees should be mature in order to maximise water absorption.
- Boundary treatment should be a minimum of a 2.4m brick wall.
- Boundary should be a minimum of 3 metres.
- The proposed fence will be easily scalable raising security issues.
- Plan shows 1 attenuation tank for surface water this is not enough given the footprint of the proposed development.
- Residents have not been consulted by developer as agreed at appeal.

Internal/Other Consultations:

Tree and Landscaping Officer – No objection, comments included in the report.

2. PLANNING APPRAISAL

Site Description and Surroundings

The application site relates to rear garden land of No.'s 1-11 Hemington Avenue and a strip of land adjacent to No. 1 Hemington Avenue which would be used for access to the site. The site is roughly rectangular and forms undeveloped back garden land. The existing rear gardens of 1-11 Hemington Avenue are approximately 60-65m long, the development site reduces these gardens depths to approximately 30m, although No. 1 Hemington Avenue would be shorter at 20m.

The application site lies within a small valley, formed by Blacketts Brook, which runs through a culvert situated between the application site and the dwellings on the south side of Hatley Close. Due to the sloping nature of the rear gardens, the existing dwellings in Hemington Avenue and Hatley Close are at higher level than the application site. As a result the ground floor of many of these existing dwellings are elevated above the level of their rear gardens.

The site is located on the north side of Hemington Avenue and the land is surrounded by properties and their rear gardens on Friern Barnet Lane to the west and Hatley Close to the north and east.

The area is predominantly residential in character comprising detached and semi-detached dwellings of varying sizes. Friern Barnet School is located at the end of Hemington Avenue.

Trees that are subject to Tree Preservation Orders exist on land adjacent to the application site but trees on the site itself are not recognised as making a significant contribution to public amenity. None of the trees on the site were the subject of a Tree Preservation Order and clearance works have taken place.

Proposal

Planning permission was granted at appeal (ref: APP/N5090/A/11/2154744) for the development of 4 dwellings and associated access from Hemington Avenue, with parking, landscaping and the provision of a garage for No.1 Hemington Avenue.

Consent was granted subject to a number of conditions that needed to be discharged prior to the commencement of development.

Condition 3 required that before development is commenced, details of the finished levels of the proposed dwellings and hard surfaced areas in relation to existing levels on the appeal site shall be submitted to and approved in writing by the Local Planning authority. The development shall be implemented in accordance with the approved details.

Condition 5 required that before the development hereby permitted is commenced details of the proposed boundary treatment shall be submitted to and approved in writing by the Local planning authority. The boundary treatment shall be constructed in accordance with the approved details before the dwellings are occupied.

Conditions 7 required that prior to the commencement of development hereby permitted a scheme of hard and soft landscaping shall be submitted to and approved in writing by the Local planning Authority. The landscaping scheme shall be implemented in accordance with the approved details and the programme of implementation. Any trees or shrubs that fail within 5 years shall be replaced on a like for like basis, or as otherwise first agreed in writing with the Local Planning Authority.

In addition to these conditions details have also been submitted to discharge pre-commencement conditions 4 (materials); 6 (refuse storage); 8 (temporary tree protection) and 12 (Construction Method Statement).

Planning Appraisal

Condition 3 – Levels

Whilst detailed information regarding levels was not submitted with the original application (B/01080/11) or the subsequent amended application (B/02135/12) as a detailed site survey had not been undertaken at this point in time plans clearly show a fall in levels and relationship with neighbouring properties. Also indicative floor levels and ridge levels in relation to neighbours were provided.

The Inspector found that although the proposed dwellings would be visible from those to the north of the appeal site, due to the manner in which the appeal proposals utilise the topography of the site they would appear lower in height than the dwellings in Hatley Close.

A cross section of the site (plan 285/PL-06A) submitted with the amended application (B/02135/12) shows that the proposed units would sit 1m below the ridge of the properties in Hatley Close.

The levels drop 5.23m from Hemington Avenue to the rear boundary of the site. In order to achieve a level access to the front of the property to comply with part M of the building regulations and to provide an access road of an appropriate gradient, the ground floor of the proposed units will be elevated above the existing level of the rear garden area. This replicates the situation for existing surrounding properties in Hatley Close and Hemington Avenue. The proposed changes would result in the levels to the front of the proposed units being increased by between 0.48-0.77m above the existing ground levels in this part of the site. This will result in the ground floor of the property being approx 1.64m above existing ground level when measured at the rear boundary of the site.

A detailed site survey has now been undertaken so that the buildings can be accurately sited with the correct gradients and necessary level access showing that the ridge height will remain the same. The proposed levels are comparable with the appeal ones which the Inspector considered. The distances between the proposed units and the existing houses will remain the same as those considered at the appeal.

The proposed levels will not result in an increase to the height of the proposed units and are comparable to those shown in the indicative cross section submitted with the amended application (B/02135/12).

The details submitted regarding the proposed and existing levels are therefore considered satisfactory and the condition should be discharged.

Condition 5 – Boundary treatment

The proposed boundary treatment consists of a 2m high close boarded fence with 0.3m of trellis on top. This would run along the side and rear boundary of the site. 1.8m high close boarded fencing is proposed along the boundary with the properties in Hemington Avenue and along the access road.

Current Council Guidelines (Local Plan Supplementary Planning Document Draft Residential Design Guidance, October 2012) require that there should be a minimum of 21metres between properties with facing room windows and 10.5metres to a neighbouring building.

Rear garden depths would be between 12.5-15m and there would be 35.5m between the rear elevations of the proposed units and the properties in Hatley Close. The proposal is therefore considered to accord with current guidance and not result in overlooking. Furthermore, unlike a number of the properties in Hatley Close which have raised terrace areas adjacent to their rear elevations, the terrace areas for the proposed units are located to the side of the building, thereby ensuring that the back to back distance is maintained.

Residents have requested that the boundary treatment increases in height to address concerns about overlooking and loss of privacy. The applicant has amended the plans to increase the proposed fence along the rear and boundary of the site from 1.8m to 2m with 0.3m of trellis. Whilst this is not as high as residents requested it is considered to achieve a reasonable balance without resulting in a structure that would be visually obtrusive and overbearing in its own right.

The means of enclosure include details of a pair of proposed timber entrance gates which would be located on the vehicular access to the site off Hemington Avenue. The proposed gated would be between 1.4-1.6m high and would open inwards. The

gates would be located 6m from the back edge of the footpath enabling cars to pull clear of the highway to enter the site whilst the gates open. The gates would be set slightly back from the front elevation of No. 1 Hemington Avenue.

The details submitted regarding the proposed means of enclosure are considered satisfactory and the condition should be discharged.

Condition 7 – Landscaping

The site is the former rear gardens of Nos.1-11 Hemington Avenue and as a result had a large number of mature trees located within the site. A number of these remain within the retained rear gardens of Nos. 1-11 Hemington Avenue. The loss of trees was raised as an issue at the appeal but as the Inspector pointed out none of the trees on the site were the subject of a Tree Preservation Order and site clearance works are therefore not subject to planning control. Trees have been removed from the site as part of the site preparation works.

Condition 7 requires the submission of a landscaping scheme. The landscaping scheme proposes the planting of an evergreen hedge around the boundary of the rear gardens of the site. The proposed hedge is considered capable of growth in this location and appropriate for a domestic rear garden. As the hedging matures this will provide screening along the boundary. A native hedge is proposed along the boundary with the access road.

A number of replacement semi- mature trees are proposed. These trees will be between 5.5-6m high and when mature will be between 10-12m high. Whilst the number of trees proposed does not replace those that have been removed they are considered to be of a size and species appropriate for location in a domestic rear garden. The proposed species are considered to enhance the biodiversity of this area.

The landscaping proposals also include details of a smaller number of shrubs and ground cover planting all of which are considered appropriate for location within a rear garden area and capable of growth in this location. As with the proposed trees the species proposed are considered to enhance the biodiversity of this area and provide seasonal interest throughout the year.

Condition 7 also requires that the landscaping scheme shall be implemented in accordance with the approved details and the programme of implementation. The proposed landscaping scheme will be implemented in the first available planting season prior to the occupation of any of the units. Any trees or shrubs that fail within 5 years shall be replaced on a like for like basis, or as otherwise first agreed in writing with the Local Planning Authority.

The details submitted regarding the proposed landscaping scheme are considered satisfactory and the condition should be discharged.

3. COMMENTS ON GROUNDS OF OBJECTIONS

Addressed within the report. However, the following additional comments can be made:

- Replacement trees will help with water absorption in this area. It was not considered appropriate to use species such as Poplar or Eucalyptus which absorb large amounts of water due to other problems caused by these trees when grown in close proximity to buildings.

- The proposed fencing is of a height similar to that on surrounding domestic properties and is therefore not considered to give rise to security issues.
- Drainage details are the subject of a separate condition (no.13) and not a matter for consideration at this point in time.
- Whilst the applicant may not have consulted with residents the Council did consult residents on the conditions and the points raised have been taken into account when the application was considered

4. EQUALITIES AND DIVERSITY ISSUES

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

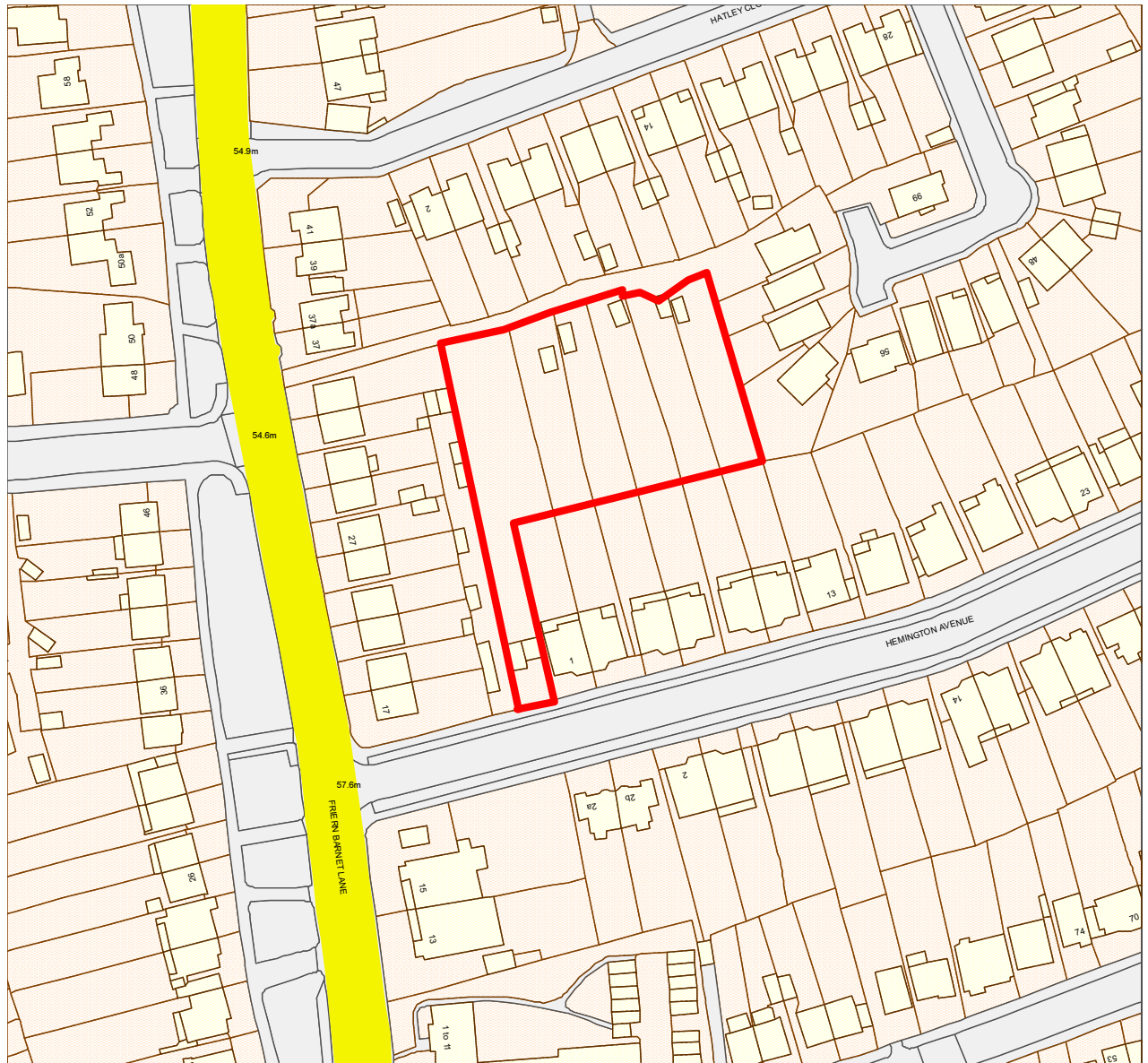
5. CONCLUSION

Local residents have raised concerns regarding overlooking/loss of privacy to their properties that would result from the proposed development. In order to address these concerns the proposed boundary treatment has been amended so that it would be higher than that which is normally used between domestic properties. This is further enhanced by an evergreen hedge and a number of semi-mature trees which would be located along the boundary which as they mature will provide further screening between the properties. Changes to the levels have been kept to the minimum necessary in order to achieve the level access/gradients required and replicate the situation found on existing properties in the area. Finally, whilst the new units will be closer to the rear elevations of adjoining properties than the current situation they remain as they were allowed at appeal and exceed the 21m back to back distance required by current council guidelines to maintain privacy, which the Inspector considered to be acceptable.

Therefore the proposed details submitted, when taken collectively will effectively assist to integrate the development within its surroundings and mitigate concerns regarding overlooking/loss of privacy.

It is therefore considered that the information submitted to discharge conditions 3, 5 and 7 are satisfactory and the conditions should be discharged.

LOCATION: Land to the rear of 1-11 Hemington Avenue, London, N11
REFERENCE: B/02158/12
B/02160/12
B/02785/12



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